SENATE—*Tuesday, September 25, 1984*

(Legislative day of Monday, September 24, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

God of justice, peace and love, when we consider the hundreds, if not thousands of agendas which converge in the Senate, it is awesome that any issue is resolved. As constituent requests, local, State, regional, national and international needs, in addition to all the special interests, beg for attention, we wonder at the physical, intellectual and emotional capacities of public servants to process information and find agreement. Thank You Lord, for the understanding, resilience, spirit of cooperation and compromise, the patience, of leaders, Senators, and staffs. Thank You Lord, for the unity which prevails midst such broad diversity. May the peace of God infuse this place and the love of God fill all hearts as the Senate pursues its monumental task. In the name of incarnate love, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, as I often do in commenting on the Chaplain's prayer, he understands and I wish all those who may hear or read these remarks understand, that they are made in good spirit and in jest.

Certainly in his prayer this morning when he commented on the patience of staff, that caught my attention. I have always contended that there is a fundamental confusion in the minds of staff and the Senate about who works for whom. And there is no doubt in my mind that they think we work for them, which indeed is more often the case than not.

But being willing to acknowledge that does not mean that I am willing to go the next step and agree with the Chaplain that staff is patient. They are impatient, they are cruel and demanding, and they are tough taskmasters. I thought I would take that modest exception to the Chaplain's prayer this morning.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I have nothing but bad news today. Let me say that I guess we have an impending filibuster on the highway bill. If so, I will say as I did on yesterday, it is my intention, I believe, to file cloture. If cloture is filed, Mr. President, I would hope then that we could get on with some of the appropriation bills. I have not yet talked to the distinguished chairman of the Appropriations Committee or the minority leader about these matters but I will. But we have Labor-HHS, which was temporarily laid aside and the leadership on this side would like to finish that today if we can. We may have the Interior appropriations bill that is available—I hope so—maybe even today.

Mr. President, in addition to that, we have our old friend the continuing resolution. I am not talking out of school, I believe, when I share with Senators my conversation with the Speaker of the House this morning who indicated to me that he was going to try to get up the CR in the House today but that that would require unanimous consent and that he feared that unanimous consent might not be granted, in which event the CR could not be taken up in the House until tomorrow. In either case, that will make a difficult situation for the Senate because it means we are not going to have the CR for another day or 2, or 3, depending on how the situation unfolds in the House of Representatives.

Mr. President, that also means that we will have almost certainly if not 100 percent, I would say 95 percent, the prospect of a Saturday session, because if we do not get the CR until tomorrow at the earliest or the day after or the day after that, we have so few days left that I feel we must go ahead with the CR the moment it is received. And, of course, even after we deal with that matter, and if everyone in the Senate shows remarkable and unaccustomed restraint and does not offer their favorite amendment to the CR, even if we get a CR out of here in fairly short time, there is going to have to be a conference, it will have to be presented to both Houses, and then the bill will have to be presented to the President for his consideration.

I do not know what the CR will look like, but prudent planning in these last days of the Senate force me to take account of at least the possibility that we might have a veto of that measure. I hope not. I am not predicting that. I have no such word from the White House. But, once again, prudent planning suggests that we have to take account of that. So next week will have to be available to us to deal with that if we are faced with that unhappy prospect.

Once again, Mr. President, we are running out of time. Almost surely we will be in session on Saturday. Almost surely we will have late sessions some nights this week, maybe every night this week, and almost surely that will barely make a dent in the other things that we have to do.

In addition to the CR, we have another old friend, the debt limit. And as soon as the conference report on the budget resolution is adopted in both Houses, the House will be relieved of that onerous burden, but we will not. So we will have to take up a debt limit at some point and do so as promptly as possible.

Mr. President, there are other matters that I mentioned on previous occasions that I will reiterate now for action as and when we can, including this week if possible or more likely next week. They include such things as the balanced budget amendment; the Genocide Convention; product liability; the two water bills, that is water resources and the clean water bill; and perhaps other matters. But those matters are not as clearly in focus as is our responsibility under the circumstances to pass the continuing resolution and the debt limit.

This is a more extensive report than I anticipated this morning, but I want to keep Members advised as best I can. May I repeat, in summary, I do anticipate cloture will be filed today on the highway bill, I do anticipate that the Senate then will be asked to return to the consideration of the Labor-HHS appropriations bill and perhaps to the Interior appropriations bill, as well. The vote would occur on cloture, if it is filed on the highway bill, on Thursday but not until after 6 p.m. on Thursday because of the previous arrangements made for the religious holiday that will intervene. We will be in session on Friday perhaps dealing with the CR if it is received then from the House of Representatives. Almost certainly we are going to be in on Saturday, as well, probably for the same purpose.

Mr. President, next week I will announce when I can work out the courage and strength and stamina to face those further challenges.

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

Mr. President, I have used more time than I planned. If there is any time remaining, I offer it to the minority leader under his control.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GOLDWATER). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, I yield to the distinguished Senator from Delaware [Mr. BIDEN], 5 minutes of my time. I ask unanimous consent that I may reserve the remaining 5 minutes.

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

EMERGENCY FUNDS TO IMPROVE SECURITY IN U.S. EMBASSIES

Mr. BIDEN. Mr President, I noted with some great interest today that in every major newspaper in the country there is going to be the report of a $372 million request for emergency funds to improve security in U.S. embassies. I want to make it clear at the outset of this that I have no intention of doing anything but supporting that.

But, I want to set the record straight, Mr. President. The fact of the matter is we in the Congress have since 1980 appropriated, and authorized, I should say, over one-half a billion dollars.

I am not just talking about Lebanon, Mr. President. I am talking about the whole panoply of our embassies. And no one knows this better than the chairman of the Intelligence Committee and the Presiding Officer as I speak; that is, according to a recent GAO report, the administration reduced the number of posts planned for security enhancement from 125 to 62. Of those, only 10 have so far been completed.

The fact of the matter is I want it clear that I am not blaming the President nor anyone else for what happened in Lebanon.

But I want to make it absolutely clear that the failure, if there was one, of not having sufficient security in place in Lebanon, or any other embassy in the world, is not because of any footdragging by the U.S. Congress. The reason I have my ire up a little bit, Mr. President, is as the President knows because he is always finding me walking in late to his meetings, and I commute every day from Delaware. I stand on the train platform every morning at 7:38, and ride down with a group of commuters from Wilmington and Philadelphia to Washington. I am standing on the platform with the usual panoply at 35 or 40 business women and men And one walks up to me and said, "Joe, I saw you on ABC on Sunday and you were talking about the embassy. What I did not know, Joe, is you failed to tell us that you fellows did not appropriate the money."

That got me so angry, not at that man, but at the notion—even though the administration does not say that—that impliedly in all of this talk about urging supplementals, they asked us and we did not say yes. I want to go on record this morning in saying, Mr. President, read the RECORD. I am sure the President and members of the administration read it every morning. You tell us what you want. Whatever you want, one Senator at least—I suspect 100 of us—will stand on the floor and say, "You got it. If you want crews to work triple time, overtime 24 hours a day, and for the next 6 months straight, you got it."

But do not play games with us. Do not turn back our money. Do not fail to spend it. Do not fail to include the embassies and then say we need more money. That is the only thing I want to make clear. The Congress will give you, I am sure almost any number the administration comes up with to rationalize in any way the need to improve embassy security. They will have whatever they want.

I would add that they have had whatever they wanted up to now. They did not spend all of it. They cut back on the number of embassies; they, not the Congress.

That is the only point I want to make. I apologize for taking my colleagues' time because it is preaching to the choir. The ultimate preaching to the choir is for me to say this to the Senator from Arizona who is the guy who would probably go over there and help them install the devices if they needed that help.

I am not being facetious. I mean that really and truly is something that gets my ire up.

I hope that whoever covers this for the press makes it clear—not this speech, but this issue—it is not a failure on the part of the Congress to give the President whatever he wants, and I hope this time we will not treat it like a kitchen. We will treat it like an emergency. We will treat it like a crisis, and we will have people 24 hours a day, if need be, working on the embassies; that is, where the experts in the administration tell us we need the security.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE], is recognized for not to exceed 15 minutes.

UNITED STATES HAS ENJOYED CONSISTENT NUCLEAR SUPERIORITY

Mr. PROXMIRE. Mr. President, does the Soviet Union enjoy a significant advantage in nuclear armed power over the United States? This question lies at the heart of the difference between the Reagan administration and its supporters on the one hand, and those who oppose President Reagan's nuclear arms policies on the other. The administration argues that the Soviets have a nuclear arsenal that has these advantages: greater megatonnage, greater throw-weight, superior accuracy, and, now for the first time, more warheads. The administration also claims the Soviets have a civil defense system far more advanced than ours that would permit a much larger proportion of the Soviet population to survive a nuclear exchange between the two superpowers than the surviving American population. The administration also contends that the Soviets believe they can win a nuclear war. Finally, the administration sees Soviet arms control policy not designed to reduce the prospects of nuclear war, but for the sole purpose of stopping the United States from overcoming the inferiority in nuclear arms that gives the Soviet Union military dominance.

From the administration analysis, these conclusions follow: (1) For those Americans who believe that either superpower can in fact win a nuclear war—I do not know how many there are, but there are some people who believe that—for them the argument is that we should build up our nuclear arms to a point where we can win; (2) and, for those who believe that a nuclear war would be a total catastrophe with no winners and maybe even no survivors—the best prospect for preventing a nuclear war is to win the nuclear arms race with the Soviet Union. The Soviets would then perceive that superior U.S. nuclear military would surely deny them victory. And they would not attack.

So in the administration view, the key to victory or peace is nuclear arms superiority. Ah, and most compelling of all: we can win the nuclear arms race by simply unleashing the conspicuously superior American economy and technology. The Soviets have nothing to approach the magic of Americans nuclear arms technology genius. The Soviet economy lags far behind the American economy and cannot begin to deliver the quality and quantity of new nuclear weapons the way the American economy can. So what is wrong with this? Why not cut our American military technology loose, take the shackles off our defense contractors, go out, and win victory or peace?

What is wrong with this view? Mr. President, the answer is everything. First, at this moment, and indeed throughout the age of nuclear arms beginning with Hiroshima in 1945 and continuing through every year and every administration since then, the United States has consistently held a decisive advantage in nuclear arms over the Soviet Union. What is more, the Soviet Union has known this. There has not been a year or month when that United States advantage has not been clear and conspicuous. We still possess it. There is no prospect we will lose it. Does that mean we have the advantage in every respect over the Soviet Union in nuclear arms? Of course not. They do have greater megatonnage. They do have greater throw-weight. They may currently have more nuclear warheads. Their land-based missiles have greater accuracy than most of our missiles. Where then is the American superiority? It is in a category that outweighs all the other considerations combined. We can hit and knock out their weapons. They cannot find, let alone hit and knock out, many of ours. Consider that more than 70 percent of our missiles are sea based or air based. A large proportion of these are at sea and in the air at all times, and a very large proportion can be sea bound or air bound in a matter of minutes. Our top experts have testified that these nuclear weapons are invulnerable, or very nearly invulnerable. Oh, yes, the Soviets also have sea- and air-based nuclear weapons. But their sea and air missiles have two weaknesses. First, this invulnerable part of their nuclear force is far less than ours. And, second, a much smaller proportion of this much smaller force is in the air or at sea at any time. What does all this mean? It means the U.S. nuclear force is superior to the Soviet force because the U.S. nuclear armed force would largely survive a nuclear exchange. The Soviet force would be much more vulnerable.

This American advantage has increased in recent years. But it has persisted throughout the years. Recent assertions by the administration that the Reagan administration has overcome a Soviet nuclear arms advantage and begun to provide a new American nuclear arms advantage overlook the clear fact that this country has had a consistent and never-lost nuclear arms advantage over the Soviet Union for the full 40 years of the age of nuclear arms.

Does this mean that we could win a nuclear war in any meaningful sense? Absolutely not. No way, not ever, and no matter how thoroughly our nuclear weapons ravaged the Soviet Union. No matter how many Russians lost their lives, even if we flattened every city, town and village, silenced every Soviet military weapon and left that vast country a steaming, radioactive dump. Why would not this mean a U.S. victory? Because our country would be totally—and I mean totally—devastated too: our cities leveled, most of our people dead, our country a wretched garbage heap. Of course, if the world's outstanding scientists are right, such a war would also constitute the worst environmental disaster in more than 50 million years with weeks of darkness, months of sub-zero cold and a famine that would destroy plant life, most of the animal life and much or all of mankind. Some victory.

This is why it is not simply a moral imperative to stop the arms race. It is a practical necessity. When we choose between the end of the nuclear arms race on the one hand or its continuance, on the other, it is simple: We choose between life and death.

THE DEMISE OF THE TASMANIANS

Mr. PROXMIRE. Mr. President, James Morris, in his book "Heaven's Command," describes the tragic disappearance of the Tasmanian Aborigines. He chronicles their descent from placid independence to miserable subjugation, followed by their complete elimination, all within a period of 1 century.

The nomadic Tasmanian natives, who probably numbered no more than a few thousand in the year 1800, lived in serene isolation on their island near the coast of southeastern Australia until the European discoverers began to arrive in the 17th century. The natives reacted positively to the early temporary intrusions of the white men, who reported that the Tasmanians were trusting, unafraid, pacific, and ingenuously affectionate.

By 1803, however, the British had claimed Tasmania as another jewel in their empire. The interlopers established settlements and penal colonies, and they transported some of the worst offenders from their own society to disturb the tranquil environment of the aborigines.

According to Mr. Morris, a multitude of heinous abuses ensued. The natives were frequently driven off their lands, enslaved, hunted for sport, and captured as pets. Although common criminals committed the majority of the atrocities, the actions and attitudes of the authorities and the other settlers were not much more sympathetic.

Understandably, the Tasmanians became increasingly hostile toward their oppressors. They staged violent reprisals, which in turn led to even more abuse by their tormentors. As the degree of bitterness rose in conjunction with the death toll, the government officials decided that they were no longer willing to pretend to coexist with the natives.

The Tasmanian final act consisted of forcible relocation to a settlement on a neighboring island, where their population continued to dwindle rapidly. Deprived of their natural environment and unable to wander independently, they lost the will to live and they lost the desire to reproduce. By 1876, 73 years after the British invasion, the last Tasmanian had perished.

The tale of the Tasmanians, the story of the complete extermination of a race of people, must be unquestionably classified as a historical rarity. Unfortunately, the same cannot be said for genocidal actions resulting in partial elimination of groups, which continue to occur throughout the world. As citizens of the world's most powerful and influential Nation, therefore, we must strive to ensure that national, ethnical, racial, and religious groups, or parts thereof, do not suffer the Tasmanian fate.

We can aid this cause significantly by consenting to ratification of the Genocide Convention of 1948. During the 35 years of Senate neglect of this important treaty, perpetrators of genocide have come and gone, and we must bear the burden of knowing that we have not taken even the first step to do what we could have done to protect their victims. Our acceptance of the international accord signed by 92 nations including every developed nation on Earth, is long overdue.

THE DANGEROUS NATIONAL DEBT

Mr. PROXMIRE. Mr. President, yesterday I submitted for the RECORD an article on the national debt written by Senator MOYNIHAN, who pointed out that an exploding national debt and compound interest were deadly partners.

Today, I would like to alert my colleagues to two other dangerous aspects of skyrocketing national debt.

First, we have no easy way to escape from this trap. In the past, economic growth kept its jaws from snapping shut. The national debt mushroomed during the Second World War but the economy grew rapidly after the end of the war.

Throughout the 1950's and 1960's the public debt, as a percentage of our gross national product [GNP], went down. It dropped from over 60 percent in the early 1950's to below 30 percent in the early 1970's. The Federal Government ran a deficit during most of these years and added to the debt. But the economy grew even faster than the additions to the debt.

We were in the happy position of a private company which borrows a little and sees its sales and profits grow a lot. That kind of performance means management gets sizable bonuses, workers see their wages in-

crease, and stockholders make a bundle as the price of the company's stock takes off.

Look at the administration's estimates of Federal debt as a percentage of GNP for the next few years. This ratio hit a low point of about 25 percent during the mid-1970's. As the economy sputtered during the rest of the decade, it remained between 25-30 percent. But the administration estimates that this ratio will increase to over 40 percent by 1987.

It will increase despite a vigorous economic expansion. Consider that fact for a moment, Mr. President. Here we have an economy which is projected to expand for 5 years without a pause. And throughout each of those 5 years, the Federal debt will be increasing even faster than the economy. If that is not a recipe for disaster, this Senator has never seen one.

We are now in the position of a private firm which borrows money and sees its sales and profits stagnate or even go down. Under those circumstances, the firm's management is ousted, workers approve givebacks, and the stockholders take a beating.

Mr. President, who manages the Federal Government? The President, the House of Representatives, and the Senate—that is who.

Mr. President, this growing debt is a threat not only to our economic future but also to simple fairness. Interest payments are becoming one of the largest income transfer programs in the budget. This transfer is paid without any means test whatsoever and it is the one Federal program absolutely immune from cuts.

Who owns the national debt? Those who buy Federal bonds—savers, in other words. Those who can afford to save have money left over after paying the mortgage, the car payment, and buying food for the family. This Senator is happy that people do save and that many lend that money to the Treasury. Yet this Senator is saddened to see a decreasing proportion of Federal spending going to people who need it.

Liberals used to comfort themselves by saying that we owed the debt to ourselves—no need to get in a lather over the national debt. That comforting proposition is no longer true. Foreign and international interests now own about 10 percent of the national debt and that percentage has been growing by leaps and bounds.

We have seen what happens to our economy when foreign interests impose an oil embargo. What would happen if foreign nations, acting in concert for political reasons, decided to dump their Federal bonds? By running up the debt, we are quietly creating hostages on our economic future.

Mr. President, the best way—the only way—to contain these dangers is to cut the deficit. The fact that this will not be easy is no excuse. The only thing worse than action is no action at all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for not to exceed 15 minutes.

Mr. SPECTER. I thank the Chair.

S. 3018—PROSECUTION OF TERRORISTS

Mr. SPECTER. Mr. President, today I am introducing legislation designed to provide an effective weapon against terrorism aimed at U.S. citizens throughout the world by making it a crime punishable under U.S. law in a U.S. courtroom for anyone, anywhere, to kill, assault, strike, wound, imprison, or make any other violent attack upon any officer, agent or employee of the United States, or attempt to do any of the foregoing.

The urgent need for this kind of legislation was tragically reinforced by the recent explosion at the new U.S. Embassy in East Beirut that claimed at least a dozen lives, including at least two Americans. But the absence of an effective plan to deal with terrorism has also manifested itself in other, more subtle, ways in the Middle East which severely limit opportunities for peace in that region.

For many years, about a quarter of a century, I have been concerned with fighting criminals, and terrorists are international criminals. They have to be dealt with as criminals, and I think they can be dealt with effectively as criminals. To catch them, to incarcerate them, to punish them, and to deter other criminals, other terrorists, by the examples of our tough approach to the terrorists whom we can apprehend if we work at it with sufficient diligence—that is the way our criminal justice system works, and it can work in the international field as well, although there are some unique problems because of fanaticism which grips some of the international criminals known as terrorists.

I recently had an opportunity to visit the Middle East in August of this year and it became apparent during my trip that, while there is some potential for peace in that region, particularly with President Mubarak and King Hussein, the overriding problem is terrorism. Terrorism severely threatens negotiations in the Middle East by threatening men and women of courage who would negotiate.

I was in Cairo on August 14, 1984, the day that President Mubarak made his statements about the terrorist mining of the Red Sea. I met with the President to discuss that subject as part of the overall problems of the Middle East, and he acknowledged that terrorism in the Middle East is preventing negotiations and a resolution of the problems which exist between Israel and the Arab nations.

I observed in my discussions with King Hussein during that trip that he is unwilling to take the lead in discussions with Israel at the present time without collaboration from the PLO. Although the PLO really should not be a part of such negotiations, because they are avowed terrorists, King Hussein obviously must recollect the assassination of his own grandfather, at which he was present. It is understandable then why King Hussein is reluctant to take the lead, lest he fall victim to assassination, as did Anwar Sadat and Bashir Gemayel.

In talking to the Saudi leaders, there is an overcloud of concern about terrorism. The Saudis are unwilling to move forward as they should, in a leadership role. Again, terrorism is the obstacle preventing negotiations in the Middle East today.

When I had the opportunity to meet with the Syrian foreign minister, we discussed the issue of the Lebanese-Israeli border, which also is an issue of terrorism. The Israelis have announced in a change of position that they are prepared to withdraw from Syria unilaterally even if Syria does not withdraw from Lebanon, but they are not prepared to do so if the northern border of Israel is insecure.

There is precedent on the Syrian-Israeli border for a demilitarized zone, a zone free of terrorism. It has worked since 1973. I asked the Syrian foreign minister the fundamental question, why not put into effect what has been on the Syrian-Israeli border on the Lebanese-Israeli border? Again, terrorism looms as the major obstacle to peace.

If we do not act to combat terrorism, it will proliferate beyond the Middle East to the worldwide scene. It is an enormous concern to have the potential of nuclear power in the hands of the terrorists. I suggest we may be coming to that unless we devise an effective way to deal with the terrorism which plagues us.

We must take specific steps to combat the activity of these criminals. I previously introduced, on June 15, 1984, legislation, S. 2771, to make the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony. Accompanying this

legislation was a sense-of-the-Senate resolution directing the executive to renegotiate the Vienna Convention rules on diplomatic immunity. This legislation was prompted by the shoot-out of the Libyan Embassy in London during which a British policewoman was killed and others were wounded. We cannot allow rules designed to protect diplomatic relations between civilized countries to protect murders, which is what happened in that situation.

The legislation I am introducing today goes further and provides for criminal prosecution by the United States against any terrorist who attacks any officer or agent of the United States, regardless of where the attack occurs. Thus, when a U.S. marine is killed or wounded in a bomb attack, an investigation can be initiated and the culprits can be brought to this country and prosecuted.

This act will in no way contravene or conflict with either international or constitutional law. Though U.S. courts have traditionally been reluctant to apply our criminal law outside our borders, they have done so increasingly in recent years, and must do so if Congress so directs. It is well-established constitutional doctrine, stretching back more than 60 years, that Congress has the power to apply U.S. law extraterritorially if it so chooses. (See e.g., *United States* v. *Bowman,* 260 U.S. 94, 98 (1922)).

Criminal jurisdiction is customarily limited to the place where the crime occurred. However, international law also recognizes broader criminal jurisdiction based on the protective principle. Under this principle, if the alleged crime occurs in a foreign country, a nation may still exercise jurisdiction over the defendant if the crime has a potential adverse effect upon its security or the operation of its governmental functions. This basis for jurisdiction over crimes committed outside the United States has been applied by the Federal courts in contexts ranging from drug smuggling to perjury. *Pizzarusso* 388 F.2d 8 (perjury on a visa application); *Rivard* v. *United States,* 375 F.2d 882 (5th Cir.) *cert. denied sub nom, Groleau* v. *United States,* 389 U.S. 884 (1967) (drug smuggling). Clearly, then, the exercise of U.S. criminal jurisdiction is also justified to prosecute the terrorist who assaults or murders American personnel abroad. Such attacks undoubtedly have an adverse effect upon the conduct of our Government's foreign affairs, and potentially threaten the security interests of the United States as well.

Even without this direct nexus between U.S. interests and the terrorist attack, jurisdiction over such an international criminal could be justified by analogy to the universal crime of piracy. Piracy was defined as a universal, or international, crime years ago in response to public outcry against this international problem. The law evolved on piracy so that a pirate could be prosecuted wherever he was found, by whatever country found him. That is a fundamental deviation from the general criminal law which permits a prosecution only in the jurisdiction of the offense. But piracy was perceived as an offense affecting all States, regardless of where it was committed. Thus, any State that captured the offender could prosecute and punish that person on behalf of the world community.

If a pirate can be prosecuted wherever he is found, so should a terrorist be prosecutable wherever the terrorist is found.

Similarly, terrorism should be regarded as a crime which affects all States regardless of where it is committed. Certainly, terrorism in this day and age is a much more horrendous and world-threatening offense than piracy was in its own era. Like piracy, terrorism anywhere affects states everywhere by spreading fear and paralysis that chills the free exercise of sovereign authority with the threat that lawless fanatics will display their disapproval through violent means.

This bill provides, in accord with constitutional and international law, the necessary subject matter jurisdiction to prosecute those who attack U.S. personnel abroad. But to obtain personal jurisdiction over the culprit himself, the suspect must first be seized or arrested and brought to the United States to stand trial. Under current constitutional doctrine, both U.S. citizens and foreign nationals can be seized and brought to trial in the United States without violating due process of law. See, for example, *Frisbie* v. *Collins,* 342 U.S. 519, 522 (1952); *Ferr* v. *Illinois* 119 U.S. 436 (1886).

It may surprise some to hear that abduction or kidnaping is an appropriate way to bring criminals to trial. If someone is charged or chargeable with an offense and is at liberty in some foreign country, it is an accepted principle of law, shocking as it may seem or surprising as it may seem at first blush, to take that alleged criminal into custody by abduction if necessary and return him to the jurisdiction which has authority to try him. That prosecution and conviction is sustainable and is proper under the laws of the United States and under international law.

This principle has been in effect for almost 100 years, going back to 1886, in the landmark case of Kerr versus Illinois, where the State of Illinois kidnaped a defendant in Peru, a man being charged with a crime in Illinois, and brought him back to Illinois for trial, where he was convicted. The case went to the Supreme Court of the United States and the Supreme Court of the United States said it was appropriate to try that man in Illinois and to convict him notwithstanding the means which were used to bring him back to trial in that jurisdiction.

No country in the world, no country in the history of the development of law, has more rigorous concepts of the due process of law than the United States of America and the U.S. Supreme Court. That doctrine was upheld in an opinion written by Justice Hugo Black, well known for his concern about defendants' rights, in the case of Frisbie versus Collins, handed down by the Supreme Court of the United States in 1952 and upheld in later decisions.

In the Frisbie case, Justice Black stated:

> This court has never departed from the rule announced in *Kerr v. Illinois,* that the powers of a court to try a person for a crime is not impaired by the fact that he had been brought in the court's jurisdiction by reason of a forceable abduction.

I would suggest to Senators that in dealing with the crime of terrorism, we ought to find the terrorists when we have some reason to believe we know who they are. It requires an investigation. It requires pursuit. It may require extradition or, where extradition is not possible, it may require abduction to bring these vicious criminals to trial.

Resort to such tactics will not ordinarily be necessary. The nation where the offender is found may prosecute that person itself or that nation may extradite him or consent to a seizure by U.S. agents within its territory. In the rare instance, however, where there exists in effect no government capable of arresting or prosecuting the offender—and I would suggest that that situation exists in a nation like Lebanon today where there is hardly a government capable of enforcing law and order—in that extreme situation or wherever the terrorists may be found in nations which flagrantly violate international law or harbor international terrorists, then the United States may be compelled to use forceful methods to bring a terrorist to justice. And I would suggest that on a balancing test, that is an appropriate course of conduct.

It is this kind of forceful, effective action that the United States must be in a poistion to employ where necessary to respond to terrorist attacks against our citizens abroad. The legislation that I am introducing today will accomplish that result.

We currently have laws on our books which make it a crime to murder or assault an internationally protected person if the alleged offender is present in the United States, regardless of where the offense was committed or the nationality of the victim or the alleged offender. This bill would

extend this protection to employees and agents of the United States such as our servicemen, our marines, and others stationed abroad who so desperately need this kind of protection.

The primary goal of this legislation, aside from protecting our marines and others, is to provide clear evidence of forceful congressional intent that our country should respond in a meaningful and effective way to terrorist attacks.

Other countries that are fighting for their very survival may find it necessary to respond with instant retaliation. Given our power and world role, and our commitment to the rule of law, this is a questionable response by the United States. It may be that if these terrorist attacks continue and we are unable to deal with them, we will have to consider such retaliation. But it is my view that, as a first step, we ought to enact legislation in this country to make it a crime punishable in the courts of the United States and pursue a policy to apprehend terrorists by abduction if necessary as outlined in the course of my statement.

Legislation making terrorism a crime prosecutable in the United States, backed up by clear national intent to vigorously enforce that law by whatever means may be necessary, will send a signal throughout the world that will not go unnoticed—a signal, Mr. President, which is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3018

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 "Protection of United States Government Personnel Act of 1984".

SEC. 2. (a) Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES GOVERNMENT EMPLOYEES ABROAD

"Sec.
"2321. Terrorist acts against United States government employees abroad.

"§ 2321. Terrorist acts against United States government employees abroad.

"(a) Whoever kills or attempts to kill in any foreign country, or in international waters or air space, any officer, agent or employee of the United States Government shall, if found guilty in a court of the United States, be sentenced to any term of years or imprisonment for life, and any such person found guilty of attempted murder shall be imprisoned for not more than 20 years.

"(b) Whoever assaults, strikes, wounds, imprisons or makes any other violent attack upon the person or liberty of any officer, agent, or employee of the United States Government in any foreign country or in international waters or air space, or, if likely to endanger his or her person or liberty, makes violent attacks upon his or her official premises, private accommodation, or means of transport, or attempts to commit any of the foregoing, shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) The United States may exercise jurisdiction over the alleged offense if the alleged offender is present in the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender, or the manner in which the alleged offender was brought before the court.

"(d) In enforcing subsections (a) and (b), the Attorney General may request and shall receive assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, the Federal Bureau of Investigation and the Central Intelligence Agency, any statute, rule, or regulation to the contrary notwithstanding.".

(b) The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for Chapter 113, the following:

CHAPTER 113A—TERRORIST ACTS AGAINST GOVERNMENT EMPLOYEES ABROAD

"113A—Terrorist acts against United States government employees abroad..... 2321".

RECOGNITION OF SENATOR TOWER

The PRESIDING OFFICER. The Senator from Texas is recognized.

BETTY NELSON, AIR FORCE-SENATE LIAISON

Mr. TOWER. Mr. President, I should like to bring to the attention of my distinguished colleagues a woman with whom I have worked throughout my 24 years in the Senate. I am speaking of Betty Nelson, Air Force Senate Liaison who retired August 31, 1984, after 34 years of Federal service. Betty has served with the Air Force Liaison Office since it took up residence in the Russell Senate Office Building 24 years ago.

Her colleagues assigned to the Liaison Office during the last 24 years have been made to feel right at home by Betty. No one was more patient, no one was more understanding and certainly no one was more knowledgeable in offering guidance to new personnel—and, I might add, to new Senators. I am sure all Members of the Senate are grateful to have had the benefit of Betty's wisdom and friendship through the years.

The story of Betty Nelson is one of hard work, loyalty, dedication and compassion. It is a story of a woman continually performing her duties without complaint and often under extremely stressful circumstances. Each day when Betty left for home—however later it might be—you knew the job was done, and it was done well. Any task in the hands of Betty Nelson was performed with efficiency, promptness and cheerfulness. Anyone who had encountered Betty can attest to her warmth, intelligence and sensitivity. As the years passed, she gained a reputation around the Senate as a person who could be relied upon. Few people are more widley known and respected for their professionalism than Betty. She is known throughout Washington as an expert in dealing with a full range of constituent issues relating to the Air Force and many other military matters. Betty was far and away the best expediter in this town.

Betty has been honored time and time again by her superiors who recognized the valuable resource they had in Betty. The record of awards she has accumulated is testimony to her service. While working for the Air Force, Betty received 19 outstanding performance ratings, three quality salary increases, seven cash awards for sustained superior performance, a Meritorious Civilian Service Award, and an Exceptional Civilian Service Award. This is certainly one of the most impressive records that I have seen.

I must say that we will sorely miss her. In fact, she has been retired only a few weeks and her absence already is noticed. This is the first time since I have been in the Senate that Betty was not working around the corner from my office. But Betty has worked hard and has earned her retirement. A native of St. Louis, MO, Betty plans to spend her retirement with her two lovely daughters, Patricia and Leslie Ann. She also plans to participate in a wide range of community activities in Springfield, VA. You will find out, out there in Springfield, that asking Betty to do something is like watering the lawn with a fire hose. The residents of Springfield will certainly learn to love and cherish Betty as we all have. I think I speak for all Members of the Senate as well as their staffs when I say thank you to Betty for her many years of devoted service and wish her the best of luck in the years to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. TOWER assumed the chair.)

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

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

Mr. GOLDWATER. Mr. President, the Senator from Texas made some remarks about our very good mutual friend Betty Nelson on the occasion of her departing this body.

We have offices in Congress known as legislative liaison which are staffed

by officers and enlisted men from the Pentagon, representing the different services, to whom we refer questions that come from our constituents relative to the problems of the military or problems of people serving in the military. Betty Nelson has served as sort of the operator of the legislative liaison office for all the years I have been here.

While I have to admit that it is very difficult to feel affection for a man officers or an entlisted man, we have no difficulty feeling affection for Betty. She is absolutely superb in her job. While she fundamentally represents the Air Force, she represents all the services and has done an outstanding job.

I join my friend from Texas in wishing her well and happiness in the years ahead.

Mr. SYMMS. Mr. President, I should like to compliment the distinguished senior Senator from Arizona for his remarks about Betty Nelson, who is departing the Senate this year.

Mr. GOLDWATER. Mr. President, undoubtedly, there will be time set aside in the remaining days of this session of Congress to pay our respects to some of our brethren who are not returning. I have not been informed when that time might be. I have prepared remarks with respect to three of them. One of them happens to be the present occupant of the chair.

I ask unanimous consent that these remarks be printed in the RECORD as if read, and then when the day is set aside for eulogies, that they be repeated. But I should like to read what I have written about my friend who is in the chair.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11:15 a.m., with statements limited therein to 5 minutes each.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REPEAL OF NEW RULES ON IMPUTED INTEREST

Mr. DIXON. Mr. President, I have just been visiting with my warm friend, the distinguished junior Senator from Idaho, about a matter that is close to the hearts of both of us, this question of the new imputed interest rate rules imposed recently upon the real estate industry but more importantly upon consumers in the country.

Mr. President, I call the attention of my friends in the Senate, particularly those in their offices right now who are listening to the proceedings here in the Chamber on their squawk boxes, to an excellent advertisement that appears in the Washington Post of today, Tuesday, September 25, 1984, at page A9.

It says: "Members of Congress: Don't Hurt Homeowners, Renters, Farmers, and Small Business!"

And it goes on to say:

"A mistake in the 1984 Tax Reform Act is going to cause big problems for many homeowners, renters, farmers, and small business."

And it points out that time is running out. I am not going to read the whole thing, but let me read this down here:

"If these rules are allowed to stand, then next January 1"—that is this coming January—"your constituent property owners will find it difficult—if not impossible—to sell their property if they must help buyers with financing. The higher interest rates go, the tougher the problem. Telling a property owner who faces foreclosure, and who needs to transfer that property, that he must charge the highest of high interest rates, is like telling a drowning swimmer that he must swim to shore for help."

And I want to read the close:

"It's up to you to act before Congress adjourns. You can help your constituents"—this is addressed to us in Congress—"you can help your constituents by working to repeal the new imputed interest rate law and correcting Congress' mistake. Don't have Congress increasing interest rates that buyers of property will have to pay."

Mr. President, I ask unanimous consent to have printed in the RECORD the Members of Congress ad which appears on page A9 of the Washington Post of today.

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

MEMBERS OF CONGRESS: DON'T HURT HOMEOWNERS, RENTERS, FARMERS, AND SMALL BUSINESS!

A mistake in the 1984 Tax Reform Act is going to cause big problems for many homeowners, renters, farmers and small business.

Only a few days remain before Congress adjourns for the national elections. We hope you will use this brief time to work to change the new rules on imputed interest that increase interest rates affecting homeowners, renters, farmers and small business people.

Unless you work to change them, the new rules will go into effect January 1. The government will force your constituents to charge higher interest rates when they assist the buyer in financing the sale of their property. In fact, the new interest rate is, in effect, mandated to be at least 3 percentage points higher than the freely negotiated interest rates—higher even than what the U.S. Treasury pays to finance the federal deficit.

That's not fair—or just—or wise—or what you intended when Congress passed the Tax Reform Act. Indeed, every member of Congress we've spoken to has told us that the new imputed interest rates are a mistake that must be corrected.

If these rules are allowed to stand, then next January 1 your constituent property owners will find it difficult—if not impossible—to sell their property if they must help buyers with financing. The higher interest rates go, the tougher the problem. Telling a property owner who faces foreclosure, and who needs to transfer that property, that he must charge the highest of high interest rates, is like telling a drowning swimmer that he must swim to shore for help.

You were told that the new imputed interest rate rules would increase tax revenues by $2.2 billion. Actually, the new rules would cut revenues by about $1 billion. These new rules could stop about $30 billion of apartment building, commercial and industrial property sales and cut about 95,000 full time jobs. And for those people who rent their apartments, it means higher rents and a lower budget for food and clothing.

It's up to you to act before Congress adjourns. You can help your constituents by working to repeal the new imputed interest rate law and correcting Congress' mistake. Don't have Congress increasing interest rates that buyers of property will have to pay.

*National Association of Realtors.**

Mr. DIXON. Mr. President, I congratulate my friend across the aisle from me, my friend from Idaho, for the work he has done in this Senate and my friend, the senior Senator from Montana, for the work he has done on this.

I wish to say, Mr. President, that I enthusiastically join them in their attempt to reverse this serious error in judgment by Congress which tries to tell people in their private affairs when they sell their own private home to someone else who wants to buy it from them what they can charge in interest rates. I think that is positively absurd. It is the furthest extension I can imagine of Big Brother imposing his will in the lifestyle of ordinary private people in their private exchanges with one another in a very simple area of commerce. The biggest single thing the average person does in his life is to sell his own home and to buy his own home. For the average working person that is a commercial fact of life.

Mr. President, I think this ad is absolutely correct, and I call it to the attention of my colleagues.

Mr. SYMMS. Mr. President, will my colleague yield?

Mr. DIXON. I am delighted to yield to my friend from Idaho.

Mr. SYMMS. I thank the distinguished Senator from Illinois for yielding.

Mr. President, I compliment him for bringing that ad to the attention of Congress. I agree with him that this Congress still has the opportunity to

repeal that section of the 1984 tax law that passed Congress, and it should be repealed.

We do not need any compromise. We need to outright repeal it because of what this does to the law. If we believe at all in markets in the United States, which I think we all do, whether we be Republicans or Democrats, we do believe in markets and the impact competition has on interest rates, and the imputed interest section of the tax code which was to go into effect January 1, 1985, will have a tendency to force interest rates upward when we need to have competition to bring high interest rates downward.

I only say to my friends on the Finance Committee listening that I think the Finance Committee still has the opportunity to act on this and redeem a mistake which was made, and I hope that when we do have a markup of that committee, we will consider addressing this particular point in the committee and attaching it to legislation which would be germane.

Mr. DIXON. Mr. President, may I say to my distinguished friend from Idaho I wish to make this prediction now: If we do not repeal this it will be the first order of business in the next Congress anyway.

I remember speaking and voting against that withholding tax provision that the Senate went ahead and passed, and when we got back here we could not act quickly enough to repeal it.

My own personal experience is I received 650,000 letters from people in my State in adverse reaction to that withholding tax provision.

We finally repealed it, and if we do not do this before we leave here October 5 may I say to my friend from Idaho then I predict that when we get back here in January the first rush of business will be to see how quickly we can repeal this then.

I wish to ask all my colleagues in the Senate to avoid receiving 650,000 letters apiece, and repeal it now.

Mr. SYMMS. Mr. President, will my colleague yield again?

Mr. DIXON. I love to yield again to my friend from Idaho.

Mr. SYMMS. Mr. President, I say to my colleagues that in case my colleagues have not checked in the mail, I have a Dear Colleague letter out to all Senators now asking for cosponsors to repeal this, and I hope that Members will tell their staffs to put them on that bill so that we get momentum rolling for this and it could be repealed and still be repealed between now and the end of this Congress.

I think we definitely should do it. The Senator is absolutely correct in his assessment of this. People are not going to put up with this kind of legislation in the United States. We still are a sovereign people. We still can have an impact if they flood Washington with enough mail from the folks at home, and it is unnecessary to put them through this trauma. We should repeal it now and get it settled.

The Senator from Montana [Mr. MELCHER] and I have been working on this. At the time we were calling it to the attention of the Members of the Senate here in the Chamber that it should have been repealed before we pass the act, but it is not too late to redeem this situation and save a lot of people a lot of headaches.

The Senator from Illinois is absolutely correct. It is the most outrageous example of Big Brother trying to tell people what Big Brother knows best what they should charge for interest, and that is a decision that should be made by the buyer and seller and the seller certainly should have the right to sell something for his own interest rate.

THE HOUSE-PASSED HIGHWAY BILL—H.R. 5504

Mr. GORTON. Mr. President, I would like to call my colleagues' attention to sections 148 and 217 in H.R. 5504, the House-passed highway bill. These two sections interfere with the way State and local governments manage their highway rights-of-way and public transit properties. They prevent local authorities from removing private structures from public land, even though they are acting under the terms of a valid lease, unless they pay the renter relocation assistance.

The purpose of these provisions appears to be to prevent Americans from making their cities and towns more attractive by removing billboards and advertising from public property. Community appearance standards have always been the prerogative of local governments. In fact, a recent Supreme Court decision, City Council of Los Angeles against Taxpayers for Vincent, upheld the rights of cities to prohibit signs on public property. The House bill is an unwarranted intrusion on this right.

In addition, the provisions sweep far too broadly than those needed to accomplish even this objectionable purpose. They require relocation assistance to remove, from highway or transit property, any private structure owned by anyone who pays rent to the State or local government. This would include not only billboards and signs on highway rights-of-way, but posters on the sides of buses, parking lots under highway bridges, even newspaper vending machines at bus stops. I would oppose any similar provisions in the Senate bill, and, if we do go to conference with the House on H.R. 5504, I hope the conferees will delete them from the conference report.

Mr. STAFFORD. I share the concern of the Senator from Washington. These two provisions were floor amendments in the House. Their purpose is ostensibly to prevent a local official from arbitrarily removing structures from highway or transit property. But this protection is not needed, because any renter who is the victim of arbitrary action has available already all of the remedies in the lease. These provisions grant a windfall to existing leaseholders at the expense of State and local taxpayers. They also give private parties unprecedented rights in public lands.

The amendments' sponsor in the House said that these provisions would encourage States to make money from public property by making it difficult to cancel leases. In fact, the provisions would do just the opposite. It is now common for States to enter into short-term leases with occupants of public property for many reasons. Under the House bill, however, including new standards on relocation assistance, agencies acting under valid terms of a lease would still be required to pay at least $1,000, and possibly up to $20,000, per structure for removal, or else lose highway funds. Under these conditions State and local governments are far more likely not to lease their property, and to leave it idle.

Mr. GARN. I join my colleagues in protesting this intrusion into the affairs and contracts of State and local governments. Under the House bill, one way for a State or local government to avoid having to pay relocation assistance for displacing rental structures is if the State passes a law expressly authorizing this displacement.

The Federal Government should not lightly mandate changes in State laws, either directly or through the pressure of withholding highway or transit funds. In this case, States are being put in the position of needing State laws to reverse the effects of a completely unnecessary Federal mandate. There is simply no reason for the Federal Government to interfere with these leases. They are not unconstitutional, they are not illegal, and they are not unfair. The House provisions disregard the traditional right of cities to manage their environments, and their property, as they see fit.

Mr. STAFFORD. I have received several letters from State transit authorities, which I ask unanimous consent to have printed in the RECORD.

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

STATE OF IDAHO,
TRANSPORTATION DEPARTMENT,
Boise, ID, August 13, 1984.

Re H.R. 5504—Section 148.

Senator ROBERT T. STAFFORD,
Senate Environment and Public Works Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATOR STAFFORD: Section 148 of H.R. 5504 would adversely impact the Idaho Transportation Department in its dealings with private lessees of state owned property and structures.

After the Idaho Transportation Department purchases land and structures for highway purposes there is usually a period of time between the vacation of the premises by prior owners and the time the property is needed for highway purposes. Up to now, the Idaho Transportation Department has routinely entered into short-term leases with private individuals concerning such property. Such leases provide that the lessee understands that the leased premises will be needed for highway purposes shortly and that the lease can be cancelled upon thirty days notice. If the State of Idaho would be required to pay relocation benefits to such lessees as provided in Section 148, the effect would be that this agency would not consider leasing such property on a short-term basis. The net effect would be a loss of income to the State of Idaho and the wasting of usable assets.

I would urge that Section 148 be amended so that this agency can continue to realize maximum revenue for the taxpayer.

Sincerely yours,

E. DEAN TISDALE,
Acting Director.

STATE OF NEW MEXICO,
TRANSPORTATION DEPARTMENT,
Santa Fe, NM, August 28, 1984.

Senator ROBERT T. STAFFORD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STAFFORD: We learned recently that the House has passed the Surface Transportation Assistance Act (H.R. 5504) with major modifications regarding relocation payments. The revision to the Act is directed at public bodies who receive funds under the Act and who receive rental income from any type of structure owned by a private entity and located on property owned by the public body. The amendment provides that the public body (1) may not remove the structure unless it is directly necessitated by the operation, maintenance, or construction of the transportation system, and unless the removal is expressly authorized by State statute and is in accordance with the terms of the rental agreement, and (2) shall pay the owner of the property relocation assistance upon removal. Our understanding is that the change in the legislation was introduced with two intentions: to prevent arbitrary and capricious actions by State officials regarding rental property contracts and to encourage States to receive income from legitimate business sources such as rental property. We are in agreement with both of these points. However, we have determined that the amendment, as written, would probably hamper development of the very business opportunities it is seeking to promote and would thus have an adverse impact on Federally funded transportation projects in the State of New Mexico.

Over the past few years, transportation providers throughout the country have engaged in a variety of business ventures in an effort to create new financing mechanisms for public transportation. Many of these projects have hinged on the theory that public investments can produce income if the benefits are not given away or ignored altogether, as has been done in the past. A number of public entities have entered into successful joint development projects, wherein public investments were used to stimulate private development, in order to provide benefits to both public and private parties and achieve results which would not have taken place without the cooperation. Some of these projects have been quite complex. Other income producing projects have involved only simple rental agreements. The key point is that these joint development projects and other methods of creating income from public investments are still evolving. Their potential as revenue producers has not been fully explored and we have certainly not even scratched the surface of opportunities in New Mexico. Presumably as public transportation develops in New Mexico the transportation industry will contribute much to urban infrastructure development and will have the potential to be a prime beneficiary of future projects of this type. The amendment, as it is proposed, places a contingency on public entities entering contractual agreements which puts them at a disadvantage. Public entities will face uncertain, and possibly unreasonable, costs if conditions change and it becomes necessary to modify or terminate agreements. Essentially this amendment asks the public sector to bear a greater share of the risk than the private sector where contractual agreements are made. Thus, the amendment is likely to stimulate caution rather than innovation in financing of public transportation.

With regard to the issue of preventing arbitrary and capricious actions by State officials, illegal displacement of a lessee from state property can be contested by the issue in court as a contractual violation. It is unnecessary as a provision of the Surface Transportation Assistance Act.

It would be unfortunate if this amendment passes. We are, therefore, asking for your support in defeating this measure if it appears in the Senate bill and as it goes to the Conference Committee.

If you have questions regarding our position, please contact my office. We appreciate your support.

Sincerely,

JUDITH M. ESPINOSA,
Secretary.

DEPARTMENT OF TRANSPORTATION,
Salem, OR, September 10, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Senate Committee on Environment and Public Works, Senate Dirksen Office Building, Washington, DC.

We wish to call your attention to Section 148 of the House-passed Surface Transportation Act (H.R. 5504) which interferes with each state's right to hold and manage its highway right-of-way.

This provision prohibits state transportation agencies from displacing privately-owned rental structures (including buildings and billboards) from public highway properties unless relocation assistance is paid or certain other conditions are met. Currently, relocation payments are made only on the initial acquisition of rights-of-way. Payments are not required under subsequent contracts between the state and private lessees; the state has the option to terminate a lease per the terms of its contract with the lessee.

If enacted, the provisions of Section 148 would impair existing lease contracts by providing unjustified windfall compensation for lessees. Therefore, we ask your support in ensuring that this provision is not included in the Senate Highway Bill (S 2527).

FRED D. MILLER,
Director.

IN TRIBUTE TO SANDFORD ZEE PERSONS

Mr. PELL. Mr. President, when I learned of the recent death of Sandford Zee Persons, I experienced a sense of real personal loss.

At the time of his death, Sandy Persons was director of development for the World Federalists Association. Earlier, he was vice president of that organization.

My first opportunity to work closely with Sandy came while he was with Members of Congress for Peace Through Law. He joined MCPL in 1969 and became its executive director in 1971. Sandy was very proud that MCPL was the first bicameral, bipartisan organization of its type on Capitol Hill. He left MCPL in 1978 to become involved in fundraising for the World Federalists Association.

A native of Aurora, NY, Sandy was in the Navy and the Marines in World War II, serving in the Pacific. He was graduated from Yale University in 1947. He was involved in regional activities of the World Federalists before coming to Washington in 1959.

In all the years in which I knew him, Sandy Persons never wavered from his steadfast commitment to strengthened international institutions. He did all that he could to help Members of Congress appreciate the value of the United Nations and the ways in which it might be made better and more effective.

A man of boundless enthusiasm and energy, he brought a wit and charm to his work. A number of Senators and Members of the House grew to have enormous respect and liking for Sandy Persons.

Earlier, this year, Sandy was of great help to me as I prepared Senate Concurrent Resolution 125, the common security resolution. I introduced that resolution on June 19 with six other cosponsors.

The resolution recalls the groundwork for arms control laid so carefully in 1961 in the McCloy-Zorin agreement on the "Joint Statement of Agreed Principles for Disarmament Negotiations." That agreement specified that the goal of negotiations is to achieve agreement on a program that will ensure that disarmament is general and complete and that disarmament is accomplished by reliable procedures for the peaceful settlement of disputes

and effective arrangements for the maintenance of peace.

Sandy and I agreed that the McCloy-Zorin principles could have validity today in helping us get back on a course toward disarmament and in strengthening the peacekeeping capabilities of the United Nations. Sandy worked very hard to help gain understanding of and support for the resolution.

In his work on the common security resolution and in his other efforts over the years, Sandy never sought personal acclaim. His interest was not in his own benefit, but that of his fellow citizens. Throughout his life, Sandy did what he could to make the world better, and that was a great deal, indeed. We shall miss him.

Thank you, Mr. President.

NICARAGUA'S ACCEPTANCE OF THE DRAFT CONTADORA TREATY

Mr. PELL. Mr. President, there is cause for great concern today about the prospects for peace in Central America if recent reports in the press are accurately reflecting the views of the administration regarding Nicaragua and the Contadora process. I am, of course, referring to articles which reported that officials of the Department of State responded negatively to the Nicaraguan Government's announcement on September 21 that it would accept the draft treaty produced by the Contadora nations after almost 2 years of laborious and painstaking work with the five Central American nations. According to the reports, administration officials said that the negative response was based in part on concerns that the Sandinistas would benefit from a public relations coup because it would seem to put the Nicaraguans on the side of peace while the United States would be put on the defensive and that it would raise questions about the continuing hostility of the United States toward the Nicaraguans.

If the reports are true, it raises serious questions about the actual desire of the administration to see a successful Contadora peace process. Furthermore, it reinforces the belief, held by many, that the administration is only paying lip service to Contadora, not really giving its full support, and thus dooming it to failure. It seems that administration officials in a clear miscalculation, perhaps clouded by a politically colored haze, did not believe the Sandinistas would agree to sign the draft treaty. The Nicaraguans obviously believe Contadora is in their best national interests, but this point seems to have been missed by some administration officials.

In past months, the administration has assured Members of Congress and the American public that it strongly supports the Contadora process and that Nicaragua should also support it by abiding by provisions that were being molded into a final treaty. Now, instead of hailing the Nicaraguan decision to accept the draft Contadora proposal, instead of calling it a major step toward peace in the region, instead of expressing gratification that the hard work of Mexico, Panama, Venezuela, and Colombia—the Contadora nations—is finally bearing fruit, the administration calls Nicaragua's announcement a publicity ploy.

The Nicaraguan announcement should have brought great joy to Washington because of what the Nicaraguans have accepted. The text of the draft treaty has not been made public but reportedly, according to diplomats and others close to the process, it would require that the signatory nations offer amnesty to political dissidents, hold impartial elections, and end support for groups fighting to overthrow other governments. The important question of verification is yet to be resolved, but the United States should be elated that the democracy provisions are obligatory provisions of the draft treaty. The agreement, according to reports, additionally calls for the closing of all foreign military bases in Central America and would ban future construction of foreign bases; it would start a process to reduce and eventually eliminate foreign military advisers. Reportedly, it sets limits on the size of armies and on the quality and quantity of their arms. It also provides for a moratorium on the import of heavy arms until permanent limits are set. Furthermore, it also calls for an end to all international military maneuvers within 30 days of the signing of the agreement.

The administration's negative reaction to the Nicaraguan decision must have the Sandinista leadership and our friends in the area thoroughly confused and perplexed. The U.S. administration vigorously pressed for democracy provisions, and in the five meetings with the Nicaraguans urged that Nicaragua accept the Contadora proposals. Now when Nicaragua announces that it will accept the draft treaty the administration charges that it is a publicity stunt.

I believe that there is still on opportunity for the administration to clarify its policy toward the Nicaraguan acceptance of the Contadora treaty. It is time for the more reasoned officials in the Department of State and elsewhere in the administration to prevail in the cause of peace in Central America. The Contadora process which could be on the eve of the major breakthrough that so many in this region of the world awaited with so much hope, needs a vigorous boost from the U.S. Government. Anything less, could very well signal the end of perhaps the last chance for peace in the region. As it was recognized from the very beginning, if the United States does not support Contadora, if the United States does not really want a Contadora treaty, there is no chance in the world that the Contadora peace process would produce anything but a meaningless pile of papers.

HOSPITAL MEDICARE REIMBURSEMENT WAGE INDEX FORMULA

Mr. EXON. Mr. President, 2 years ago the Congress established a new system for reimbursing hospitals for medicare treatments. The reimbursement formula was created by the Department of Health and Human Services, Health Care Financing Administration [HCFA]. In establishing the system the Congress recognized that the reimbursement rates for medicare treatment must be adjusted to account for differences between labor costs in urban and rural areas.

Unfortunately, the Health Care Financing Administration approved regulations creating the reimbursement wage index formula which penalize many small and rural hospitals across the Midwest. The HCFA formula ignores the fact that many smaller and rural hospitals employ part-time workers to help hold down operating costs. By ignoring the cost-control efforts of these hospitals, HCFA penalizes them through the wage index used to determine hospital reimbursement for medicare treatments.

The current reimbursement formula discriminates against hospitals which employ large numbers of part-time employees. The reimbursement formula uses the total number of employees divided by the total wages paid to determine the medicare reimbursement to hospitals. The formula does not take into account that a large force of part-time employees reduces the hospital reimbursement, but not the cost of the medicare treatment. As a result rural and small hospitals are short changed in their reimbursement.

In response to the efforts of this Senator and others, HCFA established a task force to study this matter and Nebraska was fortunate to have two representatives on this task force. In addition, section 2316 of the Deficit Reduction Act specifically directed the Secretary of Health and Human Services to develop a new wage index which considers the use of part-time employees. Mr. President, this flagrant disregard for the law and will of the Congress simply must stop.

Despite the specific direction from Congress and the work of the task force, HCFA has failed to revise the wage index formula. The formula was not fair to many Midwest rural hospitals when it was created and it is not fair today. If it means enacting fur-

ther legislation to correct the wage index problem then we Midwest Senators should seriously consider that avenue before any hospitals are backed up against the financial wall.

The Hospital Associations of Nebraska, Iowa, and Kansas held a series of press conferences in Omaha, Des Moines, and Topeka on Monday to bring this important matter to the attention of the public. I could not attend those press conferences to emphasize the seriousness of the situation, but I will make their case for them here on the Senate floor.

The Midwest hospital officials have been protesting about the index for months. HCFA has stated they need to collect more information before they have a completely accurate picture of the problem. Harlan Heald, acting president of the Nebraska Hospital Association has estimated that Nebraska hospitals alone could lose about $9 million over 4 years under the current reimbursement formula.

The current wage index problem is also a matter of critical concern to citizens who live in the Midwestern rural areas. These hospitals have worked in good faith to comply with the reimbursement formula and we must ensure that they are reimbursed in a fair and equitable amount. Many of the elderly must drive miles to obtain hospital care, and the unfair wage index formula, if not corrected, could force them to drive even farther.

I urge my colleagues to contact Secretary of Health and Human Services about this matter, to encourage her to comply with the original congressional directive to establish a new wage index which does not penalize Midwestern hospitals.

I ask unanimous consent that the following be printed in the RECORD: a letter from Senators DOLE, KASSEBAUM, GRASSLEY, JEPSEN, ZORINSKY, and myself to Secretary Heckler; a letter from myself to Harlan Heald, acting president of the Nebraska Hospital Association; the September 24, 1984, Omaha World Herald story entitled "Hospital Groups Rap Medicare Wage Index"; and the Omaha World Herald story entitled "Agency Trying To Get Pay Data From Hospitals."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, September 24, 1984.

Hon. MARGARET M. HECKLER,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY HECKLER: We are writing to urge your prompt action in adjusting the hospital area wage index under the Medicare prospective payment system. This is a matter of critical importance to many hospitals in our states, particularly those located in rural areas.

We were disappointed that the final regulations dealing with fiscal year 1985 prospective payment rates did not include revisions in the wage index to correct the inequities experienced by hospitals which utilize a high proportion of part-time employees. There is broad recognition of the deficiencies of the Bureau of Labor Statistics wage index now being used, particularly as it relates to regional variations in part-time employment. Above average use of part-time rather than full-time personnel is common among small, rural hospitals as they make reasonable attempts to deal with decreased utilization.

The hospitals of our states have acknowledged the need for Medicare reimbursement reform and have worked in good faith to promote the goals of the new prospective payment system. The ultimate success of the program relies heavily, however, on its equitable application. Small, rural hospitals literally cannot afford further delay in obtaining necessary adjustments based on a realistic acknowledgement of their full-time/part-time personnel mix.

With these concerns in mind, we respectfully request that you make every effort to complete the work underway within the Department on this matter so that appropriate adjustments can be made.

Warmest regards,

Senators Bob Dole, Nancy Landon Kassebaum, Charles E. Grassley, J. James Exon, Roger W. Jepsen, and Edward Zorinsky.

U.S. SENATE,
Washington, DC, September 21, 1984.

MR. HARLAN M. HEALD,
Nebraska Hospital Association, Lincoln, NE.

DEAR MR. HEALD: Thank you for your letter of September 19 regarding the press conferences on the "wage index" problem.

As you know, the Senate is in the last few days of this legislative session so I regret that I will not be able to attend the Omaha press conference. Nevertheless, I commend you for your efforts to bring this important matter to the attention of the public, and I will continue my efforts in Washington, D.C., to resolve this problem.

The "wage index" problem is a matter of great importance to a number of hospitals in Nebraska. When the Congress approved the new prospective payment system for hospitals, we recognized that the reimbursement rates under Medicare should be adjusted to account for differences between labor costs in urban and rural areas. The distinction between urban and rural areas is useful and reflects legitimate differences in the costs of operating hospitals.

Unfortunately, the Health Care Financing Administration has adopted regulations which effectively penalize a number of Nebraska hospitals for using part-time employees. In response to the concerns of hospitals across the Midwest, HCFA established a task force to study the matter and Nebraska was fortunate to have two representatives on that task force. Despite the work of this task force and the specific direction of Congress to do so, HCFA has failed to revise the "wage index" provisions to correct the inequities that exist.

The small, rural hospitals of Nebraska cannot afford further delay on the part of the Secretary of Health and Human Services.

Thank you again for letting me know about your plans for the three regional press conferences. Please assure the members of the Association that I will continue my efforts to resolve this problem.

With best wishes.

Cordially,

J. JAMES EXON,
U.S. Senator.

[From the Omaha (NE) World Herald, Sept. 24, 1984]

ORGANIZATIONS SEE BIG LOSS: HOSPITAL GROUPS RAP MEDICARE WAGE INDEX

(By Mary McGrath)

Three Midwestern hospital associations Monday called on the federal government to correct a wage index that they say will cause hospitals in Nebraska, Iowa and Kansas to lose an estimated $36 million in four years.

Officials of the Nebraska, Iowa and Kansas Hospital Associations were flying to Des Moines, Topeka and Omaha Monday for press conferences on the matter.

At issue is the area wage index used in computing payments under Medicare's new prospective payment system for hospitals. A three-year phase-in of the system began Oct. 1, 1983.

Congress had directed that the wage index be changed by Oct. 1, but it now appears that it will not be, the hospital officials said.

Midwestern hospitals have been protesting about the index for months because they say it pegs local wage rates too low, reducing Medicare payments.

$9 MILLION LOSS

Harlan Heald, the Nebraska association's acting president, said a rough estimate is that Nebraska hospitals would lose $9 million over four years. He and others were interviewed in advance of the press conferences.

Robert Cottrell is head of the Ogallala Community Hospital and chairman of the Nebraska Hospital Association board. He said the Ogallala hospital would lose $97,350 in revenue if the index is not changed. That would be about 4 percent of its anticipated gross income.

Kansas Hospital Association officials estimate the impact there at $12 million, based on a study the association did.

Iowa officials projected a loss of $15 million. Both the Nebraska and Iowa figures were arrived at by working from the data developed in Kansas, officials said.

NEBRASKA AMONG LOWEST

Officials said reduced Medicare payments can be expected to force hospitals to charge other patients more and, in some cases, to borrow money or ask for more support from local government.

Donald Dunn, president of the Des Moines-based Iowa Hospital Association, said the wage index plus additional strain on some hospitals—especially in rural areas—that are struggling to adjust to reduced use of hospitals.

Rural hospitals typically have a large percentage of elderly patients covered by Medicare.

Midwestern hospital officials maintain that the wage index does not take into account the number of part-time employees used in this region.

The wage index for rural Nebraska, for example, was the lowest among all the states. Only Puerto Rico was lower.

Heald said that a year ago, about 30 to 35 percent of Nebraska hospital employees were part-timers, and the percentage probably is higher now.

He said that if the wage index is adjusted,

hospitals in all parts of Nebraska stand to gain.

Hospitals last year asked their congressional delegations to change the wage index.

EXON-DOLE PROPOSAL

Sens. J. J. Exon, D-Neb., and Robert Dole, R-Kans., co-sponsored a measure that directed the Department of Health and Human Services to change the index and adjust hospital payments retroactively.

"Everyone agreed that the index wasn't fair," Cottrell said.

"But the Health Care Financing Administration has failed to keep its promise to correct the flaws within the area wage index by Oct. 1, 1984," he said.

"We do not advocate special treatment for Midwestern hosptials. We do demand that the Department of Health and Human Services be fair," he said.

He said the three state associations are calling on department Secretary Margaret Heckler to make the change.

The associations' officials also called on President Reagan to instruct Mrs. Heckler to change the wage index if the Department of Health and Human Services does not act.

Association officials also are seeking help from the American Hospital Association.

Others scheduled to attend the afternoon press conference at Eppley Airfield in Omaha were LeRoy Rheault, head of Good Samaritan Hospital in Kearney; Jon L. Jensen of Maquoketa, board chairman of the Iowa Hospital Association; Don Wilson of Topeka and Sister Elizabeth Stover of Concordia, president and board chairman of the Kansas Hospital Association.

[From the Omaha (NE) World Herald, Sept. 24, 1984]

AGENCY TRYING TO GET PAY DATA FROM HOSPITALS

(By Mary Kay Quinlan)

WASHINGTON.—Midlands congressmen say they have been trying for a year to get the Department of Health and Human Services to change a Medicare reimbursement formula that rural hospitals say is unfair.

But so far, congressional staff members said, the department's Health Care Financing Administration has not set a deadline for modifying the payment rules.

A spokesman for the Health Care Financing Administration said the agency is trying to gather the data necessary to make the change rural hospitals are seeking but has not gathered enough "to really come up with a completely accurate picture."

This week, department Secretary Margaret Heckler will receive letters signed by about two dozen senators and House members from rural states, including the entire Nebraska delegation, urging a prompt resolution to the issue.

"This is a matter of critical importance to many hospitals in our states," the six senators from Nebraska, Iowa and Kansas said in their letter to Mrs. Heckler Monday.

"Small rural hospitals literally cannot afford further delay in obtaining necessary adjustments" in the wage index that affects how much hospitals are paid for treating Medicare patients, they added.

TAUKE LETTER

In the House, a letter circulated by Rep. Tom Tauke, R-Iowa, which will go to Mrs. Heckler later this week, expressed concern that additional delays could endanger improvements made in recent years in rural health care.

"Our rural hospitals cannot wait for studies and possible relief in the future," it said. "It will come too late, if at all, to save them."

Tauke's letter had 16 co-signers by Monday morning, including all three Nebraska House members and western Iowa Rep. Berkley Bedell.

Department officials acknowledged the need for a revised wage index since last year, but members of Congress who have been following the issue say the department has been dragging its feet.

Aides to Nebraska and Iowa congressmen said the department indicated early this year it would incorporate the wage index changes when it issued new Medicare reimbursement regulations for the 1985 fiscal year, beginning Oct. 1.

In addition, a deficit reduction act passed in June instructed the department to study and develop a new wage index and report the results within 30 days.

The new Medicare regulations were issued late last month without the wage index changes rural hospitals sought.

BENDING OVER BACKWARD

John Kittrell, spokesman for the Health Care Financing Administration, said the agency has sought certified salary data from every hospital in the Medicare program and to date has received responses from 80 percent of them.

"We don't feel like that's enough to issue a new index," he said, adding:

"We're bending over backwards to call the ones we haven't heard from. We want it (the new index) to be just as accurate as possible."

Kittrell said he did not know when the new index would be finished.

Whenever it is, he added, the law requires it to be retroactive to Oct, 1, 1983, when the new Medicare payment system took effect.

SMOKING PREVENTION HEALTH AND EDUCATION ACT OF 1983

Mr. RIEGLE. Mr. President, I would like to express my strong support for the Smoking Prevention Health and Education Act of 1983, S. 772 and to urge the Senate leadership to schedule floor consideration of this measure or the House-passed counterpart, H.R. 3979, prior to the adjournment of the 98th Congress.

These measures reflect a true compromise in the best possible sense, serving the public interest by resolving differences between the health community, the tobacco industry, and the advertising industry. Both bills properly address the concerns of the health community by requiring stronger, more detailed, and more varied warnings than have ever been required in our Nation's history of dealing with this issue. These warnings are infinitely stronger than any others ever adopted since the first Surgeon General's warning was issued in 1964. The health community worked with great skill and balance in contributing to this compromise. They deserve special recognition for their efforts.

While these strong warnings, which I sincerely hope will become law before this body adjourns, require a rotational system in order to accommodate the large volume of information required, it is the clear intent of the legislation to permit the tobacco and advertising industries the flexibility in developing rotational programs that will facilitate its implementation without placing an undue burden on their ability to operate freely in the marketplace.

I have long admired the creative skills of the professional practitioners of the advertising media both in the marketplace and in the time and money so freely dedicated to using those skills in the public interest through public service advertising campaigns. I have had long professional experience with the outdoor advertising industry. I am pleased that those who worked diligently to bring this compromise to fruition apparently recognized the need to allow all those media involved sufficient freedom to adopt systems consistent with the individual technical constraints each separate medium faces in the day-to-day mechanics of practicing their craft.

Finally, the two bills allow the tobacco industry to continue to employ hundreds of thousands of farmers and workers who depend on it for their livelihood. It is worth noting here that many individuals both within and representing the tobacco industry put forth a prodigious good faith effort, often at great personal sacrifice, to enable all of the diverse parties involved to come to a mutually acceptable agreement. These sacrifices made by the tobacco industry and its representatives were reflected in their relinquishing long established marketing practices.

I commend the tobacco industry for their farsighted accommodation, the health community for their diligence, and the advertising industry for their assistance in bringing such important legislation to this point.

Again, I urge the Senate leadership to schedule floor action on this measure prior to the adjournment of the 98th Congress and likewise, urge my colleagues to join me in support of its passage.

A MOMENT OF TRUTH FOR NICARAGUA

Mr. KENNEDY. Mr. President, it is a critical moment in the history of Nicaragua. For the Sandinistas, it is a moment of testing and truth. Many people are asking: "Is there room for real democracy and genuinely free elections in Nicaragua, or are the promises of the revolution only words, as the Reagan administration has claimed?" For the opposition forces inside Nicaragua, it is a moment of great challenge and opportunity. Many people are asking, "Do the opposition forces dare to enter these elections and compete for the office of President with a serious candidate and a serious campaign, or are they so

afraid of legitimating the elections by their participation—and perhaps of legitimating a Sandinista electoral victory—that they decline to participate?"

There is good news, and there is bad news.

The good news is that there is still hope. For one thing, the Nicaraguan Government just announced its intention of signing the Contadora agreement, thereby publicly committing itself to national reconciliation and free elections. For another, the opposition forces have finally united behind a nationally respected and popular candidate in Arturo Cruz. He is still negotiating with the Nicaraguan Government in an effort, he says, to obtain guarantees that the election will be truly free and that the rules for the campaign will be genuinely fair. He still has hope that the Sandinistas will recognize that an election without his participation cannot make the same claims to legitimacy as would an election with his participation. He still has hope that the Sandinistas will agree to some basic ground rules, and that they will agree to postpone the day of the election to allow him and his coalition to run a vigorous and unfettered national campaign.

But there is bad news about this election, too. This is to be found in the report from Robert Leiken in his recent article, "Nicaragua's Untold Stories," in this week's issue of the New Republic. Mr. Leiken is a distinguished observer of events in Central America, and he has a reputation for balance and objectivity. He is the editor of an important collection of essays, "Central America: Anatomy of Conflict" and now works as a senior associate at the Carnegie Endowment for International Peace. Mr. Leiken visited Nicaragua with his brother, an American labor activist, and came back with the news that it is hard for an opposition candidate to run a campaign for president in Nicaragua today. He described a rally organized by Arturo Cruz's supporters in Chinandega. Despite the fact that Chinandega is "historically the heart of Sandinista organizing efforts and support," thousands of Nicaraguans turned out to hear what Arturo Cruz had to say, only to run into the disruptions of the government-organized turbas. According to Leiken:

When Cruz began to speak, dozens of turbas armed with sticks, stones, and machetes surrounded the field. They came in on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demostrators' cars. The police seemed to make no serious effort to restrain them. When the turbas attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Outnumbered, the turbas were routed.

Leiken goes on to say:

What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Leiken's conclusions are disheartening. He states that:

The Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test.

But it is too early to tell yet what will happen in Nicaragua. If one thing is certain, it is that the forces of democracy are bubbling within that troubled society. It may be true, as Bob Leiken says, that "Authentic elections may be the last chance to avert full-scale civil war." But it is no less true that authentic elections could also bring about a final and lasting peace. The die has not yet been cast.

It is clear that the Sandinistas have already taken some specific and significant steps in the direction of democracy in Nicaragua, but it is also clear that they have not gone far enough yet. We can only hope that the Sandinistas will recognize that the path toward peace inside Nicaragua really does depend ultimately upon a genuinely open political process, and that the revolution for which they fought so long and so hard will only be strengthened if the people of Nicaragua are given a real chance freely and openly to choose their own leaders.

I ask unanimous consent that Mr. Leiken's article be inserted in the RECORD.

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

[From the New Republic, Oct. 8, 1984]

NICARAGUA'S UNTOLD STORIES

(By Robert S. Leiken)

The 72-year-old señora lives in a solid stone house constructed by the Sandinista government. Her son, German Pomares, was a founder of the Sandinista National Liberation Front (F.S.L.N.) who perished leading the final offensive against Somoza in 1979. Set off by a well-kept garden from the shacks of the cotton field workers of El Viejo, Mrs. Pomares's home appears comfortable. But inside, the mother of the nationally revered martyr sleeps on a cot covered with rags, and she hobbles through bare, unfurnished rooms. She lives on a pension equivalent to $10 a month. She has made four trips to the local hospital, but has yet to succeed in getting a doctor's appointment. Three times she has requested an audience with Comandante Tomas Borge, now the sole surviving founder of the F.S.L.N. Each time, her son's old comrade has refused to receive her.

For one who has sympathized with the Sandinistas, it is painful to look into the house they are building, but it is unwise not to. I spent ten days in Nicaragua in August, accompanied by my brother, a trade unionist from Boston. It was my sixth visit since the revolution, and my longest since 1981. I have testified in Congress against aid to the contras and have supported (and continue to support) negotiations to end the civil war in El Salvador. Yet each succeeding trip to Nicaragua drains my initial reservoir of sympathy for the Sandinistas. Last year I wrote in my introduction to a book treated by the press as the "Democratic alternative to the Kissinger Report" that the Sandinistas' "failure to preserve the revolutionary alliance with the middle class and small producers as well as sectarian political and cultural policies [had] polarized the country, led to disinvestment, falling productivity and wages, labor discontent, and an agrarian crisis." This visit convinced me that the situation is far worse than I had thought, and disabused me of some of the remaining myths about the Sandinista revolution.

Everywhere we went we confronted the disparity between these myths and the unpleasant truth. The Sandinistas blame Nicaragua's economic crisis on the contra war and U.S. economic sanctions. Yet the standard of living in Nicaragua was deteriorating well before the U.S.-backed contras turned to economic sabotage in the spring of 1983. A December 1981 internal staff memorandum of the International Monetary Fund found that real wages had fallen 71 percent since July 1979. They have continued to decline in succeeding years. And even with the U.S. "economic boycott," over 25 percent of Nicaragua's exports still go to the United States, not much less than under Somoza. Nicaragua can no longer sell sugar at subsidized prices to the United States, but what it has lost in this market it has sold to Iran at prices above those of the world market. The war and U.S. sanctions have compounded a mess created by the Sandinistas themselves.

Nicaraguans themselves do not seem to accept Sandinista claims that *Yanqui* aggression is responsible for the general scarcity of consumer goods. Peasants are obligated to sell their goods to the Ministry of Commerce and Industry, and contend that its prices are too low to enable them to make ends meet. A large portion of the peasantry is now producing only for its own consumption, and the resulting shortages have dramatically driven up prices. The marketplace, once the bustling center of Nicaraguan life, is now a daunting experience for buyers and sellers alike. As shoppers make the rounds looking for rice, beans, milk, toilet paper, soap, or light bulbs, the shopkeepers' constant reply is *"No hay"* (There isn't any). For anyone unable to afford the inflated prices or without the foreign exchange to shop at the new foreign currency stores, Eastern European-style queuing is now routine.

One of the most depressing aspects of our trip was to hear from so many that their lives are worse today than they were at the time of Somoza. Before the revolution Nicaraguans ate well by Central American standards. Thanks to the country's fertile soil and its small population, even poor Nicaraguans were accustomed to beef and chicken. Now consumer goods available to the masses in other Central American countries are no longer obtainable. Barefoot children are hardly uncommon in the region, but I had never seen so many completely naked. As we encountered them, their distended stomachs displaying the telltale signs of malnutrition, Nicaraguans would bitterly recall the government slogan, *"Los niños son los mimados de la revolucion"* ("Children are the spoiled ones of the revolution").

The shortage of basic necessities is also breeding pervasive corruption. When we asked a rual storekeeper why he was able to sell Coca-Cola while many restaurants in

Managua were not, he said that he had obtained the soft drink with a bribe. We later met Ramiro, a Coca-Cola deliveryman in León and a former member of the F.S.L.N., hitchhiking home from the city of Chinandega. He was returning from his five-hour weekly excursion after work to procure the three bottles of milk his children need. The milk cost him 150 cordobas, 30 percent of his weekly wages. (The official exchange rate is 28 cordobas to the dollar; the real, or black market, exchange rate is 250 to 1.) To get the money, he told us, he accepts bribes from some of his customers for extra cases of Coke. "This system is corrupting me against my will," he said.

Ramiro's desperate measures hardly merit censure. But others, especially high-ranking Sandinistas, are turning big profits from the scarcity. Members of a leather workers cooperative in Masaya told us that they are officially allotted 10,000 meters of leather a month; they receive between 5,000 and 7,000 meters. The cooperatives' Sandinista directors sell the remainder in Managua's Eastern Market and pocket the money. It is now a general practice for coordinators of the neighborhood Sandinista Defense Committees (C.D.S.) to sell part of the provisions allotted to them by the government on the private market. The people are then informed that provisions have run out.

In the village of El Transito, two hours northwest of Managua, most of the people belonged to the C.D.S. at the outset of the revolution. Now there is but one member, the coordinator, formerly the village's leading Somocista. (The transformation of Somocistas into Sandinistas and of Sandinistas into oppositionists is very common. In every town we visited we were told that former Somoza officials are now running C.D.S.'s.) The coordinator enriches himself by selling C.D.S. foodstuffs and supplies in the Eastern Market. As we passed his house, we were able to peer through the window and see him standing there in his dark glasses, isolated and reviled.

The life-styles of the new rich contrast vividly with that of the rest of the country, and with official rhetoric. A Sandinista *nomenklatura* has emerged. Party members shop at hard-currency stores, dine at luxury restaurants restricted to party officials, and vacation in the mansions of the Somoza dynasty, labeled "protocol houses." Vans pull up daily at government and party offices, to deliver ham, lobster, and other delicacies unavailable elsewhere. In a private state dining room, I ate a sumptuous meal with a comandante at a long table, attended by five servants. The image of the protruding stomachs of the "spoiled ones of the revolution" intruded while we consumed our lemon meringue pie.

Intellectuals and former officials claim the decadence is endemic in upper government and party echelons. A former Sandinista diplomat recounted tales of high jinks and extravagance by Sandinista officials on foreign junkets, and women state employees complained of the same sexual harassment and blackmail that is common elsewhere in Central America. The swinging Sandinista leadership cynically presents an image of revolutionary asceticism to the outside world while being addicted to the very vices that it routinely denounces in "degenerate bourgeois society."

The widespread corruption from the lowest to the highest levels of government makes it hard for Nicaraguans to accept the notion that their problems originate from abroad, or that they should endure further sacrifices "to confront the imperialist enemy." A jobless worker in the Indian town of Monimbo complained, "The C.D.S. insists that we unscrew the street lights to conserve energy in the fight against imperialism. People are falling in holes while the Sandinistas get rich on our misery. What are their sacrifices?"

Those Sandinistas who have refused to be corrupted recognize that their dreams have turned into a nightmare. One government official, a good friend, told me, "We have given birth to a freak. But we must keep him alive." Yet what is to be done when the freak becomes a menace to its people and neighbors? There is a general impression among those in the United States properly aghast at the C.I.A. mining of ports and U.S. support for the professional torturers among the *contras* that the Sandinistas are the victims, not the victimizers. Inside Nicaragua, however, the image is reversed.

The word Nicaraguans employ the most frequently to describe the Sandinista government is *engaño* (hoax or trick). In the city of Chinandega, we talked with transport workers from an opposition union who on their own time and with their union dues had painted road signs to make the city safer for driving. The Sandinista government took credit for the improvement. The national literacy campaign is one of the most vaunted achievements of the revolution, praised even by many of the government's critics. Yet two "graduates" of the literacy program in a peasant village told us they could not read their diplomas. We couldn't find one student from the campaign there or in the neighboring village who had learned to read. The campaign did somewhat better in the larger cities such as León, where, we were told, some had learned to read in follow-up courses. But most had forgotten the little they had learned, and at best could now only sign their name for election registration.

The most outrageous engaño occurred during Pope John Paul II's visit to Managua in March 1983. According to Sandinista accounts, the Pope's mass had been "spontaneously" interrupted by the crowd, offended by the Pope's failure to heed the request of mourning mothers who wanted him to pray for their sons killed in the battle against the contras. Two former government officials, who are still Sandinista supporters, told us a different story. They had been appalled at the interruptions made by cadre from the Sandinista women's organization, furnished with microphones and loudspeakers. After the Pope left, the crowd departed in disgust and the Sandinista leadership was left awkwardly standing on the platform. The two officials, depressed by the spectacle, retired to a bar located next to the offices of the F.S.L.N. radio station. They overheard a group of Sandinista radio employees at an adjoining table bragging about how they had played pre-recorded tapes of crowds chanting Sandinista slogans into the sound system.

The Sandinista engaño has been most successful among the resident foreign press. Journalists familiar with the atrocities of the right-wing tyrannies of Central America wish to believe, quite understandably, that the Sandinistas present an alternative. In today's Nicaragua it is easy to confuse desire with reality. The resident press also frequently merges with the larger population of "internationalists," a term which embraces all those foreigners expressing solidarity with the Sandinistas, from Bulgarian and Cuban apparatchiks to idealistic North Americans and West Europeans. It is the general feeling among Nicaraguans that the foreign press in Managua strongly sympathizes with the government, and that it is dangerous to speak openly with them. Disaffected Sandinista intellectuals, friends of friends, who poured their hearts out to me in Managua were afraid to meet with reporters from the U.S. press. We spoke with a resident of Monimbo, where a spontaneous insurrection had ignited the revolution against Somoza in February 1978. We had spent an evening together a year before with a mutual friend, yet initially he was still distrustful. He told us that the revolution had produced "many advances for the people"; two hours later, he was saying, "Monimbo appears to be sleeping, the way it was during the time of Somoza, but the people are united. One day soon they will stand up again."

One of the most common means of sustaining the myth of popular support is the Sandinistas' use of the rationing system as a lever. In numerous villages and cities, we learned that ration cards are confiscated for nonattendance at Sandinista meetings. In Masaya we were told that before one of the "Face-the-People" meetings (in which comandantes meet with local residents) the ration cards of the members of cooperatives were collected; their return was made conditional on attendance. At one such meeting in Chinandega, Ortega branded talk of inflation "a counterrevoluntionary plot." A pound of beans could still be purchased for five cordobas, he claimed. A man in the audience stood up and shouted, "Comandante, here's ten cordobas. Please get me a pound of beans." According to his neighbors, he was imprisoned later that day.

Although Nicaraguans still for the most part bow to government pressure, they do so sullenly and without conviction. We witnessed two Sandinista demonstrations, one in Masaya and the other in Chinandega, two historically pro-Sandinista cities. The Chinanadega rally, held at 10 on a Wednesday morning, celebrated the fifth anniversary of the literacy campaign. It was attended entirely by students obligated to go by school authorities. As they marched through the streets chanting slogans distributed to them on small pieces of paper by their Sandinista instructions, pedestrians did not so much as turn their heads. None of the presumably grateful, presumably literate, people came to greet the comandante sent from Managua.

In Masaya the demonstration did not even benefit from student participation. As we approached the gathering in the fading afternoon, a large group of students stood on the steps of the Catholic school. They had refused to join the demonstration because the Sandinistas had removed several of their Catholic teachers. The small group of demonstrators had glazed looks in their eyes as the last speeches wound down. I asked a *campesino* in attendance whether any of the comandantes had come. He answered, "I don't know. I slept through it."

The Nicaraguan populace has been saturated with Sandinista bombast which issues from radio, television, newspapers, local and national political meetings, and block committees, and which is propagated in the schools, the factories, and the cooperatives. The people resist in different ways: with the indifference and boredom we saw in Chinandega and Masaya; with a resurgence in religious feelings which has filled churches and Catholic schools; with suspiciousness and bitter humor.

Jokes and wisecracks against the Sandinistas are proliferating. The two pro-Sandinista newspapers, *Barricada* and *Nuervo Diaro,* are referred to as *Burricada* (as in bore) and *Nuevo Diablo.* The F.S.L.N. is "the Somocista National Liberation Front." "Why do people prefer *Tona* [one of the two Nicaraguan beers]? Because the other, *La Victoria,* is bitter." Suspicions of the government are so deep that families of the war dead no longer believe that the government coffins shipped back from the front contain the bodies of their sons. (The coffins are sealed as a matter of policy.) People believe, improbably, that the coffins hold rocks or banana tree trunks. In Monimbo we were told that when a family and friends tried to open a coffin with a hammer and chisel, they were carried off by the police.

Nor is popular discontent restricted to these forms of passive resistance. Sympathy with the *contras* is becoming more open and more pervasive. I was stunned to hear peasants refer to the *contras* as *"Los Muchachos,"* the boys—the admiring term used to describe the Sandinistas when they were battling the National Guard. It was apparent that many Nicaraguans are listening to the "Fifteenth of September," the *contra* radio station. It must be noted, however, that the *contras* do not operate in the areas we visited, and sympathy toward them may well be proportionate to absence of direct contact.

Draft resistance has become a mass movement in Nicaragua. The government passed legislation last September under which Nicaraguan men between the ages of 16 and 40 can be drafted for two years. When we were in Nicaragua, four hundred women gathered outside the draft board in La Paz Centro, a trading town thirty-five miles northwest of Managua, to protest forced recruitment of their sons. The demonstration was the latest in a string of anti-draft demonstrations in cities and towns throughout Nicaragua. *New York Times* correspondent Stephen Kinzer, one of the few resident reporters to sniff out the *engaño* of Sandinista policies, reported on June 26 that "draft evasion is widespread," and found that high school attendance in six major provincial capitals had declined by as much as 40 percent. A student in León said that his high school class of forty-five had fallen to fourteen during the past year. Honduran researchers say Nicaraguan draft evaders pay 25,000 cordobas to be transported across the border, part of the money going to Nicaraguan Army officials in bribes. The demand is so great that border smugglers are now requiring groups no smaller than five. Draft resistance strikes a powerful blow at the myth of widespread popular support for the government. Young people have historically been the mainstay of Sandinista support.

Perhaps the most illuminating political event in the five years of Sandinista rule was a rally held for opposition presidential candidate Arturo Cruz in Chinandega on August 5. On that Sunday morning, Sandinista chicanery, censored domestic and lackadaisical international press coverage, and the growing vigor of the opposition converged.

Chinandega, a city of approximately 60,000, was historically the heart of Sandinista organizing efforts and suppport. These efforts radiated out to the surrounding cotton and sugar fields, to the country's two largest sugar refineries nearby, to the stevedores at Corinto, Nicaragua's largest port, and down to León, another center of anti-Somoza resistance. One would have expected that here the opposition would be weakest, the government strongest.

The Chinandega demonstration was the last series of six held in support of Cruz. Each rally had been larger than the last. The organizers were denied access to Sandinista-controlled TV stations. They were able to place an ad on the one local non-Sandinista radio station, but they relied chiefly on two vehicles with loudspeakers, and on word-of-mouth. Two days before the rally three "angels," as members of the state security are commonly known, called on the organizers of the demonstration and accused them of being C.I.A. agents. The *turbas divinas,* "divine mobs" of Sandinista supporters, circled their houses at night beating sticks against cans and chanting until the small hours of the morning. (Somoza's version of the *turbas*—the *Nicolasa*—used to employ the very same method against the opposition.) Meanwhile, Sandinista newspapers and television branded the opposition as consisting of *contras* and agents of American imperialism, and announced that further "aggressions" by them would not be permitted. Local authorities implied that the demonstration would be declared illegal. The day before the rally, Daniel Ortega, the head of the Sandinista government and the Sandinista presidential candidate, spoke to two hundred youths in El Viejo, a village three miles away. El Viejo's residents later claimed that the youths had been incited against the demonstration's leaders.

Fearing an attack by the *turbas,* organizers did not put up the banners or placards until early on the morning of the demonstration. But as they were working, fifty *turbas* burst into the soccer field, tearing down the banners and dispersing the organizers. They returned later during the day to try to repair the damage.

We spoke with two organizers—middle-class, professional women who had belonged to the F.S.L.N. before the revolution. (According to one, "the F.S.L.N. says that the opposition is Somocista. But most of the old Somocistas are working with the government. The opposition has remained the same. It is the F.S.L.N. that has changed.") They told us that after the *turbas'* night-time serenading, they went to complain to the offices of the party representative, the chief of police, and the chief of state security, and to the Sandinistas. They were assured that the *turbas* would be controlled and that the demonstration would not be obstructed. After the early-morning attack, the two women went to the house of the local party leader. The door was open, and they entered. In the next room they heard the *turbas* informing him of the success of their mission.

There is no question that many who wished to go to the Cruz rally stayed at home. On the day of the rally, local authorities impeded traffic from outlying areas into Chinandega. As Cruz marched through the city, many people opened their doors, gave him the "V" for victory sign, and then ducked back into their homes to avoid the ever-present eyes of the C.D.S. One woman said she did not go to the demonstration because she lived too close to the Sandinista youth office. She told of others who received threatening phone calls. Two weeks after the demonstration, a gas station attendant in Managua told us he had gone to the rally and that three friends who had accompanied him were in jail.

As might be expected, estimates of the turnout vary. Opposition figures soared as high as 20,000; local newsmen said 7,000. Given Sandinista efforts to reduce attendance, even 7,000 seems an impressive number, especially since three months before, the F.S.L.N. only managed to get 2,500 to Chinandega for the country's principal May Day rally. NBC taped the entire Cruz demonstration. Should this tape ever be shown publicly, experts will be able to make an accurate judgment about the number of demonstrators. When I viewed the tape it was evident that these thousands of demonstrators were hardly "bourgeoisie," as the Sandinistas claimed. They were overwhelmingly workers, peasants, and young people. I learned later that workers had hired their own trucks to come from the San Antonio Refinery and from the port of Corinto. They chanted slogans like *"El frente y Somoza son la misma cosa."* ("The Sandinistas and Somoza are the same thing.")

When Cruz began to speak, dozens of *turbas* armed with sticks, stones, and machetes surrounded the field. They came on what appeared to be army trucks chanting, "Power to the people." They proceeded to break the windows and puncture the tires of demonstrators' cars. The police seemed to make no serious effort to restrain them. When the *turbas* attacked the demonstrators themselves, opposition youths dispersed, only to return wielding their own sticks and stones. Outnumbered, the *turbas* were routed.

The almost complete absence of foreign and domestic press coverage enabled Sandinista officials to characterize the demonstration their own way. We encountered a Sandinista official drunk at mid-day on the streets of El Viejo. He told us that the demonstration had taken place at the private home of a bourgeoisie and was attended only by a handful of plutocrats. In Managua, the Sandinistas told us that there had been several hundred demonstrators. The following day the Nicaraguan press carried no mention of the events except for one photograph in the official newspaper *Barricada* which purported to show the *turbas* attacked by "fascist" demonstrators. *La Prensa* had devoted several articles and photographs to the demonstration and the clashes, but these were all censored, and the paper did not appear. This was the very day that Daniel Ortega had announce the lifting of press censorship.

The demonstrations for Cruz's candidacy tested the popular mood and the prospects for "the first free elections in Nicaragua," as the Sandinistas' sogan puts it. Among the conditions that Cruz and his supporters have laid down as indispensable for participation are guarantees of freedom of movement, assembly, and equal access to the press and television; sufficient time to campaign; international observers; and, most importantly, guarantees that if he won the election he would be allowed to take office. What happened at Chinandega strongly suggests that neither a genuine election nor a genuine campaign can take place.

Chinandega also exposed the Sandinistas' electoral stratagem. Their decision to hold elections in November was based on a rudimentary political calculation. They judged that the external legitimacy provided by elections would more than compensate for their internal cost. They knew that power does not often change hands in Central America through elections. Somoza's elections had proven that, and the Sandinistas are in a far better position to control elections than Somoza ever was.

Yet their calculations were wrong on two counts. First, they failed to account for the Nicaraguan people. High-level Sandinista officials to whom I have spoken seem to live, along with their international supporters, in a dream world. They deem that the "anti-imperialist sentiments" of the Nicaraguan people allow them to bear any sacrifice even when their "anti-imperialist" leaders bear none. They receive favorable reports from lower-level cadre whose jobs depends on the perception of success. The Sandinistas knew that after five years of enforced political paralysis, the opposition was poorly organized, divided, and amateurish. The spontaneous popular reception for Cruz took them by surprise. Second, they failed to recognize the degree to which they have alienated progressive opinion in Latin America and Western Europe. Cruz's recent highly successful trip to Costa Rica, Venezuela, and Colombia, and his support from European Social Democrats like Spanish Socialist Prime Minister Felipe Gonzalez, has confounded the F.S.L.N.'s electoral plans.

Thus the Sandinistas find themselves in a quandary. Will they back down and permit Cruz to run under reasonable conditions, or will they go ahead with a discredited election? Thus far at least, the Sandinistas seem unwilling to pay the price of submitting their rule to a popular test. One Sandinista official, whom I have always considered a moderate, told me privately that they would prefer a U.S. intervention because it would "vastly accelerate the Latin American revolution against U.S. imperialism." He told me that the Nicaraguan Army would immediately invade Honduras and Costa Rica and be greeted as "liberators" by the people.

One can only hope that cooler Sandinista heads will prevail. Authentic elections may be the last chance to avert full-scale civil war. If democratic channels cannot be opened, the civilian opposition will be forced to link up with the armed opposition—which is exactly what happened in the 1970s in El Salvador after fraudulent elections. The United States, which has a monstrous record in Nicaragua, can do something to help. What is needed now most urgently is a bipartisan effort in support of authentic elections in Nicaragua.

As we pulled out of Managua in the fading light of a Sunday afternoon, we found ourselves directly behind an army convoy made up of about twenty vehicles. But unlike the army convoys I have seen in El Salvador, Honduras, and elsewhere, it would not permit traffic to pass. A large vehicle with a blinking light occupied the left lane, forcing vehicles coming toward us off the road. A soldier with a machine gun was poised on the rear truck. It took us four hours to cover the fifty miles to León. It was a grueling microcosm of Nicaragua today: the Sandinistas in the "vanguard" preventing the normal flow of traffic, whether out of real fear, parancia, or bullying. Behind them the rest of the population followed, inconvenienced, irritated, and enduring another pointless "sacrifice" for the Sandinistas' militarism. Our inconvenience was only four hours: the Nicaraguan people experience this twenty-four hours a day. Their patience has worn thin.

[From the New Republic, Oct. 8, 1984]

LABOR UNDER SIEGE

(By Sam Leiken)

In the last several years, a number of union friends of mine have returned from Sandinista-sponsored tours of Nicaragua with enthusiastic reports of the achievements of the revolution. I visited Nicaragua myself this summer, meeting with members of both the official Sandinista labor federation and the independent unions. I didn't expect to discover a workers' paradise in this underdeveloped and crisis-ridden region, or to see workers running the factories. But I did hope to find signs of progress toward empowering the workers and peasants. Instead, I saw a labor movement battling a "Socialist" government which resists worker demands with tactics ranging from state-controlled unions to spurious arrests and violent goon squads.

In the 1970s labor was united against the Somoza regime, and workers expected that it would remain united to rebuild the country in the aftermath of Somoza's fall. But after assuming power, the Sandinistas sought a large measure of control over the workers by enrolling all Nicaraguan unions in the *Central Sandinista de Trabajadores* (C.S.T.) In 1980 the C.S.T. joined the World Federation of Trade Unions, headquartered in Prague, "The F.S.L.N. wanted to impose a central union, not build one," one opposition labor leader told me.

When centralizing efforts failed, the Sandinistas used state power to penalize unions unwilling to affiliate with them, to organize disruptive factions, and ultimately to jail opposition union leaders. I was told of death threats, beatings, police raids on union headquarters, military conscription of union dissidents, and blacklisting. Opposition leaders are now reluctant to use the recently restored right to strike for fear of being charged with "economic sabotage" and "abetting imperialism."

In talking with truckers from the port city of Corinto who had voted to disaffiliate their local from C.S.T. and to join the independent C.U.S., which is associated with the A.F.L.-C.I.O. through the International Confederation of Free Trade Unions. Soon thereafter, the local's office was attacked by police and *turbas*. Later some had their drivers' licenses revoked, and a half-dozen union leaders were jailed. In another incident a leader of the other independent union, the C.T.N., said he had been beaten and his nose broken by *turbas* at the Managua airport in full view of military and civil police.

The Sandinistas have also alienated workers in their own unions, which has led to increasing numbers of wildcat strikes. Several years ago, when the Sandinistas nationalized the German Pomares sugar works, they ousted the independent union. Then, to ensure a docile new leadership, they stacked the vote by trucking in illiterate cane cutters. This summer workers at the refinery defied their leaders: they struck after the union allowed management to cut back worker access to the company store's superior goods and low prices.

While we were in Managua there was a wildcat sit-in at the government-owned Victoria Brewery. Truck drivers there earn 3,000 cordobas a month. Rents average 1,000 a month, and a pair of pants costs 1,000. One deliveryman told me, "We've had the same salaries for the last five years and now hunger has made us explode." The Victoria workers knew that to return to work without a contract can spell defeat. Forced to go back on the job, they effected a slowdown as a way to sustain their leverage.

The official F.S.L.N. newspaper, *Barricada*, carried a single article on the Victoria "labor dispute." It quoted Sandinista union leaders as saying that they offered "full support to the workers," but also said that they were urging them to return to work immediately. In contrast, *La Prensa* carried a front-page picture of 200 Coca-Cola drivers parading their trucks in solidarity with the Victoria workers. I was able to confirm *La Prensa*'s report that solidarity brigades were sent by the competing brewery Tona, La Milca fruit punch, Pepsi-Cola, and Standard Steel. Several of these unions also have announced impending strikes.

The dissident labor leaders I met were plainspoken, accustomed to dealing with concrete facts. The C.S.T. official I spoke with talked grandly about how the Sandinistas reorganized Nicaragua's tiny, undeveloped labor unions "by industrial branch." Yet he was at a loss to explain why they had abolished the Nicaraguan equivalent of the U.S. National Labor Relations Board *(Tribunales de Trabajo)*.

He often contradicted what the workers had told me. The workers at the San Antonio sugar refinery said that they had launched a wildcat strike last February to uphold a wage agreement reached between workers and management. According to the workers, the labor minister, backed by the C.S.T. leadership, disallowed the labor contract because its wages exceeded government guidelines. The C.S.T. official claimed that the labor minister had rejected the contract because its wages were too *low*, and even credited the C.S.T with leading the strike to raise wages. He went on to dismiss the Victoria wildcatters as "backward" and "disobedient." He saw his role not as a representative of the workers, but as their "intermediary" with the employer.

Numerous dissident union leaders described their situation as closely resembling that of the Solidarity movement. One leader, comparing Nicaragua to Poland, told me: "We are both small countries and have suffered many invasions. We both experience long lines and scarcity while many of our products are shipped off to the Soviet bloc. We are Catholic countries with close ties between the unions and the church. We live under regimes where citizens can be jailed at will. And both governments brand independent unions 'anti-Socialist agents of imperialism.'" Listening, I found myself wishing that some of my fellow union activists had come with me to Nicaragua. They could have been as shocked and disappointed at the repressiveness of this "government of workers and peasants" as I was.

THE CRUZ ALTERNATIVE

(By Joshua Muravchik)

The last best hope for a peaceful and humane resolution to Nicaragua's recent agonies may be slipping away. The hope arises from the government's plan to hold national elections on November 4 and the unprecedented cooperation, in response to that plan, that has been achieved among various elements of the opposition.

Three centrist political parties, two labor federations, and the organization representing businessmen and professionals banded together to form the Nicaraguan Democratic Coordinator, known as the "Coordinadora." It chose Arturo Cruz as its presidential candidate, and announced it would not participate in the elections unless the government consented to a "national dialogue" about the terms of the elections and their aftermath.

The Sandinista government originally refused this demand, citing one of the Coordinadora's conditions for the talks: that representatives of the anti-Sandinista guerrillas also be included. But in August that demand

was dropped. Both principal rebel groups—the Frente Democratico Nicaraguense (F.D.N.), and the Alianza Revolucionario Democratico (ARDE) have pledged to lay down their arms if an agreement is reached through the dialogue.

Shorn of the demand for including the rebels in the national dialogue, the nine-point program of the Coordinadora is so manifestly reasonable that the Sandinista government has had trouble justifying its resistance. But thus far it has shown no signs of moving toward an agreement, indeed, it has underscored its tough stance by depriving the three parties that belong to the Coordinadora of their legal standing as political parties.

But the opposition believes that the last word has yet to be heard, and Cruz and his colleagues are hoping to bring international pressure to bear on the Sandinistas. They recently visited five other Latin American countries and were received by the President of each. They are also looking for support from the United States and from Europe. Their immediate demand is for a postponement of the elections so that fair terms can be negotiated.

The Coordinadora program rests on the simple premise that there are elections and there are "elections." It embodies two goals. The first is to win assurances that the elections themselves will be fair and free. The second, more far-reaching, goal is summed-up by Cruz in the phrase, "respect for the results of the election."

To secure the first, Cruz and his colleagues are calling for international oversight of the elections by either the O.A.S. or the Contadora group, or by representatives of the Socialist International or other Latin American states agreeable to both the opposition and the Sandinistas. They have requested that all polling places be organized so that citizens do not have to cast their ballots, as Cruz puts it, "under the eyes and ears of the so-called 'Committees for the Defense of the Revolution,'" the Sandinistas' internal surveillance network. In addition, the Coordinadora seeks guarantees of freedom of expression, information, and movement, an end to censorship of the press, freedom of assembly, and equal access to the airwaves.

The Coordinadora's second set of conditions focuses on what will follow the elections and poses perhaps an even more important test of the Sandinistas' willingness to share power with the Nicaraguan people. "Basically," says Cruz, "it's the separation of party and state. What if the opposition wins the elections? We have to be sure that we have the capacity to govern. If you have the army as it is now, an instrument of the Sandinistas, how can you expect that?" Cruz is referring to the fact that Nicaragua's overgrown army is officially the army of the Sandinista Party. If Cruz is elected President, will the army then belong to the opposition? An analogous situation applies in other crucial institutions such as the militia, the police, and television.

In a fair election, the Sandinistas might find Cruz a formidable adversary. Against him they would have difficulty sustaining the argument that opposition to them is tantamount to "counterrevolution" and the posthumous restoration of *Somocismo*. Cruz himself served two prison terms under the Somozas, and was one of a group of prominent citizens, called "The Twelve," whose public alliance with the Sandinistas was crucial to the overthrow of Somoza. He served as head of the Central Bank during the early months of the revolutionary government. After Alfonso Robelo and Violeta Chamorro, the two original non-Sandinista members of the revolutionary junta, resigned from it in protest, Cruz accepted a seat on it in their place, thereby demonstrating this willingness to walk the extra mile with the Sandinistas. That was something he demonstrated a second time by agreeing to come to Washington as ambassador. For most of a year he labored to secure U.S. acceptance of the revolution even while his own differences with the Sandinista government were widening.

The Coordinadora's platform aims not at repealing the revolution, but at fulfilling its original promises. Cruz says: "We want the revolution to really go to the three parameters on which it is predicated—nonalignment, mixed economy, and pluralism."

The touchstone of Cruz' policy of nonalignment would be a strong focus on relations with the rest of Central America. He twits the Sandinistas for pursuing an ideological foreign policy that has engaged Nicaragua in unlikely causes ("It was not until the Sandinistas came to power that we heard of the Frente Polisario in North Africa"), and that has left it as entangled as ever in its relations with the United States. He would "demilitarize Nicaragua completely," leaving only a police force. "For the protection of the country against aggression, we would do as the Costa Ricans do, invoke the Rio Treaty of collective security."

The Coordinadora's case is a good one, and it deserves more attention from North Americans than it has gotten. Not only does it offer a basis for bringing peace to Nicaragua, it also can be the basis for a cease-fire in the battle within the United States over policy toward Nicaragua. Indeed, one reason for the lack of attention to the Coordinadora's struggle may be that elections are approaching in North America too, and all political factions here are looking to sharpen their differences with their opponents. The Coordinadora's stance offers neither hawks nor doves much that they can disagree with or disagree about.

But the United States now has a moment of opportunity in Nicaragua, and it will not wait for the U.S. elections to pass. Those who have been advocating a more conciliatory U.S. policy towards Nicaragua ought to wield the stick, pressing the Sandinistas to meet the demands of the Coordinadora. Those who have supported aid to the *Contra* rebels ought to proffer the carrot—an end to that support if the Sandinistas agree to genuine dialogue resulting in free elections.

The Sandinistas now have a power, the kind that grows out of the barrel of a gun. In the end, they may decline to put it at risk. But they can't have it both ways. An election without the participation of the Coordinadora would be an empty exercise conferring no legitimacy on its predictable victors. This is a message that the Sandinistas ought to be hearing over and over again from those in Latin America, Western Europe, and the United States, of whatever political stripe, who hope for a peaceful resolution to Nicaragua's turmoils.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

FEDERAL-AID HIGHWAY ACT OF 1984

The PRESIDENT pro tempore. Under the previous order, the hour of 11:15 a.m. having arrived, the Senate will now resume consideration of the pending business, S. 2527, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2527) to approve the Interstate and Interstate Substitute Cost Estimate, to amend title 23 of the United States Code, and for other purpose.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2527, a bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Senators Howard Baker, Ted Stevens, Steve Symms, Jennings Randolph, Jeremiah Denton, Slade Gorton, Dave Durenberger, Mark Andrews, Larry Pressler, Lloyd Bentsen, Max Baucus, Richard G. Lugar, Paul Trible, Dan Quayle, John Warner, Bill Cohen, John H. Chafee, Don Nickles, Robert Stafford, James Abdnor, and John Danforth.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I had hoped not to be remembered in my final 10 days of service to the Senate as the leader who filed the most cloture motions in the shortest period of time, but I may have that dubious reputation before I leave here.

But in all fairness, I must say I do not know any other way to get things going. We are up against a series of controversial issues and the choice—the alternative—is to do nothing. I am not willing to do that. So I guess I apologize to the Senate. I am not sure I do. But I guess I apologize for proceeding on the cloture path so many times. But I do wish to offer this by way of explanation.

Mr. President, since this cloture vote will not occur until Thursday, may I remind Senators of the announcement that was made on yesterday; that is, because Wednesday, sundown, until Thursday, sundown, which we interpret to mean from 6 o'clock Wednesday until 6 o'clock Thursday, no votes will occur in the Senate although we will be in session. Any votes that are ordered will be stacked to occur after 6 p.m. on Thursday. Mr. President, that poses a dilemma for the cloture situation because otherwise, rule XXII would require us to have a vote. But in extremis, I would ask the Senate to come in at 5 o'clock on Thursday so we could have a vote at 6 o'clock on Thursday, but that is not my preference. My preference would be to gain consent to set the cloture vote on Thursday at some time after 6 p.m.

The reason, Mr. President, is that we desperately need both today, Wednesday, and Thursday to do other business. Since the cloture vote is now assured, it would be my hope that shortly we would go back to the Labor-HHS appropriations bill, to be followed perhaps by the Interior appropriations bill, and then other matters, such as conference reports. I am thinking particularly of the budget conference report which may be available before very long.

Mr. President, I will not now ask the Senate to go to Labor-HHS. But shortly, I will do that. But I wish to consult with the minority leader and the managers of both the appropriations bill and the managers of this bill before final arrangement is made. But that is the situation as I see it at the moment.

Once, again, in brief summary, cloture has been filed on the highway bill, and that vote will occur after 6 o'clock on Thursday. It is the hope of the leadership that we will go now to other matters, including the Labor-HHS appropriations bill.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

FEDERAL-AID HIGHWAY ACT OF 1984

Mr. SYMMS. Mr. President, I thank the majority leader for his efforts here on our behalf to move toward passage of the highway bill. I am pleased that we finally now are beginning consideration of the Federal Aid Highway Act of 1984; that is, S. 2527. I might just say that the major purpose of this legislation is not to approve an interstate cost estimate and an interstate substitute cost estimate for an 18-month period. In addition, S. 2527 contains a provision that would permit the Department of Transportation to administratively release these interstate funds in the future. So the Congress will not find itself in the same dilemma that it is in now trying to pass a routine highway matter that is tied up for all sorts of other reasons—some germane to the highway program and some only germane to the highways of a specific State or congressional district in the Nation—and where the Federal Government is trying to decide where to spend the highway dollars as opposed to having the State departments of transportation make those decisions as has always worked so well in the past with our Federal highway program. But what is at stake for my colleagues right now is—and I think we should all understand—there is nearly $5.3 billion in interstate construction funds, and close to $800 million for the interstate substitute highway projects. Until the Congress acts, over $6 billion is effectively tied up here in Washington while the States—which should have had this money months ago—will start to suffer and some of them are already suffering but the suffering will rapidly come. The motorists of the United States are also being penalized as their highway user tax moneys languish in the highway trust fund instead of being put to work constructing and repairing our Nation's roads, which is what the money was raised for in the first place. It is interesting to note, Mr. President, that the Federal Aid Highway Program is about the only thing the Federal Government does that I know of where they pay for it in advance; that is, every time we buy a gallon of gas we pay our Federal fuel taxes, our State fuel taxes, and in the case of the Federal fuel tax the money goes into the highway trust fund, and it is appropriated out to the respective States, and pays for the projects as they are built and constructed.

So it is not something that is a deficit-ridden program. It has worked very well.

Let me quickly say that despite the very serious ICE and ISCE problem, there is enormous progress being made in the improvement, rehabilitation, and construction of highway and bridge projects across the country. Thanks to the nickel-a-gallon Federal gasoline tax authorized in the Surface Transportation Act of 1982, States have been able to obligate a record $12.8 billion of Federal aid highway funds during fiscal year 1983. According to the Secretary of Transportation, Elizabeth Dole, during the calendar year 1983, the level of highway construction activities jumped more than 73 percent and the number of bridge projects increased by 56 percent. Secretary Dole recently said:

> The signing of the STAA into law by President Reagan on January 6, 1983, underscores this Administration's commitment to reverse the decline and decay of much of our nation's infrastructure over the past decade. The increased levels in federal funding through FY 1986 permitted by the STAA provide a firm financial foundation to support one of the largest rehabilitative public works programs in U.S. history.

It is also worth noting that there have been some beneficial employment effects of the Surface Transportation Act. Estimates show that for every $1 billion, the Federal assistance for highways results in about 32,000 onsite and offsite construction jobs plus about 30,000 jobs for the spending of wages and profits. Approximately 300,000 additional construction jobs were created in 1983 alone as a result of the Surface Transportation Act.

I might point out that those are the jobs you can see. There is another factor; that the money was allocated from other areas, and it may be that the overall impact may not be as great as many people think. I, for one, do not like to view the highway program as a jobs program, but it is an essential transportation program to provide the opportunity for people to move commerce and move themselves from one place to the other in this great land of ours.

Mr. STAFFORD. Would my distinguished friend yield very briefly?

Mr. SYMMS. Yes; I would be happy to yield to my distinguished chairman.

Mr. STAFFORD. Mr. President, I think we lose sight quite frequently of the fact that when the Interstate Highway System was originally conceived not only was it deemed to be extremely important for the movement of people and commerce in this country, but one of the basic reasons for undertaking its construction was the national defense aspects of the Interstate Highway System.

It still is very important to us, not only from a commercial standpoint, and the movement of our people from one part of the country to another, but from a security standpoint for this great Nation. I apologize to the manager of the bill for interrupting. But I think it is very important that we keep that in mind as well as the commercial side of this great network we now have in this country.

Mr. SYMMS. My distinguished chairman I think makes a very important point. He need not apologize for making that point to all of our colleagues.

I might just continue on, Mr. President, to point out that earlier this year Congress agreed on compromise legislation, H.R. 4957, which contained a 6-month ICE and ISCE approval which was signed into law, Public Law 98-229, on March 9, 1984. States are still waiting for approval of the remaining 18 months' worth of interstate construction and interstate transfer funds. To win passage of just a 6-month bill involved a difficult, laborious process, and I anticipate that considerable effort will be required if S. 2527 is to pass. Our primary respon-

sibility, however, is to approve an ICE and ISCE for 18 months. Controversial policy changes, large new authorizations, and other contentious issues will slow our progress in releasing the interstate moneys which all the States need badly, particularly in preparation for the 1985 construction season.

The committee has had many requests for the funding of demonstration projects. H.R. 5504, the transportation legislation passed by the House, has between 40 and 50 special demonstration projects at an immediate cost of over one-half billion dollars. And if all these projects are ultimately completed with Federal funds, the potential Federal liability will be several billion dollars. This will bankrupt the highway trust fund in the near future.

Mr. President, a demonstration project is a way for the States or for individual Congressmen or Senators to be able to go around the process that has worked so well in the Federal highway program where the Federal Government has a formula which appropriates the money to the States. The State Governors, the departments of transportation, highway boards, and so forth make the decision on how those dollars are spent, which projects have priority, and so forth.

What has happened in the last 10-year period is that each year more and more people keep offering demonstration projects.

To illustrate this point somewhat facetiously, several months ago I introduced S. 2718 to try to illustrate the point that the large number of requests will result in either: First, the bankruptcy of the highway trust fund; second, tax increases; or third, a substantial cut in the regular categorical program. If full funding would be provided for all the requests made by both House and Senate members, the gasoline tax would have to be increased by at least 4 cents per gallon. I do not believe a majority of the Congress is prepared to vote for such an increase anytime soon.

The Federal-aid highway program has worked best when projects are selected according to priorities set by State and local officials. I do not believe it would benefit the highway program if the large Federal-aid categories—including interstate construction and 4R, primary, bridge, urban, and rural—were substantially reduced or eliminated in order to accommodate more demonstration projects chosen by Congress.

If that is the way the Congress is going to decide to go in the future, then I think there will be many of us in this body and in the other body who would make the decision that we would be better off to return the entire responsibility back to the States. That, again, would lose some of the point that Senator STAFFORD just made with respect to the coordination for national defense of our highway system. But I think at some point, if Congress is going to try to determine where every project goes by who has the most votes around here, we cannot run a good, efficient highway program that takes into consideration all the commercial and defense interests in the United States.

After lengthy discussions the committee agreed to a compromise which provides that the Federal contribution to any special projects will be limited to $12.5 million or 50 percent of the project cost, whichever is less. This will help to ensure that such projects have high priority in the State, and will also help limit the drain on the highway trust fund.

Mr. President, I think this is a good compromise. It was this Senator's idea that we do this. I think it will help dramatize what has been happening to the highway program and help people make the decision on which projects in their State should have the highest priority and help the States decide which ones they want to spend their money on. It will reduce the liability to the trust fund. We can keep the categorical programs funded at the maximum level, which I think is the best way to run the highway program.

The Secretary of Transportation has also expressed concern on behalf of the administration that a number of provisions including any new authorizations could result in a Presidential veto of this legislation. I ask unanimous consent that a copy of this letter be included in the RECORD at this point.

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

THE SECRETARY OF TRANSPORTATION,
Washington, DC, May 8, 1984.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your Committee will be considering legislation soon to approve the cost estimates for the highway and transit programs, S. 2527. I would like to make our position very clear. We support approval of the cost estimates. However, this approval is the only legislation that is desired by the Administration. There are no other program changes that are necessary at this time.

The 1982 Surface Transportation Assistance Act that you helped author is a monumental piece of legislation that should be allowed to operate this year without further change. The bill being considered could become a vehicle for amendments that would increase the cost of completing the Interstate system by over $2.2 billion; increase transit spending by over $900 million; including over $500 million of narrow, special interest provisions; place the solvency of the Highway Trust Fund in question; and make basic unnecessary changes to the transit program. Because some of the projects would require Federal funding beyond that provided in the bill, we estimate that the total cost to the United States from these changes could exceed $4 billion.

This Administration is not willing to allow special interests to distort national program needs and to dictate how the money collected from highway users across the country is going to be spent. Enactment of any legislation that adds to the cost of the Interstate system, revises existing programs, creates new authorizations or earmarks existing authorizations would not be in accord with the program of the President. Consequently, the President's senior advisors and I would recommend that he veto the bill should it be adopted in this form.

I hope that we can reach an agreement on a bill that merely approves the cost estimates so that state and local governments do not suffer funding problems as they did earlier this year.

Sincerely,

ELIZABETH HANFORD DOLE.

Mr. SYMMS. Secretary Dole has warned that projects and other changes being proposed to the Federal-aid highway and transit programs already exceed $4 billion in new authorizations. Even with a 50-percent increase in highway user fees coming into the highway trust fund under the 1982 Act, there is no way the trust fund can provide an additional $4 billion without jeopardizing the trust fund's solvency and integrity. It is futile for Congress to pass legislation which undermines the trust fund, enlarges the national budget deficit and forces a Presidential veto.

On June 6, the Environment and Public Works Committee reported S. 2527, which I believe takes a responsible approach in addressing vital national transportation needs and a limited number of specific concerns. At the same time, Senate Joint Resolution 312 was reported by the committee; it contains only the 18-month ICE–ISCE approval and the provision permitting the Secretary of Transportation to administratively proceed to apportion the funds each October 1. There is a commitment among committee members to moving S. 2527, but if irreconcilable differences develop, the clean bill will be available for consideration.

Mr. President, I compliment Senator STAFFORD for his efforts because without his leadership we would not be able to accomplish this two-pronged attack.

I see the distinguished senior Senator from West Virginia, the ranking member, on the floor. I would like to add him to that list of bouquets, as well as the distinguished Senator from Texas, [Senator BENTSEN].

These two provisions are absolutely essential if progress is to continue on completing the Interstate System. If there continues to be a delay in releasing the interstate construction funds and the ICE approval continues to be held hostage, support for completing the Interstate System as currently envisioned may erode substantially. Therefore, I believe the provision for the administrative release of these

funds in the future is particularly important. The Senate carried out its responsibility by passing a 2-year ICE and ISCE last fall when the interstate funds should have been released to the States.

Federal-aid highway funds are limited in spite of the large increase in uses fees in 1982. Highway construction and rehabilitation needs still far outstrip Federal resources. The committee has continued to look for ways to stretch scarce Federal dollars. Not only must State and local governments continue their participation as partners in the highway program, but the private sector must also be encouraged to invest in transportation facilities which will enhance economic development.

Several sections in S. 2527 accomplish that goal. First, States will be asked to contribute a match for certain emergency relief projects. Initial emergency work done within 30 days of the disaster declaration will be funded with 100 percent Federal funds. Long-term repair and replacement of facilities will require a State match. This State match requirement will apply only to disasters which occur after the date of enactment of this legislation.

A large percentage of deficient bridges are off the Federal-aid system. Tennessee has carried out a demonstration project over the past 2 years that has proven to be an effective approach to repairing deficient off-system bridges. Tennessee was able to replace or repair 700 small off-system bridges in 1983 and is in the process of doing 500 more this year. This program has been effective in leveraging additional State and local funds for bridge repair. Because of the program's success, S. 2527 has expanded its availability to any State who wishes to participate.

Section 112 removes Federal regulation and review of toll increases on certain toll bridges. Currently there is no consistency in determining which bridges are federally regulated. These bridges were all constructed without Federal-aid funds. Section 112 will result in savings in time and administrative costs for both toll authorities and the Federal Government while at the same time protecting the public from unreasonable toll increases.

Section 115 provides an incentive to the private sector to invest in transportation facilities. Under current law, if right-of-way for a highway facility is donated by a landowner the value is credited according to the matching share of the project. For example, if it is a primary system project, 75 percent would be credited to the Federal share and 25 percent to the State share. Section 115 permits 100 percent of the donated land value to be credited to the State share. I believe this will encourage further private sector investment in transportation facilities, which are so badly needed.

Mr. President, the STAA of 1982 directed the Federal Highway Administration to develop a new formula for the allocation of forest highway funds. This new formula was to look more closely at the actual transportation use of these highways and their construction and rehabilitation needs. FHWA was required to gather a substantial amount of new data in order to implement such a formula and has not yet completed the required rulemaking process.

Because neither the Congress nor the affected States have had an opportunity to review or comment on the new data and proposed formula, section 130 directs FHWA to allocate fiscal year 1985 and 1986 forest highway funds partially on the old formula and partially on the proposed formula. I believe this is a reasonable compromise for all affected States until the rulemaking process can be completed.

Finally, during committee consideration of S. 2527, a number of Senators expressed concern over any changes in the interstate 4R formula. Federal-aid highway formulas were the subject of lengthy debates during the consideration of the STAA of 1982. A compromise agreement was reached at that time which preserved a viable highway program for all States. I believe those formulas should remain in place during the authorization period of that act. The Department of Transportation has completed a study on the interstate 4R formula which concludes that the existing 4R formula strongly correlates with the criteria of need, national benefit, and national defense and no argument can be made for a change at this time. I believe any changes at this time could jeopardize the timely release of the interstate funds.

Mr. President, I said this earlier, but I want to repeat it: I want to express my appreciation to the distinguished Senator from Vermont [Mr. STAFFORD], the chairman of the committee; the distinguished Senator from West Virginia [Mr. RANDOLPH], ranking minority member of the committee; and the distinguished Senator from Texas [Mr. BENTSEN], the very able ranking minority member on the Transportation Subcommittee. I appreciate their large contributions and support in bringing S. 2527 to the floor.

I hope, Mr. President, that we here in the Senate can set aside other interests that we have, whether it be the civil rights bill or adding on special amendments which add heavy cost to this legislation and get it in a position where it may threaten a veto, or whatever the issue is, and move forward with this important piece of legislation. It is important to all of our constituents, all across this great land of ours, and it needs to be passed as soon as possible.

If we reach the point where we cannot get passage of it, this Senator is willing to wait, but I think all Senators will recognize that by January or February, they are going to certainly be hearing from their State departments of transportation. It would be much better to pass this legislation now, get it signed into law, and get an orderly process of the allocation and appropriation of these highway funds out to the States so that we can have a good use of the dollars to build the Nation's highways which are needed so badly.

Mr. President, I yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, first, let me express my gratitude to the able manager of the bill for his work in behalf of the Public Works Committee and for his distinguished service in behalf of this legislation, Senator SYMMS of Idaho. He has done a yeoman's job.

Mr. President, the Surface Transportation Assistance Act of 1982 (STAA of 1982) provided authorizations for the Federal-Aid Highway Program through fiscal year 1986. This legislation was a major undertaking. In fact, it consumed a good deal of the lame duck session in 1982, my colleagues will recall. It included significant policy changes and increased the program's level of authorization from $8 billion in fiscal 1982 to over $12 billion in fiscal 1983. The STAA of 1982 set an obligation ceiling of $13.550 billion for fiscal 1985.

In addition, the STAA of 1982 for the first time provided a secure source of funding for the Mass Transit Program by establishing the mass transit trust fund. The revenue produced by 1 cent of the gasoline tax accrues to this fund for mass transit projects.

I will say parenthetically that the mass transit problems, the fund, and the program are under the jurisdiction of another committee of the Senate and not the Environment and Public Works Committee.

The purpose of the STAA of 1982 was to provide a secure, long-term source of funding so the States could efficiently begin to address the massive rehabilitation and reconstruction needs of the deteriorating highways and bridges throughout the country, and so they could continue to make substantial progress on completing the Interstate Highway System.

It will avail us very little in this country, I say to my colleagues, if, after having made the enormous investment we have in the Interstate System, the primary and secondary federally aided systems of this country if we let them deteriorate to nothing more than potholes, worn out bridges, unsafe bridges, and the like.

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However, this second objective has not been met. The STAA of 1982 continued to require congressional approval of an Interstate cost estimate (ICE) every 2 years before Interstate construction funds could be apportioned to the States. It also included a new requirement for congressional approval of an interstate substitute cost estimate (ISCE) every 2 years before the interstate substitute funds could be released to the States. I note that you will frequently hear the words "ICE" for Interstate cost estimate and Interstate substitute cost estimate, known as ISCE. I note that for the benefit of those who are listening and are not part of the staff or the membership of the Senate.

The committee was concerned that these funds be released in a timely manner and reported H.R. 3103 in September of last year. This bill contained a 2-year ICE and ISCE approval and was subsequently approved by the Senate. Because of controversial issues attached to this legislation on the House side, no agreement was reached on H.R. 3103. Finally on March 9, 1984 a compromise bill was passed which made available one-half of the Interstate construction and substitute funds to the States.

While $2.6 billion has been released, an additional $2.1 billion which should have been apportioned October 1, 1983 still has not been released. In addition, S. 2527 provides for the release of approximately $4.9 billion on October 1, 1984 for the next fiscal year. It is extremely important that these funds are released as soon as possible and that there are no further disruptions in this program.

Like my distinguished friend [Mr. SYMMS] I urge Members of the Senate, my colleagues who may be listening, to have in mind that here are $7 billion that ought to be available to the States on October 1 of this year that will not go out and each State will not get its share of that money unless we can get this bill passed. It is for that reason that we urge our colleagues to show restraint in offering amendments which will load down this bill or which will involve it in controversy so that we cannot pass it.

Mr. MATHIAS. Would the Senator yield for a question?

Mr. STAFFORD. Without losing my right to the floor, I will.

Mr. MATHIAS. Where is the bill?

Mr. STAFFORD. I say to my distinguished colleague that the bill is right here. If our colleagues will listen to the pleas of Senator SYMMS and myself, we shall pass it.

Mr. MATHIAS. I shall listen.

Mr. STAFFORD. You will have a good chance.

The Senate Committee on Environment and Public Works reported S. 2527 on June 6. This bill contains an 18-month ICE and ISCE approval. Even more importantly, it provides for the administrative release of these funds in the future if Congress does not act in a timely fahion. This will ensure that the Interstate program will not experience the delay and disruption that has occurred during the past year.

The Secretary of Transportation is directed to apportion Interstate construction and substitute funds on October 1. If Congress has not yet approved an ICE and ISCE, the Secretary will make appropriate adjustments and administratively apportion these funds.

This does not preclude Congress from acting at any time and it does not diminish Congress' oversight responsibility for this program.

The process will continue to work as it has in the past. The States will be required to submit an updated ICE and ISCE every 2 years to the Secretary. The Secretary must submit them to Congress by January 1. Congress has from January 1 to October 1 to review the ICE and ISCE and make any changes it desires. Congress could also choose to act after October 1 after the funds had been apportioned if it so desired. This process will ensure the completion of the Interstate System and end the holding hostage of these funds which has threatened that completion for all of this past year.

The committee has received many requests for new authorizations that would fund specific highway projects. The STAA of 1982 increased highway user fees significantly and enabled us to increase the funding level of the Federal-aid highway program dramatically. However, the increased revenues coming into the Highway Trust Fund cannot sustain the level the program is authorized to reach by fiscal 1986. Large new authorizations at this time will jeopardize the solvency of the Highway Trust Fund. They will hasten the day when either user fees will have to be increased again or the regular Federal-aid categories will have to be reduced. Finally, it creates an expectation that the Federal Government will fund projects beyond the regular Federal-aid program if they do not have a high enough priority within the State to be funded under a State's regular transportation plan.

Putting it only a little differently, having once been the Governor of my State, where too many demonstration projects appear, they can easily disrupt the orderly progress of road repair and construction in a State.

After a lengthy debate, the committee reached a compromise on demonstration projects by requiring that the Federal share of such projects be limited to 50 percent of total project cost or $12.5 million, whichever is less. While all these projects have merit and are urgently needed in their specific localities, the Federal-Aid Highway Program has worked at its best when priorities were determined by the State in consultation with local officials.

It is the intention of the Senator from Vermont as chairman of the Environment and Public Works Committee to continue his remarks at a later time because the most able and beloved ranking member of our committee, a chairman under whom I learned what little I know running a committee, is in the Chamber and I should like at this point, Mr. President, to yield to the most distinguished and able Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am very grateful, of course, for the reference of our able chairman to the work that I have been able to accomplish standing side by side with the Senator from Vermont, the Senator who is chairman of our subcommittee [Mr. SYMMS], and of course the ranking minority member of the Transportation Subcommittee [Mr. BENTSEN].

We are all believers—I use the word "believers" advisedly—not only that we pass this legislation but stress that it is absolutely in the national interest, to move forward with this transportation program which benefits all America.

The Committee on Environment and Public Works through its members brings to the Senate S. 2527, the Federal-Aid Highway Act of 1984, which provides the approval for the release of Interstate construction funds that were authorized by the Surface Transportation Act of 2 years ago, 1982. Mr. SYMMS well knows and has said effectively that the Interstate construction program was first authorized in 1956. It is now winding—in West Virginia we have winding roads—to an end. Over the last 10 months a major stumbling block to the orderly completion of the Interstate System has risen dealing with eligibility for the controversial urban segment. Earlier this year, the Congress did approve the release of approximately half of the fiscal year 1984 funds.

It is important, Mr. President, to note that the States have now used up this authority and need more money to continue construction of vital projects in this country. Under the terms of this legislation, approval is provided for the remaining 1984 funds and all of those funds due to become available on October 1, 1984, for the fiscal year of 1985.

Mr. President, approximately $5 billion of Interstate construction funds would be released for these crucial and

critical construction projects. Additionally, necessary funds for the Interstate substitute highway program would be available to the country.

While the States have been able to carry out a highway program in fiscal year 1984 very near the obligation ceiling that was provided, this level of acitivity cannot be acheived in the next fiscal year unless previously authorized funds are made available for apportionment by this pending legislation. That is the only way the money can be spent.

Mr. President, I can think of no more vital projects than those on the Federal-Aid Highway Program at this closing moment of this Congress. This Interstate construction effort, with its 42,500 miles of system, is nearly complete. We must complete it so that the valuable resources of our land can move from the farms, the factories, and the fields to the consuming public. Funds currently used for Interstate construction can then be used for other worthwhile and required projects. Delays such as those imposed over the prior 10 months are totally unreasonable and contrary to the longstanding effort in the Senate for the completion of this national network necessary highways.

Mr. President, perhaps the most important change made in S. 2527 regards the future approval of cost estimates releasing authorized interstate construction funds. The bill directs the Secretary of Transportation to release such funds if the Congress has not acted by October 1 with respect to an ICE submitted under the authority of title 23, United States Code. The States would continue to update the interstate cost estimate and submit it to the Secretary for transmission to Congress, which could make changes if it found such to be necessary. I believe that action of this type is in the best interest of our ongoing Federal-Aid Highway Program and recommend it to my colleagues.

This legislation also addresses another major problem with respect to the overall Federal-Aid Highway System. For a number of years, the Congress has been asked to approve demonstration projects to resolve pressing transportation problems of a local nature. While I believe demonstration projects serve a useful purpose, the action in the House of Representatives this year to authorize nearly 60 projects of this type at 100-percent Federal funding is counterproductive. The legislation before us today, while approving several demonstration projects, limits the scope of those projects to work which can be accomplished for $25 million and requires that 50 percent of the funds be provided by the State in which the project is to be located. Adoption of this provision by the Senate will be useful as we continue to meet our transportation needs in a fiscally responsible manner. This action will assure that a project is a priority and not divert needed highway trust fund moneys away from the categories of assistance provided under our Federal-Aid Highway Program.

Mr. President, the Federal-Aid Highway Act of 1984 also addresses several small problems which have occurred with respect to highway transportation. Each of these additional provisions contained in the legislation are important, and I commend them to my colleagues. However, it cannot be overstated that the primary need for this legislation is to release the interstate construction and interstate substitution highway construction funds. The Senate must pass this legislation so that a conference may occur with the House of Representatives on this important matter.

Mr. BRADLEY. Will the Senator yield?

Mr. RANDOLPH. I yield to my friend from New Jersey.

Mr. SYMMS addressed the Chair.

Mr. BRADLEY addressed the Chair.

Mr. SYMMS. Will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the Senator as the chairman.

Mr. SYMMS. I compliment the Senator from West Virginia for his outstanding remarks and his outstanding contribution to this country in the past 40 to 50 years. I think it is worthy to note that in 1937 the Senator from West Virginia introduced the forerunner to what is now the Federal Highway Interstate System. It is worthy to note that he has made a contribution to Senator STAFFORD, to myself, and others on the committee. We have a committee which with respect to highways is very bipartisan. I think the Senator should be complimented for that.

Mr. President, does the distinguished Senator from West Virginia have the floor?

The PRESIDENT pro tempore. Yes he does.

Mr. SYMMS. I seek the floor when the distinguished Senator——

Mr. BYRD. Mr. President, who has the floor?

Mr. BRADLEY. Mr. President, the distinguished Senator from West Virginia has the floor.

The PRESIDENT pro tempore. The Senator from West Virginia has the floor.

Mr. SYMMS. I say to my colleague from West Virginia, I hope he will not yield for any purposes other than debate.

Mr. BYRD. Will the Senator yield to me?

Mr. RANDOLPH. I yield to my leader.

Mr. BYRD. Without losing his right to the floor?

Mr. RANDOLPH. I do so.

Mr. BYRD. And for the purpose not of my asking a question?

Mr. RANDOLPH. That is correct.

Mr. BYRD. I ask unanimous consent.

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

Mr. BYRD. Mr. President, we are not going to handle this floor like Mr. SYMMS is suggesting, with all due respect to him. He cannot specify to whom Mr. RANDOLPH may yield. He should not attempt to get Mr. RANDOLPH to give assurance that he will not yield to so-and-so. That is not following the rule.

So I want to wash the page out, start all over, and not have my colleague under an obligation to yield to so-and-so and not to yield to so-and-so.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. Randolph has the floor.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator from West Virginia may yield to me without losing his right to the floor.

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

Mr. RANDOLPH. I yield to the majority leader.

Mr. BAKER. Mr. President, I was not in the Chamber when all this started, but I have a good way to get a clean sheet of paper and start from scratch.

I ask unanimous consent that the Senate stand in recess until 2 p.m.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, does Mr. Randolph have any problem with that request?

Mr. RANDOLPH. I have no problem with that.

Mr. BYRD. Mr. Randolph has the floor and did not necessarily yield for a unanimous-consent request. If he has no problem with it, I have no problem.

Mr. RANDOLPH. No problem. I thank the two leaders.

Mr. BRADLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BRADLEY. I have no objection. Mr. President, who has the floor?

The PRESIDENT pro tempore. At the current time, the senior Senator from West Virginia.

Mr. BRADLEY. Did the Chair recognize the Senator from New Jersey?

The PRESIDENT pro tempore. A unanimous-consent request is pending. The Senator is speaking with respect to the objection. Is there objection to the request?

Mr. BRADLEY. Mr. President, I reserve the right to object.

Is it the intention of the majority leader, when we return to this piece of legislation, that the question pending

will be the first committee amendment?

Mr. BAKER. Mr. President, that would be the normal course of affairs, yes.

Mr. BRADLEY. Mr. President, is it also the majority leader's intention, after calling for the recess, to go into recess until 2 o'clock this afternoon?

Mr. BAKER. Mr. President, we will be in recess, as we almost always are on Tuesday. The reason for that is not to interrupt this colloquy but to provide a time for Members on both sides of the aisle to attend caucuses of their parties.

At 2 o'clock, when we return and the Senate resumes the session, the first thing to do will be to comply with the resolution adopted by the Senate to have the official photograph taken of the Senate in session. That will be at 2 o'clock. The National Geographic Society is setting up to do that.

Immediately after that, the Senate will resume consideration of the highway bill. However, as I announced earlier this morning, it is the intention of the leadership on this side, at that point, to ask the Senate to return to the consideration of the Labor-HHS appropriations bill.

Mr. BRADLEY. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 2 P.M.

Thereupon, at 12:03 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

OFFICIAL PHOTOGRAPH OF THE SENATE

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order. Senators will take their seats.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 15]

Abdnor	Chafee	Eagleton
Andrews	Chiles	East
Armstrong	Cochran	Evans
Baker	Cohen	Exon
Baucus	Cranston	Ford
Bentsen	D'Amato	Garn
Biden	Danforth	Glenn
Bingaman	DeConcini	Goldwater
Boren	Denton	Gorton
Boschwitz	Dixon	Grassley
Bradley	Dodd	Hatch
Bumpers	Dole	Hatfield
Burdick	Domenici	Hawkins
Byrd	Durenberger	Hecht
Heflin	Matsunaga	Rudman
Heinz	Mattingly	Sarbanes
Helms	McClure	Sasser
Hollings	Melcher	Simpson
Huddleston	Metzenbaum	Specter
Humphrey	Mitchell	Stafford
Inouye	Moynihan	Stennis
Jepsen	Murkowski	Stevens
Johnston	Nickles	Symms
Kassebaum	Nunn	Thurmond
Kasten	Packwood	Tower
Kennedy	Pell	Trible
Lautenberg	Pressler	Tsongas
Laxalt	Proxmire	Wallop
Leahy	Pryor	Warner
Levin	Quayle	Weicker
Long	Randolph	Wilson
Lugar	Riegle	Zorinsky
Mathias	Roth	

Mr. STEVENS. I announce that the Senator from Illinois [Mr. PERCY] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDENT pro tempore. A quorum is present.

Mr. BAKER. Mr. President, I would ask Senators to take their seats so that we can comply with the provisions of the resolution recently passed by the Senate to take the official photograph. It will just take a moment. I urge Senators to take their seats at this time.

Mr. President, there are a number of vacant chairs and I hope that Members are here and take their seats.

May I say that I have been advised by the photographers for National Georgraphic and our own photographers that there will be more than one picture. The cameras are in this corner. I suggest that those of us on this side may turn around and look at the camera. Those on the Democratic side will be more favorably situated. [Laughter.]

I would point out to the Senator from Louisiana that if we had TV in the Senate, it would be like this all the time. [Laughter.]

Mr. President, I understand that all are present and in their seats who are going to be present and in their seats. I am going to take my seat now and I would encourage the photographers to proceed, if they know how.

(At this point, the official Senate photograph was taken.)

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

The PRESIDING OFFICER (Mr. LUGAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 2:35 P.M.

Mr. BAKER. Mr. President, I am advised that it will take about 10 or 15 minutes to restore the Chamber.

I ask unanimous consent that the Senate now stand in recess for 15 minutes.

There being no objection, the Senate, at 2:20 p.m., recessed until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LUGAR].

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have consulted with the minority leader, the two managers, and a number of other Senators, as well as having announced this beforehand. I had hoped that at this point, Mr. President, to be able to gain unanimous consent to adopt the committee amendments as original text for the purpose of further proceeding, and then go to the Labor HHS appropriations bill. This is more complicated than appeared on the surface.

I have suggested to those directly involved that instead we resume Labor-HHS, by unanimous consent to temporarily lay aside the highway bill, and that during the consideration of the Labor-HHS bill, if unanimous-consent agreement can be worked out on the treatment of the committee amendments as well as with other Senators who may have amendments, as well as a time certain to vote on cloture, which must be set as well, we can interrupt the Labor-HHS bill in order to do that. It seems to me it would be poor use of the Senate's time now to stay on the highway bill or in a quorum call while we try to work it out.

Mr. President, I ask unanimous consent that the Senate now temporarily law aside the pending highway bill and proceed to the consideration of Calendar Order No. 1161, H.R. 6028.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, it may be that both cloakrooms will have to do a little checking on that. While the request is pending, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, there is now a request pending, I believe.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I reserved the right to object. I have communicated with Senators who are not on the floor. I am in a position now to withdraw my reservation.

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

LABOR-HHS-EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1985

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate resumed consideration of the bill.

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

The text of the committee amendment follows:

On page 38, line 19, after "term,", insert "or except for such medical procedures necessary for the victims of rape or incest".

Mr. DENTON. Mr. President, I do not intend to take the time of my colleagues, particularly this late in the session, to debate once again the pros and cons of abortion generally, and Federal funding for abortion in particular. This body and all interested parties outside this body well know my position on this issue. I oppose abortion in any form, any procedure.

The specific issue before us, funding for abortion in the event of rape or incest, is not a new issue. Since I have served in this body, the Congress of the United States has consistently gone on record against such exceptions. It is because I am convinced that this Congress, in the final resolution of this appropriations bill or the continuing resolution, will once again be on record against these exceptions, that I will not seek a record vote on this committee amendment.

Mr. WEICKER. Mr. President, I rise to explain and support the pending committee amendment, which modifies the existing prohibition on Federal abortion funding under medicaid, to allow women pregnant because of rape or incest to obtain an abortion funding. This amendment was approved by the Committee on Appropriations by a 15 to 11 vote.

At the outset, Mr. President, I would like to review the legislative history of this matter for my colleagues. Over the years, the Congress has passed various versions of medicaid abortion restrictions. At various points we have adopted exceptions to the language "none of the fund appropriated under this act shall be used to perform abortions" for situations where the mother's life was endangered, where severe and long-lasting health damage to the mother would result, where an ectopic pregnancy is diagnosed, and in cases of rape or incest. Since 1981, however, the Congress has enacted the strictest form of the Hyde amendment, exempting life-threatening abortions. In fact, Mr. President, we actually had a bill come over to the Senate from the House prohibiting abortions even in that extreme case.

Mr. President, in the opinion of this Senator, I would prefer that there be no restrictions on medicaid abortion. Abortion is a legal medical procedure in the United States, and to deny such a procedure to a poor women is available to a more affluent one is clearly discriminatory. What the Congress has been arguing about over the last 11 years is the degree of the discrimination we will be enacting into law.

Mr. President, what current law says is that a poor woman, who becomes pregnant as a result of rape or incest, is not eligible for a medicaid abortion. How in the name of conscience we can deny such funding is beyond this Senator. I would like to invite the opponents of this amendment to go to a clinic and tell a poor, single mother that because of her economic status, that she must continue a pregnancy which resulted from a rape.

We talk a lot these days about concern for the victims of crime. And we have passed legislation year after year that says that if you are poor and pregnant because of a rape or incest, you are on your own. I cannot conceive of a person in our society more deserving of our special care. Instead, we tell women in this grave situation: "Don't come to us with your problem."

Mr. President, in my mind this is one of the most self-evident propositions that could be presented on this floor: Should an indigent rape or incest victim be entitled to Federal funds to terminate that pregnancy. The opponents of the amendment may contend that this will create a loophole, through which women will expand the number of federally funded abortions. It is nothing short of preposterous to suggest that women are going to come forth en mass to lie about the fact that they have been raped or are the victim of incest. It is estimated that between 50 to 90 percent of the women who are actually raped or sexually abused by relatives cannot even bring themselves to come forward to tell the truth about what has happened to them. Some may argue that a "reporting requirement" is necessary to control abuses. In so doing, they would cut off services to that 50 to 90 percent of women in this situation who do not currently report these crimes. Some may even be so brazen as the Secretary of HHS, who suggested that we should not provide these benefits because of the "time-consuming administrative burden" this amendment would place on the bureaucrats at HHS. How anyone can equate the pain and suffering of these women with the need to reduce Government paperwork is beyond my comprehension or concept of morality.

Mr. President, I do not feel this matter requires much further debate. I hope my colleagues will vote to approve the pending committee amendment.

The committee amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

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

The motion to lay on the table was agreed to.

● Mr. RIEGLE. Mr. President, the amendment the Senate just approved would allow the expenditure of Federal funds to pay for abortions for predominantly poor women in cases of rape and incest—not just when life of the mother is threatened, as is the case in current law.

The major concern with the current policy, as defined by Congress through the current Labor, HHS appropriation bill, is that it restricts medicaid recipients' access to abortion for those women who have been raped or are the victims of incest. Approximately 22 million Americans are eligible for medicaid services. By arbitrarily restricting abortion services for medically dependent poor women, we have singled out a particularly vulnerable group in our society.

Of the 500,000 women in the medicaid program who find themselves facing unintended pregnancies only a small fraction are pregnant as the result of rape or incest. And those cases of rape and incest are the only ones we are addressing today.

Not only must these women and, in some cases, young girls, suffer the trauma and brutality of rape or incest or both, but there is an additional trauma of having difficulty gaining access to legal and safe abortion services. The average $200 cost of a first-trimester abortion is approximately two-thirds of the average monthly welfare payment for a family of four, and it is twice the monthly welfare payment for a single individual on public assistance.

Most abortion providers require that their charges be paid with cash in advance. Women who must delay the medical procedure until they have raised the necessary funds further jeopardize their health. After the eighth week of pregnancy, each week of delay increases the risk of serious medical complications and the risk of death.

I understand that there are those who are opposed to abortion on principle, under any circumstances. I believe, however, the real issue before us today is protecting those who are innocent victims of rape and incest, and who feel compelled to seek an abortion

which is their legal right under the law.

Mr. President, the plain fact is that access restrictions to abortion have not had the effect intended. It is known that just as women resorted to illegal or self-induced abortions before 1973, women today who are denied the financial means to safe and legally available abortion assistance still resort to dangerous methods to terminate their pregnancies. The result is often severe complications that further threaten the health of the women involved, or even result in death.

I am pleased that my colleagues have supported this amendment.●

The PRESIDING OFFICER. Are there further amendments?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4395

(Purpose: To delete language limiting travel expenses and motor vehicles for the office of the Secretary of Health and Human Services)

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

The PRESIDING OFFICER. The clerk will report.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 4395.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object, Mr. President, I want to hear what the amendment is.

The PRESIDING OFFICER. The clerk will continue reading the amendment.

Mr. HELMS. Mr. President, may we have order.

The PRESIDING OFFICER. The clerk is now reading the amendment offered by the Senator from Connecticut.

The assistant legislative clerk continued to read as follows:

On page 34, on line 20 after the word "therein" strike through line 25;

On page 35, strike lines 1 through 7 ending with the word "Secretary"

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

The PRESIDING OFFICER. The clerk will call the roll.

The Secretary of the Senate proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, I believe other Senators wish to confer.

The Secretary of the Senate continued with the call of the roll.

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

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

Mr. WEICKER. Mr. President, this amendment deletes language that limited travel expenses and motor vehicles for the office of the Secretary of Health and Human Services. Due to actions taken by the Secretary, this language is no longer necessary.

Mr. PROXMIRE. Mr. President, we have no objection to the amendment.

Mr. BRADLEY. Regular order, Mr. President.

FEDERAL AID HIGHWAY ACT OF 1984

The PRESIDING OFFICER. Regular order is S. 2527. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 2527) to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

The PRESIDING OFFICER. The clerk will state the bill.

The Secretary of the Senate proceeded to read the bill.

Mr. BRADLEY. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the first committee amendment.

AMENDMENT NO. 4396

(Purpose: To clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1978, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964)

Mr. BRADLEY. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be stated.

Mr. HATCH. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 4396.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HELMS. Mr. President, I object.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read the amendment.

The Secretary of the Senate continued to read the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

At the end of the first committee amendment add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance,

shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B)

and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education program or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the peformance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505 (a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of "; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu thereof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

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

"(b) The term 'recipient' shall not be construed to include an entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (herafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(C)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendment made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

LABOR-HHS-EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, I move the Senate proceed to the consideration of Calendar Order No. 1161, H.R. 6028.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BRADLEY. Reserving the right to object, I send a cloture petition to the desk.

The PRESIDING OFFICER. It is not a unanimous-consent request. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAKER. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. WEICKER. Mr. President, the Labor-HHS-Education appropriations bill, for at least the second consecutive year, reflects a strong expression of support for our Nation's education programs. I am especially pleased that the levels included for the Department of Education represent approximately a $2.3 billion or a 14-percent increase over the previous year.

Earlier this year, Mr. President, the Senate demonstrated its commitment to increasing education funding when it considered a budget plan which would have placed a freeze on all nondefense discretionary programs. Yet the Senate voted to except from such a freeze education and health research when it adopted the amendment offered by myself and Senator STAFFORD. The full amount allowed for in that budget plan is reflected in our total for this measure.

Last year, you will recall that our efforts on the fiscal year 1984 spending bill resulted in a significant increase in discretionary education programs over the previous year and budget request. And yet our efforts resulted in our obtaining the President's signature on this measure, which was the first time in 5 years that such a feat was possible. We have every expectation that we will again have a signed bill.

The amount in this bill for education represents the highest spending level ever provided by any Congress. Education highlights in the bill include:

Compensatory education for the disadvantaged: $3.7 billion.

Student financial assistance: $4.5 billion.

Handicapped and rehabilitation services: $2.6 billion.

Libraries: $150 million.

Higher education: $449 million.

Math/Science program: $200 million.

Impact aid: $695 million.

Chapter 2 block grant: $532 million.

Guaranteed student loans: $3.079 billion.

Bilingual education: $142 million.

Vocational and adult education: $831 million.

Furthermore, Mr. President, the education levels reflected in the Senate version of the Labor-HHS-Education appropriations bill, when compared with comparable programs, exceeds the House passed bill by more than $170 million and the administration's request by more than $2.2 billion.

I might add that our recommendations reflect the assumptions that the estimated shortfall for the Pell grant program for fiscal years 1983 and 1984 will be dealt with but providing for that shortfall will come neither at the expense of individual students nor our overall appropriations for fiscal year 1985. This clearly is not a fiscal year 1985 problem and should not be treated as such.

Mr. President, there have been many outspoken critics of the Federal role in education and a call for less, not more, spending at the Federal level. Such critics are quick to blame all of the problems plaguing the Nation's schools on the Federal Government. To such naysayers I would only point out that the Federal role in education is a relatively recent one but has made all the difference in the lives of those who have been the direct recipients of such assistance: the handicapped, economically disadvantaged, language minorities, racial minorities, adult illiterates, and the list goes on. For most of us recognize that the Federal Government's involvement has been one of last resort to provide access to the type of quality education which the States have been either unwilling or simply unable to provide. I am convinced that, absent Federal leadership on their behalf, the handicapped children of this Nation would remain warehoused and forever separated

from the mainstream of society. And how many of the Nation's 12.2 million college students would receive their education without the current mix of grants and loans available?

Mr. President, while the amounts for education might seem to some like a great sum, let me remind my colleagues that today the Federal Government provides only about 9 percent of spending for education at all levels. Thus the lion's share of funding and the setting of policy remain the responsibility of State and local governments and academia.

I am proud of this bill, Mr. President, because it does not shortchange our Nation's young people and I am pleased that it has the support of our committee members on both sides of the aisle. Federal funding for education has made all the difference in the lives of those served and, as long as I serve as chairman of this subcommittee, this commitment will not only continue but expand to meet any genuine need.

Mr. BRADLEY. Mr. President, I should like to engage in a colloquy with the distinguished chairman of the Labor-HHS-Education Appropriation Subcommittee with respect to the Institutional Aid programs, title III of the Higher Education Act of 1965. Is it correct that the committee has provided an additional $13,584,000 over the fiscal year 1984 appropriation?

Mr. WICKER. Yes; last year's total appropriation was $134,416,000. The proposed fiscal year 1985 total is $148 million.

Mr. BRADLEY. I also understand that, of the additional $13,584,000, $5 million is to be set aside under part A, the strengthening program, to support approximately 20 grants to those institutions which predominantly serve our Nation's Hispanic, Native American, Virgin Island, and Native American Pacific Island students.

Mr. WEICKER. That is correct.

Mr. BRADLEY. I further understand that the $148 million provided by the committee would support some 287 grants under part A, including 60 to 70 new renewable grants for strengthening activities.

Mr. WEICKER. That is correct.

Mr. BRADLEY. I thank the subcommittee chairman for this information.

Mr. President, several colleges in New Jersey have applied several times for title III grants and have been turned down. I am hopeful that the increase in funding that is included in this year's bill will be sufficient to enable more colleges in New Jersey to secure funding.

Mr. WEICKER. Mr. President, I believe it is necessary to clarify the legislative history with respect to the appropriations bill we are considering today. On June 29, 1984, the Senate Committee on Appropriations reported an original bill, S. 2836 Senate Report 98-544, making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies. At the time of reporting that legislation, the committee also authorized us to offer committee amendments to any House-passed bill which we might subsequently receive. Thus, H.R. 6028 has been printed to reflect the action of the Appropriations Committee on S. 2836. The amendments of the committee which have been considered merely reflect our earlier committee consideration. Because the two bills are identical in substance, the report of the committee on S. 2836 also governs the intent of the Appropriations Committee with respect to the amendments offered by the committee to H.R. 6028. We, therefore, expect that the departments and agencies funded by this legislation will follow the guidance of the committee as provided in Senate Report 98-544.

Mr. STEVENS. Mr. President, in the fiscal year 1984 Labor-HHS appropriations bill Congress included a provision authorizing the Department of Education to settle outstanding loans under the College Housing Loan Program by negotiating a discount of the total due to the Department. This amendment provided authority for such settlements until October 1, 1984. This year's bill contains an extension of that language until October 1, 1985. This extension is necessary to permit the processing of settlement applications which might otherwise not be completed by October 1, 1984, which result from the Department's untoward delay in promulgating the regulations necessary to implement this discount authority.

As the author and sponsor of that provision, I would like to clarify with the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education the intent of this provision.

First, it is our intent that the discounting authority apply to all schools with outstanding college housing loans, including those schools with loans that are in default. This provision was designed to permit those institutions with defaulted loans to pay them off in full through discounting the entire amount of the outstanding loans, including those portions of both principal and interest which are in default. To do otherwise would in most cases defeat the purpose of the amendment which is to settle outstanding loans and benefit the Government by removing defaulted loans which it is subsidizing off its books and to permit the institutions to pay off loans which they might otherwise not be able to pay off in full.

As an example let me talk about the institution in my State which will be affected by this provision. Alaska Pacific University, which reopened the defunct and closed Alaska Methodist University in 1977, inherited two loans of approximately $1.5 million, both of which were in default with approximately $1 million in defaulted principal and interest. It was and is now possible for the university to bring that loan current by repaying all the delinquent interest and principal in a lump sum. However, if that amount were discounted along with the remaining amount of principal, it is possible that the university would be able to pay the entire sum and retire the loan. This would benefit the university by retiring a large debt from its operations, and would benefit the Government by removing a loan from its books which it is now carrying at market rates, even though the loan was originally issued at 3 percent interest.

This approach makes commercial sense. When I was practicing law, I regularly settled outstanding debts for clients by an agreement in which a part of the outstanding debt was discounted in return for a full payoff of the remainder. Both parties benefited and this practice happens every day in the commercial world.

I also want to make clear that I believe the Department's practice of agreeing to a full payoff amount and scheduling that payoff over a period of time which will make the payoff financially bearable to the institution is acceptable. The whole point of the amendment is to benefit both parties; the institution by permitting it to pay back its loan at a discount, and the Government by removing from its loan portfolio defaulted and other loans which it is currently subsidizing at market rates. The Department of Education should work with institutions to determine what arrangement will permit the institutions, including those in default, to pay off their loans, as well as exercising its authority to collect discounted funds. Both goals are important or the authorization will not work.

Mr. WEICKER. I agree with the Senator from Alaska. The intent of this provision is to benefit both the Government and the institutions.

Mr. STEVENS. I also note that the committee report language on the provision when originally enacted makes clear that the Department should permit repayment at less than fair market value in instances in which it would otherwise risk default on the loan. This would seem to apply specifically to those institutions already in default.

Quite simply, accepting less than fair market value, including less than the amount which might otherwise be required for repayment, makes sense for these defaulted schools and is consistent with the intent of the discount authority. It is better to clear these

defaulted loans off Government books than to continue to subsidize these loans at less than market rates. The Department has the authority to accept less than fair market value and it should do so to get these defaulted loans off the books.

Mr. WEICKER. I agree with the Senator from Alaska and urge the Department to remember that it has this authority.

Mr. RUDMAN. Mr. President, there is a small matter with regard to the management of the Low Income Energy Assistance Program which I would like to clarify with the managers of the bill. It is my understanding that a small amount of the program's funds are available for use by the Department for grants to improve State and local management of the Energy Assistance Program. The expectation is that funds will also be used to share the experience States have acquired over the past 4 years, to demonstrate how the best ideas and management techniques may be used in other States, and to evaluate and disseminate information which helps stretch the shrinking energy assistance dollar.

Mr. WEICKER. That is exactly right. This program has spent nearly $6 billion in the 50 States in the past 3 years, yet there has been no Federal effort to strengthen program delivery mechanisms and to disseminate the results and the experiences of the States in running the program. One of the strengths of the block grant system is that we have 51 laboratories out there from which the best ideas can be drawn and distilled.

Mr. RUDMAN. To further clarify our intention, am I correct in assuming that in fiscal 1985 up to $300,000 will be spent for such grants and technical assistance?

Mr. WEICKER. That is also correct. This figure is, of course, a small fraction of 1 percent of program resources. In addition, the Department is now estimating it may realize as much as half that amount in administrative savings which it could contribute to this longer term purpose of making more effective use of energy assistance funds.

Mr. PRESSLER. Mr. President, I rise in support of the pending Labor-HHS-Education appopriations bill.

Three years ago under the auspices of ACTION Director Tom Pauken, ACTION established the Vietnam Veterans Leadership Program [VVLP]. VVLP volunteers work at senior levels in business and government in their communities to build and maintain coordinated, communitywide efforts to help solve problems faced by other Vietnam veterans. The VVLP has established volunteer programs in 50 communities nationwide, and has built a network of over 5,000 volunteers. As one who has long supported veterans employment programs, I wholeheartedly endorse the VVLP.

The VVLP has addressed the problems of unemployment and underemployment and the negative stereotype that diminishes the veteran's sense of self-worth and impairs employment opportunities. In the past year, the VVLP—in conjunction with partnerships data net [PDN]—has acquired all the necessary resources to implement a computerized national job bank and career assessment system for veterans. PDN is a 501(c)(3) not-for-profit organization whose mission is to facilitate and implement partnerships between the public and private sector addressing areas of national concern. PDN was organized in part by the White House Office of Private Sector Initiatives. Its membership includes the National Association of Manufacturers, the National Association of Associations, and the Young Presidents Organization, as well as Federal, State and local governments, and civic and community organizations.

The Job Bank System will maintain lists of available unemployed and underemployed veterans, job and training vacancies, and will provide an expeditious means of matching the qualifications of veterans with employer requirements and job opportunities. The system will link the VVLP network with vast private sector resources. In addition, the system can serve as a prototype for the national job bank authorized by the Job Training Partnership Act, and would involve thousands of veterans in providing employment and other volunteer assistance to the many constituents served by ACTION.

As intended, direct ACTION financial support for the VVLP ends October 1, 1984. The majority of VVLP's will continue with private sector funding to serve their fellow veterans as well as their communities. However, the VVLP currently needs $160,000 in startup costs to have the computer system on line in 4 months.

There are indications that the Department of Labor and the Veterans' Administration may well be able to make use of this system in their attempts to improve veterans' employment opportunities. Also, 15 to 20 States have indicated an interest in participating in the Job Bank System.

I should like to inquire of the distinguished chairman of the Appropriations Subcommittee [Mr. WEICKER] whether a portion of the $1,984,000 in ACTION citizen participation and volunteer demonstration program funds—Title I, part C—appropriated under this act might be used to develop the computerized job bank network such as proposed by the VVLP and PDN?

Mr. WEICKER. I thank the Senator from South Dakota, who is one of only two Senators who served in the military in Vietnam, for his interest and support of this legislation. While the Appropriations Committee cannot endorse a specific proposal, the development of a demonstration national job bank network involving volunteer citizen participation such as you describe may be possible.

I would expect ACTION to take reasonable and appropriate steps to ensure that the positive gains in employment and the volunteer networks created by the VVLP are not lost during their transition to private sector funding. I also encourage ACTION to explore the use of computer data bases and computerized networks as a means of enhancing and expanding its volunteer programs and services.

PROPOSED NATIONAL CENTER ON LOW-VISION CARE AND REHABILITATION

Mr. CRANSTON. Mr. President, as the Senate considers the fiscal year 1985 appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies, I would like to note a matter of particular significance to partially sighted persons.

As a result of the efforts of my colleague from California who serves on the House Appropriations Committee [Mr. ROYBAL], and another California colleague of ours with a great interest in the area of low-vision problems [Mr. LEVINE], the House Appropriations Committee, on page 115 of its report accompanying the House version of this bill—House Report No. 98-911—stated its expectation that the National Institute for Handicapped Research [NIHR] will give consideration to funding a national center for partially sighted persons. As the House Committee's report language notes, there is a critical need for a comprehensive rehabilitation center on law-vision care that can provide a broad range of services and serve as a national information clearinghouse with referral and technical assistance capabilities. The report goes on to point out that creation of such a center would provide valuable assistance to service providers and researchers as well as to partially sighted individuals.

Currently, there are only seven comprehensive low-vision rehabilitation centers nationwide, three that serve partially sighted persons of all ages and four whose client population is limited to veterans.

The comprehensive low-vision centers are unique in that they provide not only low-vision care, but a wide range of services designed to meet the special needs of persons with partial sight. These other services include psychological counseling, educational, vocational, recreational, and social services designed to enable partially sighted persons to live and function independently, as well as information

and referral services regarding economic and other assistance available to these individuals.

These services to partially sighted persons are a tremendous departure from past efforts, which have tended to lump partially sighted individuals with those who are completely blind.

The establishment of national centers to spur the development of more low-vision rehabilitation centers could be of great value to partially sighted individuals, who can be trained to use their remaining eyesight, rather than be rehabilitated as though they had no functional eyesight whatever.

In addition to these client services, a comprehensive center would collect and analyze patient data that would advance our knowledge in the low-vision area and provide the basis for future research. The center would also provide information about the special needs and capabilities of those with low vision to professionals and others who desire more information about persons who are partially sighted. Finally, the center would serve as a source of advice, guidance, and assistance to other agencies and institutions seeking to establish and operate low-vision facilities.

Mr. President, I want to emphasize my strong support for this effort and my deep appreciation to my California colleagues, Representatives ROYBAL and LEVINE, for their work in including in the House committee report the language for NIHR to consider funding a center for partially sighted persons. I am pleased to add my voice to theirs in support of this very promising, useful concept.

AMENDMENT NO. 4395

Mr. WEICKER. Does the distinguished Senator from Texas have an amendment?

Mr. BENTSEN. Mr. President, in replying to the distinguished Senator from Connecticut——

The PRESIDING OFFICER. The Chair will try to clarify the situation. We have not yet agreed to the amendment 4395, which is the pending business before the Senate. The question is on agreeing to the amendment 4395.

Mr. WEICKER. Parliamentary inquiry. The amendment vis-a-vis the funds dealing with the Office of the Secretary of Health, that is the pending business?

The PRESIDING OFFICER. The Senator is correct. This is the amendment dealing with the Secretary's funds. Is there objection?

Mr. HELMS addressed the Chair.

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

Mr. HELMS. May I ask the distinguished Senator from Connecticut, this amendment is related to the Secretary's expenses only?

Mr. WEICKER. That is correct.

Mr. HELMS. I thank the Senator.

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

The amendment (No. 4395) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, we are minutes away from concluding the very important work that has been done by the subcommittee, the committee, and the Senate as a whole on this appropriations bill. I do not think there is a Senator in this Chamber the bill has not touched upon, indeed that we have not tried to accommodate. There are probably more positive features in this legislation than anything we have discussed for a long time. I hope that literally within a matter of a few minutes we can get to final passage. I urge, if anybody does have an amendment, please be prepared to offer it.

I also implore my colleagues not to try to use this as a vehicle for some other objective. Again, this is a request. But in terms of education, health, science, and the many who need our special care, this is their bill—the powerless, if you will, or those to whom the future truly belongs.

I hope we can enact it in a short period of time. I yield to the distinguished Senator from Texas.

AMENDMENT NO 4397

The PRESIDING OFFICER. The Senator from Texas is recognized

Mr. BENTSEN. Mr. President, I have an amendment I send to the desk and ask for its immediate considerations.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 4397.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 13, before the period insert the following: *"Provided further,* That of the funds available under section 7 of said Act, $1,000,000 shall be for reconstruction of a school in Motley County, Texas."

Mr. BENTSEN. Mr. President, this particular amendment has been reviewed by the manager for the majority and the manager for the minority. It is my understanding they have no objection to the amendment. It involves $1 million under section 7 of the bill. It results from destruction of the school at Matador, TX. That is a school of some 252 students in a town of less than 1,000 people. They did not have adequate insurance. Those 252 students are now attending school in basements of churches, and they do not have the funds to rebuild the school. I urge very strongly that the amendment be accepted.

The PRESIDING OFFICER. The Chair must mention that the amendment amends a part of the bill previously amended. It would require unanimous consent for consideration of this amendment.

Mr. BENTSEN. I appreciate the admonition, the advice, and the concern of the Presiding Officer. I ask unanimous consent consideration of this amendment be in order.

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

Mr. WEICKER. Mr. President, I urge passage of the amendment. This is a matter that affects only a few people, but it affects them rather totally in that they have no place to go to school.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 4397) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4398

(Purpose: To add funds for research and other activities relating to the cause, prevention, and treatment of acquired immune deficiency syndrome)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. RIEGLE, proposes an amendment numbered 4398.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 20, line 16, strike out "$402,730,000, of which $1,810,000" and insert in lieu thereof "$413,930,000, of which $6,310,000".

On page 20, line 22, strike out "4,383" and insert in lieu thereof "4,400".

On page 22, line 5, strike out "$372,485,000" and insert in lieu thereof "$375,091,000".

On page 24, line 18, strike out "$933,857,000" and insert in lieu thereof "$934,679,000".

Mr. CRANSTON. Mr. President, I send this amendment to the desk on

behalf of myself and Senators MOYNIHAN, KENNEDY, and RIEGLE.

Mr. President, our amendment to the pending measure, the fiscal year 1985 Labor-HHS-Education appropriations bill, would provide additional funds for AIDS research and public health programs consistent with the May 25, 1984, recommendations of the Assistant Secretary for Health, Dr. Edward N. Brandt, Jr. These funds—a total of $14.628 million above the amounts requested by the administration for the National Institutes of Health, the Center for Disease Control, and the Alcohol, Drug Abuse, and Mental Health Administration—are urgently needed to ensure that every scientific effort that is practical and reasonable is made toward finding a cure for AIDS and preventing the further spread of this tragic disease.

Specifically our amendment would increase the appropriations to CDC by $11.2 million, to the National Institutes of Allergy and Infectious Diseases of NIH by $2.606 million, and to ADAMHA by $822,000. With respect to CDC, our amendment would add, for AIDS-related purposes, 17 FTE's to its personnel authorization in the bill, and $4.5 million of the $11.2 million add-on would, in accordance with Dr. Brandt's recommendation for expanding viral disease laboratory space, be allotted to construction.

In addition, I am very pleased to note that in a colloquy last Friday, September 21, printed on page S 11698 of the RECORD, the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies [Mr. WEICKER] assured me that, of the NIH appropriations in this bill as reported by the Senate committee, at least $15.431 million more than the administration proposed in its NIH budget for AIDS research would actually be expended for AIDS research. The $14.628 million add-on in our amendment would thus increase the total additional amount for AIDS activities in this bill to $30.059 million above the total amount in the administration's budget, $54 million, producing a total of over $84 million for Federal AIDS activities in fiscal year 1985.

Mr. President, real progress has already been made in our fight against AIDS, but we still have a long way to go before this health crisis is behind us. Most important, the discovery this past spring of the probable cause of AIDS, the HTLV-III virus, opens the possibility that a vaccine may be developed in the near future. We must step up our research program now to take full advantage of that discovery and to maintain the momentum in our efforts to conquer this disease.

Tragically, the number of AIDS cases continues to rise at an alarming rate. As of August 17, 1984, according to CDC, there were 5,785 cases and a mortality rate of 46 percent in the United States. Over 1,600 new cases have been reported since Dr. Brandt presented his recommendations in May. The number of cases has tripled over the last year. Some epidemiologists estimate that the caseload may actually be 10 or more times higher than what is reported by CDC because of the narrow definition CDC uses to identify AIDS cases.

Mr. President, one of the continuing concerns abut the Federal response to the AIDS health crisis has been the lack of a master plan of attack—an evaluation of the work already underway and a systematic approach to planning and funding further areas of investigation. When Secretary of Health and Human Services Margaret Heckler announced the discovery of the probably AIDS virus last April, the Department initiated such an evaluation of its AIDS research and public health needs.

After the Public Health Service completed that study, Dr. Brandt on May 25 presented Secretary Heckler with a detailed budget outlining the funds needed by each agency of the Public Health Service for AIDS research and public health projects. This document, which I will ask to be inserted in the RECORD at the conclusion of my remarks, provides an analysis of the Federal AIDS programs together with specific budget and research requirements.

For fiscal year 1984, Dr. Brandt proposed $20.076 million and 4 FTE's to supplement the fiscal year 1984 AIDS budget of $47.595 million. For fiscal year 1985, he recommended $35.809 million and 37 FTE's over the administration's fiscal year 1985 budget request of $54 million. Dr. Brandt justified these additional funds as necessary in order to seize the opportunities to detect, prevent, and treat AIDS that have been made possible by the discovery of, and the development of the means to mass produce, the virus HTLV-III and by the development of a blood test for AIDS.

Despite the fact that Dr. Brandt's request for additional AIDS funding was prepared in advance of House and Senate action on the fiscal year 1984 supplemental and fiscal year 1985 appropriations bills, this funding proposal was never transmitted to the Congress. Consequently, the fiscal year 1984 supplemental appropriations measure as enacted included none of the additional funding proposed by Dr. Brandt except for $9.475 million in additional funding for AIDS research and public health projects—$6.55 million for NIH, $1.75 million for CDC, and $1.175 million for ADAMHA. Neither the House-passed nor Senate-reported fiscal year 1985 appropriations bills earmarked funds for AIDS in addition to those requested by the administration—other than $3.35 million in House-passed version of the Labor-HHS-Education appropriations act for CDC-supported AIDS work.

Dr. Brandt, in his capacity as Assistant Secretary for Health, is the highest ranking expert in the Federal Government for assessing the overall needs of the Federal AIDS research program. In his budget recommendations, Dr. Brandt outlined in specific detail the projects needed to be developed and expanded, and he identified the agencies—the NIH, CDC, ADAMHA, and the Food and Drug Administration—most able to carry out the projects and the specific funding requirements for each project. I believe that we should accept Dr. Brandt's evaluation and heed his recommendations.

Mr. President, in the September 12 "Dear Colleague" letter that Senators MOYNIHAN, KENNEDY, and I sent to each of them to state and explain our original proposal, we set forth our initial intention to add $46.41 million in fiscal year 1985 appropriations and 41 FTE's for AIDS research and public health projects. This amount reflected Dr. Brandt's recommendations for fiscal year 1984 supplemental and fiscal year 1985 funding combined, minus the $9.475 million appropriated in the fiscal year 1984 supplemental.

Following discussions with the very able Senator from Connecticut [Mr. WEICKER] and based on information from appropriate agency personnel, our amendment has been reduced by certain amounts based on the understanding that it is not necessary to provide add-ons at those levels in order to provide adequate funding for AIDS activities in fiscal year 1985. First, as I noted earlier, we now understand that at least $15.431 million more for AIDS research than the $45.663 million the administration proposed in its budget for NIH will be used for AIDS.

Second, Dr. Brandt recommended that $13.101 million be appropriated to NIH for AIDS research in the fiscal year 1984 supplemental, both to develop new studies and to expand existing programs. Of that $13.101 million, half—$6.55 million—was appropriated in the fiscal year 1984 Supplemental Appropriation Act, Public Law 98-390, allowing for the development of some, but not all, of the projects suggested by Dr. Brandt. A substantial portion of the amount recommended for fiscal year 1985 was proposed to fund the continuation in fiscal year 1985 of efforts that would have begun in fiscal year 1984 had the full amount of his proposed supplemental funding been appropriated. Since it was not, it is now our understanding that it would be duplicative to provide additional fiscal year 1985 NIH funding in amounts equal to the total of the $6.551 million recommended but not

appropriated for fiscal year 1984 and the full fiscal year 1985 requested amount. In order to avoid such duplication, and taking into account the additional $15.431 million in fiscal year 1985 funding already available in the pending measure for NIH AIDS activities, our amendment includes for the National Institute of Allergy and Infectious Diseases at NIH a $2.606 million add-on for AIDS.

Third, our amendment now includes for CDC only the funds Dr. Brandt recommended for fiscal year 1985. Of the additional $3.2 million recommended by Dr. Brandt for fiscal year 1984 appropriations, $1.75 million was actually appropriated. As in the case of NIH, a portion of the amount he recommended for fiscal year 1985 was proposed to fund the continuation in fiscal year 1985 of efforts that would have been begun in fiscal year 1984 had the full amount of his proposed supplemental funding been appropriated. Since the full amount recommended for the fiscal year 1984 supplemental was not appropriated, it would again be duplicative to provide fiscal year 1985 appropriations comprising both the $1.45 million proposed by Dr. Brandt but not appropriated for fiscal year 1984 for CDC and the amount, $11.2 million, he proposed for CDC for fiscal year 1985. Thus, our amendment includes for CDC only the $11.2 million—and 17 FTEs—that Dr. Brandt proposed for fiscal year 1985.

Finally, it has proven impossible to work out an agreement to include in an amendment to this bill any funding for the Food and Drug Administration. Dr. Brandt recommended a total of $8.35 million—$2.6 million in the fiscal year 1984 supplemental and $5.75 million in fiscal year 1985—for FDA activities related to AIDS. However, funding for the FDA is within the jurisdiction of the Appropriations Subcommittee on Agricuture, Rural Development, and Related Agencies, and that agency's funding thus is normally handled in the appropriations bill reported by that subcommittee. For these reasons, we were unable to gain agreement to all the needed FDA funds in this appropriations act, and we felt that we should secure those funds that could be supported by the Appropriations Committee at this time.

Nevertheless, the FDA should be and will be heavily involved in dealing with the AIDS crisis. At such time as vaccines or drugs for treating AIDS are developed, the FDA will be responsible for licensing and approving these products. In order to evaluate these drugs, the FDA will need to develop screening tests using state-of-the-art technologies and high-containment facilities. Thus, it is essential that the FDA keep peace in its efforts on AIDS with the accelerated investigations at other agencies to prepare for and facilities the development of therapies for AIDS.

It is my intention to continue to pursue this matter with a new toward ensuring that an additional $8.35 million is available for FDA AIDS activities in fiscal year 1985—possibly through the continuing resolution for fiscal year 1985 or an fiscal year 1985 supplemental appropriations measure.

CONCLUSION

Mr. President, this is no time to lessen our commitment or to slow our support for finding a means to treat and ultimately to prevent AIDS. Support for basic research and the new information it provides gives new hope to patients and their families. Identifying the HTLV-III virus as the probable cause of AIDS brings us much closer to developing an effective vaccine and therapy for AIDS. I am advised by AIDS experts that, with the use of genetic engineering techniques, it is possible that our scientists could develop an AIDS vaccine within a year.

Helping to ensure these results is extremely not just to control the tragedy of this disease but also to stop the prejudice and hysteria that the growing threat of AIDS has brought about. Patients with AIDS, whether they be homosexual or bisexual men, drug abusers, children, or recipients of blood transfusions, have too often been stigmatized and confronted with rejection by their families, isolation from their communities, eviction from their homes, and misunderstanding even by the health-care workers they depend on for care.

If we do not face the AIDS crisis head-on and with full support, we will continue to face ever more damaging and dangerous hysteria—and we'll count the costs of delay both in lives lost and damage to our society.

Mr. President, I urge all of my colleagues to support this vitally important amendment. I believe the amendment is acceptable to the committee, and I thank the distinguished chairman of the subcommittee for his courtesy and consideration.

Mr. President, I ask unanimous consent to have printed in the RECORD Dr. Brandt's memorandum of May 25, 1984, to Secretary Heckler.

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

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
May 25, 1984.

From: Edward N. Brandt, Jr., M.D., Assistant Secretary for Health.

Subject: Proposed fiscal year 1984 supplemental and fiscal year 1985 amendment for Acquired Immuno-deficiency Syndrome.

For nearly three years the Public Health Service has led the fight against the relatively new but extremely serious public health problem known as Acquired Immunodeficiency Syndrome or AIDS. As a result of the efforts of many people within the PHS and scientists in laboratories throughout the world you were recently able to report some significant breakthroughs. These include the discovery of the virus HTLV-III, the probable cause of AIDS, the development of a process to mass-produce this virus and that of a blood test for AIDS.

These exciting discoveries bring us much closer to the detection, prevention and treatment of AIDS. There is much left to do. As of April 23, the date on which you announced the AIDS virus discovery, there had been reported a total of 4,177 cases of AIDS with 1,807 deaths in 45 States, the District of Columbia and Puerto Rico. This represents a mortality rate of 43 percent which is clearly unacceptable. In order to seize the opportunities which the recent breakthroughs have provided us we will need additional funds both for the remainder of this fiscal year and for FY 1985. Although I realize that general policy would discourage supplemental and amendment requests at this time, I believe that the unique situation with respect to AIDS justifies our forwarding the requests at this time.

Attached is a table summarizing the additional funds needed. For Fiscal Year 1984 we are requesting a supplemental appropriation of $20,076,000 and 4 FTEs and for Fiscal Year 1985 we are asking for an additional amount of $35,809,000 and 37 FTEs. Summaries of the needs of the four PHS agencies involved and justifications for the additional funds requested are also attached.

I ask your favorable consideration of the PHS proposals and respectfully request you forward it to the Office of Management and Budget.

Attachment.

On April 23, 1984, Secretary Heckler announced that the probable cause of AIDS has been found and a new process developed to mass produce the virus. Isolation of the probable etiologic agent of AIDS will greatly assist prevention efforts because for the first time it affords the opportunity to characterize the agent in detail and understand its behavior.

AIDS projects currently underway will be expanded and refined and new projects will be initiated in the areas of laboratory investigations, surveillance, and epidemiologic studies. Special emphasis will be placed on technology transfer and information dissemination, and programs on disease prevention and control will accelerate rapidly.

Now that the probable etiologic agent of AIDS has been identified, other urgent questions need to be answered. Information will be required on the pathogenesis of the disease, the possible contribution of other agents, and the nature and the natural history of the HTLV-III virus. The isolation of the etiologic agent should now make it possible to identify transmitters, develop and evaluate the usefulness of specific diagnostic and screening tests for AIDS in donors and plasma, therapeutic measures, and biological products and the knowledge to use them appropriately to the medical and public health communities. Laboratory and epidemiologic studies based upon these specific tests should further and more precisely define the modes of AIDS transmission and lead to implementation of strategies to interrupt and control the disease. For the first time, it will be possible to establish that controls are truly uninfected with AIDS agents.

Laboratory technology which resulted in the isolation of the AIDS agent will make it possible to isolate other previously unknown related agents. Characterization of these agents and determination of their clinical and epidemiologic significance will be important.

ADDITIONAL AIDS RESOURCE NEEDS (SUPPLEMENTAL REQUEST)

Project	Pos./FTE	Funds
Fiscal year 1984		
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.38/1.25	$1,700,000
2. Determine the prevalence of retrovirus antibody and viremia in various populations, including homosexual men, IV drug users, Haitians, hemophiliacs, and volunteer blood donors in the United States. Lymphadenopathy syndrome cases will be included		130,000
3. Expand investigation of transfusion-associated cases/donors	3.75/1.5	468,700
4. Expand international epidemiologic investigations (Zaire, other)	1.56/.63	245,400
5. Expand epidemiologic studies of AIDS in families to include additional study sites and pediatric cases	.31/.12	187,300
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIDS patient materials		31,250
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		437,350
Total resources needed	9/3.5	3,200,000
Fiscal year 1985		
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.43	800,000
2. Determine the prevalence of retrovirus antibody and viremia in various populations, including persons from various regions of Africa, India, China, and the Caribbean. Lymphadenopathy syndrome cases will be included		225,000
3. Expand investigation of transfusion-associated cases/donors	5	730,000
4. Expand international epidemiologic investigations (Zaire, other)	2.86	375,000
5. Expand epidemiologic studies of AIDS and lymphadenopathy syndrome in families to include additional study sites and pediatric cases	.71	415,000
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIDS patient materials		170,000
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		245,000
8. Conduct study of sexual partners of homosexual AIDS patients in Boston to determine transmission risk factors		165,000
9. Develop rapid reporting AIDS surveillance network using microcomputers in selected State/local health departments	.62	80,000
10. Expand existing cooperative agreements with State/local health departments to include risk reduction (information/education) programs for high risk groups	1.88	2,500,000
11. Enhance cooperation with National Hemophilia Foundation to acquire hemophilia patient specimens and medical history data and to disseminate up-to-date information to hemophilia treatment clinics		125,000
12. Define the complete spectrum of AIDS including lymphadenopathy syndrome cases, through active reviews of tumor registries and identification and follow-up of cases with prodromal signs/symptoms suggestive of AIDS	1.88	270,000
13. Expand the number of surveillance cooperative agreements to include an additional 3 to 5 State/local health departments that have reported a significant number of AIDS cases	.62	460,000
14. Expand cooperative agreement with U.S. Conference of Mayors to provide a broader network for an information interchange system of city governments and local health departments		140,000
15. Expand laboratory space for viral disease by adding 2 floors to the Virology Laboratory currently under design		4,500,000
Total resources required	17	11,200,000

CENTERS FOR DISEASE CONTROL—ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION—ADDITIONAL AIDS RESOURCES FOR FISCAL YEAR 1984 AND 1985

AIDS SUPPLEMENTAL FISCAL YEAR 1984

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a supplemental appropriation in FY 1984 to support research on the psychological and behavioral factors related to AIDS victims and the relationship of AIDS to drug use. These studies will require the following additional amounts in FY 1984:

National Institute of Mental Health	$375,000
National Institute on Drug Abuse	800,000
Total	1,175,000

Some of the research investigations to be supported include the following:

National Institute of Mental Health

Research studies aimed at increasing knowledge about the psychological and behavioral factors which increase vulnerability among at-risk populations and AIDS patients; psychoimmunologic and neuroendocrinologic studies examining the effects of stress on the immune system.

Retrospective and prospective studies focusing on psychosocial and behavioral factors associated with the development of symptomatic mental health reaction in AIDS patients and members of high risk groups. Included in this area are:

Risk-assessment studies to refine procedures for differentiating which individuals with AIDS or in high risk populations are likely to experience emotional disturbance or psychological dysfunction.

Studies examining the relationship between social, behavioral, and psychological factors and the course and prognosis of the illness.

Funds would also be used to supplement large scale prospective cohort studies now being funded by NCI or NIAID to obtain psychosocial and behavioral data relative to AIDS patients or populations at high risk for AIDS.

National Institute on Drug Abuse

The study initiated in FY 1983 will be expanded to include a second component of 200 homosexual AIDS patients who do or do not use drugs. The researchers will investigate the casual or modifying relationship of drug use among homosexuals in the development of AIDS.

The second year of this study was to include two additional substudies: (1) a group of 40 drug-users who are imprisioned on various charges and who acquire AIDS. Detailed questionaires on lifestyle and drug-use, medical histories, immunologic function, and other predictive factors will be measured. This group is unique in that they did not seek out treatment and may have unique variables—types of drug used, disease acquired, extent of disease; and (2) a followup study designed based on the cohort studies of the drug abuse populations. These studies will focus on changes in the individual's health to see what relationships exist between AIDS and immunological status, virological profile, drug abuse life style or other identified factors. These will include a proportionate representation of the above studied group.

A study to examine the influence of marijuana components on both hormonal and cellular immune response in vivo and in vitro. For example, antibody formation by immune splenocytes of skin graft reactions, lymphocyte blastogenic responses, and lymphokine production.

A study of the effects of narcotics on the immune system. This group is investigating the ability of lymphocytes of addicts as compared to normal subjects to form rosettes, the extent and duration of any alteration, mechanism of this effect and any genetic factors involved. This is an attempt to determine immunological changes resulting from narcotic and other drug use.

The overall objective of another application will be to assess the potential immunosuppressive effects of marijuana smoke through measures of dose-related increases in susceptibility to microbial infection and tumor growth in rats receiving marijuana smoke. Resistance to systematic as well as to localized infections will be assessed.

A proposed case-comparison study of AIDS patients with a history of intravenous heroin and cocaine use is ready to begin this summer. The purpose of this study is to attempt to quantify the risk factors associated with needle-sharing and AIDS. In addition, an attempt will be made to quantify the risk factor of the spouse and children living with needle-sharers. Physical examination and immunochemistries will be used to assess health changes during the study.

A comparative registry analysis from Treatment Outcome Prospective Study (TOPS), the Bronx, and New York City to determine the presence of previously treated methadone clients among the patients listed in the AIDS registries currently maintained by New York City, other States and CDC will be attempted. This analysis will provide a preliminary determination of the association between long-term heroin and other parenteral drug use with the appearance of AIDS.

The next followup wave of TOPS provides an opportunity to conduct immunochemistry and clinical chemistry studies on patients with varying drug use patterns is geographically disparate cities. This study will be the first nationally based study to determine normative values for the more recently developed virological studies like HTLV among drug abusers. Attempts will be made to correlate the findings of this study with the clustering of AIDS in certain portions of the country. In addition, the presence and recurrence of other viral infections like herpes can be analyzed in terms of drug use patterns. The hypothesis that several of the psychoactive substances may have immunosuppressive effects can be tested in a naturalistic setting.

AIDS AMENDMENT FISCAL YEAR 1985

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a budget amendment in FY 1985 to continue efforts begun in FY 1984 that were made possible by the proposed supplemental. The amounts requested are as follows:

National Institute of Mental Health	$425,000
National Institute on Drug Abuse	397,000
Total	$822,000

The activities are described below:

National Institute of Mental Health: Continuation cost of work begun in 1984.

National Institute on Drug Abuse: Continuation cost of work begun in 1984.

FOOD AND DRUG ADMINISTRATION FISCAL YEAR 1984 AND 1985 SUPPLEMENTAL FUNDING FOR AIDS ACTIVITIES

Given FDA's fundamental authorities for licensing biological products and approving new drugs, as well as responsibility for assuring the safety of the national blood supply, there is no question that the agency will be heavily involved in dealing with AIDS for a long time, regardless of the precise nature of the drugs and vaccines that are eventually developed. It will be necessary to grow sufficient quantities of the virus and pursue a number of approaches involving both monoclonal antibody and rcombinant DNA technology. Methods and animal models for evaluting candidate vaccines as well as diagnostic tests must be developed. Subsequently possible vaccines and treatment, will be evaluated, screening tests developed and refined, and standards set for licensing the products that will be developed. At the same time, in order to facilitate development and approval of these products, the FDA must continue research on the immunological factors involved and stay abreast of the research conducted both within and outside the government.

The FDA request includes different levels of funding in FY 1984, FY 1985, and FY 1986. The requested Supplemental Appropriation in FY 1984 is for $2,600,000 for the facility renovations and equipment necessary to expand AIDS work. The provision of these funds in FY 1984 will enable the agency to begin immediately to prepare the necessary high-containment laboratories. However, if these funds cannot be made available by July 1, 1984, the request would have to be revised to include this amount in FY 1985, since the funds could not be obligated by the end of FY 1984. The intent is to renovate several current animal rooms in Building 29A on the NIH campus into high-containment rooms needed for the AIDS work. This would require the agency to move existing animals out and contract for the maintenance of these animals.

The FY 1985 request totals $5,750,000. Of this amount $2,500,000 consists of one-time costs. The amount of $2,000,000 is for contracts to assess the impact on the national blood supply if those who are screened as positive for the AIDS agent are excluded from further donation, and to assess the past and current exposure to the AIDS agent by hemophiliacs who receive Anti-Hemophiliac Factor made from pooled plasma. The other $500,000 is for the one-time cost of moving the animals out of the space to be renovated in Building 29A and establishing a new location for them.

In addition to the one-time investment, the continuing needs are estimated at $3,250,000 the amount needed to meet operating needs for FY 1985. This amount would support 11 professional scientists using the IPA mechanism, 20 FTE staff years, and the cost of contracting for the animal support currently located in the space to be used for the AIDS work. While it is intended to use the IPA route as much as possible, 20 FTEs will be needed for technical and other support staff. This is essential because it is believed that 11 is probably the maximum number of IPAs which could be recruited, with the balance of the staff to be government employees.

[Attachment]

Food and Drug Administration: Sumary of increased resources necessary for work on AIDS

Fiscal year 1984 supplemental:	
Facility renovations	$950,000
Equipment	1,650,000
Total	[1] 2,600,000
Fiscal year 1985 budget amendment:	
Contracts relating to the safety of the national blood supply and protection of hemophiliacs	2,000,000
Contract for maintenance of animals currently located in the space to be renovated for AIDS work	1,150,000
Professional scientists under IPA's	1,100,000
Intramural FTEs (20)	1,500,000
Total	5,750,000
Fiscal year 1986 impact:	
Contract for maintenance of animals	650,000
Scientists under IPA's	1,100,000
Intramural FTEs (20)	1,500,000
Total	3,250,000

[1] This request is contingent on fiscal year 1984 funds being made available by July 1, 1984 if the funds are to be obligated by Sept. 30, 1984. If funding cannot become available by July 1, this amount of $2,600,000 would have to be added to the fiscal year 1985 request.

NATIONAL INSTITUTE OF HEALTH—ADDITIONAL AIDS RESOURCES—AIDS AMENDMENT FISCAL YEAR 1985

The NIH is requesting a budget amendment for FY 1985 to continue the efforts begun in FY 1984 that were made possible by the proposed supplemental and to initiate some new effort. The amounts requested are as follows:

National Cancer Institute	$7,900,000
National Institute of Dental Research	295,000
National Institute of Allergy and Infectious Diseases	8,942,000
Division of Research Resources	900,000
Total NIH	18,037,000

The activities of the various Institutes are described below.

NATIONAL CANCER INSTITUTE

Continuation costs of work begun in 1984.

Expanded effort in blood testing, HTLV III production, vaccine development, and SAIDS research.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Continuation costs of work begun in 1984.

Expanded effort made possible by major equipment purchases.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Continuation costs of efforts initiated in 1984.

Evaluation of immune abnormalities in AIDS through the analysis of cell surface markers and correlative studies of cell activation and function,

Extension of ongoing study at NIH in epidemic cities to study possible HTLV III infections in health care workers.

Collaborative therapy trials of AIDS using standard protocols and the central data analysis center:

Clinical study on the use of alpha interferon for treating pre-AIDS and/or preventing development of AIDS.

DIVISION OF RESEARCH RESOURCES

Continuation costs of efforts initiated in 1984 at the Regional Primate Research Centers.

NATIONAL INSTITUTES OF HEALTH—AIDS SUPPLEMENTAL, FISCAL YEAR 1984

The NIH is requesting additional funds in FY 1984 to support expanded research made possible by the isolation of a new human retrovirus described as the probable causative factor of AIDS. This breakthrough has provided us with the knowledge to increase our efforts against AIDS, efforts that will require the following additional accounts in FY 1984:

National Cancer Institute	$3,900,000
National Institute of Dental Research	81,000
National Institute of Allergy and Infectious Diseases	8,330,000
Division of Research Resources	790,000
Total HIH	13,101,000

Some of the areas that have opened as avenues for increased efforts are described below, by Institute.

NATIONAL CANCER INSTITUTE

Further work on human cell lines that produce large amounts of HTLV III, including further development needed to mass-produce the material necessary for blood screening tests.

Development of rapid immunological assays to detect infection.

Accelerated efforts to produce a vaccine to prevent AIDS and to develop other ways to halt its development.

Expand search for a safe, effective therapy for AIDS and its related diseases.

Expansion of a contract that provides the prime source for HTLV III production, the entire early scale-up fermentation, and the transfer after exponential expansion into the for-profit sector for testing blood for antibodies.

Maintenance of production of HTLV III for primate models and vaccine development.

Supplementation of existing grants, particularly studies involving simian AIDS.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Expanded investigations concerning the role of monocyte abnormalities in AIDS.

Studies on the epidemiology, transmission, and possible etiologic agent of AIDS in Zaire.

Modification and expansion of contracts dealing with specimen storage and distribution.

Development of a laboratory for the growth and study of a unique fungus, *Thermoascus crustaceus*, which has been found in the blood of some AIDS patients.

Expanded, studies of cryptosporidiosis, a serious opportunistic infection seen in AIDS patients and one that is now poorly understood, difficult to diagnose, and has no suitable treatment.

Research on the severe and even life-threatening diarrhea that affects AIDS patients.

Development of surrogate tests, particularly interferon production, to predict AIDS.

Expanded efforts in studies on the immunological defects in AIDS.

Additional AIDS public education programs in several major metropolitan cities throughout the United States where AIDS is statistically emerging.

Studies of Salmonella sepsis, and related infectious complications in AIDS patients.

DIVISION OF RESEARCH RESOURCES

Epidemiological studies at the Regional Primate Research Centers, using methods, similar to those employed with AIDS patients, to detect the virus in the primate colonies.

Development of an antiserum to permit rapid, reliable, field detection of SAIDS and SAIDS-carriers in the Centers' primate colonies.

Tests of the pathogenicity of retrovirus strains associated with human leukemia and AIDS.

Development of a vaccine to immunize nonhuman primates against AIDS.

Searches into the mechanisms of best immune defense against opportunistic organisms that colonize the oral cavity.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Investigations of polyamine inhibitors to attempt to control cytomegalovirus infections in AIDS, since other virus infections may be co-factors that allow the HTLV III virus to express itself clinically.

Research on seven specific opportunistic microorganisms as they relate to the life-threatening infections in AIDS patients, including basic biology of the organisms, mechanisms of pathogenesis, virulence factors, immunogens and immunopathology, immunotherapy, and immune prophylaxis.

Implementation of a multi-institutional clinical trial of Dapsone in AIDS patients with Pneumocystis carinii pneumonia; Dapsone is a drug licensed for use against leprosy and certain skin conditions, and which has been found to be effective in rats against P. carinii pneumonia.

New studies on the biology, pathogenesis, and prevalence of Cryptosporidium; analysis of human cytomegalovirus; herpes simplex virus and leukocyte interactions in AIDS; and the antimicrobial susceptibility of P. carinii.

Testing among potential AIDS victims (identified under an on-going contract) for exposure and response to the newly reported HTLV III agent.

Investigations of immune derangements in drug addicted parents and their children.

Injection of HTLV-III virus and Lymphadenopathy Associated Virus (LAV) into chimpanzees in attempts to produce AIDS in experimental; animals.

Establishment of a laboratory to culture candidate AIDS retrovirus.

Establishment of a vaccine development facility to produce candidate vaccines using the techniques of oligonucleotide and peptide synthesis as well as insertional cloning procedures in vaccinia virus.

Development of a new chimpanzee facility to study the transmission of HTLV III and to establish a model for protection as well as a model to investigate factors that produce susceptibility such as T helper ceil activation.

Mr. MOYNIHAN. Mr. President, last April I rose in this Chamber to introduce legislation to help combat the disease known as acquired immune deficiency syndrome, or AIDS. At that time, the disease was spreading and provoking near hysteria in some parts of the country. Today, the Nation has reason for more hope, as it was announced earlier this year that the cause of this modern plague had been isolated. But the war is not won; the outbreak continues to spread, the mortality rate continues to climb, and the statistics are even more horrible.

In March 1983, some 1,279 cases of AIDS has been reported in the United States, with 485 deaths—a mortality rate of 37.9 percent. Today, 5,694 adult cases have been reported to the Center for Disease Control in Atlanta, with 2,695 deaths—a mortality rate of 45 percent. Sixty-nine cases have been reported among children below the age of 12, and 47 of them have died. Their mortality rate is a staggering 68 percent. These few figures bluntly state the case; we are dealing with one of the most lethal epidemic outbreaks of this century.

Despite the best efforts of health officials, the disease has spread. Although the States of New York, California, and Florida continue to report the preponderance of cases, the number of new cases occurring in New York has actually declined by almost one-fifth while the national total has risen. In March 1983, 36 States had reported outbreaks of AIDS. Today, 45 States have done so, as well as the District of Columbia and Puerto Rico.

Yet, while all are appalled at the incidence of AIDS, there is cause for cautious optimism and a renewed commitment to fighting this disease. In April, Secretary of Health and Human Services Heckler announced that researchers had isolated the virus HTLV-III as a probable cause of AIDS, and had made breakthroughs in developing a means to mass-produce the virus as well as a blood test for AIDS. The Department of HHS undertook a comprehensive study of AIDS research already underway and of that needed in the future.

Assistant Secretary of Health, Dr. Edward Brandt, issued the Department's evaluation on May 25, 1984. Conceding that the astronomical mortality rate for AIDS is unacceptable, Dr. Brandt requested additional appropriations of $57.9 million through fiscal years 1984 and 1985, for continued treatment of and further research into AIDS.

These are the funds our amendment seeks to secure today. Dr. Brandt's initial request has been reduced significantly, to reflect appropriations in the fiscal 1985 budget and the fiscal 1984 continuing resolution. The amendment, therefore, would appropriate an additional $14.628 million to continue the important and fruitful work to cure this disease.

Our amendment would fund programs at the National Institutes of Health, the Centers for Disease Control and the Alcohol, Drug Abuse, and Mental Health Administration to improve laboratory diagnoses, conduct studies on AIDS outbreaks in the United States and around the world, expand investigation of transfusion-associated cases and cases involving other identifiable demographic groups, and improve the AIDS reporting network to isolate new outbreaks.

Perhaps of equal importance, support or further research for a cure for AIDS will quiet much of the anxiety and fear which has gripped areas of the country where this disease has been found. Members of the most common AIDS victim groups—most notably homosexuals, hemophiliacs, and Haitian immigrants—have been victims of additional discrimination and often of rejection and misunderstanding by their families and friends. Because AIDS has been associated with some blood transfusions, many patients have approached this procedure with additional apprehension. The disease itself can be eliminated only when a cure or treatment is developed, but public fears can be lessened by our willingness to continue support for AIDS research.

As a cosponsor of this amendment, and a sponsor of three pieces of legislation to provide funds for AIDS research and expedite the process for securing public emergency research funds, I have become familiar with the horror and devastation this disease brings. I urge my colleagues to support this amendment to provide additional funds for AIDS research, meet the request of the Department of Health and Human Services and to respond to the thousands of AIDS victims and potential victims.

Mr. KENNEDY. Mr. President, it gives me great pleasure to rise in support of the amendment to the appropriations bill offered by my distinguished colleague from California. With this amendment he has given the Senate an opportunity to fund research into AIDS and AIDS-related diseases at the level requested by the administration's own Assistant Secretary for Health, Dr. Edward Brandt. The number of patients suffering from the acquired immune deficiency syndrome continues to increase at an alarming rate. Although the NIH has identified the virus responsible for the disease, we still do not have effective means of prevention or treatment. Many centers of research across the Nation are geared into intensive round-the-clock labors to find the necessary solutions. These dedicated scientists and technicians must be allowed to continue their work at the levels proposed by the Assistant Secretary for Health. The funding level proposed by the administration is totally inadequate.

Senator CRANSTON and I have had a longstanding interest in the problems

of patients with AIDS. We have seen its destructive powers. I urge my colleagues to support this amendment.

Mr. WEICKER. Mr. President, the Senator from California and I, in a colloquy last Friday, stated our concerns for adequate funding for AIDS research. I remain committed to the goal of finding the means to treat and ultimately prevent this devastating disease. I am, therefore, prepared to accept this amendment which adds $11.2 million to the Centers for Disease Control, $2,606,000 to the National Institute for Allergy and Infectious Diseases, and $822,000 for the Alcohol, Drug Abuse, and Mental Health Administration. These funds are to be used to intensify the efforts being made in AIDS research and surveillance.

The PRESIDING OFFICER (Mr. HECHT). The question is on agreeing to the amendment.

The amendment (No. 4398) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4399

(Purpose: To preserve the right of schoolchildren to engage in voluntary school prayer)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 4399:

At an appropriate place in the bill add the following: "None of the funds appropriated under the act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.".

Mr. HELMS. Mr. President, this amendment simply restores the language on voluntary school prayer which has been in the Labor-HHS-Education and related agencies appropriations since its adoption in 1980 for fiscal year 1981.

When the committee amendments were adopted en bloc on Friday, September 21, the school prayer provision, originally authored in the House by Representative ROBERT S. WALKER, was struck out.

The pending amendment simply restores the Walker language, which, in my opinion, the Senate will not strike on a recorded vote. It provides:

None of the funds appropriated under the act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Representative WALKER relating to this amendment.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 1984.

DEAR SENATOR: As the original House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1985.

The language first became law in 1980 and has been a part of every Labor/HHS/Education bill and Continuing Resolution since then. It has consistently been adopted in the House by overwhelming margins, reflecting the broad support that the language commands here in the House. Currently, it is the only statutory provision now on the books protecting individual students' right to voluntarily pray in school. I am very hopeful that the Senate, in its wisdom and as it has in the past, will retain this language.

Cordially,

ROBERT S. WALKER.

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

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I ask unanimous consent that a rollcall vote take place on the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object——

Mr. WEICKER. Mr. President, I withdraw my request. I ask for the yeas and nays on the amendment of the Senator from North Carolina.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. [Mr. HECHT]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment. In doing so, I want it understood that I have cleared this matter with the Senator from North Carolina and told him that the amendment I am about to offer has no impact whatsoever on the pending issue. I have discussed the matter with the managers of the bill. The amendment I am about to offer is a very modest increase of $4 million having to do with orphan drugs.

Mr. HATCH. Mr. President, would the Senator add to his unanimous-consent request the right of the Senator from Utah to present an amendment which will be accepted by the managers of the bill immediately following the Senator from Ohio?

Mr. METZENBAUM. If the managers will tell me that is acceptable.

Mr. WEICKER. That is acceptable.

Mr. BYRD. Mr. President, the minority manager has stepped out of the Chamber.

Mr. METZENBAUM. Mr. President, will the Senator from Utah withhold that? The manager on the minority side is not in the Chamber.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senator from Ohio may go forward with his amendment and I intend to do the same thing for the Senator from Utah.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment in order that I may offer an amendment.

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

AMENDMENT NO. 4400

(Purpose: to increase funding for the National Institute for Child Health and Human Development)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 4400.

On page 22, line 14, strike "312,100,000." and insert in lieu thereof "316,100,000, of which $4,000,000 shall be available for Orphan Drug Research and Development Grants.

Mr. METZENBAUM. Mr. President, the authorizing committee has provided $4 million for this which makes it possible for the $4 million to be included in the appropriations bill. I think it is very important to provide something for the Orphan Drug Research and Development Grant Program. I appreciate the fact that the managers of the bill have indicated they are in a position to accept it.

Mr. WEICKER. Mr. President, I accept the amendment of the distinguished Senator from Ohio.

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

The amendment (No. 4400) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I would make a similar unanimous-consent request as the Senator from Ohio so that I may present a noncontroversial amendment which the managers of the bill have agreed to.

Mr. President, let me withhold my request.

Mr. BYRD. Mr. President, I think I know what the amendment is. Mr. WEICKER has informed me. I have no reason to think that Mr. PROXMIRE would object to the amendment.

Mr. HATCH. I thank the distinguished minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

AMENDMENT NO. 4401

(Purpose: To provide an additional $500,000 for Special Olympics, Inc., for the 1985 International Winter Special Olympics Games in Park City, Utah, under the "special demonstration programs for severely disabled" section of the Rehabilitation Act of 1973)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4401.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 46, line 7, strike out "$1,252,765,000" and inserting in lieu thereof "$1,253,265,000."

On page 6, line 11, strike out "and".

On page 46, line 13, before the period insert a comma and the following: "and $500,000 shall be available under section 311 of the Rehabilitation Act of 1973 for Special Olympics, Inc., for the 1985 International Winter Special Olympics Games in Park City, Utah".

Mr. HATCH. Mr. President, this amendment adds $500,000 to the level of the Labor, Education, HHS appropriations for the 1985 International Winter Special Olympic Games. This event will be hosted by Special Olympics, Inc., in Park City and Salt Lake City, UT, on March 24 through March 29, 1985.

Special Olympics was created in 1968 by the Joseph P. Kennedy, Jr. Foundation. It has now become the largest international program of sports training and athletic competition for mentally retarded children and adults. Sports and recreation provide an avenue for physical, social, and psychological development for handicapped persons. In the past, mentally retarded individuals have been told, "You can't do it." But Special Olympics says, "You can do it. All you need is a chance."

The Special Olympics Winter Sports Program began with ice skating as its official sport in 1972. Soon training programs in Alpine (downhill) and Nordic (cross country) skiing were added to the program. By 1977, winter sports training and competition had grown and developed enough so that the first International Winter Special Olympics could be conducted at Steamboat Springs, CO.

This year, Park City and Salt Lake City, UT, will host the 1985 International Winter Special Olympic Games for 750 participants from the United States and 15 other countries. Competitions will include Alpine skiing—giant slalom, slalom, and downhill—cross country skiing—100 meter sprint, 1 kilometer race, and 3 kilometer race—and ice skating—50 meter, 100 meter race, 400 meter race, and figure skating.

Even though 750 participants will be eligible for competition at the 1985 International Winter Special Olympics Games, some of the potential athletes will not be given the chance to compete because of financial constraints. This is why we are requesting a one-time congressional appropriation. The funds will help defray the cost of meals, lodging, transportation, and other services necessary for the handicapped athletes to participate in the games.

In the past, the State governments such as New York, Michigan, and Louisiana have provided State funds to support International Special Olympic Games. While the State of Utah plans to provide some funds for the 1985 International Games, the amount will be limited because of the small size of the overall State budget. Utah also is a State having a small population and few headquarters for major corporations. Consequently, it is difficult for my State to raise the entire $1.9 million required for the 1985 games from private sources. However, corporations and civic organizations will be providing substantial contributions to the games including some $2 million of inkind services and supplies. It is also important to recognize that the 1985 International Games are being conducted on a limited budget with only five paid staff members. The other members of the games committee are serving without compensation. More than 2,000 volunteers will be providing their time and services free of charge. Game officials from the U.S. Skiing and Skating Associations will be donating their professional services.

I urge my colleagues to support this appropriation. Without some Federal assistance many handicapped Olympian athletes would otherwise not be given a chance to demonstrate that "they can do it."

Mr. President, I submit that this is one of the greatest things that happens in this world. Any of us who have had any connection with Special Olympics, I think, have become instantaneous supporters of the Special Olympics.

At this time, I ask the manager of the bill if he would be willing to accept my amendment.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Utah for his amendment. I agree with him that that is one of the great events which takes place in this country. This particular Special Olympics is of an international nature, not just one of those which takes place every year in the United States. I would say probably the best way I could get money for the retarded people would be if every Member of the Senate would attend the Special Olympics. I think I could set almost any figure at all for the endeavor involved there, because it really brings out the best in all of us.

I am not just talking about money. I am talking about a one-for-one participation. I know many of the organizations, the ones that go one for one with the Special Olympics—I know the Jaycees do in the State of Connecticut. I know many of them give their time to this event. This is a great event to have in the United States, bringing athletes from all over the world.

I see the money spent around here, and I see $500,000 for this all-important event; believe me, there is no difficulty in supporting it. I know this opinion is shared by all Members, including the distinguished Senator from Wisconsin [Mr. PROXMIRE]. I certainly support the amendment.

Mr. HATCH. I thank the Senator. This event, for the athletes, will be one of the highlights of their lives and this will certainly be one of the highlights among events in the United States. I share the Senator's feeling for all the athletes. I know he is the leader in the Senate, if not the whole Congress, in handicapped issues. He has taught me things about this subject, both as a member of the Labor-HHS Committee and as chairman of the committee.

I personally am in his debt because he has helped me understand these problems.

With that, Mr. President, I move the amendment.

Mr. WEICKER. Mr. President, I say before the amendment is moved, this was a worthwhile bill prior to the adoption of this amendment. Now it is of such excellence and such compassion that I urgently enlist the aid of the distinguished Senator from Utah in seeing to its passage at the earliest possible moment.

Mr. HATCH. Mr. President, I think he will have that. I move the amendment.

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

The amendment (No. 4401) was agreed to.

Mr. WEICKER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I want to point out to my colleagues what will be involved if indeed we go to the continuing resolution rather than to pass this bill as we now have it before us.

As to the Department of Labor, the Job Corps, there is a $34 million difference between this bill and the House continuing resolution. And without these funds, program quality would suffer by increasing the size of the classes, and caseloads of counselors and supervisors; 2,400 enrollees would be cut.

Community service employment for older Americans, $17 million would be denied as between this bill and the House continuing resolution. The addition of 3,400 jobs for the low-income elderly would be denied.

Health and Human Services, maternal and child health, the House continuing resolution is $79 million below the bill on the floor here in the Senate. Services for crippled children, the provision of newborn genetic screening, sudden infant death services, lead poisoning prevention services, and prenatal medical services are, among others, provided through allocations to the States. And those allocations would be reduced by $79 million. These are the people who would suffer by virtue of accepting the House continuing resolution compared to the Senate bill.

Community health services, $8,650,000 below the Senate bill. Essential prevention-oriented primary care services for the medically underserved populations provided for more than 4,700,000 people in 1974. The Senate mark would permit service to be provided to another 350,000. That would be denied if we go to the continuing resolution.

Health Resources and Services Administration. We could train 1,100 new doctors in family medicine, including geriatrics.

We could support 1,700 more residents in general internal medicine and pediatrics than were funded in 1984.

The Senate bill calls for the establishment of 24 new geriatric academic administrative units in universities, specifically to train doctors in all aspects of geriatric medicine. That is not included in the House continuing resolution.

We could provide for 9 new area health education center projects which, added to the 10 continuation projects, would cover 19 States with a geographic area of 420 counties and a total population of 41 million people in primarily rural areas who lack adequate health services. That is not in the House continuing resolution. It is in the Senate bill.

Four thousand two hundred more disadvantaged students would be able to receive financial assistance to become health professionals; 3,000 more students would be able to receive advanced nurse training; 1,000 more students would be able to enroll in the professional nurse traineeship program under the Senate bill; 160 more people would receive traineeships in order to assist them to become nurse anesthetists.

The Senate bill provides $5 million to establish the Center for Nursing Research. No funds were provided in 1984 to support programs on educational and clinical nursing research, training, and information dissemination.

Head Start: The Senate bill is $79,309,000 more than the House continuing resolution. These funds would permit enrolling 32,000 more children in Head Start; denial of this money would require a cut of 1,000 children below the level currently served.

Nutrition for the elderly, $15,301,000 less than the House continuing resolution. The average number of meals per day served to needy elderly persons could be increased by 32,000. Without these funds, the current level of 806,000 average daily meals could not be sustained due to the impact of inflation.

Low-income energy assistance with winter coming on, $65 million more than the House continuing resolution. These funds represent a 3-percent increase over last year's level, in order to offset rising energy costs. Without these funds, fewer low-income people will be provided assistance in meeting fuel bills this winter. These additional funds would serve an estimated 300,000 households.

Refugee-targeted assistance, $27,500,000. Targeted assistance funds would be limited to $50 million, a one-third reduction from fiscal year 1984. Targeted assistance funds serve localities highly impacted by heavy concentrations of refugees.

Community services block grant, $20,272,000 more than the House continuing resolution. It is estimated an additional 1.1 million impoverished people would be served with the higher amount in the Senate bill; 40 new community action agencies would be open to provide antipoverty programs in unserved areas.

Compensatory education for the disadvantaged: $16.6 million more in the Senate bill than the House continuing resolution, and the lower House amount results in approximately 22,000 fewer migrant children, and 12,000 fewer handicapped children in State institutions being served.

Libraries: $63 million. The House bill provides no increase in public library service, and completely eliminates Federal matching funds for library construction renovation. The Senate bill includes math-science funds, $200 million; includes desegregation assistance, $75 million; includes the Special Olympics as presented by the distinguished Senator from Utah. These are all in the Senate bill.

I think maybe this is the place to draw the line on the issue that has brought us to this impasse. Once again, we have a prayer-in-school amendment. If everybody wants to go ahead and pray that things are going to work out all right for the poor, for the homeless, for the diseased, and for the retarded, go ahead and do so. I am sure it has its effect. But I suggest that a few dollars are necessary to accomplish the ends of giving them a better life, hope for the future, and, indeed, in many cases, life itself.

That is what this bill is about. It is the United States of America speaking from its heart to those who need our special care, to the smallest, and to the least powerful of our citizens—the least powerful in the sense of their physical condition, mental condition, economics, or whatever. Prayer is a powerful thing, and we all believe in it. Let each one do his own thing, but that is not going to help these people. What is needed is dollars. What is needed is programs, and what is needed is people committed to their neighbor.

In the some 25 days of hearings that took place, I wish all of you could have shared those moments with the committee and with those persons afflicted with certain diseases knowing that their only hope for life for either themselves—because many of them

spoke for themselves—or for their children, or loved ones—lay with the United States of America with its National Institutes of Health, and with the various programs going on in the universities of this Nation. God, how hard it is to fight for a few pennies for life in this Nation compared to the billions we spend on destruction. But now we come down to the ultimate—pray your way out of it.

This is one of the finest work products to come out of this body in this session in terms of the hope that it delivers to so many, whether the hope is in terms of an education, or whether the hope is the financial help necessary to achieve that education.

I mention in here the fact that this bill calls for the establishment of 24 new geriatric academic administrative units in the universities. Do you realize at the present time in this Nation we only have two such units in our universities that are dedicated to geriatrics? Do you understand the rapid multiplication that is going on right now as to our elderly population, and that we are totally unprepared for it? Only 2 out of the some 123 university medical complexes are devoted to the specialty of geriatrics. I hope, again, staff will provide me with the exact figures as to what is happening to the elderly population in the United States by the year 2000, and the year 2010. The figures are staggering. We can all sit there and admire our parents, and those growing old around us. But I suggest to you again we had better do something instead of either packing them off to nursing homes or telling them to get down on their knees and say a prayer. It seems to me we can do something. That is what this bill provides for. I think many of us felt there was something special to the bill in the sense it was not just appropriating money the old way, but again foreseeing the complexities of the future, and preparing in terms of the elderly of this Nation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WEICKER. Yes, I yield to the distinguished Senator.

Mr. HATCH. I thank my friend.

THE SCHOOL PRAYER AMENDMENT

I can appreciate the problems that he has because it is an important bill. As chairman of the Labor and Human Resources Committee, I have great personal interest in everything associated with this bill. I point out to my dear friend and colleague that we have had the debate on school prayer. He won that particular debate earlier in the year. But all the amendment of the distinguished Senator from North Carolina—in fact, let me read it. It is very simple. It has been in this Labor-HHS bill since 1980, as I recall. It is known as the Walker amendment added in the House. As I understand it, it is in the House bill. All it says is:

None of the funds appropriated under this act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

To me, that is a harmless amendment. It is an amendment that just acknowledges we do not want any of the money in this bill going for the purpose or used for the purpose of preventing voluntary prayer and meditation in the public schools. Everybody's rights are protected. If anybody wants to bring litigation, if some child prays in public school voluntarily, they can do that. I think this amendment should be accepted. It has been in the bill.

We have a letter from ROBERT WALKER, the Congressman who is the author of this bill.

He just says:

DEAR SENATORS: As the original House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Department of Labor, Health, and Human Services and Education for fiscal year 1985.

The language first became law in 1980, and has been a part of every Labor-HHS-Eduction bill and continuing resolution since then. It has consistently been adopted in the House by overwhelming margins reflecting broad support that the language commands here in the House.

Currently, it is the only statutory provision now on the books protecting individual student rights to voluntarily pray in school. I am very hopeful that the Senate in its wisdom, and as it has in the past, will retain this language.

I suggest to my dear friend that this language does not cause any disruptions. It does not hurt anybody. It does not cause any problems with discrimination. All it does is say none of these funds shall be used to prevent voluntary prayer and meditation in the public schools. I think that the House is going to insist on this amendment being in there.

I would like not to have this bill held up because of that language which really is not going to make any difference one way or the other. It is an acknowledgment that we believe children can voluntarily pray or meditate if they want to. And it does not have any force or effect with regard to school prayer.

So I hate to see this bill held up because of this amendment. But perhaps I missed something and perhaps I do not fully understand what the distinguished Senator from Connecticut is saying. But I do understand how deeply he feels about this issue having spent lots of time with him in the past. So I just say that, I hope that we can accept this amendment, and move on from there.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. In response to the distinguished Senator from Utah, two things. First of all, we debated this matter as a freestanding issue, and it did not get the required number of votes for an amendment.

Mr. HATCH. Will the Senator yield at that point?

Mr. WEICKER. Yes.

Mr. HATCH. We did not debate this matter. We debated a full prayer amendment. I understand what you are saying. I am just saying this is completely different, and I do not think it gets into that full-fledged constitutional debate we were in before. That was a constitutional amendment.

Mr. WEICKER. I say to the distinguished Senator from Utah, any way you want to cut it or define it, we are talking about school prayer and we are talking about programs. That is what the amendment says, to prevent the implementation of programs, voluntary prayer and meditation in the public schools.

To change a word here and add a word there, it walks like a duck, it quacks like a duck, it looks like a duck, so it is a duck. But how unfortunate that having lost the freestanding debate we now have to piggyback on the backs of the sick and the elderly and the young. Now it is being piggybacked on this bill. They lose on the debate, the proponents of what is being offered here, and now they try to put it on a bill so nobody will dare kill the bill.

Well, I am the one, along with Senator PROXMIRE and the other members of the committee, who spent the best part of a year devoting our time to those who are requesting and have the right to expect the assistance of their government.

And now these people are being denied that assistance in terms of an amendment which was all prayer in school.

Mr. HELMS. Will the Senator yield?

Mr. WEICKER. Not now; I will be glad to yield after I complete my remarks.

Mr. HELMS. I thank the Senator.

Mr. WEICKER. I will be glad to debate with the Senator from North Carolina any time.

The fact is that in 1980 or whenever this language was first put on, it was innocuous. Nobody dreamed that the issue would arrive in the proportions which we see today in this Nation. Nobody dreamed of that. It was innocuous language, no harm could come of it.

There were those who thought there was a problem here, constitutionally.

It was not until the political season and with those running for the highest office in the land that finally the issue manifested itself in terms of personalities. All of a sudden the whole country became involved with it.

So as it is presented on the Senate floor in the year 1984, more specifical-

ly in September 1984, 1½ months before an election, it is no longer innocuous, because it has tremendous implications and ramifications due to the debate that is the background of what is being proposed here on the floor.

Programs, programs; it seems to me as soon as you have programs of prayer, voluntary or otherwise, you are in violation of the first amendment of the Constitution of the United States.

I might add, so that nobody feels we are blind on this issue, I have a second-degree amendment waiting here which specifically would eliminate those words that say "the implementation of programs of" and insert "individual," so that in effect it would read: "No funds appropriated under this act may be used to prevent individual prayer and meditation in the public schools."

That is unacceptable. But that does not violate the Constitution. All it does is restate the law as it is, but there is no violation. Everybody. pray—indeed, the Government should not use its funds to prevent any person, any individual, from praying.

No; with the word "program" in this amendment, there you are with organized prayer in the school.

Do I want to see a year's work go down the drain? No; but this issue, too, is important. The shame of putting it on this bill, No. 1, that is not my shame.

I have just sent word to the Appropriations Committee which is reviewing the continuing resolution to incorporate all that has been done so far by the committee and by the Senate into the continuing resolution. I realize it will probably be postponed a day or two because probably the same group will try to put a prayer amendment on the continuing resolution, and I will have to fight that.

I suppose what bothers me the most, as it does everybody else, is that the people who will suffer are not the ones who can afford to suffer in this country. But that was not my choice. I did not pose the issue. And, yes; there is something very special and just as valuable to each one of us as human beings in the concepts of the Constitution of the United States. It is not an antibiotic, it is not a teacher's lesson, it is not a roof over your head, it is not a job. But it is also important. Too many people in this country have glossed over it for too long, and that is why we are in our present straits. So if the problem does have to be dramatized, let it be dramatized, and on this bill.

Let us understand what it is that is going to be lost and who is going to suffer for this political dialog, for this philosophical dialog.

I cannot believe that anybody in ignorance or homeless or in suffering is going to be very appreciative of the Senate of the United States or their Government. As much as I believe in the value of prayer, and I do, there is no better example, insofar as doing that which is Caesar's business—that is the business of this body, the business of Government, the secular business of the United States. That is our job.

I am not here, and neither are any of my colleagues, to take up on the Senate floor on Tuesday afternoon what the rabbi or the priest did not do on Saturday or Sunday. That is their job.

So I would hope that we could get on to the business of the legislation before us and the Senate bill, which is so far superior, thanks to all of you in this Chamber, so far superior to what it is the House has devised. But let us address ourselves to our responsibility in this area. That, believe me, is the proper business, not the amendment before us.

I have no desire—let me put it this way—to get into the long constitutional debates. We have been all through this, ad nauseam. It is a big issue out there. I am sure there are those on both sides of the aisle who would love to stick their opponents with voting against this amendment in an election year. "You voted against prayers in school." It will work both ways. Wait and see. That is maybe what someone wants to achieve out here, a political end to embarrass somebody else.

Let me say it loud and clear, not for the purpose of the Members of this body, as they know the Constitution as well as I do, but to remind the American people of article 6. No religious test—no religious test—shall be required for the holding of office. So regardless of how anybody votes on this amendment, disregard it. Indeed, if anybody does try to embarrass anyone else, they are the ones who should be voted out of office for engaging in that kind of demagogery.

If there are those who want this for political purposes, all the more reason why the vote should take place. I might add I do not want to hear it said of the Senator from Connecticut, "You are not running for election, so you do not care." I was running for election in 1982 and I took the same position in 1982 that I am taking now.

I think the time has come to knock it off. This whole religious debate has gone way beyond its bounds, as it always does. The political parties, the political arena, the Senate of the United States are no different from our own homes and our own social gatherings. These are conversations best left alone. It is up to each one of us in the United States of America to find our own way to the Creator.

We do not need any help from government, we do not need any programs of prayer in schools, we do not need any U.S. Senators or candidates moralizing for the rest of the Nation. I know, thanks to the decisions of the Supreme Court, that my children are far more tolerant religiously and racially than I or my generation were. That is what counts in the United States of America. That is progress.

No; I do not yearn for the good old days when you knew exactly who was who in your class and whom they worshiped or why. I do not yearn for that at all, nor for the embarrassment caused by those who were not Protestant, because most of the prayers were Protestant. I do not yearn for that at all.

I am so proud of where we are today and where our children are. They judge each other on the basis of the worth that is inside, not on the basis of the institution one belongs to or the color of the skin. That is where the Constitution works where, indeed, many of our faiths have failed.

I am not here to get into a preaching dialog this afternoon. I know that what is embodied in this bill best exemplifies everything I was taught in my particular faith and I know that it can come to pass if this bill is passed, and it will not if it does not.

Talk to me about what it is that we believe in, what it is that is espoused by whatever faith we belong to—principles of belief of all religions in this Nation that have been furthered by exactly what this Government does and what, more particularly, it does in this bill. I could not necessarily say the same thing for the DOD bill and other bills. This bill is the manifestation, in my particular instance, of what I believe in insofar as my fellow man is concerned.

As I said, the weakness of this cause is best exemplified by piggybacking this proposition on this legislation, on the backs of these people, and on the fulfillment or nonfulfillment of their lives. So, Mr. President, I hope that when we pass this legislation, as I hope we will—and the distinguished Senator from Idaho [Mr. MCCLURE] is here and is prepared to come to the floor to offer an amendment or another matter—I am quite satisfied to go through this debate for the next several days if that is what is required. I think everybody had forcefully and well stated their points of view.

I am not saying that mine is the right point of view when it comes to prayer. It is what I believe in, but I am not saying it is the right point of view. But this is the right bill in terms of what it does. That is my concern here this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I ask unanimous consent that the pending amendment be set aside in order that I might present an amendment on behalf of the distinguished Senator from Idaho [Mr. McCLURE] for consideration by the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 4403

(Purpose: To fund the unfunded liability within personnel retirement systems of five State Employment Security Agencies)

Mr. WEICKER. Mr. President, I send an amendment by Senator McCLURE to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] for Mr. McCLURE, proposes an amendment numbered 4403.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, line 6, strike "$2,422,598,000" and insert in lieu thereof "$2,426,365,000"

On page 5, line 13, after the comma, add the following: "and of which, not to exceed $3,767,000 which shall be available only for amortization payments to States which had independent retirement plans in their State Employment Service Agencies,"

Mr. McCLURE. Mr. President, this amendment to the Labor Department section of the bill will assure continued stability of the retirement systems in five State Employment Service Agencies. The five States involved are Idaho, Utah, North Dakota, Nebraska, and Oklahoma. The number of State employees affected totals over 3,000.

Prior to 1980, these five States had a separate retirement system for their State Employment Service Agencies. The separate systems were established at the urging of the Department of Labor around 1958. Although the Department originally supported the independent systems, the Department later told the States it was unfair and the SESA employees should be brought under each of the broader State employee retirement systems.

The States agreed and, operating in good faith, closed each of their special systems for SESA workers. The Department of Labor, in turn, agreed to amortize the liabilities over a period of 30 years and to publish regulations setting out agreements with these States. These agreements have not been published and these States are facing severe cutbacks in current employment services to cover these extraordinary retirement benefit costs.

It appears that DOL, for whatever reason, has abandoned plans to work with the States. The present value of the unfunded liability over 30 years currently totals approximately $113 million.

The amendment I am offering simply provides money for the unfunded liability for fiscal year 1985. The five States involved are facing the very real possibility of having to cut employment services in order to pay unfunded retirement benefits. This amendment gives us the time to work out a solution with the Department of Labor before these cuts become necessary.

Mr. President, I fully expect the Department to include in its fiscal year 1986 budget requests sufficient funds to fully amortize these payments on a 30-year schedule.

Mr. WEICKER. Mr. President, I recommend we accept the amendment. Apparently an inequity has been caused by the importunings of the Federal Government which resulted in an unfunded liability within personnel retirement systems of five State Employment Security agencies. It is clearly a situation demanding equity, and I concur in the argument of the distinguished Senator from Idaho [Mr. McCLURE] and ask that the amendment be adopted.

Mr. PROXMIRE. Mr. President, I have had an opportunity to review the amendment and discuss it with staff, and I have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4403) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HECHT assumed the chair.)

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

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

Mr. DENTON. Mr. President, I regret that the Senator from Connecticut has left the floor. However, for my other colleagues—and if he is within range of my voice, for him—I should like to offer a very few remarks on some of the statements he has made regarding voluntary school prayer and the amendment now before the Senate.

It is redundant to point out that the amendment has been law since 1980, and the letter to various Senators from Representative WALKER makes that clear.

I read the letter:

DEAR SENATOR: As the orignial House sponsor of the voluntary school prayer language in question, I wanted to take this opportunity to express my support for its inclusion and retention in the appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1985.

The language first became law in 1980 and has been a part of every Labor-HHS/Education bill and Continuing Resolution since then. It has consistently been adopted in the House by overwhelming margins, reflecting the broad support that the language commands here in the House. Currently, it is the only statutory provision now on the books protecting individual students' right to voluntary pray in school. I am very hopeful that the Senate, in its wisdom and as it has in the past, will retain this language.

Cordially,

ROBERT S. WALKER.

I believe that the distinguished Senator from North Carolina has already asked that the letter be printed in the RECORD. However, I thought its text relevant enough to make it explicit at this point.

I will address a few more remarks and some representations which have been made against the amendment.

It has been said that the amendment would permit programs of prayer in schools, and that is represented as being against the law and against the interests of the country. I point out that we have this year passed the equal access amendment, by which provisions we can have, as a result of that act, voluntary prayer in schools, outside of school time and with other restrictions. But with respect to the amendment offered by the Senator from North Carolina, which has been law all along, we now have a simple case of legislation which complements the equal access legislation and extends protection of students against being prohibited by Federal funds which would disrupt their student aided voluntary prayer meeting, if that is what they chose to do with equal access; and I am confident that in many cases that will be the choice.

I just wanted to clarify those two points.

I find it mysterious as to the object of the representations. Whose interests are being served by not adopting this amendment?

I have in my hand a UPI release of September 17, 1984, which appeared nationwide. This is an article which appeared in a newspaper in Alabama. There was a poll of 5,000 students; 2,300 filled out the questionnaire. These were honor students in the high

schools of today. The poll was taken by the publication known as "Who's Who Among American High School Students."

The relevant response from them on the matter of school prayer was that 79 percent believe that prayer should either be allowed or required in public schools.

The votes on the equal access bill in the Senate and the House were both overwhelming.

So I do not know what will is being expressed or what interest is being forwarded by the position taken by my friend from Connecticut, and I would find it abhorrent were we to stall on such a routine and appropriate measure.

I ask my colleagues that we regard it properly and vote and move on.

Mr. President, I ask unanimous consent to have printed in the RECORD the UPI article to which I referred.

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

[From the Times (AL) Daily, Sept. 17, 1984]

SURVEY SHOWS TOP STUDENTS WANT ABORTION BAN, PRAYER

NEW YORK.—A majority of top achieving high school students favor school prayer and support a constitutional ban on abortion, a survey showed Sunday.

And, 63 percent of the honor students said they would vote for President Reagan while 28 percent backed Walter Mondale.

The publishers of "Who's Who Among American High School Students" sent questionnaires to 5,000 of the 375,000 students listed in the directory; 2,300 students filled out the questionnaires.

Fifty-seven percent of the students said they supported a constitutional amendment either banning all abortions or banning abortion except in specified circumstances. Fifty-four percent believe abortion violates the right to life of the unborn child.

Seventy-nine percent believe prayer should either be allowed or required in public schools. Half did not think prayer in public schools violates separation of church and state; 16 percent did.

The report—"15th Annual Survey of High Achievers Views on Education, Cheating, Social Issues, Religion"—is the second based on data collected in the survey taken last spring.

The first, put out in the summer, told about views on drugs, alcohol, politics, nuclear war, draft registration.

On drugs, 86 percent said they had never tried marijuana; 98 percent had not tried cocaine or other drugs such as angel dust or LSD. On alcohol, 3 percent said they had never consumed enough to get drunk; 8 percent said they have from four to six drinks when imbibing.

Twenty-three percent said they drink beer occasionally and 32 percent, wine.

Other highlights from the report on education, cheating, social issues, religion: 51 percent said school is the major source of information about sex, birth control and VD; 34 percent said they learned most about sex from friends. Fifty-one percent said they can ask their parents anything about sex and will get open and honest answers. Eighty-two percent said they never had intercourse. If they had sex, 52 percent said they use birth control every time; 25 percent, occasionally; 18 percent, never.

Fifty-eight percent believe the parents of unwed teenage males as well as pregnant females should be notified before abortions are performed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4399

Mr. BAKER. Mr. President, for those who are not as familiar with Senate procedures and tendencies as we are here on the floor, the last hour and a half seems like wasted time and motion. But I can assure Members, and others who may be hearing me, that it was not, is not, and has produced what I believe is a good result. The whole question of prayer, voluntary prayer in public institutions and schools, has been a matter near and dear to my heart for a long time, and to the heart of my father-in-law before that. Senator Dirksen, I guess, was the original author of the first proposed prayer amendment. But, Mr. President, it would appear to me that there is the basis for a meeting of the minds on this issue. I have no illusions about this being the last time this issue will be fought, nor even on this bill, because surely this issue will be dealt with in conference.

The House, I am told, in their bill does have a provision either identical to, or similar to, the amendment offered by the distinguished Senator from North Carolina.

So in the final analysis, Mr. President, this, like all bills, will be shaped and formed in conference, and then submitted to the two Houses for their consideration. With that in mind, it has been my privilege to discuss this matter with the distinguished chairman of the Appropriations Committee; with the managers; Senator WEICKER; the author of the amendment, Senator HELMS, and I hope that we have a way to resolve this issue.

I will yield now, Mr. President. I believe Senator HELMS may wish to speak, and then I hope that we can pursue a course of action that will lead us to a resolution of this issue on this bill, permit us to go forward, and pass this appropriations bill in a relatively short period of time.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished majority leader, as always, has stated the situation accurately. This Senator has no desire whatsoever to delay the work of the Senate, and I am a little surprised, to be honest about it, that there has been a delay on this provision which has been a matter of law since 1980. Furthermore, I have no doubt whatsoever that my original amendment, which is now pending, would be approved by this body.

True enough, a constitutional amendment relating to school prayer did not receive sufficient votes to be approved. A two-thirds vote, of course, is required for a constitutional amendment. But as I recall, the votes in favor of the constitutional amendment were 55 or 56. I do not recall precisely the vote. But in any case, the majority leader has far too many problems for me to add to them in terms of delaying the work of the Senate.

I must say that I do not believe it can be contended that I have delayed the work of the Senate because I was prepared to vote an hour and a half ago on the pending amendment. But in any case, I think it is time to move along.

In that regard, I have to do a couple of things. One, Mr. President, I ask unanimous consent that the yeas and nays on the amendment be vitiated.

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

Mr. HELMS. I thank the Chair.

Second, I want to propose a modification of my amendment. I have that right, of course, inasmuch as the yeas and nays have been vitiated. I would propose that we alter the amendment slightly by striking the words "the implementation of programs of" and insert the word "individual". I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 4399), as modified, follows:

At an appropriate place in the bill add the following: "None of the funds appropriated under this Act shall be used to prevent individual voluntary prayer and meditation in the public schools.".

Mr. HELMS. I ask the distinguished manager of the bill, Mr. WEICKER, and also the very able chairman of the Appropriations Committee, Mr. HATFIELD, if they feel that this modification will be satisfactory to them.

Mr. WEICKER. In response to the distinguished Senator from North Carolina, I have no problems insofar as the modification is concerned to emphasize the right of the individual to pray, and that is something that I have always believed in as strongly as he has. I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. Mr. President, in response to the Senator from North

Carolina, I commend him for modifying the amendment in terms of getting us on with the bill. The chairman of the subcommittee [Mr. WEICKER] has acquiesced to this. It has met his criteria that he has spoken of frequently, that an individual has the right of freedom of prayer. Whether it should be written into law is subject to argumentation among lawyers.

I commend both Senators because I believe we have resolved the issue in this modifications. I commend the Senator from North Carolina for his willingness to move, at the same time being firm with his principles and views he has expressed many times about voluntary prayer in the schools.

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

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I again thank the distinguished Senator from Oregon. Just before we vote on the amendment, and I am perfectly willing to accept a voice vote, let me say that I do not believe that I am giving away the store with this modification. I think I know what is going to happen in conference, with the help of the able Congressman from Pennsylvania, Mr. WALKER, and other Members from both the House and Senate sides. I reiterate that I want to be helpful to the leadership in moving along the work of the Senate. There is very little point in our sitting around for hours at a time while a quorum call drones on. With that, Mr. President, I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 4399), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I support the fiscal year 1985 Department of Labor, Health and Human Services, Education, and related agencies appropriation bill as reported by the committee.

I would like to commend the chairman of the full committee, Senator HATFIELD, and the chairman of the subcommittee, Senator WEICKER, and the other members of the Appropriations Committee for their work on this bill. For the second year in a row, they have reported a bill which provides significant increases in many domestic programs for the elderly, the poor, the young, and the handicapped.

This bill as reported provides $94.3 billion in budget authority and $80.7 billion in outlays for fiscal year 1985 for the important activities of the Departments of Labor, Health and Human Services, and Education. Agencies such as ACTION, the Corporation for Public Broadcasting, and the National Labor Relations Board are also funded in the bill.

After adjustments for possible later requirements, the Labor-HHS bill provides $32.5 billion in budget authority for discretionary programs. This nondefense discretionary spending level is consistent with the guidance given to the subcommittee by the full Senate Appropriations Committee on June 14, 1984. Mr. President, I will ask unanimous consent that a table showing this relationship be inserted into the RECORD at the conclusion of my remarks.

Any amendments not contemplated that add additional discretionary spending could result in the bill exceeding this guidance level, threatening the enactment of this important bill.

Again, Mr. President, I support this bill as reported by the committee and commend the committee for this product.

I ask unanimous consent that the table to which I earlier referred be printed in the RECORD at this point.

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

Labor, Health and Human Services, Education, and Related Agencies Subcommittee, Nondefense discretionary budget authority

[In billions of dollars]

	Fiscal year 1985 nondefense discretionary
Senate-reported bill (H.R. 6028)	31.5
Possible later requirements:	
Refugee assistance	0.5
Science and math	0.2
Impact aid	0.1
Developmental disabilities	0.1
Health planning	0.1
Vocational education	0.1
Subcommittee total	32.5
Committee guidance [1]	32.6
House-passed level	33.4
President's request	28.6
Subcommittee total compared to:	
Committee guidance [1]	−0.1
House-passed level	−0.9
President's request	+3.9

[1] Nondefense discretionary cap guidance approved by the Appropriations Committee on June 14, 1984.

Note: Details may not add due to rounding.

THE EFFECT OF THE HYDE AMENDMENT ON TREATMENTS FOR VICTIMS OF RAPE

● Mr. JOHNSTON. For several years, the Hyde amendment has permitted medicaid funding of abortions only "where the life of the mother would be endangered if the fetus were carried to term." However, the Appropriations Committee in June approved an amendment, offered by Senator WEICKER, to add an additional exception "for medical procedures necessary for victims of rape or incest." The term "medical procedures" is understood to include abortions.

Now, I have recently been advised that there are other medical procedures, which are widely available, which are virtually always effective if they are administered within a few days to victims of sexual assault. Among these procedures is the drug known as DES [diethylstilbestrol]. I have further been advised that the Hyde amendment—even without the Weicker amendment for rape and incest—in no way prevents Federal funding for administration of DES or other procedures employed within a few days of a sexual assault.

I would like to know if this is true. Does the language of the Hyde amendment which is current law—containing only the life-of-the-mother exception—allow funding of DES treatments or other treatments administered within a few days of a sexual assault?●

● Mr. DENTON. The answer is yes. Until 1981, the Hyde amendment, as enacted, contained the phrase, "nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy."

That clause was dropped in 1981 without controversy, simply because it was unnecessary. The Hyde amendment was never intended to impede funding of medical procedures for ectopic—or tubal—pregnancies. Indeed, none of the antiabortion constitutional amendments or statutes which have been proposed would affect such procedures, which are not abortions, and which were never regarded as abortions under the antiabortion laws which were in effect in the States until 1973.

Likewise, the Hyde amendment has never been interpreted to prevent Federal funding of drugs or devices which prevent the implantation of the fertilized ovum in the uterus, which generally occurs within 8 days of fertilization. I understand that intrauterine devices, for example, sometimes work by preventing implantation, rather than by preventing fertilization. I do not intend to embark upon a discussion of whether or not that is a proper or desirable mechanism for birth control; I merely make the point that the Hyde amendment has never been, and is not now, construed to interfere with Federal payments for such anti-implantation drugs or devices.

Thus, the Hyde amendment which is current law, which contains only the life-of-the-mother exception, does permit funding of the various treat-

ments administered to a rape victim within a few days of the assault, including treatment with DES. There are actually several types of procedures which are employed in this situation, some of which prevent conception fertilization—some of which prevent implantation, and some of which may work in either manner depending on the time that they are administered to a woman. But all may be funded under the Hyde amendment. This is beyond dispute.

If administered promptly—within 72 hours of the sexual assault—DES treatment is virtually 100-percent effective. A study of 1,000 rape victims who were promptly treated with DES found zero pregnancies [L. Kuchera, "Postcoital Contraception with Diethylstilbesterol," Journal of the American Medical Association, Oct. 25, 1971]. Dr. Philip Corfman, Director of the Center for Population Research of the National Center of Child Health and Development, testified before a Judiciary Subcommittee in 1975 that "according to data from Ann Arbor, when DES is taken according to direction there are essentially no failures."

Even without any treatment, the chances of a single sexual assault resulting in pregnancy are low—certainly no more than 2 percent, probably much less.

By the way, there has been considerable publicity regarding cases in which women took DES, and subsequently gave birth to daughters who years later developed vaginal cancer. It appears that DES can cause female fetuses to become susceptible to this form of cancer, but ony if the drug is taken when the pregnancy is well advanced—more than 70 days after the conception of a female child. This is an important consideration with respect to certain medical uses of DES, but it is not a concern pertinent to the use of DES in the treatment of rape victims.

So, the Weicker language is not necessary to fund emergency treatment for rape victims. The provisions of the Hyde amendment apply only after the point of implantation.

The Weicker language would result in funding of surgical abortions on women, at any stage of pregnancy, who say that their pregnancy resulted from sexual assault. Such a loophole would encourage fraudulent claims, thus increasing skepticism regarding claims of sexual assault among law enforcement personnel, medical personnel, and jurors—to the detriment of genuine rape victims, and to the advantage of their assailants. I think it is far better to encourage prompt medical treatment of genuine victims of sexual assault, rather than to open up a loophole and invitation to fraud.●

Mr. COCHRAN. Mr. President, I have been involved in efforts to provide the necessary funding for the final year of the biomedical sciences program.

This program was initiated as a 5-year national demonstration program to identify low-income, disadvantaged, minority students in secondary school who indicated an affinity for math, science, and the biomedical sciences and to provide them with intensive support, counseling, and instruction through the secondary school years and the first year of college.

The program was proceeding apace, with great success, until fiscal year 1983, when it was made a part of the chapter 2 block grants. The Secretary of Education had no funds for continuation of the program in discretionary account.

The chairman of the Labor, HHS Subcommittee on Appropriations, Senator WEICKER, graciously agreed to the request from me and six of our colleagues on the Appropriations Committee to include report language in the 1983 supplemental appropriations bill and the fiscal year 1984 regular Labor-HHS appropriations bill urging the Secretary to continue funding this program due to its success. Unfortunately, our encouragement did not help Secretary Bell locate the funds to continue the program; 12 institutions of higher education were home to these demonstration projects; 6 urban sites and 6 rural. One of these institutions, Jackson State University, is in my State of Mississippi. Jackson State has kept my office appraised of its work with the biomedical sciences program. I am convinced that Jackson State's efforts have made a great deal of difference to many of Mississippi's disadvantaged students, and I am still very interested in seeing the program brought to a successful conclusion.

It is not too late to fulfill the Government's commitment to these students. The program needs $1 million to close out successfully the projects at all 12 schools. Is it possible to earmark funds for completion of these 12 projects under the Secretary's special programs and populations discretionary fund?

Mr. WEICKER. As you know, this program was block granted in 1981. There are many who believe that perhaps this program should never have been included in the chapter 2 block grant. I have encouraged these Senators to discuss the matter with the distinguished chairman of the authorizing committee rather than rely on appropriations language to change the statute. In the meantime, however, in order to assist these projects so that they may continue operating, we have urged the Secretary through appropriations report language to fund them to the greatest extent possible within his discretionary fund.

Mr. COCHRAN. I thank the Senator. I hope that the distinguished chairman of the subcommittee will consider even stronger language in the report of the managers of the conference committee. We have urged the Secretary to consider our request for funding to no avail. I think our language must clearly direct him to fund these 12 school's biomedical science programs at a minimum level of $1 million for the project to be completed.

The support is there, Mr. President. In both the House and the Senate, bipartisan groups have coalesced in support of the biomedical sciences program asking for adequate completion funding. I have worked closely with my colleague from New York, Senator MOYNIHAN, in trying to find a way to achieve closeout funding this fiscal year. Many other of our colleagues have worked on this effort in the past year. I hope that we can again count on the good efforts of Chairman WEICKER to help us convince Secretary Bell to provide these final funds.

Mr. WEICKER. I thank the Senator from Mississippi.

Mr. MOYNIHAN. I would like to thank Senator WEICKER for permitting me to speak to a matter of some importance. I originally had planned to offer an amendment to the Labor-HHS appropriations bill, specifically earmarking $1 million for the Biomedical Sciences Demonstration Program. This is a program about which I feel very strongly. It identifies minority and disadvantaged high school students who have an affinity for math, science, and the biomedical sciences. They receive intensive counseling in their academic subjects and other assistance. This help has proven critical to ensuring that they complete high school and pursue a higher education. These students often are the first member of their families to go on to college. These are the students about which we talked when we approved the new math-science legislation; the students we talk about when we say that we would like more minority students to go on to medical and dental school and graduate education.

New York University was one of the 12 universities originally selected for this national demonstration program. This program has been highly successful. It is a high priority for New York University and for its president, John Brademas.

Funding for the last year of this demonstration program is essential. These students now are entering college, and we must take every step possible to see that they remain in school and pursue careers in the sciences and health fields.

I have decided not to pursue an amendment to the bill because of the gracious agreement reached between the chairman of the subcommittee, Mr. WEICKER, with Senator COCHRAN directing the Secretary of Education

to utilize $1 million of his discretionary funds to see the participating universities in the demonstration program through the final year. As the chairman of the subcommittee knows, in two previous appropriations bills, the Appropriations Committees in the House and in the Senate strongly encouraged the Secretary to proceed with the demonstration program; regrettably he did not.

I applaud the support of the subcommittee chairman and Senator COCHRAN for this program, and their willingness to now direct the Secretary to provide us with the critical support needed for the final year of the program.

Mr. President, I have prepared some additional remarks on this worthy program, and have received a fine letter from John Brademas, president of New York University, on this matter. I ask unanimous consent that my remarks and president Brademas' letter be printed in the RECORD.

The information follows:

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN

MR. PRESIDENT: The Biomedical Sciences Program, established as a five-year national demonstration project in 1980, serves talented low-income and minority high school students with interests in mathematics, science, and the biomedical sciences. Administered through 12 colleges and universities at six rural and six urban project sites (New York University, Jackson State University, University of Alabama, Emory University, University of South Carolina, Temple University, Michigan State, University of Illinois-Chicago Circle, University of Northern Iowa, University of New Mexico-Albuquerque, California State University-LA, Pan American University, Texas) the program provides additional instruction, counseling and support services for these students through their first year of college. Participating students have received up to 220 hours a year of after-school instruction throughout their secondary educations.

In 1981, provisions of the Omnibus Education Reconciliation Act of 1981, the Biomedical Sciences Program was placed under Chapter 2 of the education block grant. At that time, however, Congress also provided an additional appropriation for the program of $2,886,000 for one year, FY 1982.

Separate funding for the biomedical sciences demonstration project ended after this appropriation. The colleges and universities involved in the project sought funding from the block grant, but almost all state-level discretionary monies already were committed for administration or funding of state-wide programs. Block grant assistance was not forthcoming.

Recognizing the serious funding problem and the vital importance of the program, Congress included language in two separate laws, the FY 1983 Supplemental Appropriations Bill and the FY 1984 Department of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill, urging the Secretary of Education to use a portion of his Chapter 2 discretionary funds to help finance the fourth year of the demonstration project. I joined 15 members of the Senate and 32 members of the House in writing the Secretary of Education last September, requesting him to fund the program.

In October, the Secretary responded to our request with a letter indicating that despite the urging of Congress, no funds would be made available for the Biomedical Sciences Program.

Under the Continuing Resolution for fiscal year 1984, $28.224 million is available for the Discretionary Fund. At this level, we plan to continue support for many of the projects funded in fiscal year 1983, giving special emphasis to activities that follow-up on the recommendations of the Commission on Excellence. Because the Discretionary Fund is specifically earmarked in bill language and limited by statute to six percent of the funds appropriated for Chapter 2, reprogramming cannot be used to increase funding. Congressional action would be required.

As you know, Biomedical Sciences was one of the programs selected by the Congress to be consolidated into the Chapter 2 State block grant program. More recently, through report language, the Congress has expressed interest in continued funding for Biomedical Sciences projects. However, no additional funds for this purpose have been appropriated, and as indicated above, there are many competing demands for our limited discretionary funds.

I am pleased that the Secretary of Education recognizes the need to implement the many recommendations of the National Commission on Excellence in Education—and I would note that many of that report's most urgent recommendations already are embodied in the operation of the Biomedical Sciences Program. More than 25 years ago, with the launch of the Russian satellite Sputnik, this nation awoke to our critical reliance on science and technological innovation. That reliance, if anything, has increased in the quarter century since; inexplicably, our ability to meet the increased demands has not. The National Commission on Excellence in Education found a steady decline in the science achievement scores of high school students since 1969. Between 1975 and 1980, the numbers of remedial mathematics courses at public four-year colleges increased by 72 percent and now account for fully one-quarter of all college mathematics courses. Clearly, we cannot hope to maintain our technological excellence when a significant portion of our college population—not high school, but college students—cannot solve basic mathematical problems.

The Commission recommended increased training in science and mathematics and increased assistance to disadvantaged and minority students who so often fail to receive proper instruction. This, I would note, is just what the Biomedical Sciences Program supports. The program also anticipated the Commission's proposals for a longer school day and an extended school year, as well as the Commission's recommendations for increased partnership between secondary schools and colleges and universities.

The overall purpose of the program, which is to encourage economically disadvantaged, minority students to study biomedical sciences at the postsecondary level, should be a national priority. Although their numbers have increased some in recent years, students from disadvantaged backgrounds remain underrepresented in the biomedical sciences fields—chemistry, biology, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy and public health. We most assuredly should strengthen and improve our present efforts to expand career opportunities for such students in the scientific and health professions.

As the five-year demonstration project in the biomedical sciences enters its final year, we must find the funds to assess the project. The preliminary evidence is very promising; the pilot projects had a remarkable 79 percent student retention rate over the first three years, far better even than the program's original guidelines. As these students enter the fifth year of the program, funding will be needed to fulfill our commitment to them and allow a study of the project's success. Without such funding, there will be no record and evaluation of the program's outcome. How, then, can we proceed?

If we in Congress are sincere about meeting the challenge set forth by the National Commission on Excellence in Education, there are few better ways to demonstrate this commitment than to fund the completion of the Biomedical Sciences Program. By directing the Secretary of Education to allocate $1 million from his Special Programs and Populations Discretionary Fund for this program, we promote excellence in mathematics and the sciences. Moreover, we ensure the completion of a well-conceived experiment designed to improve the education of talented, disadvantaged students.

NEW YORK UNIVERSITY,
OFFICE OF THE PRESIDENT,
New York, NY, September 14, 1984.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR PAT: I am writing to express my concern over the future of the Biomedical Sciences Program, once a categorical program of the Department of Education and now part of block grants to the states. Our experience with this program at New York University strongly indicates the merit of universities cooperating with secondary schools to develop the talents of minority and low-income students in science and mathematics.

This project was initiated as a five-year national demonstration program, with awards made to twelve universities, providing intensive support, counseling and instruction on an after-school basis to students from 9th grade through the first year of college. In many of its aspects, the program addressed concerns of the National Commission on Excellence in Education. The design was not simply one of career awareness in biomedical sciences, but offered substantial training in science and mathematics, as well as in English. One reason for the program's success has been the combining of academic learning with demanding practical work experiences in community health agencies, hospitals, and medical research settings. Emphasis on school-to-work transitions seems to heighten motivation and make pertinent the study of mathematics, science, and the development of computer literacy.

The program, nationwide, was implemented in both urban and rural areas, reaching into all corners of the country and drawing upon the talent of a broad cross-section of young Americans. The racial-ethnic composition of the national project was 58 percent Black, 21 percent Hispanic, 14 percent White, 4 percent Asian, and 3 percent native American. Here at New York University, Black and Hispanic students also formed the largest groupings, but first generation and new immigrant Asians comprised a

third major category of those we served. Here, as at other institutions, attrition in the program has been far below expectations, averaging only 7.5 percent per year.

The first group of New York University Biomedical Sciences Program students is now entering college. Current indications are that 27 percent entered Ivy League schools; 13 percent went to M.I.T.; 3 percent to other engineering and technical schools; 23 percent City and State Universities; and 15 percent remained at New York University, their "alma mater." Of these students, 47 percent state career objectives in medicine, and 13 percent in other health professions. Moreover, 24 percent who decided against biomedical careers have indicated they will declare college majors in mathematics, engineering, chemistry, and other important areas of national need.

The Biomedical Sciences program has been unable to secure funding through the block grants. I believe that one reason for this difficulty is the problematic nature of being an after-school secondary education level program situated in institutions of post-secondary education. Unlike elementary and secondary schools, universities have negligible representation in local block grant decision making.

A fifth year of funding for this program is, I believe, strongly merited in order to follow through on this effort to serve the needs of some of America's most talented, yet neediest young people.

With warm personal regards.

Sincerely,

JOHN BRADEMAS.

THE SEOG FORMULA—H.R. 6028

Mr. STAFFORD. Will the distinguished manager of the bill, my good friend from Connecticut, yield for a comment regarding the supplemental educational opportunity grant [SEOG] program?

Mr. WEICKER. I would be pleased to yield to my friend from Vermont.

Mr. STAFFORD. I am extremely pleased to note the Appropriations Committee has seen fit to include language on pages 43 and 44 of the bill, which will govern the allocation of SEOG funds to States and institutions. Without such language, for which credit is due particularly to the distinguished chairman of the committee and subcommittee, Senators HATFIELD and WEICKER, and to Senators RUDMAN and SPECTER, there would be massive shifts in SEOG allocations among institutions, shifts which were never intended when the Higher Education Act was reauthorized in 1980. For example, although the committee has rightly seen fit to increase fiscal year 1985 funding for the SEOG program by $25 million above the fiscal year 1984 level, the University of Vermont would lose $263,000, virtually 20 percent of its fiscal year 1984 allocation, were the hold-harmless language not included. Other colleges in my State would be similarly harmed: Norwich University would lose $81,000; Castleton State College would lose $50,000; Champlain College would lose $45,000; St. Michael's College would lose $46,000; and Johnson State College would lose $36,000.

These are funds which institutions use to afford financially needy students the opportunity to attend college. Their loss would severely limit these opportunities. I understand that without the hold-harmless language students in certain institutions in Connecticut would also lose important Federal student aid in the form of SEOG.

Mr. WEICKER. The Senator is correct. A number of institutions in my own State and many other States would stand to lose a significant portion of funds without such language. Our language is in no way an attempt to change the statute. Rather, we seek to minimize the disruption which is certain to occur by allowing the statutory formula to be applied this year. We expect that this matter will be dealt with appropriately when the Higher Education Act is reauthorized next year.

Mr. STAFFORD. I appreciate the interest of the Senator from Connecticut and that of his colleagues on the Appropriations Committee on this matter. Let me say that, when Congress adopted the 1980 Higher Education Amendments, we intended that incremental appropriations above $370 million, which was then the level of SEOG, would be distributed among all institutions, although certain institutions which has participated in the program from its inception would receive a substantially lesser share, and in some cases no share, of any increment. Congress never intended that institutions would be penalized and lose funds, and the language in H.R. 6028 ensures that students attending these institutions will be treated equitably.

When the Education Subcommittee, of which I am chairman, considers the reauthorization of the Higher Education Act early next year, I assure the Senator, who is also a member of that subcommittee, that the restructuring of the SEOG allocation formula will be among our principal priorities. In the meantime, I appreciate the Appropriations Committee's recognition of the need to rectify for fiscal year 1985 the anomaly in the SEOG formula, and I urge my colleagues on the conference committee to strongly advocate the Senator's position on the formula.

Mr. WEICKER. I thank the Senator for his interest, which I share, in the SEOG formula matter, and assure him that I will make every effort to uphold the Senate position in conference with the House.

● Mr. BIDEN. Mr. President, I am going to vote no on this bill because once again we find ourselves acting in a piecemeal fashion on a spending measure that will increase the Federal deficit without acting to reduce that deficit.

This bill is more than was requested by the House or the administration. Even though the programs are important to me, and I support most, if not all, of its provisions. Doing something about spending is equally important.

I proposed a budget freeze and will offer it again to the Senate for consideration. I will continue to offer it until we face up to the fact that we need to do something to reduce these staggering deficits.

For that reason, this may be the most appropriate place for me to once again make the point that we must freeze spending and come up with a rational plan to reduce the deficit.●

Mr. HEINZ. Mr. President, I am pleased today to support S. 2836, the Department of Labor, Health and Human Services and Related Agencies Appropriation Bill for 1985. I would like to commend my colleagues on the Appropriations Committee for their diligent efforts to secure adequate funding for the wide range of programs designed to improve the health and well-being of all Americans.

In particular, I am pleased to note that S. 2836 includes a significant increase in funds for the National Institutes of Health; collectively, the Institutes will receive $687 million more than last year. In addition, $124 million more is appropriated in the area of health care delivery and assistance, which supports such activities as migrant health programs, black lung clinics and community health centers. S. 2836 also includes $41 million more for nurse practitioners, physician's assistants and health administration programs. Of this amount, $3 million will fund critical projects in high priority underserved areas that will increase health promotion, disease prevention and rural health care services. All of these funds will continue and protect the important Federal investment in research, manpower, and the training of medical professionals. Mr. President, I cannot imagine a better use of tax dollars.

Let us look at the potential benefits to be gained from these national investments. We have all seen, indeed many of us have benefited personally from the Federal research initiatives of the past few decades. To give one example, in the 10 years between 1972 and 1982, life expectancy increased 2.6 years for an average 35-year-old in the United States. This increase from 72.4 years to 75 years in so short a time—an increase largely attributable to our all-out effort to reduce the incidence and death rate from heart disease—is a remarkable achievement.

Surely if we targeted the same investment in research dollars toward the many chronic diseases that affect the elderly, such as Alzheimer's disease we could achieve comparable results. Last year, the Senate Special

Committee on Aging held a hearing to review the status of scientific research and medical care for persons afflicted with Alzheimer's. I was surprised to find such a clear example of penny-wise but pound-foolish spending. At that time, we were spending less than one-half of one-tenth of 1 percent of the amount for research on Alzheimer's than we were spending on care for victims of this tragic disease.

To help correct this imbalance, last year I joined several of my colleagues in requesting additional funds for Alzheimer's research. As a result, the National Institutes of Health received a total of $31.5 million for research in Alzheimer's disease, including 3.5 million to establish up to five regional research centers.

Earlier this year, I learned that the National Institute of Aging had received 22 applications for Alzheimer's disease research centers but would be able to grant only four awards by the end of the 1984 fiscal year. Consequently, I wrote a letter to Senator WEICKER, the chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, to urge an additional $5 million allocation for five more Alzheimer's research centers. I am pleased that the committee responded favorably to this request by adopting an amendment offered by Senator HATFIELD to appropriate additional funds for the new centers.

With passage of this appropriation bill, total Federal expenditures for Alzheimer's research will increase significantly from $37 million in fiscal year 1984 to $56.5 million in 1985. The scientific community has begun to uncover promising leads in connection with Alzheimer's disease. By appropriating adequate resources for this and other chronic diseases, we may soon learn to prevent, cure, or treat these devastating diseases that affect the elderly.

But the vast knowledge we gain from research will not be of much use if we do not put it into practice. I am speaking of adequate training and manpower. Mr. President, today our health professionals are simply not adequately trained to meet the health care needs of the elderly population.

A few staggering facts will illustrate what I believe to be the inadequacy of geriatric medical training. First, we have 127 medical schools in this country, but only 15 of these schools require their students to take courses in geriatric care. Second, these 127 schools are affiliated with 417 teaching hospitals, but only six are affiliated with teaching nursing homes. Third, in 1981, for every one pediatrician there were 1,400 children. By contrast, for every one geriatrician, there were over 37,000 older people. Fourth, in a 1981 survey of physicians, fewer than 700 out of 480,000 physicians claimed to have any expertise in geriatric medicine.

All these figures add up to one untenable conclusion: Physicians and other health professionals are simply ill-prepared to provide the kind of specialized care that the graying America does and will need. For example, in a recent survey conducted in my home State of Pennsylvania, it was found that three out of five physicians knew very little about the specific effects of prescription drugs on their elderly patients. Tragically, we know that the lack of geriatric training can lead to drug misuse, misdiagnosis, and even death.

Mr. President, the problems that we experience today in caring for older Americans will reach crisis proportions with the unprecedented growth of the elderly population. By 1990, the population aged 65 and over will be 25-percent greater than it was in 1980. This group will grow yet another 10 percent by the turn of the century. If we are unable to meet the elderly's health needs today, as I believe to be the case, surely the situation will be much worse in 10 to 15 years.

Earlier this year, we received additional evidence concerning this problem when the U.S. Department of Health and Human Services issued its report on Education and Training in Geriatrics and Gerontology. This report confirms that there is an enormous shortage of health personnel who are trained in geriatrics and gerontology to meet the needs of a burgeoning elderly population.

Firmly believing that we cannot afford to wait any longer to set forth an agenda to ensure quality health care for all older Americans, last week I introduced S. 3009, the Geriatric Manpower Act of 1984. The purpose of this bill is to improve substantially Federal support for geriatric training and education programs. To achieve this end, the legislation authorizes a nearly threefold increase in funds over a 5-year period to get this major Federal initiative underway. These supplemental moneys will increase funding for existing programs within the Administration on Aging, the National Institute on Aging, the National Institute of Mental Health and the Health Resources and Services Administration. I urge my colleagues to join me in support of S. 3009.

The Labor-HHS appropriations bill represents a significant and bold step in the right direction and I commend my distinguished colleagues on the Appropriations Committee. I particularly applaud the work of Senator WEICKER and Senator HATFIELD for their tireless efforts on behalf of the millions of senior citizens who depend on this bill. From this point, however, we must look to the future. It is my hope that we can continue to work together and agree on a far-reaching plan that will benefit present and future generations of Americans.

Mr. WEICKER. Mr. President, the appropriations bill before us today represents programs of compassion, programs to overcome many of the social, economic, physical, and educational barriers to independence and full functioning in our society. They represent our hope for conquering disease, for employability, for self-reliance for those with physical or mental handicaps, for aging with dignity.

Perhaps no one feels more deeply than Chairman HATFIELD that spending in these areas is necessary and highly cost effective as we endeavor to create a better, healthier existence for the present and future generations.

There is no doubt that the fiscal year 1985 Labor-HHS-Education and related agencies bill would not reflect the increased levels we have been able to achieve were it not for the consistent and active support of our distinguished chairman, Senator HATFIELD.

The fact that we are able to include sufficient increases in education and health programs is largely due to his early leadership both on the Senate budget resolution, which excepted from a discretionary spending freeze education and health programs, and in our committee's deliberations.

I am particularly proud of my association with a chairman who knows full well that true national security is meaningless without a healthier, educated and self-sufficient citizenry.

Mr. President, I think the greatest tribute I can give Senator HATFIELD right now is when we get to a lot of firing phases just to keep quiet and get final passage of a bill. That is the greatest compliment one can give to someone of the stature of Senator HATFIELD, his compassion and abilities.

Mr. President, I want to pay the highest compliment to my distinguished ranking minority Member, Senator PROXMIRE. This bill has been the product of 26 days of public hearings with testimony from literally hundreds of witnesses. Nearly every day, Senator PROXMIRE sat with me laboring diligently, lending his insight and expertise. This legislation would not have been possible without his cooperation and support. Indeed, it has been my privilege to serve with the Senator from Wisconsin.

Mr. President, I am ready for final passage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I ask for the yeas and nays on passage of the bill before the Senate at this time.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WEICKER. Mr. President, I have no further amendments on this side. I am advised there are no other amendments on the other side. I think we are prepared to vote.

The PRESIDING OFFICER. Are there further amendments to be proposed? If not, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

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

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. EAST], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Illinois [Mr. PERCY], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. PERCY] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PELL], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

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

The result was announced—yeas 71, nays 20—as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—71

Abdnor	Bradley	Cochran
Andrews	Bumpers	Cohen
Baker	Burdick	Cranston
Bentsen	Byrd	D'Amato
Bingaman	Chafee	Danforth
Boschwitz	Chiles	Dixon
Dodd	Johnston	Pryor
Domenici	Kassebaum	Quayle
Durenberger	Kasten	Randolph
Eagleton	Lautenberg	Riegle
Evans	Laxalt	Rudman
Ford	Leahy	Sasser
Glenn	Levin	Simpson
Goldwater	Lugar	Specter
Gorton	Mathias	Stafford
Hart	Matsunaga	Stennis
Hatfield	McClure	Stevens
Hawkins	Melcher	Thurmond
Hecht	Metzenbaum	Tower
Heflin	Mitchell	Tsongas
Heinz	Moynihan	Warner
Hollings	Murkowski	Weicker
Huddleston	Packwood	Wilson
Inouye	Pressler	

NAYS—20

Armstrong	Garn	Nunn
Baucus	Grassley	Proxmire
Biden	Hatch	Roth
Boren	Helms	Symms
DeConcini	Jepsen	Trible
Denton	Mattingly	Zorinsky
Exon	Nickles	

NOT VOTING—9

Dole	Kennedy	Percy
East	Long	Sarbanes
Humphrey	Pell	Wallop

So the bill (H.R. 6028), as amended, was passed.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. WEICKER. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. STENNIS, Mr. PROXMIRE, Mr. BYRD, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. BURDICK, and Mr. INOUYE conferees on the part of the Senate.

Mr. BAKER. Mr. President, I congratulate the distinguished managers of this bill. It is one of the regular appropriations bills and was handled in good order and to a successful conclusion, and I am pleased that we have reached this result.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I also want to commend the distinguished chairman of the Appropriations Subcommittee on Labor, HHS, Education, and Related Agencies, Mr. WEICKER, and the ranking minority member, Mr. PROXMIRE, for their diligence, fairness, and very effective management of the bill. In previous years, there have been serious difficulties in getting this bill through the Senate, and I applaud them for their success this year.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it had been the hope of the leadership on this side that we could now go to the Interior appropriations bill. It is now 6:20 p.m., and it does not appear possible to clear that bill to be taken up tonight. It will be the intention of the leadership to take up that bill the first thing in the morning.

I ask unanimous consent that there now be a period for the transaction of routine morning business until 6:30 p.m., in which Senators may speak for not more than 2 minutes each, except the two leaders, against whom no time limitations shall apply.

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

PRODUCT LIABILITY LEGISLATION

Mr. CRANSTON. Mr. President, I wish to address a few words to the majority leader. I understand that he has indicated that he wants the Senate to consider S. 44, the product liability bill. I rise to inform the majority leader [Mr. BAKER], along with all my colleagues, that it will take a substantial amount of the Senate's time to consider that particular measure. It is controversial in many ways, and I know that a number of Senators will have much to say on both sides of the controversies, and will have corrections and countercorrections to propose.

I shall offer a very lengthy and complex substitute amendment whch incorporates the law of California as a replacement for the Commerce Committee's language, which would, in turn, supplant the common law of each of the 50 States.

The amendment will be difficult for Senators to study because to do so will first require a thorough knowledge of California's common law on intricate points of evidence, proximate cause, legal cause, and various instructions to the jury. But, aided by ample memorandums prepared by astute California practitioners, I shall be able to educate my colleagues thoroughly in these arcane points of California's common law, including its case-by-case development, so that, in the event my amendment should be adopted by the Senate and become the law of the land, every Senator will be able to explain to the State bar association, the State judges, and the State legislature the new Federal law which would replace their own State's common law and statutes on product liability.

I trust the able majority leader, who is a skilled member of the bar, will appreciate the signal service I hope to be able to perform for the benefit of our colleagues.

Mr. BAKER. Mr. President, I come from a part of the country that is

sometimes accused of having an accented manner or method of speech, although I do not think so. For instance, I told President Carter at one time that of all the Presidents I had served in my time as Senator, he had no accent that I could tell.

But maybe coming from an area of the country where we do have an accent some people claim to need to interpret, maybe I should admit right here on the floor of the Senate that I am an expert at interpreting California language and dialect. For those who do not know what Senator CRANSTON said, I believe he said he is going to filibuster that bill to death. If I understood him correctly, I accept his admonition and understand his point of view.

I shall consult and commune and confer with those who are greatly interested in that matter, but I must say that I announced today to our caucus and indicated to the minority leader before the caucus began on both sides of the aisle that it was the intention of the leadership on this side of the aisle to try to get to the product liability bill next week.

I shall take account of the admonitions offered by the Senator from California. I am sure he will gird his loins and prepare for battle at the time that that occurs. I shall watch with great interest.

Mr. CRANSTON. Mr. President, I am pleased the leader from Tennessee can understand the Senator from California and his language.

Mr. BAKER. I thank the Senator from California for his excellent statement.

MESSAGE FROM THE HOUSE

At 5:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1770. An act to extend the lease terms of Federal oil and gas lease numbered U-39711; and

S. 2732. An act to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System.

The message also announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 416. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; and

S. 1889. An act to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Henry R. E. Hampton Visitor Center".

The message further announced that the House insists upon its amendments to the bill (S. 905) to establish the National Archives and Records Administration as an independent agency, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BROOKS, Mr. FUQUA, Mr. ENGLISH, Mr. HORTON, and Mr. KINDNESS as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 2166) to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes, with amendments; it insists upon its amendments to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. MCNULTY, Mr. GEJDENSON, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. MCCAIN, Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LUKEN, Mr. BROYHILL, and Mr. MADIGAN as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2614) to amend the Indian Financing Act of 1974.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes;

H.R. 2768. An act to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes;

H.R. 3082. An act to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes;

H.R. 5271. An act to extend the Wetlands Loan Act;

H.R. 5513 An act to designate the Delta States Research Center in Stoneville, Mississippi, as the "Jamie Whitten Delta States Research Center";

H.R. 5585. An act to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes;

H.R. 5782. An act granting the consent of Congress to an amendment to the Delaware River Basin Compact;

H.R. 5787 An act to remove as an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Texas, and Port Hueneme, California, and for other purposes;

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes;

H.R. 6221. An act to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma; and

H.J. Res. 580 Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings;

S. 38. An act entitled the "Longshore and Harbor Workers' Compensation Act amendments of 1984";

S. 1989. An act for the relief of Vladimir Victorovich Yakimetz;

S. 2000. An act to allow variable interest rates for Indian funds held in trust by the United States;

H.R. 1150. An act for the relief of Teodoro N. Salanga, Junior;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.J. Res. 392. Joint resolution to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; and

H.J. Res 605. Joint resolution regarding the implementation of the policy of the United States government in opposition to the practice of torture by any foreign government.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1438. An act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2768. An act to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5513. An act to designate the Delta States Research Center in Stoneville, Mississippi, as the "Jamie Whitten Delta States Research Center"; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5585. An act to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5782. An act granting the consent of Congress to an amendment to the Delaware River Basin Compact; to the Committee on the Judiciary.

H.R. 5787. An act to remove as an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Texas, and Port Hueneme, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6163. An act to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 580. Joint resolution authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Rules and Administration

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3082. An act to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; and

H.R. 5271. An act to extend the Wetlands Loan Act.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 6221. An act to provide for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2645: A bill to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia (Rept. No. 98-633).

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S.J. Res. 356: An original joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes (Rept. No. 98-634).

By Mr. MATHIAS, from the Committee on Governmental Affairs;

Report to accompany the bill (H.R. 3932) to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes (Rept. No. 98-635).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 441: Resolution providing for the waiver of section 303(a) of the Congressional Budget Act of 1974 with respect to S. 2736 as reported by the Senate Committee on Veteran's Affairs.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 451. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2645.

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, with amendments:

S. 2625: A bill to permit the payment of rewards for information concerning terrorist acts.

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, without amendment:

S. 3000: A bill to authorize the provision of foreign assistance for agricultural activities in Poland.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations:

Robert E. Barbour, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Suriname.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert E. Barbour.

Post: Ambassador to Suriname.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: Nancy Francisco Barbour, none.

3. Children and spouses names: Linda Arcila, husband, Jose, Daphne S. Hilary K., none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Deceased.

Carl Edward Dillery, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Carl Edward Dillery.

Post: Suva, Fiji.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Sara and John Hynes, Edward and John Dillery, none.

4. Parents names: Clara Dillery (father deceased), none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: David and Charl H. Dillery, John and Chris Dillery, none.

7. Sisters and spouses names: Carol and Willburn Sooter, none.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: J. Stapleton Roy.

Post: Ambassador to Singapore.

Contributions, amount, date, donee.

1. Self: J. Stapleton Roy, none.

2. Spouse: Elissandra N. Roy, none.

3. Children and spouses names: Andrew, David, Anthony, none.

4. Parents names: Andrew T. Roy, Margaret C. Roy: $5, 2/21/80, National Republic Cong. Committee; $22, 10/22/80, Dem. Congressional Committee; $25, 12/1/81, Dem. Study Group Campaign Fund; $15, 8/12/82, Dem. Cong. Campaign Committee; $100, 6/22/82, Robert Edgar, Dem. Congressman; $10, 12/19/83, Cranston for President; $10, 12/19/83, Dem. Cong. Camp. Committee; $10, 12/19/83, Dem. National Committee.

5. Grandparents names, N/A.

6. Brothers and spouses names: David T. Roy, Barbara Roy, none.

7. Sisters and spouses names, N/A.

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Thomas R. Pickering, of New Jersey.

Ronald I. Spiers, of Vermont.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the Thirty-ninth Session of the General Assembly of the United Nations:

Representatives:

Jeane J. Kirkpatrick, of Maryland.

Jose S. Sorzano, of Virginia.

Charles McC. Mathias, Jr., United States Senator from the State of Maryland.

John H. Glenn, Jr., United States Senator from the State of Ohio.

Robert D. Ray, of Iowa.

Alternate Represenatives:

Richard Schifter, of Maryland.

Alan Lee Keyes, of California.

Harvey J. Feldman, of Florida.

Preston H. Long, of New York.

Guadalupe Quintanilla, of Texas.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. BAKER. Mr. President, for Mr. PERCY, I also report favorably a Senior Foreign Service nomination list which appeared in full in the CONGRESSIONAL RECORD of September 21, 1984, and ask, to save the expense of reprinting it on the Executive Calendar, that the list lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3018. A bill to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack United States Government employees abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. GOLDWATER):

S. 3019. A bill to require that the positions of Director and Deputy Director of Central Intelligence be filled by career intelligence officers; to the Select Committee on Intelligence.

By Mr. THURMOND:

S. 3020. A bill to create a federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs; to the Committee on the Judiciary.

By Mr. STAFFORD (for himself, Mr. BAKER, Mr. BYRD, Mr. BENTSEN, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. CHILES, Mr. CRANSTON, Mr. GOLDWATER, Mr. HART, Mr. BURDICK, Mr. PRYOR, Mr. HEFLIN, Mr. PROXMIRE, Mr. MITCHELL, Mr. DOMENICI, Mr. MOYNIHAN, Mr. CHAFEE, Mr. SIMPSON, Mr. BIDEN, Mr. BUMPERS, Mr. LAUTENBERG, Mr. WARNER, Mr. BRADLEY, and Mr. SYMMS):

S. 3021. A bill to name the Federal Building in Elkins, West Virginia, the "Jennings Randolph Federal Center"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 3022. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COCHRAN:

S.J. Res. 355. A joint resolution to designate the week of February 10, 1985, through February 16, 1985, as "National DECA Week"; to the Committee on the Judiciary.

By Mr. HATFIELD, from the Committee on Appropriations:

S.J. Res. 356. An original joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 451. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2645; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3018. A bill to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack U.S. Government employees abroad, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER on this legislation and the text of the legislation appear earlier in today's RECORD.)

By Mr. THURMOND:

S. 3020. A bill to create a Federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs; to the Committee on the Judiciary.

FEDERAL CRIMINAL OFFENSE FOR COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Mr. THURMOND. Mr. President, today, I am introducing a bill to outlaw on-the-job use of drugs or alcohol by employees who operate, directly or indirectly, trains, airplanes, buses and ships across this Nation.

Over the last few months, particular attention has been drawn to the railroad industry. Over the summer, five train-related accidents occurred in as many weeks, three of which were in my home State of South Carolina, resulting in five deaths. All three of the accidents in South Carolina occurred at railroad crossings in rural areas and I have asked the Senate Subcommittee on Surface Transportation, chaired by Senator DANFORTH, to hold hearings to encompass the broader question of overall rail safety. I have further requested the Department of Transportation, under Secretary Dole, to do the same. John Riley, the administrator of the Federal Railroad Administration, has assured me that the Department of Transportation has initiated several major efforts to minimize the possibility of similar occurrences in the future. Every effort must be made to ensure the safe operation of our National rail system.

The problem of safety in public transportation is not limited to the deteriorating conditions of our National rail system. There are employees who are responsible for operating, or directing the operation of, common carriers who are endangering the lives of passengers by trying to perform their jobs while intoxicated or under the influence of drugs. Figures released by the Department of Transportation show that at least 15 alcohol- or drug-related train accidents have occurred during the last 8 years. News accounts indicate that a recent Amtrak collision in New York may have been caused by a rail employee using drugs. According to Department of Transportation officials, this is only the tip of the iceberg—the problem is far more widespread and serious than statistics reveal.

I was shocked to discover that currently there are no laws on the books which specifically address the use of drugs or alcohol by persons entrusted with the safe transportation of passengers for hire. It is also wrong that railroad employees may even refuse to take an alcohol or drug test and not be formally penalized for that decision.

A survey of various State codes evidences that over the last few years, the States have either amended their motor vehicle laws or enacted new legislation to cover vehicular homicide. In general, a driver operating a vehicle while intoxicated or under the influence of drugs, that is involved in an accident resulting in damage or injury to the property of another, or in damage or injury to any other person, may be fined or imprisoned or both. This should also be the case for those entrusted with the operation of our common carriers. Under common law, common carriers have always been held to a higher standard of care because of the increased responsibility they bear. It is a crime for this activity to take place, and it is time it was treated like one.

Mr. President, the legislation I propose would amend part I of title 18, chapter 17, of the United States Code to create a Federal criminal offense for operating or directing the operation of a common carrier transporting passengers for hire—train, airplane, bus or ship—while intoxicated or under the influence of drugs. This bill would make liable anyone who does operate, or direct the operation of, a common carrier while under the influence of alcohol or drugs, committing any act which results in damage or injury to the property of any other person or the person of any other individual. The penalty for such action would be a fine up to $10,000, or imprisonment for up to 5 years, or both.

While administrative regulations are one approach to this problem, I firmly believe that criminal sanctions on the Federal level are a necessary and proper step for this Congress to take to bring this situation under control. I urge my colleagues to join with me in this effort to make public transportation safe for all of our citizens.

By Mr. BINGAMAN:

S. 3022. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

● Mr. BINGAMAN. Mr. President, today I am introducing a bill that establishes the National Nutrition Moni-

toring and Related Research Act of 1984. This legislation provides the structural framework for the Federal Government to carry out its nutrition monitoring activities and establishes research programs and efforts with State and local government's to collect and interpret scientific data to monitor the nutritional status of Americans.

NEED FOR LEGISLATION

The need for such nutrition information is acute. In the United States we know more about the nutritional status of citizens of third world countries than we do about our own people. The President's Task Force on Food Assistance in January 1984 highlighted this problem when it described hunger as "anecdotal." That is, hunger existed and we could describe its effects—for example, malnutrition, anemia, stunted growth—but hard data to prove its existence was wholly inadequate or nonexistent. The task force recommended that a better nutrition monitoring system should be put into place and this act fulfills that recommendation.

In addition to the lack of timely nutritional information and the act's corrective measures toward that end, the overall health care of Americans will be enhanced by this act. Countless Federal programs expend millions of dollars annually for the purpose of improving the health of Americans through nutrition and food programs and health care services. If the Federal Government assumed an aggressive role in health promotion and disease prevention, millions of taxpayer dollars now spent for medical services would be saved. A comprehensive nutrition research plan to provide the scientific data for policymakers, health care professionals and scientists would improve immeasurably the ability of local, State and Federal Governments to meet human needs and plan for nutrition intervention strategies.

HISTORY OF LEGISLATION

A national nutrition monitoring system was first mandated in the Food and Agriculture Act of 1977 wherein Congress directed the Department of Health and Human Services—then the Department of Health, Education and Welfare—and the Department of Agriculture to propose a monitoring system. The Departments submitted a proposal in September 1981 and subsequent congressional hearings highlighted the need for a comprehensive and coordinated method to monitor nutrition. Through the exhaustive efforts of Representatives BUDDY MACKAY, GEORGE E. BROWN, JR., and DOUG WALGREN, the Committee on Science and Technology reported out the House companion measure H.R. 4684, on September 20, 1984. H.R. 4684 now has 51 cosponsors and the endorsement of 53 national organizations interested in nutrition, health, and hunger issues. It is now time for the Senate to also address this critical issue.

PROVISIONS OF THE ACT

Mr. President, this bill will do several things. Primarily, the act authorizes a 10 year coordinated program implemented by a directorate to be chaired by the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Defense. In addition to and independent of the directorate, a National Nutrition Monitoring Advisory Council composed of national experts in the nutrition field will provide scientific and technical advice to the directorate.

The act contains provisions to make four major improvements over current efforts to monitor nutrition research. First, the act would provide for coordination between agencies engaged in nutrition research and facilitate exchange of information. Second, this statistical data would be used to inform policy makers of the nutritional needs of subgroups at risk, unlike most data collected now that is national in scope and not broken down by region or subgroups. Third, the nutritional information would be up-to-date with time limits set on the reporting of such data. Currently the most recent data available on nutrition is 6 to 10 years old. Fourth, the act would allow for future planning and improvement of methodologies utilized in obtaining nutrition information that is long term and preventive in scope.

NEW MEXICO IMPACT

Also, what I find especially important is that State and local entities will be able to share and establish their own nutrition monitoring program under this legislation. In New Mexico, I am informed by Joseph Goldberg, Secretary of Health and Environment that virtually no nutrition data other than specific program data is now available on the nutritional status of New Mexico citizens. Unfortunately, this problem also exists in other States. Currently, State nutrition data that is collected on a national scale is compiled in such a way that averages do not reflect nutrition problems at the ends of the scale. As a result, State specific nutrition data is often of no use to that particular State.

Mr. President, I strongly believe that there is an overwhelming need for the Federal Government to better direct its resources toward nutrition monitoring and research. The benefits of such a program for the improved health and well-being of all Americans, particularly children and older Americans is endless. I urge my colleagues to support this legislation and I am committed to bring it up again in the 99th Congress.●

By Mr. COCHRAN:

S.J. Res. 355. Joint resolution to designate the week of February 10, 1985, through February 16, 1985, as "National DECA Week;" to the Committee on the Judiciary.

NATIONAL DECA WEEK

● Mr. COCHRAN. Mr. President, today I am introducing a joint resolution to designate the week of February 10, 1985 through February 16, 1985 as "National DECA Week." DECA, the acronym for Distributive Education Clubs of America, is a student-centered organization with a program of leadership and personal development designed specifically for secondary and postsecondary students with career objectives in the marketing field.

In describing the state of American education in its much-publicized report, the National Commission on Excellence in Education stated:

> Our nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world.

The report follows up this gloomy prognosis with a mandate for action to strengthen America's educational system and ensure our Nation's continued leadership role in world affairs.

Mr. President, I believe that the Distributive Education Clubs of America have been following this mandate since their beginning. The qualities that are encouraged by DECA—vocational understanding, civic consciousness, social intelligence, and leadership development—parallel those that the Commission's report indicates are needed in our Nation. With a national membership of over 5,000 in the 50 States, the District of Columbia, and Puerto Rico, DECA is making an indispensable contribution to the improvement of our educational system and, in the long run, to the growth and prosperity of our Nation.

Through professional conferences, chapter activities, school improvement projects, and support of community activities, DECA strives to ensure that America will continue to have productive entrepreneurs and businesspersons in community leadership positions. That's the foundation of the type of free enterprise that has kept America strong.

The American work force, however, is undergoing a dramatic change. The American Productivity Center predicts that, by 1995, fully 90 percent of the Nations jobs will be white-collar jobs. Even today, at a corporation like Westinghouse, a manufacturing company by tradition, about one-third of the total sales are generated by service businesses. As America tries to manage and adapt to these changes, DECA will be an increasingly significant source of leadership.

The intellectual and productive potential of America's youth is enor-

mous, and no one is more aware of that fact than those affiliated with DECA. The fine work done by DECA with thousands of young people throughout the country richly deserves this special recognition. I am very pleased to be offering this joint resolution, which I urge my colleagues to join me in sponsoring, and which I hope will have the support of every Senator.●

ADDITIONAL COSPONSORS

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New Hampshire [Mr. HUMPHREY] was withdrawn as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 2082

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. TSONGAS] was added as a cosponsor of S. 2082, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. JEPSEN], the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from California [Mr. CRANSTON], the Senator from North Carolina [Mr. EAST], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2927

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2927, a bill to amend title 5 of the United States Code regarding the authority of the Special Counsel.

S. 2930

At the request of Mr. SYMMS, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. RANDOLPH], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. EAST], the Senator from Indiana [Mr. QUAYLE], the Senator from Iowa [Mr. JEPSEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Mr. DIXON], the Senator from South Dakota [Mr. ABDNOR], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2930, a bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property.

S. 2955

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2955, a bill to require the Secretary of Commerce to report on the labeling on arts and crafts imported into the United States, and for other purposes.

S. 2995

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2995, a bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the tax treatment of certain air travel benefits provided to employees of airlines.

S. 3000

At the request of Mr. BAKER (for Mr. PERCY), the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Mr. SARBANES], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors to S. 3000, a bill to authorize the provision of foreign assistance for agricultural activities in Poland.

S. 3015

At the request of Mr. SASSER, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 3015, a bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve Banks.

SENATE JOINT RESOLUTION 262

At the request of Mr. PACKWOOD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate March 16, 1985, as "Freedom of Information Day."

SENATE JOINT RESOLUTION 346

At the request of Mr. LEVIN, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of Senate Joint Resolution 346, a joint resolution to designate the year of 1985 as the "Year of the Teacher."

SENATE JOINT RESOLUTION 352

At the request of Mr. DANFORTH, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 352, a joint resolution designating October 1984 as "National Head Injury Awareness Month."

SENATE JOINT RESOLUTION 353

At the request of Mr. BYRD, the names of the Senator from West Virginia [Mr. RANDOLPH], the Senator from Massachusetts [Mr. TSONGAS], and the Senator from Florida [Mr. CHILES] were added as cosponsors of Senate Joint Resolution 353, a joint resolution to designate the week of February 3, 1985, through February 9, 1985, as "National School Guidance and Counseling Week."

SENATE JOINT RESOLUTION 354

At the request of Mr. NUNN, the names of the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Texas [Mr. TOWER] were added as cosponsors of Senate Joint Resolution 354, a joint resolution designating the week of January 7 through January 13, 1985, as "National Productivity Improvement Week."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

At the request of Mr. LEVIN, the name of the Senator from Texas [Mr. BENTSEN] was withdrawn as a cosponsor of Senate Resolution 241, supra.

SENATE RESOLUTION 386

At the request of Mr. LEVIN, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Resolution 386, a resolution entitled the "Mandela Freedom Resolution."

SENATE RESOLUTION 436

At the request of Mr. PELL, the names of the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. TOWER], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Resolution 436, a resolution to commemorate the 100th anniversary of the Naval War College in Newport, RI.

AMEMEMENT NO. 4277

At the request of Mr. PACKWOOD, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of amendment No. 4277 intended to be proposed to H.R. 5505, a bill to amend title XII of the Merchant Marine Act, of 1936.

SENATE RESOLUTION 451—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the followng original bill; which was referred to the Committee on the Budget:

S. RES. 451

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2645, to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia. H.R. 2645, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1985.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of H.R. 2645. Such bill was not reported on or before May 25, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The likelihood that the Committee on Energy and Natural Resources would report the companion measure, S. 1218, was reflected in its March 15, 1984, report to the Committee on the Budget pursuant to section 301(c) of the Congressional Budget and Impoundment Control Act of 1974. Therefore, the Appropriations Committee of the Senate has had adequate notice of this authorization. Enactment of H.R. 2645 is not expected to interfere with or delay the appropriations process.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

WEICKER AMENDMENT NO. 4395

Mr. WEICKER proposed an amendment to the bill (H.R. 6028) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; as follows:

On page 34, on line 20 after the word "therein" strike through line 25;

On page 35 strike lines 1 through 7 ending with the word "Secretary"

FEDERAL-AID HIGHWAY ACT

BRADLEY AMENDMENT NO. 4396

Mr. BRADLEY proposed an amendment to the bill (S. 2527) to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; as follows:

At the end of the first committee amendment add the following:

TITLE —CIVIL RIGHTS ACT OF 1984

SHORT TITLE

SEC. . This title may be cited as the "Civil Rights Act of 1984".

PROHIBITION OF SEX DISCRIMINATION

SEC. . (a)(1) The matter preceding clause (1) of section 901(a) of the Education Amendments of 1972 (hereafter in this section referred to as the "Act") is amended—

(A) by striking out "in" the second time it appears;

(B) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(C) by striking out "under any education program or activity receiving" and inserting in lieu thereof "by any education recipient of".

(2) Section 901(a)(3) of the Act is amended by inserting "or recipient" after "institution".

(b) Section 901(c) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following:

"(2) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on Febraury 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(3)(A) For the purpose of this title, except as provided in subparagraph (B), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(i) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(ii) is not extended such assistance,

shall not be deemed a recipient.

"(B) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance as in fact extended to such department, agency, or other component part.

"(4)(A) For the purposes of this title, except as provided in subparagraphs (B) and (C), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(B) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(C) To the extent the provisions of subparagraph (A) constitute a limitation on coverage, subparagraph (A) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c)(1) The first sentence of section 902 of the Act is amended—

(A) by striking out "to any education progam or activity" and inserting in lieu thereof "for education"; and

(B) by striking out "such program or activity" and inserting in lieu thereof "recipients".

(2) The third sentence of section 902 of the Act is amended—

(A) by striking out "under such program or activity";

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" and inserting in lieu thereof "so found".

(3) Section 902 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(4) Section 903 is amended by striking out "1002" and inserting in lieu thereof "902".

NONDISCRIMINATION ON THE BASIS OF HANDICAPPING CONDITION

SEC. . (a) Section 504 of the Rehabilitation Act of 1973 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "his" and inserting in lieu thereof "such individual's";

(2) by striking out "in" the third time it appears;

(3) by striking out "the benefits of" and inserting in lieu thereof "benefits";

(4) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of"; and

(5) by striking out "under any program or activity conducted".

(b) Section 504 of the Act is further amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) For the purpose of this section, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this section in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this section in effect on February 27, 1984.

"(c)(1) For the purpose of this section, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this section, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not ex-

tended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverge, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

(c) Section 505(a)(2) of the Act is amended by inserting ", as amended," after "1964".

PROHIBITION OF AGE DISCRIMINATION

SEC. . (a) Section 302 of the Age Discrimination Act of 1975 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in programs or activities receiving" and inserting in lieu thereof "by recipients of"; and

(2) by striking out "programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.)" and inserting in lieu thereof "recipients of funds under chapter 67 of title 31, United States Code".

(b) Section 303 of the Act is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under, any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(c)(1) Section 304(a)(4) of the Act is amended by striking out "to any program or activity".

(2) Section 304(b)(1) of the Act is amended—

(A) by striking out ", in the program or activity involved";

(B) by striking out "operation" in clause (A) and inserting in lieu thereof "operations of the recipient"; and

(C) by striking out "of such program or activity" in clause (A) and inserting in lieu thereof "in furtherance of which the Federal financial assistance is used".

(3) Section 304(c)(1) of the Act is amended by striking out "any program or activity receiving".

(d)(1) Section 305(a)(1) of the Act is amended by striking out "under the program or activity involved".

(2)(A) The second sentence of section 305(b) of the Act is amended by striking out "the particular program or activity, or part of such program or activity, with respect to which such finding has been made" and inserting in lieu thereof "assistance which supports the noncompliance so found".

(B) The third sentence of such section is amended to read as follows: "No such termination or refusal shall be based in whole or in part on any finding with respect to any noncompliance which is not supported by such assistance.".

(C) Section 305(b) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the third sentence of this subsection, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to that part.".

(3) Section 305(e)(1) of the Act is amended by striking out "Act by any program or activity receiving Federal financial assistance" and inserting in lieu therof "title".

(e) Section 309 of the Act is amended by—

(1) by inserting "(a)" after the section designation; and

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

"(b) The term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 27, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(c)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(d)(1) For the purposes of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social services.".

NONDISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

SEC. . (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—

(1) by striking out "in" the second time it appears;

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits"; and

(3) by striking out "under any program or activity receiving" and inserting in lieu thereof "by any recipient of".

(b)(1) The first sentence of section 602 of the Act is amended by striking out "program or activity" each time it appears and inserting in lieu thereof "recipient" each such time.

(2) The third sentence of section 602 of the Act is amended—

(A) by striking out "under such program or activity" in clause (1);

(B) by striking out "to whom" each time it appears in clause (1) and inserting in lieu thereof "to which" each such time;

(C) by striking out "program, or part thereof, in which" in clause (1) and inserting in lieu thereof "assistance which supports"; and

(D) by striking out "has been so found" in clause (1) and inserting in lieu thereof "so found".

(3) Section 602 of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1) of the third sentence, Federal financial assistance does not support noncompliance by or with respect to a part of a recipient solely because the receipt of such assistance by the recipient enables the recipient to make other resources of the recipient available to such part.".

(c) Title VI of the Act is amended by adding at the end thereof the following new section:

"SEC. 606. (a) For the purpose of this title, the term 'recipient' shall not be construed to include any entity which would not have been a recipient under agency regulations implementing this title in effect on February 17, 1984, nor to exclude any entity which would have been a recipient under agency regulations implementing this title in effect on February 27, 1984.

"(b)(1) For the purpose of this title, except as provided in paragraph (2), in the case of Federal financial assistance extended to a State or to a political subdivision, a department, agency, or other such component part of the State or political subdivision that—

"(A) does not have as its primary function the performance of any of the purposes for which such assistance was extended; and

"(B) is not extended such assistance,

shall not be deemed a recipient.

"(2) If all or a portion of Federal financial assistance is extended to a State or to a political subdivision without restriction, such assistance shall be presumed to have been extended to the entire State or subdivision unless as to the department, agency, or other such component part where discrimination is alleged, the State or political subdivision demonstrates, by clear and convincing evidence, that no Federal financial assistance was in fact extended to such department, agency, or other component part.

"(c)(1) For the purpose of this title, except as provided in paragraphs (2) and (3), in the case of Federal financial assistance extended to a private corporation or partnership that has more than one establishment, an establishment that is not extended such assistance shall not be deemed a recipient.

"(2) If Federal financial assistance is extended to a private corporation or partnership without restriction, the entire corporation or partnership is covered in its entirety.

"(3) To the extent the provisions of paragraph (1) constitute a limitation on coverage, paragraph (1) shall not apply to corporations and partnerships whether profit or nonprofit engaged in education, health care, or social service.".

PROVISION WITH RESPECT TO REVENUE SHARING

SEC. . Nothing in this Act or in the amendments made by this Act shall be construed to supersede the provisions of chapter 67 of title 31, United States Code, relating to revenue sharing.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED APPROPRIATIONS ACT, 1985

BENTSEN AMENDMENT NO. 4397

Mr. BENTSEN proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 45, line 13, before the period insert the following:

"Provided further, That of the funds available under section 7 of said Act, $1,000,000 shall be for reconstruction of a school in Motley County, Texas"

CRANSTON (AND OTHERS) AMENDMENT NO. 4398

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. RIEGLE) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 20, line 16, strike out "$402,730,000, of which $1,810,000" and insert in lieu thereof "$413,930,000, of which $6,310,000".

On page 20, line 22, strike out "4,383" and insert in lieu thereof "4,400".

On page 22, line 5, strike out "$372,485,000" and insert in lieu thereof "$375,091,000".

On page 24, line 18, strike out "$933,857,000" and insert in lieu thereof "$934,679,000".

HELMS AMENDMENT NO. 4399

Mr. HELMS proposed an amendment to the bill H.R. 6028, supra; as follows:

At an appropriate place in the bill add the following: "None of the funds appropriated under this Act shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools."

METZENBAUM AMENDMENT NO. 4400

Mr. METZENBAUM proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 22, line 14, strike "312,100,000," and insert in lieu thereof "316,100,000, of which $4,000,000 shall be available for Orphan Drug Research and Development Grants.

HATCH AMENDMENT NO. 4401

Mr. HATCH proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 46, line 7, strike out "$1,252,765,000" and inserting in lieu thereof "$1,253,265,000".

On page 46, line 11, strike out "and".

On page 46, line 13, before the period insert a comma and the following: "and $500,000 shall be available under section 311 of the Rehabilitation Act of 1973 for Special Olympics, Inc. for the 1985 International Winter Special Olympics Games in Park City, Utah".

CLEAN AIR ACT AMENDMENTS

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 4402

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 768) to amend the Clean Air Act; as follows:

On page 179, line 17, add the following new paragraph:

"(2) Any reduction in annual sulfur dioxide emissions made by a state after December 31, 1980, shall count toward meeting that state's reduction requirement pursuant to paragraph (1)."

● Mr. MOYNIHAN. Mr. President, I rise today to offer a modest, but important, amendment to S. 768, the Clean Air Act Amendments of 1984. This amendment, cosponsored by my colleague from New York, Senator D'AMATO, would insure that should Congress pass S. 768, New York State will receive credit for reductions in annual sulfur dioxide emissions made in New York under a recently enacted State program to curb acid rain.

S. 768, as reported by the Committee on Environment and Public Works on May 3, 1984, includes an amendment to the Clean Air Act establishing a Federal acid rain control program. The bill would mandate a 10 million ton reduction in annual sulfur dioxide emissions in the Eastern United States by January 1, 1994. New York State would be required to reduce its annual sulfur dioxide emissions by about 230,000 tons under this provision of S. 768.

Mr. President, I am proud to inform the Senate that New York is the first State in the Nation to enact legislation to curb acid rain. The bill, sponsored by State Senator John Dunne and Assemblyman Maurice Hinchey, was signed into law by Governor Mario Cuomo on August 14, 1984. This legislation is designed to reduce statewide sulfur dioxide emissions by 30 percent over the next decade. The amendment I offer today would make it clear that reductions made in New York under the State's acid rain control program would count against the reduction in emissions mandated for the State under S. 768.

It is most appropriate, and not unexpected, to see New York—being so vulnerable to the effects of acid rain—become the first State to enact its own acid rain control program. It is only disappointing, I might say, that New York, thus far, has acted alone. What is needed is not just 1, or even 31, acid rain control programs, but a comprehensive Federal acid rain control program as well. I am hopeful that New York State's willingness to act on this crucial environmental matter will send an unequivocal message: It's time to act to reduce the acid rain.

As one who serves on the Committee on Environment and Public Works—and as a cosponsor of the acid rain amendment incorporated in S. 768—I believe it is time for congressional action. This would not be the first time Congress has acted on acid rain. In 1980, my legislation—the Acid Precipitation Act—became law (Public Law 96-294). It remains the only Federal statute on acid rain. At that time, we knew we needed more information. Now we have it. We know we have to act to make major reductions in sulfur dioxide emissions.●

● Mr. D'AMATO. Mr. President, I rise today to cosponsor an amendment offered by my distinguished colleague, the senior Senator from New York, Senator MOYNIHAN.

This amendment would make a very necessary change to the Clean Air Act reauthorization, S. 768. It would ensure that New York receives credit for the landmark legislation which was recently signed into law in the State. This legislation represents the first effort by any State to deal with the serious problem of acid rain. I applauded the efforts of the Governor and legislature in New York with regard to this most pressing matter and cosponsor the amendment being offered in the belief that New York deserves credit for taking this first, bold step.

Should Congress move to enact legislation to control acid deposition, which is fouling our lakes and streams and damaging our forests, New York should not be penalized for having first realized the wisdom of this course of action. This amendment would clarify the intent of Congress to credit those States which have taken independent action in this matter. I would hope that my colleagues would accept both this amendment and other legislation to address this problem on a nationwide basis.●

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

McCLURE AMENDMENT NO. 4404

Mr. WEICKER (for Mr. McCLURE) proposed an amendment to the bill H.R. 6028, supra; as follows:

On page 5, line 6, strike "$2,422,598,000" and insert in lieu thereof "$2,426,365,000"

On page 5, line 13, after the comma, add the following: "and of which, not to exceed $3,767,000 which shall be available only for amortization payments to states which had independent retirement plans in their State Employment Service Agencies,"

CONTINUING APPROPRIATIONS, 1985

DODD (AND OTHERS) AMENDMENT NO. 4404

(Ordered to lie on the table.)

Mr. DODD (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. RIEGLE and Mr. RANDOLPH) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes; as follows:

At the end of the resolution add the following:

TITLE II—HEAD START

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 639 of the Head Start Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,075,059,000 for fiscal year 1985, $1,142,000,000 for fiscal year 1986, and $1,213,000,000 for fiscal year 1987.".

RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

SEC. 202. (a) Section 640(a)(2)(C) of the Head Start Act is amended by inserting before the semicolon the following: "described in section 648 of this subchapter, in an amount for each fiscal year which is not less than the amount expended for training and technical assistance activities under this clause for fiscal year 1982".

(b) Section 640(a)(2) of the Head Start Act is amended by adding at the end thereof the following new flush sentence: "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984.".

DESIGNATION OF HEAD START AGENCIES

SEC. 203. (a) Section 641(a) of the Head Start Act is amended by inserting after "agency" the second time it appears "within a community".

(b) Section 641(c) of the Head Start Act is amended—

(1) by striking out ", except that" in the matter preceding clause (1) and inserting in lieu thereof "unless";

(2) by striking out "shall, before giving such priority, determine" in clause (1) and inserting in lieu thereof "makes a finding";

(3) by striking out "meets" in clause (1) and inserting in lieu thereof "fails to meet"; and

(4) by inserting "except that" before "if" in clause (2).

(c) Section 641 of the Head Start Act is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) If there is no Head Start agency or successor agency described in clauses (1) and (2) of subsection (c), and no other existing Head Start program serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in the community. Any such designation shall be governed by the same program and fiscal requirements, criteria, and standards as are applicable to existing Head Start programs.

"(e) The provisions of subsections (c) and (d) shall be applied by the Secretary in the distribution of any additional appropriations made available under this subchapter during any fiscal year as well as to initial designations of Head Start agencies.".

PARTICIPATION IN HEAD START PROGRAMS

SEC. 204. Section 645 of the Head Start Act is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide more than one year of Head Start services to children from age 3 to the age of compulsory school attendance in the State in which the Head Start program is located.".

TECHNICAL ASSISTANCE AND TRAINING

SEC. 205. Section 648 of the Head Start Act is amended—

(1) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by inserting before the period at the end thereof a comma and the following: "including a centralized child development training and national assessment program which may be administered at the regional level leading to recognized credentials for such personnel; and resource access projects for personnel of handicapped childern".

EVALUATION

SEC. 206. The second sentence of section 651(b) of the Head Start Act is amended to read as follows: "Any revisions in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.".

TITLE III—COMMUNITY SERVICES BLOCK GRANT AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 672(b) of the Community Services Block Grant Act (hereinafter in this title referred to as the "Act") is amended by adding at the end thereof the following new sentence: "There is authorized to be appropriated $400,000,000 for the fiscal year 1987, to carry out the provisions of this subtitle.".

POVERTY LINE

SEC. 302. Section 673(2) of the Act is amended by inserting at the end thereof the following new sentence: "Whenever the State determines that it serves the objectives of the block grant established by this subtitle the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.".

DISCRETIONARY PROGRAM

SEC. 303. (a) The matter preceding clause (1) of section 681(a) of the Act is amended by striking out "public and other organizations and agencies" and inserting in lieu thereof "public agencies and private nonprofit organizations" both times it appears.

(b) Section 681(a) of the Act is amended by adding at the end thereof the following new flush sentence: "In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern.".

● Mr. DODD. Mr. President, today I submit an amendment to the continuing resolution extending the Head Start and Community Services Block Grant Programs, As ranking minority member of the subcommittee which has jurisdiction over these programs, I can attest to their critical importance.

Studies now show that disadvantaged children who attend such quality preschool programs as Head Start Programs are less likely to drop out of school, fall prey to juvenile delinquency, become teenage parents, or end up unemployed. To ignore such proven prevention measures jeopardized the future of hundreds of thousands of younger Americans.

This session of Congress must not end without Senate consideration of the Head Start and Community Services Block Grant Programs. Senators CRANSTON and KENNEDY share my concern and join with me in sponsoring this amendment.●

● Mr. KENNEDY. Mr. President, I would like to say a few words about the amendment being printed in the RECORD today which extends the Head Start Program and the Community Services Block Grant Program. Reauthorization of these programs will ensure that the vital services provided by Head Start and CSBG to poor children and adults in this country will continue.

As my distinguished colleagues in the Senate may know, S. 2565, which is on the Senate Calendar, reauthorizes not only the Head Start and CSBG Programs, but the Low-Income Energy Assistance Program as well. For the past several months, we have been working hard to reach agreement on the low-income energy formula. I believe that we are close to that agreement, Mr. President, and that we will be able to move the bill as it was reported from the Labor and Human Resources Committee with all three anti-poverty programs included.

However, time is running short and the season is about to end. I do not believe that we can lose the opportunity to reauthorize Head Start. The benefits reaped by the economically disadvantaged preschoolers who participate in Head Start are seen over and over again in the achievements of these children throughout their lives. The recent Perry preschool study reaffirmed this. The study reported that economically disadvantaged children who participate in preschool programs show academic improvement throughout elementary and secondary school, display an increased commitment to school, and have higher aspirations for college. The study also concluded that preschool education, such as Head Start, lowers the rates of teenage delinquency and decreases the rates of teenage pregnancy.

The Community Service Block Grant Program provides critical community services to the increased number of our citizens who are now living in poverty and we must act to extend this program as well before Congress adjourns.

I will continue to work hard in the ensuing days to reauthorize the Low-Income Energy Assistance Program. But, given the present time constraints, we must ensure the safety of Head Start and CSBG.●

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

WEICKER AMENDMENT NO. 4405

Mr. WEICKER submitted an amendment intended to be proposed to amendment No. 4399 proposed by Mr. HELMS to the bill H.R. 6028, supra; as follows:

In the pending amendment, strike "the implementation of programs of" and insert "individual".

FEDERAL-AID HIGHWAY ACT

SARBANES (AND MATHIAS) AMENDMENT NO. 4406

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. MATHIAS) submitted an amendment intended to be proposed by them to the bill S. 2527, supra; as follows:

On page 41, after line 8, add the following new section:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 134. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, at 9:30 a.m., to receive testimony concerning the following nominations:

Carl Edward Dillery, to be Ambassador to Fiji, to the Kingdom of Tonga, Tuvalu, and to the Republic of Kiribati;

J. Stapleton Roy, to be Ambassador to the Republic of Singapore;

Robert E. Barbour, to be Ambassador to the Republic of Surinam.

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

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, at 3:30 p.m., to consider the nomination of Jon Thomas, of Tennessee, to be Assistant Secretary of State for International Narcotics Matters.

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

SUBCOMMITTEE ON PATENTS, COPYRIGHTS, AND TRADEMARKS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights, and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate, at 2 p.m., on Tuesday, September 25, to hold an oversight hearing on international copyright matters.

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

SUBCOMMITTEE ON WATER RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 25, at 2:30 p.m., to hold a hearing on two small watershed projects—one in Iowa and one in Oklahoma.

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

ADDITIONAL STATEMENTS

MOSCOW'S FOREIGN POLICY

● Mr. KENNEDY. Mr. President, in this morning's Washington Post, the third article in a series of articles by Bob Kaiser appears in which he examines the nature of United States-Soviet relations today. This article is remarkable for the clarity with which it presents Soviet views of the current state of relations between our two countries. Understanding Soviet perspectives of the United States and of U.S. policies is important for anyone who is interested in improving United States-Soviet relations in the future.

For example, Kaiser quotes one Soviet official as saying:

Of course Reagan's program is not war. He is trying to tell us that the Soviet Union cannot be a superpower. He is trying to beat us down, to damage us politically and economically, after we have worked so hard to establish equality. We can't let him get away with that, and we won't.

He quotes another official as saying, "Our problem is that we have no model for good Soviet-American relations," and a third Soviet official as saying:

The problem involves the size of the planet. It is too small. You Americans think you can be secure at our expense. That is impossible. We both can only be secure when we both feel secure.

Perhaps one of the most interesting points that emerges in Kaiser's article is the frustration that the Soviet Union feels with its inability to exploit the fact of their nuclear weapons, that they cannot translate that power into political influence. As Kaiser writes:

In their current frame of mind, the Soviets see enemies and conspiracies everywhere. And they seem enormously frustrated at their own inability to influence events. They are counterpunchers, not innovators, and their counterpunches have not worked.

"Maybe we should have used more intimidating tactics to try to block the deployment of the new NATO missiles," one Soviet official said. "We might have succeeded. Who knows? But it is difficult to play a game of bluff with nuclear weapons."

Yes it is, and this is now the Soviets' ultimate frustration. They achieved superpower status militarily, and now they cannot use it, or so it seems to many of them. Their attempts to exert their influence have put them into a classic tupik, as the Russians call a dead end.

The limited utility of nuclear weaponry is an important discovery for the Soviets to have made—if they have in fact really grappled with its fundamental truth. It is, in fact, one of the most important lessons of the nuclear age. This frustration—at the inability to control or even influence world events with nuclear weapons—is a frustration that the people of the United States clearly share. And it should lead to serious questions—from those who support arms control agreements as well as from those who support bigger and bigger defense budgets—as to the ultimate utility of our nuclear arsenal.

I ask that the article by Bob Kaiser be printed in the RECORD.

The article follows:

MOSCOW'S FOREIGN POLICY: TANTALIZING POSSIBILITIES UNFULFILLED

(By Robert G. Kaiser)

Moscow.—President Reagan meets this week with the Soviet foreign minister, Andrei Gromyko, who is famous as the wily, emotionless diplomat who has dealt with nine American presidents, 14 secretaries of state and six Soviet leaders. But Gromyko ought to be famous for more than longevity and cold blood. He also deserves much of the credit for a Kremlin foreign policy that has failed.

When Gromyko moved into the Ministry of Foreign Affairs to stay in 1953, the Soviet Union was still recovering from the devastation of World War II, but it had good prospects: The biggest country in the world, China, recently had become a fraternal—and subservient—communist state. The Soviets were consolidating their control of a new East European empire. Communist parties in Western Europe and other parts of the world offered tantalizing possibilities for the future. The idea of communism still had a grip on the imaginations of millions in many countries.

In the ensuring three decades, Soviet military power grew impressively, allowing the Soviet Union to meddle in the affairs of countries all over the globe. But military power rarely has been translated into real political influence. The Soviet Union today is powerful but isolated. Its "friends" are no longer friendly. China is a fearsome poten-

tial enemy on the Soviet border and the empire in Eastern Europe is in disarray, the victim of a systemic crisis that is beyond Moscow's ability to manage. Communism has lost its appeal throughout the industrialized world, and in most of the Third World too.

Now, faced with what it perceives as an inimical and determined American president and surrounded by neighbors whose hostility seems to be growing instead of diminishing, the Soviet Union is back in a defensive crouch. A brief flirtation with a "forward" strategy in the late '70s, culminating with the invasion of Afghanistan, apparently has ended, leaving the Soviets with expensive but generally unproductive Third World commitments. The wagons are circled, and Gromyko and his colleagues in Moscow are looking—so far without success—for a way to break out.

The election of Ronald Reagan and subsequent changes in American policy crystallized the Soviets' diplomatic dilemma. It would be difficult to overstate the dimensions of what the Soviets perceive as their "Reagan problem." They have been devastated by Reagan's rise, and stunned by his ability to revive the American economy while simultaneously mounting an expensive arms buildup. Even more distressing here has been Reagan's success in maintaining the cohesion of the NATO alliance while East-West arms negotiations collapsed and new rockets were deployed in Europe.

Today, the only important question before the Soviet Union's "Americanologists" is whether Reaganism, as they call it, is some kind of temporary aberration, or a fundamental change in American outlook and policy that will last for many years. Answering this question is a formal task that has been set for Soviet students of America, and for now, it would appear, they are inclined to answer it pessimistically. (Many of the same specialists had predicted that Reagan as president would turn out to be similar to Richard Nixon in terms of his willingness to deal with Moscow, so they have a lot to answer for now.)

VITRIOLIC PROPAGANDA

The well-reported Soviet propaganda campaign against Reagan and the United States has to be experienced firsthand to be appreciated fully. It is vitriolic and incessant; day after day, Soviet papers and television news programs are filled with anti-Reagan venom.

Reagan has been compared here to Adolf Hitler, the archvillain in the Soviet view of world history. Cartoons depict him as a missile-crazed cowboy ready to launch nuclear war. His joke this summer about outlawing the Soviet Union and launching the bombers to obliterate it was interpreted here as a glimpse of the true Reagan mentality and was used by official propagandists to fuel further an already emotional scare campaign.

It is difficult for an outsider to evaluate this propaganda—to decide how much of it is a reaction to the most outspokenly anti-Soviet American president in modern times, and how much represents genuine fear. One official provided an interesting glimpse of underlying Soviet attitudes in a conversation here last month.

This Russian—a specialist on East-West relations—was discussing the American military buildup in the new vocabulary that is common here: new Pershing II rockets in West Germany are "first strike" weapons; President Reagan is actively pursuing "military superiority"; the United States has hidden from the West Europeans its belief that a war could be fought against the Soviet Union on European soil.

"But seriously," the American journalist to whom he was speaking interrupted, "you don't really think the purpose of Reagan's policy is to start war? You don't really think that a couple of dozen Pershings and a couple of dozen MX missiles will give the United States significant military superiority?"

"Of course Reagan's program is not war," the Soviet official answered, his voice suddenly emotional. "He is trying to tell us that the Soviet Union cannot be a superpower. He is trying to beat us down, to damage us politically and economically, after we have worked so hard to establish equality. We can't let him get away with that, and we won't."

That flash of anger may have revealed the essence of current Soviet thinking. Today's Soviet leaders—and tomorrow's—have grown up in a defensive crouch. They deeply believe—not without reason, of course—that powerful elements in the capitalists world will never accept their country as a preeminent world power, and will never cease to try to undermine their position. Now an American president has sprung to life—to bigger-than-life, as seen from here—to embody that recurrent nightmare.

In Washington many have interpreted the Soviet decision to have Foreign Minister Gromyko meet with President Reagan this week as a sign that Soviet attitudes toward Reagan may be softening, but from here that seems most unlikely. Judging from conversations with numerous officials here—none of them members of the Politburo, but many of them familiar with the thinking of their leaders—Soviet suspicion of Reagan's motives is too deep to allow for any sudden change of heart in the face of Reagan's new peace offensive.

Not that they rule out the possibility of better relations with the Americans in a second Reagan term, which the Soviets expect. Certainly, they say, if Reagan would make concrete gestures to prove that he has changed his mind and wants seriously to deal with Moscow, the Soviets will respond. But what sort of gestures? "For example, withdrawing the new missiles from Europe," in the words of one official—and many others said the same thing. But that is a "gesture" that seems inconceivable from an American or West European vantage point. And so far, at least, the Soviets seem disinclined to accept anything less. They may be willing to talk, but that is a long way from being willing to deal.

In private conversation, numerous officials stated a personal belief that nothing constructive can be expected in Soviet-American relations during a second Reagan term. "It's too late," as one senior official put it. Nearly all of the officials interviewed during a month in Moscow agreed that it is indeed too late to do real business with Reagan. Russians reserve for themselves the right to decide when someone is "anti-Soviet," the ultimate epithet in this society. Once they have attached that label to someone, they almost never remove it.

"Anti-Soviet" is not the same as "anticommunist." Nixon, Soviet officials like to recall, was a notorious anticommunist, but he was prepared to make room for the Soviet Union as a global power, and to respect Moscow's security concerns. But Reagan has persuaded the Soviets that he will never grant them even that much. His name-calling, his joke, his repeated references to changing the political status quo in Eastern Europe all feed the Soviet conviction that Reagan is not just their rival, but their determined enemy.

CAMPAIGN AGAINST BONN

The official Soviet response to Reagan's challenge has been emotional, clumsy and ultimately counterproductive. Moscow's first gambit was to try to divide West Europe from Reagan. The Soviets made a crude attempt to influence the March 1983 election in West Germany, a move that probably increased the victory margin of Helmut Kohl's Christian Democrats. Later the Kremlin banked on popular discontent in Europe blocking the deployment of new Pershing and cruise missiles, but last fall's protests in Europe were less effective than even many European governments had feared. The deployments went ahead.

Earlier this year the Soviets abandoned the idea that they could conduct a dual policy toward the West and rekindled old-fashioned anti-German propaganda in their media. It is now almost on a par with the anti-Reagan campaign.

In conversations here Soviet officials repeatedly charged that the Kohl government wants to reopen the question of the post-World War II borders in Europe, an extremely sensitive subject here. When a visitor challenges them, pointing out that neither Kohl nor his ministers has ever suggested reopening the border issue, the Soviets point to West German statements to the effect that the current political division of Europe should not be considered permanent. The Soviets also note that Reagan has endorsed (as he did again Monday at the United Nations) the Bonn government's efforts at rapprochement with the communist states of Eastern Europe, first of all East Germany.

"On the face of it, that's rather bizarre, Reagan supporting better relations between the Germanys, and between West Germany and Eastern Europe," one Soviet official said. "But if you look below the surface, you see what is really going on: Reagan isn't supporting East-West detente, he is supporting the efforts of an increasingly nationalistic German government to achieve a kind of Big Brother role in Central Europe."

In other words, in their current frame of mind, the Soviets see enemies and conspiracies everywhere. And they seem enormously frustrated at their own inability to influence events. They are counterpunchers, not innovators, and their counterpunches have not worked.

"Maybe we should have used more intimidating tactics to try to block the deployment of the new NATO missiles," one Soviet official said. "We might have succeeded. Who knows? But it is difficult to play a game of bluff with nuclear weapons."

Yet it is, and this is now the Soviets' ultimate frustration. They achieved superpower status militarily, and now they cannot use it, or so it seems to many of them. Their attempts to exert their influence have put them into a classic *tupik*, as the Russians call a dead end.

They are committed to the proposition that they will not reopen negotiations on controlling nuclear arms unless the West dismantles its new missiles in Europe. They insisted last summer that they would not discuss limits on weapons in space—a subject that concerns them deeply, especially in the face of Reagan's flirtation with a "star wars" ballistic missile defense—unless the Americans agree in advance to suspend all

testing of U.S. space weapons. In both cases the Soviets have walked out on a long limb and—apparently—cut it off.

Moscow did succeed in blocking proposed visits to Bonn by the leaders of East Germany and Bulgaria, Erich Honecker and Todor Zhivkov, but this was at best a symbolic accomplishment. The increasingly intimate relationship between the two Germanys and Bulgaria's new opening to the West will both continue, with or without ceremonial visits to Bonn.

In other words, the wily, experienced Gromyko has presided over a policy that simply has not worked. The Soviets' position in Eastern Europe remains difficult; with the lone exception of Czechoslovakia, their allies all look West for crucial economic assistance and markets. Events in Poland demonstrate the Soviets' inability to provide prosperity and stability in that key country; East Germany shows more and more independence; Hungary is off on its own track to a considerable degree.

With the West, the Soviets now have a new cold war. This is not without some benefit. A tense international atmosphere, fanned by domestic propaganda, justifies discipline and hardships at home and further sacrifices to compete in a renewed arms race. But Soviet officials insist—and logic would seem to confirm—that a new arms race does not serve their fundamental interests. They desperately need time and money to deal with the huge problems they face at home and inside their empire.

MOVES TO RELAX ATMOSPHERE

Soviet behavior suggests that the leaders here want to avoid a full-blown revival of the cold war. They have signaled this desire three times this year.

Last January, after Gromyko and others had warned the West that deployment of new NATO missiles would be an irrevocable step toward gravely heightened tensions, and after the deployment began, Gromyko agreed to meet Secretary of State George P. Shultz in Stockholm, a gesture that indicated a desire to relax, not sharpen the atmosphere.

Then last June the Soviets' offer to open new negotiations with the United States on space weapons was a similar signal. (Later they retreated from that offer after Washington tried to tie space talks to renewed negotiations on missiles, which the Soviets broke off early this year. It was a clumsy diplomatic sequence that is still unexplained, but suggests continuing differences of opinion in Moscow.)

And now Gromyko has agreed to meet with Reagan, a step the Soviets insist is only meant to demonstrate their continued willingness to talk to the Americans, but which others were bound to interpret as a signal that Reagan's pressure on the Soviets was not going to rupture Soviet-American relations totally.

NO MODEL FOR GOOD RELATIONS

At first blush the Soviets' discomfort with Reagan might appear to Westerners to be useful, but this is far from clear. As the Soviets seem to see it, Reagan is trying to undermine the very basis of their existence as a world power. He has frontally challenged the legitimacy of the Soviet system and empire. He has boasted that a western policy based on an arms buildup and tough bargaining tactics will succeed in making the Soviets more reasonable.

Such confrontational tactics do not appear to leave the Soviets any real room for maneuver. How, many officials asked in recent conversations here, could a Soviet government bargain constructively with Reagan without acknowledging to the world that the Reagan method for dealing with them is effective? How could they make deals with him and maintain their global and domestic pretensions?

"Our problem," one Soviet official observed, "is that we have no model for good Soviet-American relations." He suggested a cycle in which one superpower achieves a sense of relative well-being, only to discover that the same circumstances make the other one feel nervous and insecure. This is a plausible description of East-West relations since the early '70s. In the afterglow of detente, the Soviets began to feel better about their global position, began to throw their weight around, and ended up terrifying the United States. Now the Americans have responded with policies that terrify the Soviet Union.

A more creative, more flexible leadership in Moscow might find—with help from a more flexible American government—a path out of this dilemma, but the old men in charge now do not seem up to that challenge. Of course a new leader in the Kremlin will have a chance to start afresh, but he will not be able to ignore recent history. It seems likely—not inevitable, but probable—that a second Reagan administration would bring four more years of bad relations, with little progress in negotiations.

Furthermore, as the Russians repeat to an American visitor, they will survive. "The last four years have demonstrated that we can get along without you," as one put it. Soviet officials take comfort from their ideological view of the West, which convinces them that big economic crises are on the horizon that could disable their capitalist adversaries. At the same time, they seem incapable of acknowledging that their own behavior—the invasion of Afghanistan, the deployment of hundreds of SS20 missiles in Europe, their crushing of Solidarity in Poland, and more—had much to do with the deterioration of East-West relations. They are convinced that it is all the West's fault.

"The problem," said one senior Soviet official, "involves the size of the planet. It is too small. You Americans think you can be secure at our expense. That is impossible. We both can only be secure when we both feel secure."●

NATIONAL HIGH TECH WEEK

● Mr. TSONGAS. Mr. President, I take this opportunity to invite my colleagues to share in the commemoration of "National High Tech Week," which we will be celebrating from September 30 to October 6 of this year. The purpose of this week is to focus attention on the future of technology in the United States, what role it will play in our society, and to promote a greater public awareness of how these important new technologies will impact our lives in so many areas.

The idea of this week was first proposed by Robert Haavind, editor to High Technology magazine, last autumn. In an editorial he stressed the importance of educating today's youth about the need to understand and harness developing technologies, and to impress upon them the importance of admiring technologists as much as they would sports heroes and movie stars. In a followup editorial last June, Robert Haavind wrote of America's youth;

If they are to deal successfully with the future, we should be helping them to learn more. They should know about the people in technology, and the challenge and excitement (as well as the hard work) of their jobs.

Mr. President, because I thought High Technology magazine's suggestion made good sense, I was happy to introduce Senate Joint Resolution 316, designating National High Tech Week. Working with my House colleague, MERVYN DYMALLY, chairman of the congressional caucus for science and technology, and with the support of our colleagues in both Houses, Congress has passed this resolution.

Mr. President, I should like to bring to the attention of my colleagues another thought provoking editorial in the October issue of High Technology discussing the meaning of this occasion. I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the High Technology magazine, October 1984]

ALL NATIONS CAN WIN THE TECHNOLOGY RACE

(By Robert Haavind, Editor)

National High Technology Week, set for Sept. 30-Oct. 6, will focus attention on the future of technology in the United States. This symbolic week was proposed by High Technology magazine last October and established by Congress in July. The Special Report in this issue, set to coincide with High Technology Week, explores some of the critical technology-related issues now on the national agenda.

A core issue among them is the intense international competition for leadership in emerging technologies. Some countries, such as Japan, England and France, have well-defined national programs to stake out claims in potentially explosive technology markets. Whether the U.S. should adopt such a policy is perhaps the most heated of several national debates over technology.

Unfortunately, as IBM president John F. Akers complained in a keynote speech at the recent National Computer Conference, the media tend to characterize the global technology race as a cutthroat competition. In this scenario, each nation is attempting to gain supremacy in new technologies while at the same time imposing national policies that cut out foreign competition.

Certainly much of the competition is fierce, and some nations indulge in protectionism. Yet the world marketplace is not as warlike as some claim, and it is becoming even less so. Recognition is growing that all nations can share the benefits of emerging technologies. Cooperation promises economic synergism: By working together all parties can boost their share in gains.

Business leaders have seen this for some time. That's why more and more cooperative technology ventures are taking shape, often between companies in different nations. And where extensive advanced research is required and available expertise is limited, as in artificial intelligence, ways are

being found for companies to share costly R&D.

Governments as well have been working toward greater cooperation. Japan's efforts to make its markets more open to competition were lauded as "a new era in trade relations," in a speech delivered by Warren E. Davis, VP of the Semiconductor Industry Association. (The SIA had been highly critical of Japan's policies in the past.) When asked about Japanese and European competition in photovoltaics recently, Rep. Donald Fuqua (D-Fla.), chairman of the House Committee on Science and Technology, replied that these nations have a mutual stake in attaining energy independence, and thus should work together to develop and commercialize such technology.

This spirit of statesmanship and cooperation should be fostered. But at the same time, all nations must recognize that there is one sure way to lose this global contest, and that's by not playing. New technologies are becoming pervasive, changing the way we work, communicate, and manage every business, industry and profession. Only by staying at the cutting edge of technology—in factories and offices and schools as well as in the labs—can a nation expect to remain competitive.

That's the central message of High Technology Week.●

RAY WEIGEL RECOGNITION DAY

● Mr. RIEGLE. Mr. President, on Friday, October 5, the Cadillac Area of Citizens will hold a recognition day in honor of Mr. Raymond Weigel to express their appreciation of his contributions to the community and civic affairs.

Mr. Weigel is known for his dedication and his efforts to increase higher education opportunities in the Cadillac area through his generosity in contributing not only his time, but financially, to the Cadillac area consortium.

Equally concerned for the health of his community, Mr. Weigel has been instrumental in the effort to obtain a desperately needed new addition to Mercy Hospital.

Beyond his involvement in the health and education of Cadillac, Raymond Weigel is a corporate citizen in all areas. As chairman of the board of Kysor Industrial Corp., he has provided the invaluable strength of leadership which has resulted in the retention of their world headquarters, and those of St. John's industry, in the Cadillac area.

On behalf of the citizens of Cadillac, I would like to express our gratitude to Mr. Weigel for the excellence of the many contributions he has made to his community, and extend my appreciation to him and wish him success in the future.●

LT. BLAIR F. FULTON, NEW COMMANDER IN CHIEF OF THE MILITARY ORDER OF THE WORLD WARS

● Mr. WARNER. Mr. President, I rise today to recognize Lt. Blair F. Fulton, USAR (Retired) of Roanoke, VA, who was recently selected as the 54th commander in chief of the Military Order of the World Wars.

The MOWW is a highly visible and important organization composed of commissioned officers and chief warrant officers who are citizens of the United States and who served honorably or were serving in the Armed Forces of the United States during World War I or since September 1940.

Selection as commander in chief of the MOWW is indeed a significant honor that, in my judgment, deserves recognition by this body.

Lieutenant Fulton was born in Roanoke, VA, and has remained a resident of that area for virtually his entire life.

He is an extremely active individual who has devoted a large portion of his time to reserve affairs, as well as civic and church activities in the Roanoke area.

He is a retired Federal employee who spent nearly 26 years as an agent with the U.S. Treasury Department.

The honor bestowed on Lieutenant Fulton by his fellow members of the MOWW is a recognition of his active public service and his 25 years as an active member and supporter of the MOWW.

In a recent issue of the Officers Review, which is a publication of the Military Order of the World Wars, Lieutenant Fulton commented on his recent selection and his plans for the 1984–85 period of service.

He noted in his statement that the acronym MOWW also stands for motivation, organization, willingness, and work.

He indicated that the application of these principles to our efforts will produce positive benefit and enable us to leave a better legacy to succeeding generations.

I completely agree with Lieutenant Fulton's comments and I know my Senate colleagues join me in wishing him and the Military Order continued success during the coming year.●

GAO'S HOTLINE UNDISPUTED CHAMPION IN BATTLE AGAINST WASTE AND FRAUD

● Mr. SASSER. Mr. President, the U.S. General Accounting Office [GAO] earlier this year marked the fifth anniversary of the operation of its nationwide, toll-free fraud hotline. The hotline—through which anyone, anywhere in the country, at any time of the day, can report allegations of waste or fraud in the Federal Government—has been without a doubt the single most efficient instrument available to all Americans in fighting waste and fraud in Government.

Instituted at my urging, the hotline's growth and success has always been a focus of my attention. And when the GAO marked the hotline's fifth anniversary, I asked the Comptroller General Charles Bowsher for GAO's own assessment of the operation.

I am pleased to disclose today that the GAO report once again demonstrates clearly that the hotline is, has been, and will likely remain the undisputed champion in the fight against governmental waste and fraud.

Released today, the report which I requested in painstakingly objective and precise in its assessment. And in being such, it is the soundest endorsement yet for the hotline. It is required reading for all of those concerned about employing the most cost-efficient means of reducing and curtailing waste and fraud in Government.

The full report is available from GAO, but I would like to share Comptroller General Bowsher's summary in his letter releasing the report to me. So, I ask that the summary be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Congress and the American people are fortunate that Comptroller General Bowsher has given the hotline operation his full support, as did his predecessor as Comptroller General, Elmer Staats.

Just as essential to the success of this operation has been the support for, and dedication to, the hotline of all those who share its successful implementation. This includes the following:

Frederick D. Wolf, Director, Accounting and Financial Management Division [AFMD]

Arthur R. Goldbeck, Deputy Director, AFMD.

John J. Adair, Associate Director, Fraud Prevention and Audit Oversight Group, AFMD.

Gary W. Carbone, Director, Fraud Referral and Investigations Group, AFMD, Barney Gomez, Harvey Gold, Yvonne MacDonald, Jerry Wilburn, Woodrow Hunt, Hugh Delaney, Ray Liebrecht, Tom Luttrell, Warren Martin, Glenn Wolcott, Sam Holland, Terri Matson, Ron Ramsey.

Administrative staff, Denise Brooks, Yvonne Prince, Trudy Moreland.

Mr. President, I should point out that the GAO encourages both the public and Federal employees to call the hotline. The nationwide hotline number is 1-800-424-5454; in the Washington DC, area, the number is 633-6987.

The summary referred to follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC.

Hon. JIM SASSER,
U.S. Senate.

DEAR SENATOR SASSER: This report responds to your request for a 5-year summary of the GAO hotline operation, including numbers and types of calls and other data, procedures for handling callers and allegations, and analyses of allegations by agency with examples of substantiated cases. The report discusses the results of the hotline operation from its start on January 18, 1979,

to January 17, 1984, and its effectiveness in identifying fraud, waste, and mismanagement in federal programs.

REPORT HIGHLIGHTS AND EXAMPLES OF SUBSTANTIATED CASES

In the 5-year period, the hotline received over 53,000 calls. We referred over 10,600 allegations to agency inspectors general (IGs) or other investigative units for further investigation. About 1,100 allegations were substantiated. In addition, there were 398 other allegations in which the specific allegation was not substantiated, but action was taken to prevent or minimize the possibility of an improper activity from occurring in the future. The remaining 42,000 calls did not warrant investigation for various reasons, such as the allegation not involving a federal program. Those callers who have information on a nonfederal matter are redirected to the appropriate state or local agency.

We estimate the hotline referrals have identified about $20 million in misspent federal funds and have projected savings of another $24 million. However, this amount is derived from only 20 percent of the substantiated cases. In many of the other substantiated cases, we or the agencies could not estimate the amount of money that was saved or misspent.

The allegations involved the funds of all executive branch agencies and many other federal agencies. Over half of the allegations were referred to four agencies—the Social Security Administration, Department of Defense (DOD), Internal Revenue Service or Department of Health and Human Services (HHS)—for further investigation. Appendix I summarizes the number and status of the allegations for individual agencies. Appendixes II through XXVIII contain additional data for these agencies on the allegations, including examples of substantiated cases.

Following are brief summaries of some substantiated cases initiated by calls to the GAO hotline:

A caller alleged that space rented by the General Services Administration (GSA) in a New York City office building had remained vacant for months. GSA's IG confirmed the situation had existed for 15 months and said more than $300,000 in rent had been paid on the empty floor. The lease was terminated and GSA is reviewing the case. (See app. IX.)

An anonymous informant claimed two University of Wisconsin professors had extorted money from trainees in a federal program and converted federal funds to their personal use. HHS's IG substantiated the charges. The professors were convicted on 14 counts of federal criminal violations, sentenced to 3 years in prison, and ordered to repay the government over $165,000. (See app. IV.)

An anonymous caller said a Department of the Interior employee working in Virginia was using a government account with a local auto dealer to embezzle money. Investigation by Interior's IG revealed that the individual had purchased nearly $4,000 in auto replacement parts for personal use and resale. After pleading guilty to federal embezzlement charges, the employee received a suspended sentence and a $1,000 fine, and was required to do 300 hours of community service work. He also resigned his job pending removal action and paid back the money. (See app. X.)

An informant sent photos of a veteran on a full disability pension operating a commercial fishing boat in Texas. The Veterans Administration, which concluded the veteran had committed fraud, reduced his pension and recommended prosecution. The individual also owes over $55,000 of the $70,000 he collected illegally. He must repay that sum before he can begin receiving the reduced monthly pension. (See app. VIII.)

An informant alleged a major general, the commanding officer of an Army installation, bought an interest in a nearby hotel after he was advised by DOD of a planned troop increase and possible housing shortage at the installation. A DOD review determined a conflict of interest existed and the general retired a short time later. (See app. III.)

An anonymous caller said a family member, who had worked under several different names, was receiving social security checks at different addresses and was claiming false dependents for social security purposes. Following an investigation, the defendant pleased guilty and was sentenced to 2 years in prison. He also must pay back nearly $13,000 in social security overpayments. (See app. II.)

In most of the substantiated cases, administrative actions have been taken against employees, federal contractors, and others. Employees of the federal government or contractors have been fired, suspended, demoted, or transferred, and others have resigned or were warned by their employers about their activities. Government contracts have been cancelled and contractors barred or suspended from further government work. Persons who fraudulently obtained government benefits have been declared ineligible for further participation in government programs and ordered to make repayments.

Cases involving possible criminal violations of federal law are sent to the Justice Department which decides whether to prosecute.

Further details on the hotline operation and its accomplishments follow:

CURRENT HOTLINE ORGANIZATION AND PROCEDURES

We received calls from every state and overseas indicating widespread awareness of the hotline. This results from extensive coverage in the news media about the hotline and from public service announcements shown on TV throughout the country.

The hotline operates 24 hours a day, 7 days a week. Callers can discuss their allegations with the hotline staff from 8 a.m. to 4:30 p.m. (eastern time), Monday through Friday. After business hours and on weekends callers can leave a recorded message or are asked to call back during normal working hours. In the Washington, D.C. area, the hotline phone number is 633-6987 and the nationwide toll-free number is 1-800-244-5454. The mailing address is Fraud Hotline, General Accounting Office, Room 6134, 441 G Street, N.W., Washington, DC. 20548.

Our employees also report to the hotline office possible violations of federal criminal laws, or potential fraud or abuse found during the conduct of routine audits. The office received over 150 such referrals in the 5 years. We have also received numerous requests from members of Congress to review allegations of fraud and mismanagement.

We provide a "pledge of confidentiality," which assures callers that their names will be known only to the hotline staff. However, we prefer that callers provide a means for subsequent contact since additional information is often needed to pursue an allegation. Frequently, allegations cannot be pursued because the caller remains anonymous and additional information cannot be obtained. As a result, many cases have been closed because of insufficient investigative leads or inadequate evidence.

THE HOTLINE GROUP

The hotline operation is handled by our Accounting and Financial Management Division's fraud referral and investigations group (hereafter called the Hotline Group). We have increased the Group's staffing level and expanded the hotline role to include audit follow-up and investigative responsibilities. The Group also provides leads to our audit divisions.

In addition, the Hotline Group refers allegations and follows up on them with agency heads, IG offices, and the Justice Department. Since IG offices perform most of the audits and investigations generated by hotline allegations, coordination with them is an important function.

Our estimated total cost for the hotline operation was about $3.4 million for the 5-year period. These expenses included salaries, toll-free phone lines, and overhead.

THE HOTLINE GROUP'S STRUCTURE

The Hotline Group is divided into referral and investigation sections. The fraud referral section consists of four teams who—

screen incoming allegations and process them for referral to the appropriate federal agency,

identify major findings or audit leads for use by our auditors or IGs, or both,

follow up on allegations to ensure that all issues have been investigated, and that the investigator's findings are resolved and corrective action has been taken,

serve as the referral point for potential fraud found during our audits, and

conduct prompt inquiries when allegations require immediate action.

The investigations section conducts inquiries and audits of allegations involving agencies without statutory IGs.

INTERVIEWING AND SCREENING PROCESS

When interviewing a caller, the auditor attempts to elicit the following information to establish the materiality of the alleged wrongdoing or mismanagement:

Is the allegation a federal matter? We want to determine whether the program or area is federally funded.

What are the particulars of the allegation?

What is the geographical location of the reported allegation? We need to know the names of places where these incidents occurred.

Is documentary evidence available to factually support the allegation? We like to obtain written or photographic evidence if possible.

What are the names of the federal agencies, contractors, or other organizations involved?

What are the names, addresses, and phone numbers of persons involved in the alleged wrongdoing or mismanagement?

At the time of the call, the auditor screens the allegation for substance and decides whether to accept or reject the allegation based on the information provided. If the allegation is sufficient, the caller is given a case control number. If the allegation is incomplete, the caller is encouraged to get back with us if substantive information can be obtained.

THE REFERRAL PROCESS

Even though a case receives a control number, additional screening is done before referral of the allegation. The director of the Hotline Group makes the final referral

decision based on knowledge of federal programs, agency policies and procedures, and results of previous hotline allegations. The allegations that do warrant further scrutiny are referred to the IGs, other agencies with which we have referral agreements, or the Hotline Group's investigative staff. The IG is asked to provide us with an initial disposition within 60 days and inform us of the final outcome.

Some allegations identify potential audit areas, tie into our previous or current audit work, or may benefit the entire federal government. In these instances, the Hotline Group makes limited inquiries which may result in an advisement memorandum to auditors in our division with program responsibility in that area. Sometimes a report of the problem is sent to an agency head for corrective action.

FOLLOW-UP PROCEDURES

Follow-up action on an agency's final case disposition occurs when the Hotline Group questions the substance of the agency's response. For example, the investigation or audit may not properly address the issues in the referral or the response may be incomplete because it lacks specific information on such matters as amounts of fines, possible dollar recoveries, and the types of administrative or legal action taken. This information is required by the Hotline Group and is used in its analysis of trends and patterns. Follow-up work also occurs when subsequent information indicates the agency may have made errors in judgment or may not have done a thorough review.

BACKGROUND AND HISTORY OF GAO HOTLINE

In the mid-1970's we increased our emphasis on fraud prevention and detection, and conducted a special inquiry into the government's ability to combat fraud. Subsequently, we sent to the Congress, in September 1978, a report entitled, Federal Agencies Can and Should Do More to Combat Fraud in Government Programs (GGD 78-62, Sept. 19, 1978). We determined that the exact amount of fraud, waste, and abuse was difficult to show but it was definitely a serious problem.

OUR SPECIAL TASK FORCE ON FRAUD PREVENTION

Shortly after the report was issued, the Comptroller General established a special task force to further address the issue of fraud, waste, and abuse. The task force had three goals:

Determine the extent of fraud and other illegal activities against the federal government, as well as the adequacy of existing procedures for dealing with fraud.

Develop selected agency profiles to show the susceptibility of individual programs to fraud and other illegal activity.

Establish a nationwide, toll-free GAO hotline to combat fraud, waste, and abuse in the federal government.

We established the hotline at your request to allow the public to participate in this fraud prevention effort by calling in leads to us. The hotline was officially opened on January 18, 1979.

CATEGORIES OF HOTLINE ALLEGATIONS

The Hotline Group categorized the 10,641 referrals of allegations according to participants. The following five participant categories were established:

1. Federal employees only.
2. Federal employees in conjunction with others.
3. Federal contractors or grantee organizations.
4. Individual and corporate recipients of federal financial assistance.
5. Other individuals or corporate entities.

In the federal employees only category, the Hotline Group referred such allegations as employee work-hour abuses, private use of government property, theft, unneeded contract awards, and unnecessary purchases of equipment or supplies.

In the second category payment of a bribe or kickback was the most frequent allegation.

Among federal contractors and grantees, the allegations included improper expenditures of government grant funds, contract nonperformance, theft of government funds or property, and use of federal funds for other than intended purposes.

Among the most prevalent charges in the fourth category involving individual and corporate recipients of government financial assistance were cheating on welfare, social security and food stamps, and collecting disability benefits improperly.

The fifth category, other individuals or corporate entities, included allegations of personal and corporate income tax cheating and other improper activity.

ACTION ON REFERRALS

Of the 10,641 referrals, 7,418 cases have been closed. Of the closed cases, 1,110 were substantiated, and in another 398 cases, the reported allegation could not be substantiated, but action was taken by the agency to prevent or minimize the possibility of a violation or other improper activity. For example, some allegations of the improper receipt of disability benefits by employed individuals could not be documented. However, the Social Security Administration (SSA) often would schedule an individual involved in such a case for a medical reexamination, which could lead to disqualification from disability payments.

In another example, the informant alleged that upon retirement a high-ranking government executive conspired with another official not to process his retirement claim until the executive could repay the money he had withdrawn from his retirement fund. Although the specific charge was not substantiated by the Office of Personnel Management (OPM), it ended a practice known as the offset method. Under this method, annuitants who were repaying the government for withdrawals from the retirement fund were permitted to receive their retirement annuities at a rate calculated as if the annuitant had already repaid in full. The government was receiving its repayments through monthly withholdings or offsets from the annuitant's retirement check. Because of this procedural change, OPM projected savings of $6.5 million for annuitants who retired in fiscal year 1983. (See app. XXVI.)

The most common substantiated cases were work-hour abuse by federal employees, private use of government property, fraud by recipients of such payments as welfare, disability, and food stamps, and lack of compliance with agency procedures.

Agency and Hotline Group investigations have resulted in administrative or legal actions, including monetary recoveries, by the agency, the Justice Department, or both.

ADMINISTRATIVE ACTION

Administrative actions were taken against federal employees, contractors, and other individuals. Some of the agencies' actions included employee dismissals, resignations pending dismissal, or suspensions, demotions or transfers. About 100 contractors and grantees were suspended, had their contracts or grants cancelled, or were issued a warning about their work.

LEGAL ACTION

If an investigation discloses a violation of criminal law, the allegation is forwarded by the agency involved to the Justice Department or state prosecutor for review and possible prosecution. In the 5 years, 179 hotline cases were referred in this manner. The agencies told us the Justice Department had prosecuted 85 of the cases. Defendants were convicted of criminal violations in 37 cases. Civil remedies or some other legal action was taken in 46 cases. In one case the charges were dismissed and in another case the defendants were acquitted.

The Justice Department declined to prosecute 94 cases for such reasons as insufficient evidence for prosecution, lack of jury appeal, or insignificant loss of federal money. In 39 of these cases, Justice declined to prosecute in favor of the agency taking administrative action.

Appendixes II through XXVIII provide more detail about those substantiated cases in which administrative and legal actions were taken by the agencies.

MISSPENT FUNDS RECOVERED AND PROJECTED SAVINGS IDENTIFIED

Administrative and legal actions based on our referrals to the agency or Justice Department have assisted agencies' efforts in recovering federal funds and assessing penalties against individuals and organizations involved in mismanagement or wrongdoing.

Of approximately $20 million in misspent funds identified through hotline referrals, $6.5 million was actually recovered, $10.9 million is being collected, and $2.2 million is uncollectable. In addition, we have projected that $24 million was saved because of our referrals. For example, when benefit payments were terminated because of ineligibility, we estimated the money that was not improperly spent for a 1-year period. This means an individual who received improper welfare payments of $200 per month would count as avoiding $2,400 in misspent funds.

In many cases, the agencies told us funds had been recovered or payments terminated, but they could not provide a dollar figure. Therefore, misspent funds identified by our referrals exceed these estimates. Also, this does not take into account that, without the hotline allegation, improper activities may have continued indefinitely without detection, resulting in even greater loss to the government.

We are sending copies of this report to the Director of the Office of Management and Budget and to the heads of departments and agencies with IGs or organizations with which we have referral agreements.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.●

PROPOSED ARMS SALES

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that,

in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 20, 1984.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-39 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Canada for defense articles and services estimated to cost $55 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-39

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Canada.

(ii) Total Estimated Value:

	Million
Major Defense Equipment [1]	$20
Other	35
Total	55

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of six AN/SQR-19 Tactical Towed Array Sonars (TACTAS) with handling and stowage subsystems, support, and documentation.

(iv) Military Department: Navy (LDB and LDH).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to the Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending 31 March 1984.

(viii) Date Report Delivered to Congress: September 20, 1984.

POLICY JUSTIFICATION

CANADA—TACTICAL TOWED ARRAY SONAR

The Government of Canada has requested the purchase of a quantity of six AN/SQR-19 Tactical Towed Array Sonars (TACTAS) with handling and stowage subsystems, support, and documentation at an estimated cost of $55 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Canada; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

The importance of enhanced joint North American Anti Submarine Warfare (ASW) capability has been underscored by Soviet stated intent to project nuclear-armed submarines to the U.S. shore in retaliation against Pershing II deployment in Europe. Purchase of the shipboard ASW system is required by Canada to upgrade and modernize its ASW capability. The AN/SQR-19 will be installed on board the new Canadian Patrol Frigates scheduled to be introduced into the Canadian Forces fleet in approximately 1989. This new class of frigates represents the largest modernization program undertaken by Canada since World War II. The Canadian Navy will be capable of absorbing this ASW system within its inventory. Additionally, the Canadians will be capable of performing the required maintenance for this ASW system without impact on their current military capabilities.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Chesapeake Instrument Division of Gould Incorporated of Glen Burnie, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Canada.

There will be no adverse impact on U.S defense readiness as a result of this sale.●

OCS LEASING MORATORIA

● Mr. COCHRAN. Mr. President, we are more likely to read in the newspaper these days about gasoline gluts and falling prices than about shortages and rising prices. The petroleum price shocks of 1979 as well as the last recession have cut petroleum use in this country. We are all more conservation-oriented than a decade ago. We have, in short, learned some valuable lessons about our energy needs and weaknesses.

One lesson we learned is that we should not become overly dependent on imported oil. We need to diversify our energy supplies and place renewed emphasis on our own domestic petroleum and gas reserves.

Our country's greatest future reserves lie off our coasts on the Outer Continental Shelf. The U.S. Geological Survey estimates that offshore drilling could provide as much as 56 percent of our future domestic crude oil and 36 percent of our future natural gas supplies.

It is not too soon to develop these offshore sites. We now import about one-third of our oil, about the same percentage we did in 1973 when the Arab oil embargo was put into effect. It is my view that we should be reducing imports and increasing domestic production. Because of the long lead time required for developing offshore fields, it is important that we work now to provide for our future energy needs.

Despite this imperative to develop our energy resources, the Congress for the last few years has enacted moratoria on specific offshore areas. The amount of land withdrawn has leaped from 736,000 acres in fiscal year 1982 to 52 million acres in fiscal year 1984.

These moratoria were enacted to protect environmentally sensitive areas. I, too, am concerned that the development of our offshore reserves be conducted in an environmentally safe manner, but I believe the industry has demonstrated its ability to find oil and gas with little or no adverse impact on wetlands, estuaries, fishing beds, and other environmentally sensitive areas. In the Gulf of Mexico, where 85 percent of all wells drilled in U.S. waters have been located, the industry's environmental record has been excellent. Petroleum operations have been compatible with commercial and sport fishing activities, which have risen substantially in poundage and value.

Mr. President, since we will soon be considering the Interior Appropriations bill, either as a free-standing bill or as part of the continuing resolution, I bring to the attention of my colleagues a letter I recently received from over 100 businesses and associations outlining their opposition to offshore moratoria. I ask that this letter be printed in the RECORD at the close of my remarks.

Let me just add that most of the companies that signed this letter are not oil companies, but, rather, suppliers. It is surprising to learn the extent to which small and large companies across the country benefit from the offshore program through sales. In my own State of Mississippi, for example, Caterpillar Tractor Co. maintains a plant in Corinth where engines used on offshore platforms—largely for exploratory drilling—are rebuilt. This company supplies 75 percent of the engines used on exploratory rigs.

I urge my colleagues to review this list of signatories. You will undoubtedly find some of your own constitutents who benefit directly from the offshore drilling program.

The letter follows:

SEPTEMBER 6, 1984.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COCHRAN: As you know, the Senate is about to consider the Fiscal Year 1985 Department of the Interior appropriations legislation. This legislation, as reported by the Senate Appropriations Committee, does not provide for offshore oil and gas leasing moratoria. The House-passed version of the legislation contains moratoria provisions.

We are concerned there may be attempts on the Senate floor to attach moratoria provisions to the Senate version of the legislation.

We wish to state our objections to the moratoria proposals and to urge you to reject all such measures as being against the national interest.

The national interest includes: domestic employment, the federal budget deficit, our balance of trade deficit, and our national security. Specifically:

It is estimated that for every worker on an offshore platform, four jobs are created onshore in a support capacity.

The OCS program is a major source of federal revenue. If schedules are met, $7-$10 billion in federal funds per year will be generated from lease sale bonus bids and production royalties.

$52 billion of our $77 billion balance of trade deficit for FY 83 was due to imported oil.

And, from a national security perspective, moratoria proposals ironically now coincide with rising oil imports and renewed hostilities in the Middle East.

Developing offshore oil and gas resources is critical for meeting our future energy needs. Today we are importing one-third of our oil—the same as we were in 1973, and the situation looks worse in the future. If we are to maintain the current level of domestic oil production, more than three-fourths of the oil we will need in the year 2000 still must be found. If we do not find and develop new domestic sources of oil, we will be even more dependent upon foreign supplies.

Leasing of the OCS for natural gas is equally important. About one-fourth of domestic gas supplies come from offshore wells. In addition, 60 percent of the present oil and gas reserves in the OCS and about 70 percent of the hydrocarbon production in the OCS are natural gas.

Decreased oil and gas development has had a significant impact on suppliers of offshore equipment. At a time when our economy is still recovering from a severe economic slowdown, expansion of moratoria may jeopardize the offshore industry's return to prosperity.

As long as our nation remains dependent on foreign oil imports, we do not have the luxury of fencing off large amounts of offshore petroleum resources without a full understanding of the consequences.

Proponents of OCS moratoria often cite the environmental risks involved with offshore development, but they fail to recognize the industry's 30-year record of environmentally safe operations. Of nearly 30,000 wells drilled, only the 1969 Santa Barbara blowout resulted in significant amounts of oil reaching land areas. Even in Santa Barbara there were no lasting effects.

We believe that Secretary Clark has made considerable progress in recent months to reduce the conflicts and controversies of recent years and has been responsive to the concerns of the coastal states.

Continued moratoria on offshore oil and gas leasing are neither necessary nor justifiable. Economic benefits at home and increased tensions in the Persian Gulf area underscore the need for OCS development.

We urge you to reject all proposals to renew existing moratoria or to impose new moratoria on additional offshore acreage. We urge you further to comunicate your opposition to the moratoria to the members of the conference committee when it convenes as expected, shortly after the Senate passes the DOI appropriations bill.

We thank you for your support.

Ackerman & Associates.
Air Van Lines, Inc.
Alaska Support Industries Alliance.
Allied Corporation.
American Gas Association.
American Iron and Steel Institute.
American Mining Congress.
American Petroleum Institute.
Arctic Hosts, Inc.
Armco, Inc.
Bell Helicopter Textron
Bethlehem Steel Corporation.
Bolt Technology Corporation.
Brown and Root Inc.
Buoy Technology, Inc.
Cameron Iron Works, Inc.
Caterpillar Tractor Co.
C-E Natco
Chamber of Commerce of the United States
John E. Chance & Associates, Inc.
Chemical Manufacturers Association.
Combustion Engineering.
Crowley Martime.
Diamond M. Company.
Dillingham Corporation.
Domestic Petroleum Council.
Dresser Atlas (Alaska).
Dresser Industries.
Dreyfus Supply & Machinery Corporation.
Eastman Whipstock.
Edison-Chouest Boat Rentals.
FMC Corporation.
Frontier Companies of Alaska.
Furuno U.S.A., Inc.
Geophysical Services, Inc.
Global Marine, Inc.
Gray Tool Company.
Griffin-Alexander Drilling Company.
Gulf Fleet Marine Corporation.
Halliburton Company.
Harvey-Lynch.
Highway Users Federation.
Hughes Drilling Fluids.
Hughes Production Tools.
Independent Petroleum Association of America.
International Association of Drilling Contractors.
International Association of Geophysical Contractors.
Keydril Co.
Koomey, Inc.
Lone Star Steel.
Marathon Manufacturing Marine Division.
Marine Technical Services, Inc.
Martin-Decker (Division of Cooper Industries, Inc.)
McDermott, Inc.
Morrison-Knudsen Company.
National Assocation of Manufacturers.
National Assocation of Wheatgrowers.
National Coal Association.
National Forest Products Associations.
National Grange.
National Ocean Industries Association.
National Paint & Coatings Association, Inc.
National Society of Professional Engineers.
National Supply Company.
National Tooling & Machining Association.
Natural Gas Supply Association.
Nekton, Inc.
New England Council.
Newport News Offshore Systems.
Norjac Enterprises, Inc.
Oceaneering International.
ODECO.
Offshore Logistics, Inc.
Offshore Marine Service Association.
Offshore Navigation, Inc.
Omnithruster, Inc.
Orbit Value Company.
Otis Engineering Corporation.
Pacifc Industrial Company.
Pelagos Company.
Penrod Drilling Company.
Petroleum Information Corporation.
Pingo (Alaska).
Pogo Producing Co.
Racal-Decca.
Raymond International.
Reading and Bates Corporation.
Resource Development Council (Alaska).
Rowan Companies.
Sabine Propeller & Marine Service Co.
Santa Fe International Corporation.
Schlumberger Offshore Services.
Seal Fleet, Inc.
Simplex Wire and Cable Co.
Smith International.
Sonat, Inc.
Sub Sea International.
Teledyne Exploration.
Texas Gas Transmission Corporation.
The Society of the Plastics Industry, Inc.
Tidewater, Inc.
Transworld Drilling Company.
TRW, Inc.
United States Recreational Ski Association.
United States Steel Corporation.
Universal Services, Inc.
Veco (Alaska).
Vetco Offshore, Inc.
Waukesha Alaska Corp.
Western Geophysical, Inc.
X-Tec, Inc. (Alaska).
Zapata Corp.●

IRS REVENUE RULING 83-3 AND THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

● Mr. WARNER. Mr. President, as you may recall, Senator HELMS and I have both sponsored bills and amendments seeking to retain the current tax treatment of housing allowances for our uniformed service personnel and clergy.

I am very pleased to say that Senator PACKWOOD's Subcommittee on Taxation and Debt Management is holding a hearing on this issue tomorrow.

What I wish to report to my colleagues today is the reason my amendment to the 1985 Defense authorization bill for this purpose was reluctantly dropped in conference and why it is critical to act as quickly as possible.

IRS Revenue Ruling 83-3 has resulted in great anxiety and confusion within the military and clerical communities.

Initially effective for ministers, it eliminates the itemized deduction for interest and real estate taxes to the extent they receive tax-free housing allowances.

The Internal Revenue Service and Treasury Department have been internally examining the extension of that aspect of 83-3 to all uniformed service personnel.

Now, I understand that, in preparation for Senator PACKWOOD's hearing, the Treasury Department has informally notified the Department of Defense that they intend to extend 83-3 to military personnel.

Because of that, Mr. President, tomorrow's hearing to receive testimony on Senator HELMS' bill, S. 2017, and my bill, S. 2519, and the administration's testimony, will assume tremendous significance to our military per-

sonnel, our clergy, the families of both groups, and many builders and realtors.

While, at first blush, it might seem proper that no one should use tax-free dollars to finance a tax-deductible expense, closer examination reveals that, in these special cases, blind application of that concept not only leads to a serious decline in morale for the affected groups, but also creates a potential net loss for the Treasury.

In other words, it fails the commonsense test.

In June, I successfully offered an amendment to the 1985 Defense authorization bill that would have had the effect of retaining pre-83-3 housing allowance tax treatment for both groups.

Unfortunately, many items considered nongermane by the House have fallen out of the final version of the bill produced by the conference committee.

I am afraid my amendment is one such item.

Mr. President, I want to make clear that my fellow conferees from both Houses and I are deeply concerned by the impact 83-3 would have on military personnel and were sorely tempted to retain my amendment.

We reluctantly agreed to drop the provision only because it could be ruled as violating a rule of the House of Representatives which prohibits including a tax measure in legislation not reported by the Committee on Ways and Means.

Gen. John W. Vessey, Jr., Chairman of the Joint Chiefs of Staff, also has stated his deep concern. He said:

Our most conservative projections indicate that this action would result in the loss of tens of thousands of trained career officers and enlisted personnel essential to the maintenance of the readiness of our forces.

He concluded:

This revenue ruling issue will continue to take its toll on the morale and welfare of Service members until it is favorably and permanently resolved.

Mr. President, I will submit for the record a copy of a letter from General Vessey, providing, as the uniformed military adviser to the Commander in Chief, his assessment of the potential impact of 83-3.

The letter follows:

THE JOINT CHIEFS OF STAFF,
Washington, DC, June 22, 1984.

Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your past support, both in the Congress and with the Administration, in opposing the possible application of IRS Revenue Ruling 83-3 to military housing allowances. During the Conference on the FY 1985 Defense Authorization Bill, we ask your continued support for a provision that would provide permanent relief from this ruling.

Over the past year, the Department of the Treasury has been evaluating the possible application of IRS Revenue Ruling 83-3 to military personnel. This ruling would require a military homeowner to reduce tax deductions by the amount of nontaxable housing allowances received. This would be in contrast to the longstanding congressional intent of nontaxable allowances for the military and would have a severe financial impact on Service members.

If the ruling is implemented, over 272,000 military homeowners would face tax increases that would result in an estimated loss of income of $300 million annually. This is equivalent to a 4- to 6-percent reduction in pay, and 80 percent of those affected would be in grades 0-3 or below. Our most conservative projections indicate that this action would result in the loss of tens of thousands of trained career officers and enlisted personnel essential to the maintenance of the readiness of our forces. Loss of these military members would have an adverse impact on experience levels and would degrade US combat capability.

This issue has generated a great deal of concern among Service members. It represents a potential additional erosion in military compensation, compounding the effects of successive pay caps, freezes on housing allowances, reduced cost-of-living-allowance adjustments for retirees, and threats to most other elements of military compensation. This revenue ruling issue will continue to take its toll on the morale and welfare of Service members until it is favorably and permanently resolved.

Therefore, the Joint Chiefs of Staff urge your continued support in behalf of US Service members by insuring that this provision, contained in the Senate Defense Authorization Bill, is passed into law.

For the Joint Chiefs of Staff,
JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

Mr. WARNER. I fully support continuation of the pre-83-3 tax treatment in both cases; not on the grounds of special treatment, though that is, indeed, justified.

I support it because it is demonstrably more cost effective.

I sincerely hope that is also the administration's position in testimony tomorrow.

The figure we historically use for determining comparability relative to civilian professions is the regular military compensation, or RMC.

I want to point out that RMC is defined by law as including tax advantages.

We in the Congress consider that explicitly in providing compensation for military members.

If 83-3 were applied to the military, equity considerations and the potential impact on retention would virtually force us to restore the lost take-home pay.

The only way to restore RMC to its previous level of comparability, would be through a raise.

There is no way to target such a raise to homeowners only.

Thus, it would cost approximately $1.1 billion while revenues gained by 83-3 would be about $300 million; a net loss to the Treasury of $800 million.

In the case of the clergy, their salaries are paid by the tax-deductible contributions of the members of their respective congregations.

Any loss to the minister due to additional taxes he must pay due to 83-3 will inevitably be made up by increased contributions from members of the congregation.

These contributions are, of course, deductible and must be greater than the after-tax net to the minister, since the allowance he receives will now be, effectively, taxable.

As a result, the net effect for the Treasury, in the case of the clergy, could also be a loss.

This is the most important pay and benefit issue of immediate impact to military personnel.

Failure to resolve it promptly could have more impact on retention than almost any other personnel issue.

Every day, hundreds of service people are forced to make rent-or-buy decisions with this issue hanging over their heads like the sword of Damocles.

The problem for the clergy is equally critical.

Mr. President, I wish to reiterate that retaining the current tax treatment will add no new costs to the budget.

In fact, as I have explained, prohibiting implementation of the housing allowance aspects of 83-3 for both the clergy and the military will very likely avoid a future net loss to the Treasury.

It has long been the intent of Congress that these allowances be tax exempt.

The advantage resulting from this status is an integral part of RMC.

Congress has explicitly recognized and used this principle in setting military pay rates for many, many years.

I urge my colleagues not to tear down this carefully constructed package of compensation.

We must stop unnecessary and fiscally unproductive attacks on the morale of two professions central to our Nation.

I ask my colleagues in both Houses to support favorable and prompt resolution of this issue.

We must not go home in 2 weeks leaving that sword of Damocles hanging over the heads of so many when it is in our power to easily and quickly remove it.●

NCSJ ROSH HASHANAH MESSAGE

● Mr. RIEGLE. Mr. President, in a statement marking Rosh Hashanah, the chairman of the National Conference on Soviet Jewry, Morris B. Abram, called upon the Soviet Union to "acknowledge and conform to international law by permitting Jews who wish to leave the right to do so * * *" He went on to urge the Soviets to

"grace the new year with a change in its policies toward Soviet Jews, adopting a tone of greater compassion and eased tension."

Mr. President, I commend Mr. Abram's speech to the attention of my colleagues, and ask that the full text of his remarks be printed at this point in the RECORD.

The remarks follow:

(By Morris B. Abram, NCSJ Chairman)

"REFLECTIONS ON A SEASON OF HOPE"

During Rosh Hashanah services throughout the world, Jews are summoned by the awesome call of the shofar to awake and prepare for the New Year—5745. It is a time for reconciliation with events of the past, as well as a time for hope and renewal for the year ahead.

At this time introspection and hope for the future, scores of Soviet Jews mark another year of denial—denial of the basic freedom to live and worship as Jews and denial to seek that freedom through repatriation to Israel.

While we, who are free to rejoice and worship, lift our voices and spirits in prayer, Soviet authorities intensify their efforts to silence the voice and crush the spirit of Soviet Jews. For many, the New Year will dawn through the bars of desolate prison cells, the "home" Soviet authorites reserve for the Jews "too vocal" in their desires to emigrate to a Jewish homeland. Others will observe the holiest season of Judaism in exile—isolated from family, friends and the barest thread of Jewish culture. Even those Jews fortunate enough to live "freely" within a metropolitan area will find holiday worship difficult in a country where there are about 90 synagogues to service a community of more than two million.

Last year, the government-sponsored "Anti-Zionist Committee of the Soviet Public" rationalized the drastically reduced emigration statistics claiming "there are no more Jews who wish to leave," calling evidence to the contrary "a juggling of figures by Zionist propaganda." The alleged lack of interest was refuted by the National Conference on Soviet Jewry. We have documented the fact that over 350,000 Jews have asked relatives in Israel to send the invitations necessary for beginning the emigration process. The refusenik community, comprised of Jews whose applications for emigration have been rejected at least twice, presently numbers over 15,000. Scores of families have struggled for their rights to leave for over 10 years, and more than 130 families have been waiting between five and ten years.

It remains a mystery as to why the USSR persists in squelching legitimate claims of repatriation and family reunification. The persistent suppression of Soviet Jewish emigration is a violation of all international law, norms and standards of behavior.

Maimonides, the Medieval Jewish scholar and philospher, summoned us to see our deeds "as just balanced between merits and faults; as if one more will tip the scales, as if the fate of the entire world hangs in the balance." As the shofar ushers in the year 5745, we are reminded of the need to strengthen and renew our efforts on behalf of Soviet Jews in the hope of tipping the scales to the side of justice.

We call upon the Soviet Union to acknowledge and conform to international law by permitting Jews who wish to leave the right to do so, by granting to those who choose to remain the same rights accorded every other Soviet nationality and religious minority, and to halt the current wave of anti-Simitic propaganda masked as anti-Zionism. We urge the Soviets to grace the New Year with a change in its policies towards Soviet Jews, adopting a tone of greater compassion and eased tensions.●

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW; CERTAIN ORDERS FOR TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow; that after the recognition of the two leaders under the standing order, there be special orders in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] and the distinguished Senator from Kansas [Mrs. KASSEBAUM] for 15 minutes each, to be followed by a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not more than 5 minutes each.

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

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order and the execution of two special orders, there will be a period for the transaction of routine morning business until 12 noon in which Senators may speak for 5 minutes each.

At the conclusion of the time for the transaction of routine morning business, it is the intention of the leadership to turn to the consideration of H.R. 5973, the Interior appropriations bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I am now advised that the clearance process is complete for the Interior appropriations bill to be laid before the Senate. There is no time to consider the bill tonight. But I ask unanimous consent that when the Senate completes the period for the transaction of routine morning business tonight it then turn to the consideration of H.R. 5973.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. McCLURE. Mr. President, reserving the right to object, and I do not intend to object. It will be my understanding that no action would be taken with reference to that bill tonight?

Mr. BAKER. The Senator is correct.

Mr. President, we are in the time for the transaction of routine morning business and we could not go to it now. This is simply a request that will be effective as of tomorrow.

Mr. McCLURE. I thank the Senator.

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

Mr. BAKER. I thank the Chair.

Mr. President, while I ascertain whether there is any routine business to be transacted, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUBSTITUTION OF CONFEREE ON S. 1097

Mr. BAKER. Mr. President, at the request of the minority leader, I ask unanimous consent that the distinguished Senator from Kentucky [Mr. FORD] be submitted for the distinguished Senator from New Jersey [Mr. LAUTENBERG], as a conferee on S. 1097.

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

TIMBER RELIEF

Mr. BAKER. Mr. President, I believe there are a few items of routine business to be transacted and while we gather those up, I once again suggest the absence of a quorum.

Mr. SYMMS. Will the majority leader yield for a question?

Mr. BAKER. I do.

Mr. SYMMS. I thank the distinguished majority leader.

I am sorry, I did not hear the majority leader. What did he say about the Hatfield Arbor Day legislation which deals with the timber relief problems in the West?

Mr. BAKER. Mr. President, I have not said anything yet. I thought we had that cleared to go and I am waiting for calendar staff to give me further word on that. But we are going to do that as soon as we can do that.

Mr. SYMMS. So that will be somewhere around noon tomorrow?

Mr. BAKER. Yes; I would expect before noon tomorrow; between 11:45 and 12 o'clock would be my guess.

Mr. SYMMS. I thank the distinguished majority leader.

Mr. BAKER. I thank the Senator from Idaho.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WATER RIGHTS OF THE AK-CHIN INDIAN COMMUNITY

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate H.R. 6206 relating to the water rights of the Ak-Chin Indian community.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6206) relating to the water rights of the Ak-Chin Indian Community.

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

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4391

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the Senator from Arizona, Mr. GOLDWATER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GOLDWATER and Mr. DECONCINI, proposes an amendment numbered 4391.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Paragraph (2) of subsection (g) is amended to read as follows:

(2) Such two hundred and fifty thousand acre-feet of water shall not be used to irrigate more than thirty-seven thousand one hundred and eighty seven acres of land in the Yuma Mesa Division, specifically: six thousand five hundred and eighty-seven acres in the North Gila Valley Irrigation District; ten thousand six hundred acres in the Yuma Irrigation District; and twenty thousand acres in the Yuma Mesa Irrigation and Drainage District. Additional land in the Yuma Mesa Irrigation and Drainage District may be irrigated if there is a corresponding reduction in the irrigated acreage in the other districts so that at no time are more than thirty seven thousand one hundred and eighty seven acres being irrigated in the Yuma Mesa Division.

Subsection (k) of section 2 is amended to read as follows:

(k) The water referred to in subsection (f)(1) shall be for the exclusive use and benefit of the Ak-Chin Indian Community, except that whenever the aggregate water supply referred to in subsection (f) exceeds the quantity necessary to meet the obligations of the Secretary under this Act, the Secretary shall allocate on an interim basis to the Central Arizona Project any of the water referred to in subsection (f) which is not required for delivery to the Ak-Chin Indian Reservation under this Act.

Immediately following section 6, insert the following new section; and renumber the following sections accordingly;

SEC. 7. (a) There is hereby authorized to be appropriated the sum of $1,000,000 for payment to the fund referred to in subsection (b). Subject to appropriations, the Secretary shall pay a sum of $1,000,000 to such fund.

(b) No portion of the sum referred to in subsection (a) shall be paid unless—

(1) The Central Arizona Water Conservation District establishes a fund to be administered by the District for voluntary acquisition or conservation of water from sources within the State of Arizona for use in central Arizona in years when water supplies are reduced; and,

(2) The Central Arizona Water Conservation District has contributed the sum of not less than $1,000,000 to such fund: *Provided*, That if the contribution of not less than $1,000,000 by the District to such fund has not been fully paid as provided in this section within two years of the date of enactment of this Act, the authorization for appropriation and payment of the sum referred to in subsection (a) shall terminate.

(c) If the provisions of this section are for any reason not implemented as herein provided, the other sections of this Act shall remain unaffected thereby.

At the end of the bill insert the following new section:

SEC. 10. (a) Section 311 of the Southern Arizona Water Rights Settlement Act of 1982 (96 Stat. 1283) is amended to read as follows:

"SEC. 311. The provisions of section 2415 of title 28, United States Code, shall apply to any action relating to water rights of the Papago Indian Tribe or of any member of such Tribe which is brought—

"(1) by the United States for, or on behalf of, such Tribe or member of such Tribe, or

"(2) by such Tribe.".

(b) The amendment made by this section shall not apply with respect to any action filed prior to the date of enactment of this Act.

Mr. GOLDWATER. Mr. President, the legislation we are considering, H.R. 6206, is an amended version of the proposal I introduced in the Senate on September 17, 1984, and I urge my colleagues to support it and the amendments I am offering to this House-passed bill.

H.R. 6206 amends the Ak-Chin Water Settlement Act of 1978, which represents the first legislative settlement of an Indian tribe's water rights. This new legislation has evolved because of the Department of the Interior's inability to implement the provisions of that settlement.

Under the terms of the existing public law, the Ak-Chin Indian community waived all of its past and future claims to the water resources associated with the reservation, which effectively freed the non-Indian community in the vicinity from the threat of water litigation. In exchange, the U.S. Government was to identify, acquire, and deliver 85,000 acre-feet of water annually to Ak-Chin beginning in 1984. Delivery was to be in two phases: An interim supply of water in the 1984 to 2002 period and a permanent water supply no later than 2003; however, because of potential conflicting water rights, prohibitive water development costs, and insufficient ground water supply, that interim water has never been delivered to the Indian community.

As it became apparent that the Interior Department could not implement the settlement on a timely basis, discussions between Interior Department officials and the Ak-Chin Indian community resulted in an agreement-in-principle which is embodied in H.R. 6206. The major features are as follows: First, the United States agreed to secure for Ak-Chin its permanent water supply for delivery in 1988 via the central Arizona project [CAP]; second, the United States agreed to provide a series of benefits with a present value of about $28 million in place of water deliveries in the 1984 to 1987 period; third, Ak-Chin agreed to reduce its statutory water entitlement from 85,000 acre-feet annually to 75,000 acre/feet annually in normal and wet years and 72,000 acre-feet annually in dry years; and fourth, Ak-Chin would not sue the United States for breach of contract and seek the statutorily provided damages for failing to deliver water in the 1984 to 1987 period.

The next step was for the Department to acquire water. This was done by an agreement-in-principle, also embodied in this legislation, with the Yuma-Mesa division of the Gila reclamation project, in which 50,000 acre-feet of Yuma-Mesa's water provided by the Boulder Canyon Project Act of 1922 is being reallocated. The priority for use of this water is senior to that of CAP deliveries. In exchange for the reallocation, $11.7 million in benefits will be furnished to the Yuma-Mesa division. Approximately $9.4 million of this is earmarked for water conservation measures within the division to ensure more efficient use of water in the division. The division's districts will also be relieved of $2.3 million in repayment obligations still outstanding on the Gila project.

Mr. President, it should be pointed out that the bill does not allow the Ak-Chin community to use its water off reservation. There had been some concern among other Western States as there was a provision in the original bill which would have allowed the Indian community to sell or exchange its water off reservation; however, this provision was deleted on the House floor. We are talking about on-reservation water use only.

The first of my amendments decreases the amount of acreage, from 40,000 acres to 37,187 acres, which the Yuma-Mesa division is allowed to irri-

gate. The Yuma-Mesa people offered to do this to contribute to the water conservation program which is intended to result in additional Colorado River water being conveyed to central Arizona as a result of this settlement.

The second amendment, technical in nature, merely reconfirms the fact that any of the surplus aggregate water which the Secretary of the Interior does not use in fulfilling his obligation to the Indians goes to the central Arizona project.

As for the third amendment, the creation of a special fund is designed to address concerns raised in Arizona regarding the potential effect of the revised Ak-Chin settlement on other water users. The fund will be established to provide proceeds that may be used in future years, when overall water shortages occur, to acquire water to offset the impacts, if any, of the Ak-Chin settlement on available water supplies.

The fund will require a one-time $1 million Federal contribution that must be matched by the local water users. It is in accord with the cost-sharing principles enunciated by the administration. Moreover, there will be no continuing Federal liabilities related to the administration of the fund. It will be administered by a local entity—the Central Arizona Water Conservation District—and is specifically for the acquisition of water in years of water shortage. The fund is not intended to be used for new water development projects nor can it be used to produce money for contributions to other projects requiring Federal cost sharing or to offset existing Federal repayment obligations. The provision of seed money to the fund in the near future will ensure that sufficient proceeds are generated to permit the acquisition of the potentially needed water for central Arizona.

The last amendment is unrelated to the Ak-Chin proposal. It would put the remaining Papago Tribe's water rights claims on the same footing as the claims of other tribes under the statute of limitations. This technical amendment cures a defect in the Southern Arizona Water Settlement Act of 1982, but in no way does it affect the water rights settled in that act.

Mr. President, the State of Arizona, the Arizona Congressional Delegation, and the Department of the Interior all support the revised Ak-Chin Water Settlement Act and the amendments I have proposed. Again, I urge my colleagues' support for this measure.

Mr. President, I ask unanimous consent that a memorandom pertaining to this matter be printed in the RECORD.

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

PAPAGO WATER RIGHTS CLAIMS: STATUTE OF LIMITATIONS

REQUESTED ACTION

The Papago Tribe of Arizona requests that corrective legislation be enacted by the 98th Congress to afford the Tribe the same time for commencing any action relating to its claims for damages for injuries to water as is granted to all other Indian tribes by Section 2415 of Title 28, United States Code, as amended.

Unless such legislation is promptly enacted, the Tribe must file suit be December 31, 1984 under the terms of Secton 311 of P.L. 97-293 (96 Stat. 1274) or it will be barred from bringing an action. If the Tribe is compelled to file, there will be thousands of defendants, including the United States. The tribal litigation expense would be hundreds of thousands of dollars and the combined expense of the defendants would be in the millions of dollars. The pendency of the litigation will cause severe economic and social disruption in central Arizona.

BACKGROUND AND NEED

Section 311 of P.L. 97-273 extended the time for the Papago Tribe for bringing action on claims for injuries to water to December 31, 1984. This provision was adopted at a time when it appeared that a general extension would not be enacted. It was part of a compromise agreed to by the Tribe in return for agreeing to delete from P.L. 97-293 settlement provisions relating to the Tribe's water rights in the Chuichu area of the Sells Reservation and the Gila Bend Reservation. At that time it was believed that legislation setting these water rights would be enacted by December 31, 1984.

Settlement negotiation are in progress and legislation has been introduced in the House and Senate (S. 2855, S. 2856, H.R. 5968 and H.R. 5969). There is no time left to complete negotiations and pass settlement legislation in this Congress.

Subsequent to enactment of P.L. 97-293, the Congress granted a general extension of the time for filing suit "except as otherwise provided by the Congress:" (P.L. 97-293). As a result, the Tribe's claims for injuries to water were excluded.

On August 10, 1984. Papago tribal officials met with many of the major water users who would necessarily be defendants in such litigation and after discussion of proposed settlement solutions, the tribe requested support for an extension of the statute of limitation to enable fruitful negotiation to continue and eliminate the necessity of litigation at this time. The Tribe received a favorable response to its request. A copy of those in attendance is attached hereto. To our knowledge, there is no opposition to the proposed corrective legislation the Tribe proposes.

AK-CHIN WATER SETTLEMENT

Mr. DECONCINI. Mr. President, I am a consponsor of the amendments being offered by Senator GOLDWATER to the Ak-Chin water settlement legislation, H.R. 6206, now being considered by this body. These amendments in no way affect the water rights assigned to the Ak-Chin community under the agreement in the legislation, but instead will provide mechanisms to allow the State to recover a portion of the water that will be lost as a result of the new water settlement.

The first amendment clarifies a provision in the bill requiring that any water that is not utilized by the Ak-Chin community, will revert to the State for use by its CAP customers. This essentially technical amendment will require the Secretary to contract with other CAP users for any water that is not used by the Indian tribe.

The second amendment establishes a water conservation fund to be administered by the Central Arizona Water Conservation District [CAWCD] in the amount of $2 million. Revenues accruing in the fund will be made available to the State of Arizona to utilize in so-called dry years when water availability is insufficient to meet the commitments for CAP water allocations, and to enhance water availability in central Arizona through whatever conservation methods the CAWCD deems appropriate. The funds will be used to pay agricultural users not to irrigate in these dry years, thus freeing up valuable water for use elsewhere in the State. Because the 50,000 acre-feet of water being transferred to the tribe from the Yuma Mesa Irrigation District has been factored into the State's allocations for CAP water, the State will experience a water shortage in the dry years and will not have the ability to meet its commitments to provide water to its CAP customers at the levels contracted. When there is sufficient water availability, the trust fund will not be used but the revenues will accrue interest.

This approach makes a lot of sense to me and to the State. Under the terms of the existing Ak-Chin Water Settlement Act, the Secretary is required to pay damages to the tribe throughout the period in which a permanent supply of water is not developed. It is my understanding that the cost of damages over the next several years is in the range of $60 million. The trust fund approach will cost Interior $1 million but end up saving the Federal Government tens of millions of dollars in future year damages. The costs of the fund will be shared by the CAWCD, which will contribute a matching $1 million to the fund. At the same time, the new legislation will resolve the Ak-Chin water issue once and for all.

The third amendment being proposed is not related to the Ak-Chin settlement, but will alleviate another Indian water problem. The amendment will extend the statute of limitations for the filing of claims to water rights for the Papago Tribe in the Gila Bend and Chuichu areas of the Papago Indian Reservation. The Congress is presently reviewing legislation to settle the claims to water in the Chuichu and Gila Bend areas but will not take final action before the existing statute of limitations expires on

December 31, 1984. Negotiations of water settlements are far preferable to lengthy and costly litigation but Congress has not had sufficient time to act. Extension of the statute of limitations will protect the Papago Tribe's right to seek damages against the Federal Government should the legislation not be successful.

Mr. President, the entire Arizona congressional delegation and the Governor have been consulted on these amendments. I believe there is virtual agreement that these amendments are necessary to protect the rights of the State while at the same time resolving the longstanding question of how the Secretary of the Interior will provide a permanent supply of water to the Ak-Chin community. Issues involving water rights are never easy ones to resolve. While the State raised many concerns over the proposed water agreement outlined in the pending legislation, I believe many of those concerns will be put to rest with the addition of these new provisions. At the same time, had the State and the entire congressional delegation been consulted on the elements of the new agreement, the Department of the Interior could have alleviated controversy over the new water settlement prior to the bill's introduction.

There are cities in Arizona which may be adversely impacted as a result of the pending water settlement legislation; the city of Phoenix, in particular, has serious concerns that the amount of funds to be derived from the conservation trust fund will be insufficient to meet the needs of central Arizona in several consecutive dry years. I share their concerns and continue to believe that the Federal contribution should be raised from $1 million to $3 million with an equal increase to the CAWCD's contribution. However, because my negotiations with the Secretary of the Interior to reach agreement on these higher levels have not been successful, I will reluctantly concede to the levels outlined in the amendment. I do expect, at the same time, that if these levels prove insufficient in future years, that the Interior Secretary will seek an increased authorization.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER].

The amendment (No. 4391) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank my good friend from Arizona.

Mr. GOLDWATER. It is a pleasure. I thank my friend from Alaska.

JOINT REFERRAL OF H.R. 4025

Mr. STEVENS. Mr. President, I ask unanimous consent that a bill, H.R. 4025, to authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building, and the site thereof, located in the District of Columbia, and for other purposes, be jointly referred to the Committee on Environment and Public Works, and the Committee on Rules and Administration.

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

RELIEF OF SAMUEL C. WILLETT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate H.R. 718 for the relief of Samuel C. Willett.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 718) for the relief of Samuel C. Willett.

Without objection the Senate proceeded to consider the bill.

Mr. WILSON. Mr. President, I rise today to express my support for H.R. 718, a bill providing for the private relief of Samuel C. Willett of San Juan Capistrano, CA. I am the sponsor of the companion bill in the Senate, S. 1599.

Samuel C. Willett is the adopted son of Mr. and Mrs. David Willett. This dedicated couple met and adopted Samuel while serving on behalf of the United States of America as Peace Corps Volunteers in Liberia. Due to the absence of birth records for Samuel, the Willetts, for Liberian administrative adoption purposes, chose August 5, 1955, as his date of birth. This date falls 1 year later than the accepted age for legally adopted children to receive immigration benefits, as stated in the Immigration and Nationality Act, as amended.

From 1972 through 1978, Samuel lived with the Willetts and became an integral part of their closely knit family. However, when the Willetts returned to the United States, Samuel was unable to enter with them. Later, Samuel obtained a student visa to the United States, allowing him to live with his family while pursuing his educational interests. However, this was only a temporary remedy to the humanitarian problem that Samuel and the Willetts have been forced to endure. Without the adoption of this private relief legislation, Samuel will be forced to depart the United States, leaving behind the only real family he has ever known, and with whom he has resided for over 12 years. In its wisdom, this country has always sought to maintain the family unit. I call upon the Senate today to perpetuate this tradition by allowing Samuel Willett to remain with his family.

Certainly these remarks cannot be complete without acknowledging the many individuals who have taken an active interest in this bill. The community of San Juan Capistrano has gone so far as to make Samuel an honorary citizen. The deluge of letters of support that I have received from those who know the Willetts reflects the vigorous efforts of Californians to see the Willett family remain together. Congressman DAN LUNGREN, ranking minority leader of the House Subcommittee on Immigration, has extended his invaluable and devoted support for the passage of this bill. His exhaustive work and legislative abilities have been of immeasurable assistance in the passage of this humanitarian bill. My thanks also go to Congressman BADHAM, sponsor of the bill in the House.

My commitment to this bill is based upon my personal concern for the Willett family, a concern that was substantiated and strengthened by personal interviews with the Willetts in their home. This interaction provided me with further assurance of the Willetts' love for, and commitment to, Samuel. Their words and actions reiterated their deep, uncompromising desire to have Samuel remain with them.

Therefore, I request favorable action on H.R. 718, which truly will dictate the future of the Willett family, today, tomorrow, and beyond.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

CHANGE IN THE DATE FOR COUNTING THE ELECTORAL VOTES

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 649, and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

H.J. Res. 649, changing the date for the counting of the electoral votes in 1985.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time.

Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 649) was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

INDIAN HEALTH CARE IMPROVEMENT ACT AUTHORIZATIONS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2166.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 2166) entitled "An Act to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. UDALL, Mr. MCNULTY, Mr. GEJDENSON, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. MCCAIN, Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LUKEN, Mr. BROYHILL, and Mr. MADIGAN be the managers of the conference on the part of the House.

Mr. STEVENS. Mr. President, I move that the Senate disagree with the House amendments and agree to the conference requested by the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDREWS, Mr. GOLDWATER, Mr. GORTON, Mr. MURKOWSKI, Mr. MELCHER, Mr. INOUYE, and Mr. DECONCINI conferees on the part of the Senate.

MINERAL RIGHTS IN LANDS ACQUIRED FOR GARRISON DAM PROJECT HELD IN TRUST

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 1187, S. 2480.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2480) to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir Project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 2480

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

SECTION 1. This Act may be cited as the "Fort Berthold Reservation Mineral Restoration Act".

SEC. 2. (a) Subject to the provisions of this Act, all mineral interests in the lands located within the exterior boundaries of the Fort Berthold Indian Reservation which—

(1) were acquired by the United States for the construction, operation, or maintenance of the Garrison Dam and Reservoir Project, and

(2) are not described in subsection (b),

are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

(b) The provisions of subsection (a) shall not apply with respect to—

(1) lands located in Township 152 North or Township 151 North of Range 93 West of the 5th principal meridian which lie east of the former Missouri River, and

(2) lands located in any of the following townships: Township 152 North and Township 151 North of Range 92 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 91 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 90 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 89 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 88 West of the 5th principal meridian; and Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 87 West of the 5th principal meridian.

SEC. 3. Any exploration, development, production, or extraction of minerals conducted with respect to any mineral interest described in section 2(a) shall be conducted in accordance with such regulations as the Secretary of the Army shall prescribe in order to—

(1) protect the Garrison Dam and Reservoir, or

(2) carry out the purposes of the Garrison Dam and Reservoir Project.

SEC. 4. (a) Nothing in this Act shall deprive any person (other than the United States) of any right, interest, or claim which such person may have in any minerals prior to the enactment of this Act.

(b) The United States may renew or extend any lease, license, permit, or contract with respect to any mineral interest described in section 2(a) after the date of enactment of this Act only if—

(1) the governing body of the Three Affiliated Tribes of the Fort Berthold Reservation approves of such renewal or extension, or

(2) the holder of such lease, license, or permit or a party to such contract (other than the United States) had the right to renew or extend such lease, license, permit, or contract prior to the date of enactment of this Act and such holder or party exercises such right of renewal or extension.

(c) All rentals, royalties, and other payments with respect to any mineral interest described in section 2(a) accruing to the United States after the date of enactment of this Act shall be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 5. Public Law 87-695 is amended—

(1) by striking out "such former Indian land" and inserting in lieu thereof "such land",

(2) by striking out "Subject" in the first sentence and inserting in lieu thereof "That (a) subject", and

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

"(b) Subsection (a) shall not apply with respect to any lands described in section 2(b) of the Fort Berthold Reservation Mineral Restoration Act.".

SEC. 6. (a) The Secretary of the Army and the Secretary of the Interior may enter into agreements for the transfer to the United States of any land located near the Garrison Dam and Reservoir Project which is held in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation or any individual Indian if such agreement is approved—

(1) in the case of land held for the benefit of such tribes, by the governing body of such tribes, or

(2) in the case of land held for the benefit of any individual Indian, by the individual or individuals holding a majority of the beneficial interest in such land.

Any land transferred to the United States under the preceding sentence shall be treated as land acquired for the operation and maintenance of the Garrison Dam and Reservoir Project.

(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land *within the exterior boundaries of the reservation* acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 7. The provisions of this Act, and of any agreement entered into under section 6, shall not be taken into account under section 2 of title I of the Second Deficiency Appropriation Act, fiscal year 1935 (25 U.S.C. 475a) or section 2 of the Act of August 13,

1946 (60 Stat. 1050) for purposes of determining any offset or counterclaim.

SEC. 8. To the extent that there are net proceeds from the development of any mineral interests described in section 2(a) of this Act, in excess of $300,000 the Three Affiliated Tribes of the Fort Berthold Reservation shall reimburse the United States the fixed sum of $300,000 from such proceeds. This reimbursement shall be deemed full reimbursement for any and all payments from the United States that the Three Affiliated Tribes received for the mineral estate, or any portion thereof, described in section 2(a) of this Act.

Mr. STEVENS. Mr. President, I move adoption of the committee amendments.

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

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2480) was ordered to be engrossed for a third time, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

ORDER TO HOLD H.R. 6221 AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 6221, to provide for the use and distribution of certain funds awarded to the Wyandot Tribe of Oklahoma, be held at the desk pending further disposition.

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

PROGRAM

Mr. STEVENS. Mr. President, when the Senate completes its business today, it will stand in recess until the hour of 11 a.m. tomorrow.

Following the time for the two leaders under the standing order, there are special orders for not to exceed 15 minutes each for Senators PROXMIRE and KASSEBAUM.

Mr. President, it is the intention of the leadership to turn to consideration of H.R. 5973, the Interior appropriations bill, following routine morning business.

Mr. President, I ask my good friend, the distinguished Senator from West Virginia, the Democratic leader, if he has anything more to come before the Senate.

Mr. BYRD. Mr. President, I thank my good friend from Alaska, the assistant Republican leader, for his courtesy. It is characteristic of him. I appreciate it. But I have nothing.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:39 p.m., recessed until tomorrow, Wednesday, September 26, 1984, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 25, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember those people who know difficulty because of the anxieties of life. O God, our prayers are with those who know pain or suffering, that they may be healed; with those who experience loneliness or despair, that they might be comforted; with those who are captive, that they might be freed; with those who face discrimination, that they might know justice. Gracious God, whose love surrounds us, may Your blessing be with all Your people that we may know the gift of Your peace, that peace that surpasses all human understanding. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985 and for related purposes.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 2688. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; and

S. Con. Res. 139. Concurrent resolution condemning South Africa's arrests and detentions of political opponents.

CONFERENCE REPORT ON H.R. 5743, AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES PROGRAM APPROPRIATIONS, 1985

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 5743) making appropriations for Agriculture, Rural Development and Related Agencies Programs for the fiscal year ending September 30, 1985, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-1071)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5743) "making appropriations for the agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 14, 19, 25, 26, 27, 29, 31, 32, 38, 45, 55, 65, 66, 67, 70, 72, 75, 78, 79, 80, 81, 82 and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 13, 17, 18, 23, 24, 28, 30, 35, 36, 42, 43, 60, 73, 74, 77 and 85, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,385,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the Department, $6,655,000, of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: Provided, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

For necessary expenses for liaison with the Congress on legislative matters, $495,000.

For necessary expenses for programs involving intergovernmental affairs, emergency preparedness, and liaison within the executive branch, $465,000.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,929,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,328,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$46,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert *$500,000; for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$284,276,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$17,741,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$337,829,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,500,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate num-

bered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,515,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$344,199,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$395,056,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to insert the following in lieu of the sum named therein: *$100,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,345,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,221,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,220,000,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans from the Self-Help Housing Land Development Fund pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $27,700,000.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$732,000,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$700,000,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$28,000,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,420,000,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$500,000,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$340,000,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$150,000,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$115,000,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$115,000,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *1490c) $8,000,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $5,000,000.

And the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,654,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,750,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$83,448,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,038,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 8, 9, 10, 20, 33, 44, 68, 69 and 84.

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J. K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JAMES A. MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5743) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING ADVISORY COMMITTEES (USDA)

Amendment No. 1: Appropriates $1,385,000 for Advisory Committees of the Department of Agriculture instead of $1,398,000 as proposed by the House and $1,384,020 as proposed by the Senate. Within the funds provided, the Secretary will be expected to establish a group of outside experts to review and propose simplications of USDA forms.

WORKING CAPITAL FUND

Amendment No. 2: Appropriates $6,000,000 for the Departmental Working Capital Fund as proposed by the Senate instead of $8,000,000 as proposed by the House.

Amendment No. 3: Deletes Senate language making this appropriation available without fiscal year limitation. The conferees agree that the planned purchase of currently leased equipment should be accomplished during fiscal year 1985.

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

Amendment No. 4: Appropriates a total of $7,615,000 for the Office of Governmental and Public Affairs instead of $7,691,000 as proposed by the House and $7,614,090 as proposed by the Senate. The conference agreement also separately identifies the funding available for public affairs, congressional affairs, and intergovernmental affairs as proposed by the House instead of providing funding in a single amount as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

Amendment No. 5: Appropriates $14,929,000 for the Office of the General Counsel instead of $15,079,000 as proposed by the House and $14,642,000 as proposed by the Senate.

Amendment No. 6: Provides a transfer of $786,000 from the food stamp program to the Office of the General Counsel as proposed by the House instead of a transfer of $723,000 as proposed by the Senate.

The net effect of the conference agreement provides a total of $15,652,000 for the Office of the General Counsel instead of $15,865,000 as proposed by the House and $15,365,000 as proposed by the Senate. The conference agreement includes $500,000 to fund legal services previously financed by reimbursement from the Forest Service.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 7: Appropriates $489,022,000 for the Agricultural Research Service as proposed by the Senate instead of $485,379,000 as proposed by the House.

For human nutrition research the conference agreement includes increases over the budget request for the following locations:

Tufts Nutrition Research Center	$1,800,000
Grand Forks Nutrition Research Center	429,000
Children's Nutrition Research Center, Baylor College of Medicine	300,000

The House bill had provided increases of $1,800,000 for the Tufts Nutrition Research Center and $300,000 for the Children's Nutrition Research Center at Baylor. The Senate bill had provided an increase over the budget request of $429,000 each for Tufts, Grand Forks, the Children's Center at Baylor, and Letterman Hospital in San Francisco.

For brucellosis research the conference agreement provides $3,244,000 as proposed by the House instead of $2,744,000 as proposed by the Senate.

For dairy forage research the conference agreement provides $2,970,000 as proposed by the Senate instead of $2,829,000 as proposed by the House.

For the research facility at Beckley, West Virginia, the conference agreement provides $2,076,000 as proposed by the Senate instead of $1,977,000 as proposed by the House. For the research facility at Kearneysville, West Virginia, the conference agreement provides $2,700,000 as proposed by the Senate instead of $2,571,000 as proposed by the House.

For sugarcane research the conference agreement provides $2,578,000 as proposed by the Senate instead of $2,328,000 as proposed by the House.

For research on potatoes the conference agreement provides $4,999,000 as proposed by the Senate instead of $4,761,000 as proposed by the House.

For postgraduate fellowships the conference agreement provides $3,000,000 instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees note that $2,000,000 is included for postgraduate fellowships in connection with the 1890 land-grant colleges and Tuskegee Institute, for a total USDA program of $5,000,000.

For plant stress research at Lubbock, Texas, the conference agreement provides $900,000 as proposed by the House instead of $750,000 as proposed by the Senate.

For the research center at Lane, Oklahoma, the conference agreement provides $300,000 as proposed by the House instead of $176,000 as proposed by the Senate.

For cherry dieback research the conference agreement provides $172,000 as proposed by the House instead of $107,000 as proposed by the Senate.

The conference agreement provides for two weed research projects as proposed by the House funded at $100,000 each. The Senate bill contained no provision for these two projects.

For the research centers at Wenatchee and Yakima, Washington, the conference agreement provides increases of $48,000 and $61,000, respectively, as proposed by the Senate. The House bill contained no similar provision.

The conferees agree that the existing joint program for the foothill area in the Yazoo Basin, where the Soil Conservation Service and the Corps of Engineers have been directed to coordinate their authorities and funds to meet the problems of watershed protection and flood prevention and, if possible, control, needs additional research to determine the methods and means to prevent deterioration of drainage outlets, streambank erosion and increased runoff. This program, made necessary by 3 one hundred-year floods in 10 years, recognizes that treatment of the watershed is essentially a part of any flood prevention or control program. Cooperative projects with local contributions may be used to the fullest extent possible.

To do this job in the most effective manner, the National Sedimentation Laboratory, which supports the work of the Army Corps of Engineers and the Soil Conservation Service, should also coordinate its activities with that of the Army Corps of Engineers Vicksburg Waterways Experiment Station for the most effective answers.

The National Sedimentation Laboratory is to make such facilities available as required to house the scientists, supporting staff, and equipment needed in support of the joint effort. For that purpose, $1,750,000 is appropriated for personel, equipment and facilities to carry out this research effort; $350,000 for personnel and support costs and $1,400,000 for any necessary expansion of facilities. The $350,000 for salaries and expenses is for first-year start up costs of the scientific and support staff to work in support of the joint effort with the Soil Conservation Service and the Corps of Engineers. Cooperation of the Engineering School of the local University is expected, and the above funds shall also be available for students who may work on this project.

The conference agreement provides for a general reduction of $852,000 instead of $900,000 as proposed by the Senate. The House bill contained no similar provision. The conferees will expect that an additional $100,000 will be applied to the program at the Southeastern Fruit and Nut Tree Laboratory in Byron, Georgia, for an increase of $100,000 over the program level proposed in the fiscal year 1985 budget.

CITRUS CANKER

Because of the potential impact on the domestic citrus industry and the disruption of interstate commerce and international trade, the conferees note with deep concern the recent outbreak of citrus canker in the State of Florida. As this outbreak appears to be of an unknown yet highly virulent strain, the conferees direct the Agricultural Research Service to immediately accelerate research into its characteristics, methods to prevent its spread, and methods for its eradication. The conferees expect the Department to report to Congress within 90 days concerning the progress being made in this important area.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of $400 annually.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which added Fresno, California, to the exceptions contained in the bill regarding the purchase of land.

BUILDINGS AND FACILITIES

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, where not otherwise provided, $23,050,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $9,100,000 for construction of the Metabolism and Radiation Research Laboratory at North Dakota State University as proposed by the Senate. The agreement also includes $11,100,000 for construction of the National Soil Tilth Center at Ames, Iowa, as pro-

posed by the Senate, and $700,000 in planning funds for a Warmwater Aquaculture Research Center at Mississippi State University as proposed by the Senate. The conference agreement includes $1,400,000 for expansion of the National Sedimentation Laboratory to support the Soil Conservation Service and the Army Corps of Engineers in the joint effort to solve the flooding and siltation problems in the small streams and rivers in the foothills area of the Yazoo Basin, as previously discussed.

The conference agreement also includes $300,000 for planning a germplasm collection facility at Aberdeen, Idaho, as proposed by the Senate. For construction of an administration and laboratory building for the Small Farms Research Center at Booneville, Arkansas, the conference agreement includes $450,000 as proposed by the Senate. The House bill contained no funds for planning or construction of buildings and facilities.

The agreement also provides that these funds shall remain available until expended.

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 11: Earmarks $27,328,000 for special research grants instead of $17,235,000 as proposed by the House and $29,407,000 as proposed by the Senate.

The following table reflects the conference agreement for special research grants:

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Special Research Grants (P.L. 89-106)	(17,235)	(29,407)	(27,328)
STEEP—Soil erosion in N.W.	622	622	622
Food and agriculture policies	156	156	156
Soybeans		518	
Pest management	3,091	3,091	3,091
Rural development centers	311	311	311
Soybean cyst nematode (Missouri)	300	300	300
Bean and beet (Michigan)	97	97	97
Animal health		7,156	6,000
Aquaculture (Stoneville)	420	420	420
Dairy and beef photoperiod (Michigan)	35	35	35
Pesticide clearance	1,440	1,440	1,440
Minor use animal drugs	240	240	240
Pesticide impact assessment	2,069	2,069	2,069
Dairy goat research (Texas)	100	100	100
Aquaculture (general)		518	518
Germplasm resources	1,000	1,000	1,000
Blueberry shoestring virus (Michigan)	96	96	96
Peach tree short life (S. Carolina)	192	192	192
TCK smut (wheat)	361	361	361
Acid precipitation		695	
Sugarland use research (Hawaii)	150	150	150
Mosquito research	480	480	480
Int'g. prod. systems (Oklahoma)	250	200	250
Marketing and processing research (Oklahoma)	100		100
Dried bean (North Dakota)	25	50	50
Sunflower insects (North Dakota)		150	150
Tropical and subtropical	3,250	3,250	3,250
Potato research:			
Eastern	200	200	200
Midwestern	200		200
Western	200	400	200
Asparagus yield decline (Michigan)	100	100	100
Bio-control of grasshoppers	50	50	50
Wool research (Texas)	150		150
Ag Policy Institute (Missouri)	450	450	450
Biomass from dairy processing waste (Missouri)	300	300	300
Stone fruit decline (Michigan)	300		300
EDB replacement (Hawaii)	300	300	300
Forestry research		3,000	
Wood utilization research			3,000
Integrated reproduction management (Nebraska)	100		100
Cranberry/blueberry disease and breeding (New Jersey)	100		100
Alternative cropping systems in the Southeast		660	300
Maple research		250	100

The conferees expect that the wood utilization research program located at Purdue University will cooperate with Michigan State University in the research conducted in the Mid-west.

Amendment No. 12: Earmarks $46,000,000 for competitive research grants instead of $32,518,000 as proposed by the House and $50,000,000 as proposed by the Senate.

The following table reflects the conference agreement for competitive research grants:

[In thousands of dollars]

	House	Senate	Conference
Competitive research grants:			
Plant science	7,500	15,000	16,500
Soybean research	(518)		(518)
Acid precipitation	(695)		(695)
Alcohol fuels	(540)		(540)
Animal science	7,500	4,500	4,500
Animal health	(7,000)		
Brucellosis	(500)		(500)
Reproductive efficiency			(2,500)
Aquatic science	518		
Aquaculture	(518)		
Pest science	5,000		3,000
Gypsy moths	(1,000)		(1,000)
Boll weevil/boll worm	(1,000)		(1,000)
Pine bark beetle	(1,000)		(1,000)
Human nutrition (animal and plant)	2,000	2,000	2,000
Biotechnology	10,000	28,500	20,000
Sugarcane in Hawaii	(250)		
Total, competitive research grants	32,518	50,000	46,000

The conferees direct the agency to implement a formal reporting procedure to report accomplishments under the competitive research grants program to the House and Senate Appropriations Committees on a quarterly basis.

Amendment No. 13: Earmarks $5,760,000 for the support of animal health and disease research as authorized by section 1433 of Public Law 95-113 as proposed by the Senate.

Amendment No. 14: Deletes Senate language earmarking $540,000 for grants in accordance with section 1419 of Public Law 95-113.

Amendment No. 15: Earmarks $500,000 for rangeland research grants instead of $1,000,000 as proposed by the Senate. These grants shall be based on a matching formula of 50 percent Federal and 50 percent non-Federal funding, except for grants to Federal laboratories.

Amendment No. 16: Appropriates a total of $284,276,000 for the Cooperative State Research Service instead of $254,441,000 as proposed by the House and $291,395,000 as proposed by the Senate.

EXTENSION SERVICE

Amendment No. 17: Provides for payments to Micronesia as proposed by the Senate.

Amendment No. 18: Deletes House language providing for a transfer of $25,533,000 from the food stamp program to the expanded food and nutrition education program.

Amendment No. 19: Earmarks $3,500,000 for the urban gardening program as proposed by the House instead of $3,000,000 as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $2,500,000; payments for a financial management assistance program under section 3(d) of the Act, $1,000,000;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $2,500,000 for renewable resources extension activities instead of $4,000,000 as proposed by the Senate.

The agreement also includes $1,000,000 to support additional state extension efforts in assisting financially distressed farmers. These funds will be available for comprehensive financial management guidance and counseling either through seminars conducted by the university or by direct assistance from the local county agent.

Amendment No. 21: Earmarks $17,741,000 for payments to the 1890 land-grant colleges and Tuskegee Institute instead of $17,724,000 as proposed by the House and $17,758,000 as proposed by the Senate.

Amendment No. 32: Appropriates $337,829,000 for the Cooperative Extension Service instead of $308,779,000 as proposed by the House and $337,846,000 as proposed by the Senate.

Amendment No. 23: Adds Micronesia as proposed by the Senate.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 24: Appropriates $11,400,000 as proposed by the Senate instead of $11,661,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $277,041,000 for salaries and expenses of the Animal and Plant Health Inspection Service as proposed by the House instead of $267,181,000 as proposed by the Senate. The conference agreement includes $73,400,000 for brucellosis eradication. $1,100,000 for the Federal share of the funds needed to conduct a boll weevil eradication program in Arizona and California, and $500,000 for the control of outbreaks of grasshoppers and Mormon crickets.

The conferees will expect that the measures of progress in the brucellosis eradication program as outlined in the House report will be achieved by the end of fiscal year 1985.

Amendment No. 26: Deletes Senate language earmarking funds for the control of outbreaks of grasshoppers and Mormon crickets. The conferees will expect the $500,000 to be accounted for separately within the total funds provided.

Amendment No. 27: Deletes Senate language earmarking the Federal share of the funds needed to conduct a boll weevil eradication program in Arizona and California. The conferees will expect the $1,100,000 to be accounted for separately within the total funds provided.

BUILDINGS AND FACILITIES

Amendment No. 28: Appropriates $2,361,000 for buildings and facilities of the Animal and Plant Health Inspection Service as proposed by the Senate instead of $2,386,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 29: Appropriates $353,239,000 for the Food Safety and Inspection Service as proposed by the House instead of $355,248,000 as proposed by the Senate. The Conferees will expect the Department to submit a supplemental budget request at the earliest possible date to secure appropriated funds for the continuous in-

spection of processing plants in the event that the legislative proposal to allow discretionary inspection does not become law.

ECONOMIC RESEARCH SERVICE

Amendment No. 30: Appropriates $45,614,000 as proposed by the Senate instead of $45,752,000 as proposed by the House.

Amendment No. 31: Deletes Senate language requiring the Economic Research Service and the Agricultural Marketing Service to conduct a study of the State milk control laws and the impact of such laws. The conferees feel that such a study should be conducted and will expect the two agencies to carry out the study; however, the conferees do not feel it is necessary that provisions for studies be carried in bill language.

STATISTICAL REPORTING SERVICE

Amendment No. 32: Appropriates $56,289,000 for the Statistical Reporting Service as proposed by the House instead of $56,430,000 as proposed by the Senate.

The conference agreement includes a reduction of $562,890 as proposed by the Senate and restores $537,980 of the general House reduction instead of $678,890 as proposed by the Senate. The agreement also includes $25,000 to restore the peanut stocks and processing report as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds appropriated or made available under this Act may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

The conference agreement ensures that growers will have an opportunity to vote on each proposed amendment separately, without that amendment being linked to any other consideration, including termination of the order, unless a majority of the growers favor such action.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 34: Limits administrative expenses from fees collected by the Agricultural Marketing Service to $26,500,000 instead of $30,910,000 as proposed by the House and $23,072,000 as proposed by the Senate.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Amendment No. 35: Makes a technical correction in the bill as proposed by the Senate.

PAYMENTS TO STATES AND POSSESSIONS

Amendment No. 36: Appropriates $990,000 for payments to States and possessions as proposed by the Senate instead of $1,000,000 as proposed by the House.

OFFICE OF TRANSPORTATION

Amendment No. 37: Appropriates $2,515,000 for the Office of Transportation instead of $2,540,000 as proposed by the House and $2,514,600 as proposed by the Senate.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

Amendment No. 38: Appropriates $50,857,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service as proposed by the House instead of $52,201,000 as proposed by the Senate.

Amendment No. 39: Provides for a transfer from the Commodity Credit Corporation of $344,199,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service instead of $342,452,000 as proposed by the House and $345,992,000 as proposed by the Senate.

Amendment No. 40: Provides a total of $395,056,000 for salaries and expenses of the Agricultural Stabilization and Conservation Service instead of $393,309,000 as proposed by the House and $398,193,000 as proposed by the Senate.

DAIRY INDEMNITY PROGRAM

Amendment No. 41: Appropriates $100,000 for the dairy indemnity program instead of $180,000 as proposed by the House.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

Amendment No. 42: Appropriates $200,000,000 for administrative and operating expenses of the Federal Crop Insurance Corporation as proposed by the Senate instead of $202,234,000 as proposed by the House.

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 43: Appropriates $110,000,000 for the Federal Crop Insurance Corporation Fund as proposed by the Senate instead of $126,000,000 as proposed by the House.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$8,350,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $8,350,000,000 for reimbursement for net realized losses of the Commodity Credit Corporation instead of $8,500,000,000 as proposed by the House and $8,698,269,000 as proposed by the Senate.

The Commodity Credit Corporation is a revolving fund and when commodities are sold competitively in world trade, the proceeds from the sale are returned to the fund. Since the Corporation is now selling competitively in world trade, sufficient funds can be returned to the fund to allow the reduction below the budget request agreed to by the conferees.

GENERAL SALES MANAGER

Amendment No. 45: Restores House language providing for the General Sales Manager to be organizationally independent of the Foreign Agricultural Service. The Senate language included the General Sales Manager under the Foreign Agricultural Service (Amendment No. 72).

The conferees have agreed to the House report language which directs the Sales Manager to prepare two specific reports for the use of the House and Senate Appropriations Committees. The first will be a report of the cost to the farmer and the U.S. economy of each embargo on the sale of agricultural products beginning with the soybean embargo in 1973. The second will be a report of the economic impact, by year, on the U.S. farmer and the U.S. economy of failing to sell U.S. farm commodities at competitive prices in world markets. The conferees will expect to receive a preliminary report by November 1, 1984, and a final report shall be submitted no later than December 30, 1984.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF RURAL DEVELOPMENT POLICY

Amendment No. 46: Appropriates $2,345,000 for the Office of Rural Development Policy instead of $2,439,000 as proposed by the House and $2,017,000 as proposed by the Senate. The conference agreement includes $350,000 for contracts to develop job opportunities in rural depressed areas of Oklahoma.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Amendment No. 47: Provides that $3,221,000,000 shall be available for insured housing loans instead of $3,170,000,000 as proposed by the House and $3,261,000,000 as proposed by the Senate.

Amendment No. 48: Provides that $3,220,000,000 shall be available for subsidized interest loans to low-income borrowers instead of $3,170,000,000 as proposed by the House and $3,260,000,000 as proposed by the Senate.

The conference agreement provides a total of $900,000,000 for rural rental assistance loans (section 515) instead of $850,000,000 as proposed by the House and $940,000,000 as proposed by the Senate.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

Amendment No. 49: Provides $2,700,000 in loans from the self-help housing land development fund as proposed by the Senate, and makes a technical change in the wording of the amendment.

AGRICULTURAL CREDIT INSURANCE FUND

Amendment No. 50: Provides $732,000,000 for real estate loans instead of $801,000,000 as proposed by the House and $705,000,000 as proposed by the Senate.

Amendment No. 51: Provides not less than $700,000,000 for farm ownership loans, including guaranteed loans, instead of $750,000,000 as proposed by the House and $675,000,000 as proposed by the Senate.

Amendment No. 52: Provides not less than $28,000,000 for water development, use, and conservation loans, including guaranteed loans, instead of $31,000,000 as proposed by the House and $26,000,000 as proposed by the Senate.

Amendment No. 53: Provides $2,420,000,000 for operating loans, including guaranteed loans, instead of $2,070,000,000 as proposed by the House and $2,570,000,000 as proposed by the Senate.

Amendment No. 54: Earmarks $500,000,000 for guaranteed operating loans instead of $150,000,000 as proposed by the House and $650,000,000 as proposed by the Senate.

Amendment No. 55: Deletes Senate language providing that guaranteed operating loans shall be available immediately upon enactment of this Act.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 56: Provides $340,000,000 for insured water and sewer facility loans instead of $375,000,000 as proposed by the House and $270,000,000 as proposed by the Senate.

Amendment No. 57: Provides $150,000,000 for guaranteed industrial development loans instead of $200,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 58: Provides $115,000,000 for insured community facility loans instead of $130,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

RURAL WATER AND WASTE DISPOSAL GRANTS

Amendment No. 59: Appropriates $115,000,000 for rural water and waste disposal grants instead of $125,000,000 as proposed by the House and $90,000,000 as proposed by the Senate.

RURAL HOUSING FOR DOMESTIC FARM LABOR

Amendment No. 60: Deletes House language appropriating $4,393,000 for rural housing for domestic farm labor.

MUTUAL AND SELF-HELP HOUSING

Amendment No. 61: Appropriates $8,000,000 for mutual and self-help housing instead of $6,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. The amendment also corrects a U.S. Code citation.

RURAL HOUSING PRESERVATION GRANTS

Amendment No. 62: Appropriates $5,000,000 for rural housing preservation grants instead of $10,000,000 for a pilot project as proposed by the House. The additional funds are to expand the program provided for under the Second Supplemental Appropriations Act for fiscal year 1984 (Public Law 98-396).

CONSERVATION

SOIL CONSERVATION SERVICE

RIVER BASIN SURVEYS AND INVESTIGATIONS

Amendment No. 63: Appropriates $14,654,000 for river basin surveys and investigations instead of $15,911,000 as proposed by the House and $13,556,000 as proposed by the Senate.

WATERSHED PLANNING

Amendment No. 64: Appropriates $8,750,000 for watershed planning instead of $8,858,000 as proposed by the House and $8,675,000 as proposed by the Senate.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement includes $350,000 to be used to continue existing contracts with an entity of the State of Oklahoma as provided on page 85 of the House report (No. 98-809).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

Amendments No. 65 and 66: Delete Senate language which proposed exceptions to the annual payment limitation under the agricultural conservation program.

The conferees will expect ACP funds to be allocated to the States in such a manner as to assure that funds are available for installation of practices in the fall season.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

Amendment No. 67: Restores House language providing that $48,700,000 shall be available only to the extent an official budget request is transmitted to the Congress.

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$1,254,288,000 for the period October 1, 1984 through August 1, 1985; and $245,712,000 for the period August 2, 1985 through September 30, 1985, which shall be available only to the extent an official budget request is transmitted to the Congress: Provided, That funds shall be apportioned to the States based on an annual appropriation level of $1,500,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a total of $1,500,000,000 as proposed by the Senate instead of $1,254,288,000 as proposed by the House. The House bill included a partial year appropriation for the WIC program, which would have funded the program at an annual rate of $1,500,000,000. The conference agreement provides full-year funding, subject to the submission of an offical budget request.

The agreement also provides that funds are to be allocated to the States based on an annual appropriation level of $1,500,000,000. It is the conferees' intent that participation in the WIC program be maintained by this appropriation and that the program be carried out in such a manner as to fully obligate the $1,500,000,000 appropriated by this Act in fiscal year 1985. Any action to allocate funds inconsistent with a full-year appropriation level for the program of $1,500,000,000 will be an improper withholding of funds.

FOOD STAMP PROGRAM

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$11,450,000,000, of which $652,427,000 shall be available only to the extent an official budget request is transmitted to the Congress*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill provided $10,797,573,000, the full amount of the budget request, through the date on which funds would be exhausted operating the program under current law. The Senate bill provided $11,450,000,000, the Congressional Budget Office's estimate of the appropriation necessary to fully fund the program for fiscal year 1985. The conference agreement provides full-year funding, subject to the submission of an official budget request for the balance of the funds.

FOOD DONATIONS PROGRAMS

Amendment No. 70: Appropriates $139,546,000 for the food donations programs as proposed by the House instead of $141,146,000 as proposed by the Senate. The conference agreement includes $116,000,000 for the elderly feeding program, which will maintain this program at the current services level throughout fiscal year 1985.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 71: Appropriates $83,448,000 instead of $84,291,000 as proposed by the House and $83,291,000 as proposed by the Senate.

The conference agreement includes $1,000,000 as proposed by the House for purchase of LANDSAT data on the Soviet Union.

Amendment No. 72: Deletes Senate language related to the Office of the General Sales Manager since this program is funded under the Commodity Credit Corporation.

PUBLIC LAW 480

Amendment No. 73: Appropriates $705,000,000 for titles I and III of the Public Law 480 program as proposed by the Senate instead of $555,000,000 as proposed by the House.

Both the House and Senate bills provided for a titles I and III program level of $1,021,000,000. The difference in the appropriation levels related to the funding of the program and not to the program level.

Amendment No. 74: Deletes House language providing for the use of Commodity Credit Corporation funds as authorized by 7 U.S.C. 1702.

Amendment No. 75: Deletes Senate language providing that such additional amounts as may be necessary to replace unrealized estimates of receipts shall be available for the titles I and III program.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 76: Appropriates $5,038,000 for the Office of International Cooperation and Development instead of $3,574,000 as proposed by the House and $5,574,000 as proposed by the Senate.

The conference agreement includes $1,500,000 to support an agricultural scholarship program for foreign students from countries which have graduated from AID assistance. The conferees will expect OICD to consult with the Foreign Agricultral Service, the Department of State, and the appropriate committees of Congress to prevent the selection of students from countries which are competitors with U.S. agricultural exports. In making such determination, consideration shall be given to the production potential of the countries selected. Students should be from those countries needing specific assistance in developing agricultural systems necessary to meet the food needs of their domestic populations.

The conference agreement deletes Senate funding for the Caribbean Basin Initiative and includes a general reduction of $36,000.

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 77: Appropriates $372,072,000 for salaries and expenses of the Food and Drug Administration as proposed by the Senate instead of $372,172,000 as proposed by the House. The conferees note that should additional staff and funds be needed to implement authorizing legislation with regard to drug price competition and patent term restoration, a supplemental budget request should be submitted at the earliest possible date.

TITLE VI—GENERAL PROVISIONS

Amendment No. 78: Deletes Senate language which provides that funds for the Agricultural Research Service, Buildings and Facilities shall remain available until ex-

pended. This language is included in Amendment No. 10.

Amendment No. 79: Deletes Senate language regarding leverage transactions and dealer options. The conferees agree that this matter should be addressed by the legislative committees, and not by the Appropriations Committees.

Amendment No. 80: Deletes Senate language which added what is known as the "sodbuster" bill. The conferees agree that this bill should be addressed by the legislative committees where the bill is now in conference, and not by the Appropriations Committees.

Amendment No. 81: Deletes Senate language expressing the sense of Congress that in agricultural trade the United States should treat Japan no better than Japan treats the United States. The conferees agree that the current and projected trade balance between the United States and some countries is of great concern. However, the conferees agree that this matter should be addressed by the appropriate legislative committees and not by the Appropriations Committees.

Amendment No. 82: Deletes Senate language expressing the sense of Congress that the Secretary of the Treasury should not issue unregistered bearer bonds. The conferees have deleted this language based on assurances from the administration that unregistered bearer bonds would not be issued.

Amendment No. 83: Restores House language related to rural housing loan funds and the allocation of low-income versus very low-income funds.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 628. The Secretary shall use the authority provided by law in 7 U.S.C. 1981a which provides:

Loan moratorium and policy on foreclosures

In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: Provided, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

The Secretary shall implement regulations pursuant to this section within 60 days of the enactment of this Act: Provided, That of the amount made available for guaranteed operating loans, not to exceed $200,000,000 may be added to and used for guaranteed farm ownership loan purposes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes House language which specified that in the case of a loss of single family housing due to a natural disaster the Secretary shall accept payment of unpaid principal and interest as full settlement of borrower's liability. The conferees have deleted this language but expect that the Secretary will issue new procedures and regulations to see that the present inequities caused by the current regulations are prevented.

The agreement adds language that requires the Secretary to implement regulations within 60 days for carrying out 7 U.S.C. 1981a, enacted August 4, 1978. To date, regulations have not been issued for carrying out 7 U.S.C. 1981a.

At the request of the Secretary, the conferees have included authority to transfer up to $200,000,000 from guaranteed operating loans to guaranteed farm ownership loans. The conferees have been assured by the Department that this authority is necessary to allow the use of the most flexible refinancing authority in the basic law.

The conferees have been assured by the Department that in carrying out the recently announced program, they will also continue to operate the regular guaranteed programs.

Amendment No. 85: Deletes House language providing that each account in the bill be reduced by 1 percent.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1985 recommended by the Committee of Conference, with comparisons to the fiscal year 1984 amount, the 1985 budget estimates, and the House and Senate bills for 1985 follow:

New budget (obligational) authority, fiscal year 1984	$33,743,256,000
Budget estimates of new (obligational) authority, fiscal year 1985	32,219,884,000
House bill, fiscal year 1985	31,811,425,550
Senate bill, fiscal year 1985	33,446,046,710
Conference agreement, fiscal year 1985	32,179,480,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1984	−1,563,776,000
Budget estimates of new (obligational) authority, fiscal year 1985	−40,404,000
House bill, fiscal year 1985	+368,054,450
Senate bill, fiscal year 1985	−1,266,566,710

NOTE.—An additional $946,839,000 will be available to the extent an official budget request is transmitted to the Congress.

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J.K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JAMES A. MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the managers have until midnight, tonight, September 25, 1984, to file a conference report on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

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

There was no objection.

MAKING IN ORDER ON OR AFTER SEPTEMBER 26, 1984, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

Mr. PRICE. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, September 26, 1984, or any day thereafter, any rule of the House notwithstanding, to take up the conference report on the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes, that all points of order against the conference report be waived, and that the conference report be considered as read.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state to the Members that there will be no 1-minute speeches today.

The Chair recognizes the gentleman from Louisiana [Mr. LONG].

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 588

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, and the first reading of the joint resolution shall be dispensed with. All points of order against the consideration of the joint resolution for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments, which shall be considered as having been read, and which shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole:

(1) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Frenzel of Minnesota, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Frenzel and a Member opposed thereto;

(2) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Brown of Colorado, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Brown and a Member opposed thereto;

(3) the first amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Price of Illinois, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Price and a Member opposed thereto;

(4) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Conte of Massachusetts, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Conte and a Member opposed thereto;

(5) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Miller of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Miller and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived;

(6) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Panetta of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Panetta and a Member opposed thereto;

(7) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Williams of Montana, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Williams and a Member opposed thereto;

(8) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Dixon of California, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Dixon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived;

(9) the amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Fascell of Florida, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Fascell and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived;

(10) the amendment printed in the Congressional Record of September 24, 1984, by, and if offered by, Representative Roe of New Jersey, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Roe and a Member opposed thereto, and all points of order for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived; and

(11) the second amendment printed in the Congressional Record of September 19, 1984, by, and if offered by, Representative Price of Illinois, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and ccntrolled by Representative Price and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived.

At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1210

The SPEAKER. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, the rule before us today makes in order House Joint Resolution 648, the continuing appropriations bill for fiscal year 1985. Before I explain the provisions of the rule, I would like to discuss with my colleagues how we arrived at this point.

As most Members know by now, the rule that we bring to you today is considerably different from the rule that was defeated on the floor last Thursday. The earlier rule was an attempt by Rules Committee members to protect the legislative process, and to say "no," when it is important to say "no."

As we all know, the theory of our legislative process is that we first authorize and then we appropriate. These two steps reflect, to some degree, the whole concept of checks and balances in our Government.

The authorizing committees are supposed to establish policy. The Appropriations Committee is to make decisions on which programs to fund and at what levels. Obviously, these two steps will overlap at times, but the process should allow the House as a body to look at problems from two different perspectives, one of policy and one of budget.

Sometimes, the process works better than it does at others. The past few years could hardly be described as the best of times. We, at the Rules Committee, simply by the nature of our job, find ourselves in the middle of most legislative disputes. I think we all recognize that conflicts are built into the system.

The authorizing committees sometimes feel that the Appropriations Committee is encroaching upon their jurisdictions. The Appropriations Committee, on the other hand, rightfully complains that authorization bills are often not enacted by the time appropriations bills must be marked up.

And, indeed, appropriations bills sometimes lack authorization for as much as two-thirds of the programs they include. To complicate things even more, members of the Appropriations Committee feel that their rightful role has been hampered, and to some extent supplanted, by the budget process itself.

Let me remind my colleagues, however, that continuing resolutions did not spring from the passage of the Budget Act. Rather, the Budget Act was the response of the Congress to the breakdown of the authorization/appropriation process. It was an attempt to try to make that process work.

Long before the passage of the Budget Act, we failed to enact appropriations bills on time, and Government was being run by continuing resolution. The budget process was an effort to respond to the frustrations and conflicts that earlier made rational spending decisions impossible.

If the process has not worked, it is either because there are those among us who do not want the process to work, or because none of us has worked hard enough to make the process work.

Unfortunately, even under the new system, as under the old, there continues to be the inevitable "Christmas tree" bills—those "last train leaving the station" type of bills. For Members lucky enough to get on the train, measures that have languished for a good portion of the Congress are enacted. Other Members, who may have worked as hard, are left, bills in hand, at the station. Obviously, this is no way to run a railroad.

My colleagues and I on the Rules Committee believe that there will eventually be a day of reckoning if we do not come to grips with the substance of our problems. The fault is not in the process; but the fault is in ourselves. While we regret that the membership of the House chose not to endorse our proposal for a clean resolution last Thursday, we nevertheless bend to the will of the majority.

We can only interpret that vote to mean that the House wishes to consider additional amendments to the continuing resolution. We therefore propose today a rule that allows consideration of all 11 amendments we were asked to make in order.

The amendments are listed in the rule and must be printed in the CONGRESSIONAL RECORD by the Member offering the amendment. The amendments are not subject to amendment or to a division of the question. Each amendment may be debated for 30 minutes.

Five of the amendments have waivers. In five of the instances, a waiver is granted for failure to comply with clause 7 of rule XVI, which requires that amendments be germane.

In three instances, a waiver of section 303(a) of the Budget Act is granted because the amendments contain spending and such amendments are not in order prior to the adoption of a first budget resolution. Members should note that the bill itself requires the same waiver of section 303(a) of the Budget Act and for the same reason.

Listed below are the amendments made in order by the rule with a brief explanation of each:

1. Representative Frenzel's amendment would reduce the discretionary budget of the Labor/HHS appropriations by 2 percent—a $500 million reduction.

2. Representative Hank Brown's amendment would provide an across-the-board 2 percent cut of funds appropriated by titles I–III of H.R. 6237, the Foreign Assistance Apprpriation Act for fiscal year 1985, which is referenced by the continuing resolution. Those titles provide funds for Multilateral Economic Assistance, Bilateral Economic Assistance and Military Assistance.

3. Representative Price's first amendment would delete "reported to or subsequently" from the Continuing Resolution. This would have the effect of maintaining the current rate of funding until the House passed the DoD appropriation bill.

4. Representative Conte's amendment would forward fund the Corporation for Public Broadcasting for fiscal year 1987 at $159.5 million—the fiscal year 1986 level.

5. Representative George Miller's amendment would increase title XX funding by $50 million to provide training of licensed or registered child-care center staff in the prevention of child abuse in connection with the provision of child-care services.

6. Representative Panetta's amendment would increase the allotment of food stamps to eligible individuals to reflect the full cost of the thrifty food plan, adjusted to reflect changes in the cost of that plan during the year ending June 30, 1984. Currently, as a result of the Reconciliation Act of 1983, the allotments reflect 99 percent of the cost of the thrifty food plan. This language was included in H.R. 5151, the Hunger Relief Act of 1984, which was adopted by the House on August 1, 1984 by a 364–39 vote. The Senate has not yet acted on H.R. 5151. The amendment would cost $130 million for one year.

7. Representative Pat Williams' amendment would prohibit the use of any funds to contract with a private operator for the administration of a civilian conservation center of the Jobs Corps.

8. Representative Dixon's amendment would provide for the enactment of H.R. 3932, as passed by the House. This would resolve the issue raised as a result of the Supreme Court's Chadha decision relating to the legislative veto. This bill was passed by the House on October 4, 1983, but has not been considered by the Senate.

9. Representative Fascell's amendment would provide for the enactment of H.R. 5119, the International Security and Development Cooperation Act of 1984. The foreign aid authorization bill passed the House May 10, 1984, but has not been considered by the Senate.

10. Representative Roe's amendment would provide for the enactment of H.R. 3678, the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. This bill passed the House June 29, 1984, but has not yet been considered by the Senate.

11. Representative Price's second amendment would provide for the enactment of H.R. 5167, as passed by the House on June 1, 1984. The bill is currently in conference committee.

The rule prohibits the offering of any amendment other than those listed in the resolution. The Rules Committee believes that such a rule is necessary because of the nature of a continuing resolution. Continuing resolutions, as the result of a change in House Rules at the beginning of this Congress, are now privileged and do not require a rule for consideration.

General appropriations bills also are privileged and may be considered at any time after the layover period is fulfilled. These regular appropriations bills, however, are subject to a point of order for lack of authorization or for containing legislative language. No such point of order lies against a continuing resolution. There are no prohibitions on what continuing resolutions may contain in regard to legislation or unauthorized programs. They may be reported from the Appropriations Committee with any combination thereof.

In addition, continuing resolutions for the most part are broad-scaled legislative vehicles. For example, the particular measure before us today incorporates nine of the regular appropriation bills for fiscal year 1985. Obviously, a great variety of amendments would be germane to such a measure. In short, if we do not impose some limitations, as proposed by this rule, then the floodgates are open.

Consequently, the Rules Committee reported a rule making in order those amendments requested, but did not leave the continuing resolution totally unprotected on the floor. The motion to recommit could be fairly broad in nature but would be subject to the test of germaneness as well as other applicable House rules.

Mr. Speaker, let me say again that we, at the Rules Committee, have tried to put together a rule that protects the legislative process within a framework that is acceptable to the majority of the House. Obviously, our preference was for a rule we believe to be more consistent with the legislative process. Since that position has not been sustained by the House, we have reported the rule before us today. This rule allows a significant number of amendments covering a substantial spectrum of the legislative arena.

The rule also allows the House to make a yes or no decision on these amendments in a reasonable timeframe, and to conclude its consideration of the continuing resolution in a timely manner.

Mr. Speaker, House Resolution 588 allows the consideration of the continuing resolution and I urge its adoption so that the House may proceed with its legislative business.

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

Mr. Speaker, last week when the rule on the continuing resolution was before this body, I fought it very strongly because I thought it was a turkey.

The Rules Committee went back in session and reported out a resolution which I think this House can vote for. I think the rule is a good rule. It makes in order 11 amendments to be debated for 30 minutes each on the floor of the House and lets the Members of the House decide. I think that is what the decisionmakers in this

body, and by that I mean each individual Member, would like to have as evidenced by their vote in defeat of the rule last week.

I understand that there is going to be a movement to vote down the previous question to add the core of the President's anticrime measure to this resolution.

Mr. Speaker, I feel that the rule reported by the Rules Committee is a good rule. I support it and I urge my colleagues to do likewise.

□ 1220

It is time that we get down to the business of passing this continuing resolution without any further fights because any delay will delay the adjournment of this Congress. And there is nothing more important to the Nation than to see that these Federal agencies continue to operate without interruption, to see that the Social Security recipients receive their checks, and to see that Government operates without delay. And I am sure that those who are proposing to vote down the previous question have in mind the same goal of no delay. But I am afraid that is not what will happen.

I support the President's anticrime package, and I would like to see it come to the floor as a separate measure because it then can be fully debated and enacted into law, embracing the Senate concept or the concept which this House would pass.

So, Mr. Speaker, I urge the adoption of the rule as presented by the Rules Committee.

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

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time. Does the gentleman from Tennessee have any requests for time?

Mr. QUILLEN. Mr. Speaker, I do have six requests for time.

At this time, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman from Mississippi for yielding me this time, and, Mr. Speaker, at the outset I want to commend my Rules Committee chairman and colleagues for the courageous stand they took in reporting the first rule on this continuing resolution. I continue to think that it was the right and responsible course to try to keep this continuing resolution lean and clean.

But, the House has spoken and defeated that earlier rule, last Thursday. So the Rules Committee met again last Friday noon, at the request of the Speaker, and reported to you this new rule which makes in order all 11 amendments that were requested of us at our first hearing on this matter. Among other things, this rule will make in order amendments to enact the entire foreign aid authorization, the entire Department of Defense authorization, and the entire water projects authorization. And that's only for starters.

We have also made in order amendments to enact a DC government reorganization bill to correct defects in the original self-government act that have arisen due to the Chadha decision; and we make in order amendments to increase funds for food stamps [Mr. PANETTA], social service block grants for day care worker training [Mr. MILLER], public broadcasting, and to retain Federal control over civilian conservation centers. In short, the Rules Committee has completely capitulated to the perceived will of the House in wanting to make this continuing resolution a pick-up train for all the loose cars that might otherwise be left in the rail yards in this 98th Congress. This continuing resolution has been termed by some as the last train leaving the station, and no one wants to be left behind. Whether this train is bound for glory or somewhere else remains to be seen. I will say that we were additionally able to make in order two amendments which would actually reduce funding in the areas of foreign aid and Labor, HHS and Education—amendments by the gentleman from Colorado [Mr. BROWN] and the gentleman from Minnesota [Mr. FRENZEL]. So, these are not all add-on amendments.

Mr. Speaker, I have already indicated what my first preference was, and the House was rejected that lean and clean approach for this more catch-all approach that is provided under our most recent rule. So I would suggest that as long as we are taking this tack, we should use the opportunity to add just one more item that doesn't involve spending a lot of additional money—it authorizes a minimal amount—and yet should be one of our top priorities in these waning days of the 98th Congress. I am referring to the administration's omnibus anticrime package.

The other body passed S. 1762, the Comprehensive Crime Control Act of 1984, on February 2 of this year by a vote of 91 to 1. The ranking Republican on the House Judiciary Committee, the gentleman from New York [Mr. FISH], introduced that identical bill as H.R. 5963 on June 28 of this year. And yet, both bills continue to languish in the House Judiciary Committee as if crime was really not a matter of serious concern.

Oh, we've gotten dribs and drabs and trickles and pieces from that committee from time to time under the rubric of anticrime legislation; but we haven't really gotten any serious and concerted effort to come to grips with the crime problem in a comprehensive fashion. The rationale seems to be, "Let them eat crumbs, and maybe we can convince them after awhile that we've given them the whole loaf." Well I would suggest, Mr. Speaker, that nobody's really going to take that piecemeal approach seriously, especially when we have a major crime bill already passed by the other body that is just waiting for action by this House.

So what I am suggesting today is that, as long as we are using this continuing resolution as a vehicle for enacting several major authorization bills, we should also use it to enact the comprehensive crime control bill that has been pending in this body since last February. I am going to urge that we defeat the previous question so we can amend this rule and make in order one more amendment which will be offered by Mr. FISH and consist of the text of the Senate-passed anticrime bill.

Let's make it clear to the American people once and for all that this 98th Congress is not going home until we enact this major and comprehensive crime package and that we have the guts to deal with the problem now instead of piecemeal and at a later date.

I, therefore, want to make it quite clear to my colleagues that the vote on the previous question will be a vote on whether you want to enact a major crime package in this Congress. A "no" vote on the previous question is a vote for such an opportunity. A "yes" vote on the previous question will mean that you don't really care about the crime problem. In short, Mr. Speaker, it would be a real crime if we don't take up this comprehensive anticrime bill now. Vote down the previous question.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I support the effort to defeat the ordering of the previous question on the rule and to make in order my amendment to the bill. My amendment—identical to S. 1762—will permit the consideration by the House of Representatives of the President's Comprehensive Crime Control Act of 1984 as it passed the Senate by a vote of 91 to 1. I introduced this measure in the House as H.R. 5963, and I believe the American people want and deserve these improvements.

This somewhat unorthodox procedure is necessitated by the Democratic leadership's refusal to permit this body to consider these important crime proposals. Those few carefully selected crime issues which have been placed before this body have been considered under special procedures that prohibit amendment. This is made particularly unacceptable by the insufficient response to criminal problems posed by House legislation which is often weaker than that passed by the Senate.

Over the past several weeks this body has passed some crime bills that

are a part of the President's package. These crime bills, however, are noncontroversial measures and do not constitute the heart of the Comprehensive Crime Control Act. The three reforms, sentencing reform, bail reform, and reform of the insanity defense, are but a few key provisions which deserve full consideration by the Members.

The failure to consider this important package rests with the House leaders who have prevented this body from acting upon criminal law reforms which I believe are supported by a majority of Members of this body.

It is this extraordinary refusal to permit consideration of crime issues which has led to these procedures which I support today.

Mr. Speaker, S. 1762 and its companion, H.R. 5963, contained 46 parts. The House has passed only 15 parts. Four more have passed the Judiciary Committee. No others have been reported by subcommittees, and only three more have been the subject of hearings. Mr. Speaker, 24 parts of the Comprehensive Crime Control Act have received no House action whatsoever. Over half of the bipartisan Senate crime bill, which not a single Senate Democrat present voted against, has not even been subject to hearings.

With only a few legislative days remaining in this Congress, 10 parts await conferences with the Senate. These numbers indicate the problems with the piecemeal approach. But more important, qualitatively, are measures which have not been granted rules: Bail reform, sentencing reform and the insanity defense.

Mr. Speaker, because of the slow process for the last year and a half that has brought us to this point, there is no time for this Congress to act on all this legislation individually.

□ 1230

The Members should realize and the American people understand that a vote on the previous question on this rule is the only vote in this Congress on comprehensive crime control. It is nothing short of that; it will be known as that.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the gentleman for yielding me this time.

Mr. Speaker, I join my colleagues in asking that we vote down the previous question so that we might have an opportunity to attach the President's Crime Control Act to this bill coming before us.

I supported the Rules Committee last week; I would much rather that we have a clean bill. This is not a rule for a clean bill, we all acknowledge that. If that is what we are going to do here because we think certain other bills are extremely important, we ought to also allow the President's Comprehensive Crime Control Act to be attached to this legislation.

Why? Because for the very first time in over 7 years, the Roper poll shows that crime and drugs as a combined issue is the No. 1 issue in the United States. For the first time in over 7 years, it is more important than any other issue. More important even than any economic issue.

I would urge my colleagues that we ought to take this opportunity to at least confront it. Some would say that this is not the ideal; I would agree, this is not the ideal. But certainly not having an opportunity to vote on the President's crime bill is not the ideal. This is a bill, mentioned by my colleague just a minute ago, that passed in the Senate without one Democratic vote against it. Ninety-one to one this Congress; 95 to 1 in the Congress before. We have never had a chance to vote on it.

Now we know certain things can be brought here. The ERA was brought here, less than a week of passing out of our Judiciary Committee, in a situation that many of us objected to. That was brought here because the Speaker told us that he would schedule it and he thought it was important.

Yesterday we passed a very important bill, an important bill giving citizenship, posthumously, to Corporal Staniszewki from the great State of Massachusetts. Not only was that brought up in quick order, but it bypassed the subcommittee and the Full Committee of Judiciary. We were scheduled to deal with that bill today, and now we find ourselves a day after it is passed out of the full House.

The point is when the leadership wants certain bills to get to the floor, we have an opportunity to vote on them. There is no other opportunity, evidently, in this House for us to go on the record on bail reform, on sentencing reform, on insanity defense, all those things that are contained in the President's comprehensive crime control package bill that passed the House overwhelmingly.

The sentencing reform package that we want to put in here is Senator KENNEDY's sentencing reform package supported by the President. If the President of the United States and the senior Senator from Massachusetts can get together on something like that, it must be pretty comprehensive, and not very controversial.

We ought to at least have the opportunity to deal with this at this time. Our distinguished late colleague, Carl Perkins, describing the committee on which I am privileged to serve, the Judiciary Committee, referred to it in some ways as the "burial committee." The gentleman from Illinois [Mr. HYDE] calls it the "Bermuda Triangle:" Things go in there and they are lost forever. They do not even make a blip on the radar screen.

What we are saying is bring it back up; give us an opportunity to vote on it. Vote down the previous question when it comes up later today.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule, and I am opposed to any other move to not approve this rule. I recognize that this rule does provide more than many of us would like to see, but this hour in this session of the Congress, when most Members want to go back home, and recognizing the responsibility that we have here in the House to complete the Nation's work for appropriations to fund about 90 percent of our Government, I see no other choice but to support this rule today. That is because on Sunday night, if we do not pass this CR, or some continuing resolution, major portions of our Federal Government are going to be shut down.

Now, some may applaud and say we ought to shut down a lot of it; but that is not the responsible thing to do. I recognize that there are many bills that Members would like to have included in this continuing resolution. I would like to see the crime bill included; I would like to have seen it passed already. I would like to have seen something done about the natural gas bill. We could go down a list of bills that should have been passed by this Congress. Maybe the right thing to do would be for us to stay here for another 2 weeks and complete the Nation's business, but we have not got it done this late, and now we are faced with the one responsibility of how to keep this Government running.

I think it reaches some point where we have to say no to more additions to the CR and, that we are going to continue the vital functions of our Government. The Rules Committee has struck a compromise which is acceptable in my view. It will not be the bill many people would like to see because you did not get your particular bill in, and the crime bill is one of the many that we would like to have seen passed by now. This is an appropriation bill. The amendments that have been made in order by this rule have been considered and passed by the House. To include this crime bill which has not been yet considered by the House and would be allowed only one-half hour for such an important bill is not the way to make law. The crime problem is too important to limit the discussion and not even allow possible amendments.

I hope this House today will not defeat the previous question, will move on with our business as it should

be to approve this continuing resolution so we can go to conference with the other body and do the responsible thing by working out this appropriation.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, the issue before us today is not just a question of what is the rule going to look like; it is a question of the agenda of this Congress as we go to the waning days, and are we going to consider one of the most important issues to come before this Congress in many a day that we have not been able to get to the floor of the House. We have been struggling in the 4 years that I have been on the Criminal Justice Subcommittee to get to the floor for a vote the President's omnibus crime bill and the effort has been going for a lot longer than that.

In an effort to allow this body to work its will, to give a chance for all the Members of this body to vote on the President's omnibus crime bill that we have been waiting so long to get a chance to do, I strongly urge the Members to vote to defeat the previous question. It is absolutely crucial that we not allow this kind of procedure to go forward without an opportunity this session of Congress to vote on this comprehensive package.

What is in it? Well, what is in it is major reform of sentencing for one thing. It would require a determinate sentencing by the judges; it would put guidelines on them; it would set up a uniformity of sentencing procedure; it would abolish parole. In essence, we get truth in sentencing again which we have not had in this country for many a year.

It would also have bail reform in it, a situation where we could finally have an opportunity for judges to be able to say no, I am not going to release somebody out onto the streets if he is a danger to the community. It has the insanity defense reform in it. It has, as Mr. FISH said earlier, 46 different parts in it, 24 of which have never been up in this Congress, even out of our committee for hearings.

Nonetheless, this package passed the other body by an overwhelming vote of 91 to 1 in this Congress. It passed by 99 to 1 in the last Congress. The people of the United States have a right to expect this body, the Congress of the United States, the House of Representatives, to act on this crime package to get at one of the major problems of our Nation, and there is no reason why a matter as noncontroversial as this is should be thwarted a vote on the floor of the House because some of the leadership do not like some of the provisions that the vast majority of us would readily endorse, would readily vote for.

So, again, I urge the Members to vote down the previous question and let us go forward with an opportunity to vote on this Omnibus Crime package in this session of Congress, this week, and get on with the duty of this body.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. I thank the gentleman for yielding me this time.

Mr. Speaker, the question today is a question of priorities. Why do the people send us to Washington? It may be very easy to say we should not put anything on this bill and slip away home next week; that might be the easy thing to do. Let no one have any doubt about what the issue is on this vote.

I urge defeat of the previous question. If you are serious about passing anitcrime legislation; if you want to make systemic changes; if you want to make comprehensive changes in the Criminal Code, this is the only way in this Congres you are going to be able to do it.

We have waited 2 years, 2 years and this is the only chance we are going to be able to get to do it. If the Members think it is wrong that a trial court judge today in the Federal system cannot consider the dangerousness to the community, that a hardened criminal is dangerous to the community in setting bond, if you think a trial court judge should be able to consider that, then I ask you to vote no.

If the Members think that we need tremendous changes in our sentencing law, then I ask the Members to vote no. If you and your constituents are tired of seeing people get a lengthy sentence and turn around and not really serve that sentence but be out in a few days, then I ask you to vote "no."

□ 1240

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume. I do not want anyone else in this House to feel that JIM QUILLEN does not support the anticrime package; I do. I think the way that it is being proposed today is not correct. I think that making a fight to defeat the previous question is simply making a point.

The continuing resolution is no place for the anticrime measure. It deserves special attention. It deserves a special schedule on the floor of the House. It deserves full debate because it is so important to America, but tacking it on to a continuing resolution is merely making a point and I do not think at this late hour it is the time to do it.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding this time and I would ask a "no" vote on the previous question on the rule.

The Comprehensive Crime Control Act is the only chance at doing something constructive about criminal law reform in a comprehensive manner in this Congress. A "no" vote on the previous question will be the real law and order vote for this Congress.

A "no" vote on the previous question will be your real and only law and order vote in this Congress. Adoption of the Comprehensive Crime Control Act, incidentally, could make the continuing appropriations resolution a lot more acceptable at the White House, I would think.

The people of this Nation expect more from this Congress than they are getting. Some constructive, comprehensive, effective reform of criminal law is the least we can do after 15 years of study, and we can to it now.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me. Mr. Speaker, the proponents of this rule argue that the time is late, that we cannot at this late hour take up this bill. Well, I would suggest that we ought to check how they voted the other day when we had a chance for a clean continuing resolution when the Appropriations and the Public Works Committees had figured out they did not have enough pork in that resolution so they would not vote for a clean resolution.

The hour is late because they made it late but there is room in this bill for all kinds of things. Now we have got child care provisions in there and all kinds of things, but we cannot put crime in. It seems to me that here is a place where we can address the crime issue.

Let us also take a look at the point, this bill has a better chance of getting signed into law if this crime package is in there. The President is probably going to veto a pork bill but if we put the crime package in there it has got a better chance of getting enacted into law so the people who want to get it enacted might better vote for the move that we are going to make to put the crime package into the bill.

Mr. LOTT. Mr. Speaker, would the gentleman yield just for a couple of brief points?

First of all, if you vote against the previous question you are not killing this rule. All you would be doing is give the House an opportunity to vote on the criminal law reform package.

Mr. WALKER. Mr. Speaker, the gentleman is absolutely correct, not killing the law in any way.

Mr. LOTT. If the gentleman will yield further for one point.

Mr. Speaker, under this rule the gentleman from New York [Mr. FISH] would have 30 minutes to explain the

omnibus crime package and the chairman of the Committee on the Judiciary could offer the substitute amendment and would also have 30 minutes. It would be the usual 30 minutes of debate on an issue of this kind and so we would have an opportunity to vote on comprehensive criminal law reform.

Mr. WALKER. That is correct, Mr. Speaker, and I do not think anybody can hide behind procedure here. This is the vote on this session on crime. This would tell your constitutents whether you are willing to see tough anticrime measures at least debated in the House of Representatives.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in support of the effort to defeat the previous question so we can vote on the issue of crime legislation. But my comments this morning are an objection to bringing to the floor of the House for consideration a continuing resolution whereby Members are precluded from offering amendments to reduce spending for individual appropriations bills.

For instance, this continuing resolution will preclude us from offering an amendment to reduce spending in transportation, in defense, and also in the foreign assistance program. This Member from California, during the course of this year, has offered amendments to implement some of the recommendations of the Grace Commission to other individual appropriation bills as they came along. I think that is a proper procedure.

It prevents accountability when we bring up these issues in the continuing resolution. We are precluded from a separate vote on individual appropriation bills. I resent that and I think we should defeat the rule as well.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding to me. Mr. Speaker, I generally would be standing here speaking against putting something on a rule such as this. However, in this particular instance, we are in the last inning of play. This Congress is about to adjourn and the most important piece of legislation perhaps to have passed the Senate this year continues to sit over here gathering dust and not being considered by this body.

Mr. Speaker, I heard you on the radio this morning speaking of the President and the amount of time that he would work during a day. Mr. Speaker, I have trouble looking at that particular comparison when I see that this Congress is about ready to go out of session for months at a time. I find it very hard to understand how anybody could criticize anyone for not putting in a full work day when we do not put in a full work year.

There is much work that could be done in this Congress and this is the last chance we are going to have to get at this most important piece of legislation.

There is no question about it. This is the crime vote for this session, and anybody who does not realize that is not paying attention.

It is most important that we vote against the previous question and that we bring up the question of this most important crime bill before this House and do it now before it is too late.

I thank the gentleman for yielding and yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the rule. I thought that the rule that we had down here last week was a good rule and one which would guarantee safe harboring for the continuing resolution.

At that time I commended the Rules Committee and I commend them again. It was a courageous act on their part but it was the right thing to do. Now we are going to have 11 amendments in order here. I am sure they will get all adopted, and the other body over there will have a tremendous amount of amendments. If we are not able, in that conference under the able leadership of my chairman JAMIE WHITTEN and BILL NATCHER, to go over there and strip this bill, we are going to get a veto. We will be here next Friday or next Saturday or next Sunday trying to iron out this situation.

I am going to vote down the previous question because I think if they allow 11 amendments, why not let the crime package in here? We let everything else in.

Just think about it; why not vote down the previous question?

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

Mr. Speaker, when a different rule on this same bill was up last week, I fought in the Rules Committee as hard as I could against the rule and I fought against the rule on the floor of the House.

I understand when the Rules Committees met to report out this rule there was no effort to add an anticrime package. Yet we find the fight here on the floor here today to vote down the previous question to add it. And many of the proponents who are seeking to vote down the previous question supported the rule last week.

Whatever each individual Member does is his own right. I criticize no one but we all know the importance of an anticrime package. This is not the vehicle. We are only making a show.

I think we need the anticrime package on the floor of the House as a separate measure, and let us support this rule and let us adopt it and proceed to debate on the continuing resolution as quickly as we can.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

□ 1250

Mr. HUGHES. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to say to my colleague, the gentleman from Tennessee, that he is absolutely right; it is a show and I regret it because crime really is not a partisan issue. Crime is everybody's problem, and I am just so sorry to see the crime issue get caught up in election year politics.

I am disappointed with some of my colleagues on the Committee on the Judiciary because they have not represented the facts correctly. We have passed or will have passed some 24 crime bills in this Congress. That is probably the most productive effort on crime in the entire five terms I have been here, 10 years.

The administration just last week asked me if I would take up three bills dealing with antiterrorism in the closing days of this session because of the problems that we experienced in Beirut just last week. I have a hearing scheduled tomorrow on three major anticrime bills. We are going to move them through to completion, hopefully in this session of the Congress, because it is important to do so at this time, even though we must have seven bills we are trying to conference with the Senate right now.

I say to my colleague, the gentleman from Florida, that we are moving crime legislation, and he knows that, out of the Subcommittee on Crime as fast as we can turn it out.

I listened to my colleagues here on the floor 2 weeks ago argue against a number of my crime bills because they were brought up on the Suspension Calendar. We were trying to expedite them through the short process to get them over to the other body. My colleagues argued at that time that because they could not offer amendments to bills on the Suspension Calendar that Members should vote against them. Here my colleagues now want to offer in the continuing resolution bills that have never been taken up in the Congress measures, in some instance that we bypassed because we felt there were other bills more important than some of the bills that are included in this package now they want to tack these bills onto the continuing resolution without the benefit of hearings, debate or thoughtful examination.

We passed and sent to, the other body, over a year ago the Justice Assistance Act of 1983. It has been collecting dust since May 1983. If you

were to ask the National District Attorneys' Association what their No. 1 priority is, it is the Justice Assistance Act. That is the one bill that we can work on that will impact street crime. Members surely know that 95 percent of the street crime that is committed, invokes a violation of local law, not Federal law. So the one bill that we can offer that will do something about serious street crime we cannot seem to get out of the Senate.

I say to my colleagues that right now we must have 12 bills in the other body that have not been acted upon. We have passed five major crime bills that the President has already signed into law.

For anybody to get up on this floor and suggest that we have not made major changes in the criminal justice process does not know what he is talking about. The gentleman from Michigan, HAL SAWYER, and I have had an excellent bipartisan working relationship and we have turned this subcommittee into a true anticrime workshop.

So I would urge my colleagues to vote for the previous question. Placing nongermane crime measures on the continuing resolution is no way to legislate.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is incredible that today we have Members who, recognizing the importance of the issue of crime and crime in this country, and who are aware of the serious efforts that have been made by both the Committee on the Judiciary, and the Crime Subcommittee, under the chairmanship of the gentleman from New Jersey [Mr. HUGHES] to deal with these issues, not in a piecemeal fashion, but in a fashion that shows responsibility and deliberation over these matters, ignore that and the actions already taken by the House.

As the gentleman from New Jersey has stated now, the committee has presented to this House over 20 measures and some of them languished in the other body, without serious action. We consider those to be very important matters:

For example, the Justice Assistance Act—identified by most State and local crime fighters as the single most important anticrime measure before Congress. This bill would provide States and local governments—where over 99 percent of criminal prosecutions occur—with matching funds for proven crime fighting programs. It is the only measure before Congress that actually works to increase the detection of crime and the apprehension of criminals. The legislation was included in the seven part anticrime bill passed in the 97th Congress and vetoed by the President. It was again passed by the House in May 1983 and languished in the other body for over a year. Only recently, has the other body taken action on that legislation.

The House has passed 18 crime measures in this Congress.

Other matters that were recently brought to the floor of this House, under suspension of the rules in order to expedite those measures and allow time for the differences that existed between the measures to be resolved in conference, were defeated by the very people who are now discussing the importance of these matters. That procedure had been agreed upon not only by the subcommittee chairman, but the ranking minority member on the other side as a vehicle in order to assure that these matters would have been acted on.

Mr. Speaker, all I can say is that in the last Congress we did have a crime package which included a very important issue, the issue of creating a drug czar to deal with the tremendously difficult problem of drugs and the illegal traffic in narcotics. That was a package agreed upon by our House and the other body. That package went to the President of the United States and the President of the United States vetoed that very important issue.

All I can say is, Mr. Speaker, it just does not comport with what we are hearing. There is no justification whatsoever for this attempt at this time to consider this issue as a crime package.

Some of the Members on the other side of the aisle complained when the committee takes a bill on single limited subject to the floor on the Suspension Calendar because there is no opportunity to perfect the bill through the amendment process. Here some of the same Members support an entire omnibus crime package which in part attempts to undo legislation already passed by the House without any opportunity to carefully review and perfect all of the myriad segments of the bill.

I believe that the best and wisest course of action would be for us to address the limited issues that need be addressed in the continuing resolution—those that deal with authorizations and funding—the purpose of the measure.

GENERAL LEAVE

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 588.

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

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I favor legislation of course, on the crime package and I think all of us understand that this is neither the time nor the circumstances in which such a serious matter should be considered.

Let me say that I would oppose making in order the crime package at this time to the rule. The Committee on Rules held extensive hearings on the rule. No one asked that any of these bills be made in order. While we have made in order the offering of four amendments that are legislative, three of them are complete authorization bills, I must point out that all of these measures have been passed by the House.

I ask Members to vote for the previous question.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous quesiton.

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

Mr. LOTT. 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 218, nays 174, not voting 40, as follows:

[Roll No. 411]

YEAS—218

Ackerman	Darden	Harkin
Addabbo	Daschle	Hawkins
Akaka	Davis	Hayes
Albosta	de la Garza	Heftel
Alexander	Dellums	Hightower
Anderson	Derrick	Howard
Andrews (TX)	Dicks	Hoyer
Annunzio	Dingell	Hughes
Anthony	Dixon	Hutto
Aspin	Donnelly	Jenkins
AuCoin	Dowdy	Jones (NC)
Barnard	Downey	Jones (TN)
Barnes	Durbin	Kastenmeier
Bates	Dwyer	Kazen
Bedell	Dymally	Kennelly
Beilenson	Dyson	Kildee
Bennett	Early	Kleczka
Berman	Eckart	Kolter
Bevill	Edgar	LaFalce
Biaggi	Edwards (CA)	Lantos
Boland	Evans (IL)	Leath
Boner	Fascell	Lehman (CA)
Bonker	Fazio	Lehman (FL)
Borski	Feighan	Levin
Bosco	Flippo	Levine
Boucher	Florio	Levitas
Boxer	Foglietta	Lipinski
Britt	Foley	Long (LA)
Brooks	Ford (MI)	Long (MD)
Brown (CA)	Ford (TN)	Lowry (WA)
Burton (CA)	Frank	Luken
Byron	Frost	Lundine
Carper	Fuqua	MacKay
Carr	Garcia	Martinez
Chappell	Gaydos	Matsui
Clarke	Gejdenson	Mavroules
Clay	Gephardt	McCloskey
Coelho	Gibbons	McHugh
Coleman (TX)	Glickman	McNulty
Collins	Gonzalez	Mikulski
Conyers	Gore	Miller (CA)
Cooper	Gray	Mineta
Coyne	Hall (OH)	Minish
Crockett	Hall, Sam	Mitchell
Daniel	Hance	Moakley

Mollohan Reid Synar
Montgomery Richardson Tallon
Moody Rodino Thomas (GA)
Morrison (CT) Roe Torres
Mrazek Rose Torricelli
Murphy Rostenkowski Towns
Murtha Rowland Traxler
Myers Roybal Udall
Natcher Russo Vento
Neal Sabo Volkmer
Nichols Scheuer Walgren
Nowak Schumer Watkins
Oakar Seiberling Waxman
Oberstar Shannon Weaver
Obey Sikorski Weiss
Olin Sisisky Wheat
Ortiz Skelton Whitley
Ottinger Slattery Whitten
Owens Smith (FL) Williams (MT)
Panetta Smith (IA) Wirth
Patterson Solarz Wise
Pease Spratt Wolpe
Penny St Germain Wright
Pickle Staggers Wyden
Price Stark Yates
Quillen Stokes Yatron
Rahall Studds Young (MO)
Ratchford Swift

NAYS—174

Andrews (NC) Hopkins Porter
Applegate Horton Pritchard
Archer Hubbard Pursell
Badham Huckaby Ray
Bartlett Hyde Regula
Bateman Ireland Ridge
Bereuter Jacobs Rinaldo
Bilirakis Jeffords Roberts
Bliley Johnson Robinson
Boehlert Jones (OK) Roemer
Broomfield Kaptur Rogers
Brown (CO) Kasich Roth
Broyhill Kemp Roukema
Burton (IN) Kindness Rudd
Campbell Kramer Sawyer
Carney Lagomarsino Schaefer
Chandler Latta Schneider
Chappie Leach Schroeder
Coats Lent Sensenbrenner
Conable Lewis (CA) Sharp
Conte Lewis (FL) Shaw
Coughlin Livingston Shelby
Courter Lloyd Shumway
Craig Loeffler Shuster
Crane, Daniel Lott Siljander
Crane, Philip Lowery (CA) Skeen
Dannemeyer Lujan Smith (NE)
Daub Lungren Smith (NJ)
DeWine Mack Smith, Denny
Dickinson Madigan Smith, Robert
Dreier Marriott Snowe
Duncan Martin (IL) Snyder
Edwards (AL) Martin (NY) Solomon
Edwards (OK) Mazzoli Spence
Emerson McCain Stangeland
English McCandless Stenholm
Erlenborn McCollum Stratton
Evans (IA) McCurdy Stump
Fiedler McDade Sundquist
Fields McEwen Tauke
Fish McKernan Tauzin
Frenzel McKinney Taylor
Gekas Mica Thomas (CA)
Gilman Michel Valentine
Gingrich Miller (OH) Vander Jagt
Gradison Molinari Vandergriff
Green Moore Vucanovich
Gregg Moorhead Walker
Gunderson Nelson Weber
Hall, Ralph Nielson Whitehurst
Hamilton O'Brien Whittaker
Hansen (ID) Oxley Winn
Hansen (UT) Packard Wolf
Hartnett Parris Wortley
Hefner Pashayan Wylie
Hiler Patman Young (AK)
Hillis Paul Young (FL)
Holt Petri Zschau

NOT VOTING—40

Bethune Cheney Dorgan
Boggs Clinger Erdreich
Bonior Coleman (MO) Ferraro
Breaux Corcoran Fowler
Bryant D'Amours Franklin
Goodling Kogovsek Rangel
Gramm Kostmayer Ritter
Guarini Leland Savage
Hall (IN) Markey Schulze
Hammerschmidt Marlenee Simon
Harrison Martin (NC) Williams (OH)
Hatcher McGrath Wilson
Hertel Morrison (WA)
Hunter Pepper

□ 1310

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Corcoran against.

Mr. Guarini for, with Mr. Erdreich against.

Mr. Rangel for, with Mr. McGrath against.

Mr. Pepper for, with Mr. Breaux against.

Mr. STRATTON, Ms. KAPTUR, and Mr. VALENTINE changed their votes from "yea" to "nay."

Mr. DINGELL and Mr. BEILENSON changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 135, not voting 40, as follows:

[Roll No. 412]

AYES—257

Ackerman Coleman (TX) Ford (TN)
Addabbo Collins Frank
Akaka Conte Frenzel
Albosta Conyers Frost
Alexander Cooper Fuqua
Anderson Coyne Garcia
Andrews (TX) Crockett Gaydos
Annunzio Daniel Gejdenson
Anthony Darden Gekas
Applegate Daschle Gephardt
Aspin Davis Gibbons
AuCoin de la Garza Gilman
Barnard Dellums Glickman
Barnes Derrick Gonzalez
Bateman Dicks Gore
Bates Dingell Gradison
Bedell Dixon Gray
Bennett Donnelly Green
Berman Dorgan Hall (OH)
Bevill Dowdy Hall, Ralph
Biaggi Downey Hall, Sam
Bliley Duncan Hamilton
Boland Durbin Hance
Boner Dwyer Harkin
Bonker Dymally Hawkins
Borski Dyson Hayes
Bosco Early Hefner
Boucher Eckart Heftel
Boxer Edgar Hightower
Britt Edwards (AL) Hillis
Brooks Edwards (CA) Holt
Brown (CA) Emerson Horton
Bryant Evans (IL) Howard
Burton (CA) Fascell Hoyer
Byron Fazio Huckaby
Carper Feighan Hughes
Carr Flippo Hutto
Chappell Florio Hyde
Clarke Foglietta Jacobs
Clay Foley Jeffords
Coelho Ford (MI) Jenkins
Jones (NC) Myers Smith (IA)
Jones (TN) Natcher Smith (NE)
Kaptur Neal Smith (NJ)
Kazen Nichols Snyder
Kennelly Nowak Solarz
Kildee O'Brien Spratt
Kleczka Oakar St Germain
Kolter Oberstar Staggers
LaFalce Obey Stark
Lantos Ortiz Stokes
Leath Ottinger Stratton
Lehman (CA) Owens Studds
Lehman (FL) Packard Swift
Levin Panetta Tallon
Levine Parris Tauzin
Lipinski Patterson Thomas (GA)
Lloyd Pease Torres
Long (LA) Penny Torricelli
Long (MD) Pickle Towns
Lowry (WA) Price Traxler
Luken Quillen Udall
Lundine Rahall Vander Jagt
Martinez Ratchford Vento
Matsui Reid Volkmer
Mavroules Richardson Walgren
Mazzoli Rinaldo Watkins
McCloskey Rodino Waxman
McDade Roe Weaver
McHugh Rose Weiss
McNulty Rostenkowski Wheat
Mica Rowland Whitehurst
Mikulski Roybal Whitley
Miller (CA) Rudd Whitten
Miller (OH) Russo Williams (MT)
Mineta Sabo Wirth
Minish Scheuer Wise
Mitchell Schumer Wolf
Moakley Seiberling Wolpe
Mollohan Shannon Wright
Montgomery Shelby Wyden
Moody Shuster Yates
Morrison (CT) Sikorski Yatron
Mrazek Sisisky Young (AK)
Murphy Skelton Young (MO)
Murtha Smith (FL)

NOES—135

Andrews (NC) Johnson Pursell
Archer Jones (OK) Ray
Badham Kasich Regula
Bartlett Kastenmeier Ridge
Beilenson Kemp Roberts
Bereuter Kindness Robinson
Bilirakis Kramer Roemer
Boehlert Lagomarsino Rogers
Broomfield Latta Roth
Brown (CO) Leach Roukema
Broyhill Lent Sawyer
Burton (IN) Levitas Schaefer
Campbell Lewis (CA) Schneider
Carney Lewis (FL) Schroeder
Chandler Livingston Sensenbrenner
Chappie Loeffler Sharp
Coats Lott Shaw
Conable Lowery (CA) Shumway
Coughlin Lujan Siljander
Courter Lungren Skeen
Craig Mack Slattery
Crane, Daniel MacKay Smith, Denny
Crane, Philip Marriott Smith, Robert
Dannemeyer Martin (IL) Snowe
Daub Martin (NY) Solomon
DeWine McCain Spence
Dickinson McCandless Stangeland
Dreier McCollum Stenholm
Edwards (OK) McCurdy Stump
English McEwen Sundquist
Erlenborn McKernan Synar
Evans (IA) McKinney Tauke
Fiedler Michel Taylor
Fields Molinari Thomas (CA)
Fish Moore Valentine
Gingrich Moorhead Vandergriff
Gregg Nelson Vucanovich
Gunderson Nielson Walker
Hansen (ID) Olin Weber
Hansen (UT) Oxley Whittaker
Hartnett Patman Winn
Hiler Paul Wortley
Hopkins Petri Wylie
Hubbard Porter Young (FL)
Ireland Pritchard Zschau

NOT VOTING—40

Bethune Boggs Bonior

Breaux	Hall (IN)	McGrath
Cheney	Hammerschmidt	Morrison (WA)
Clinger	Harrison	Pashayan
Coleman (MO)	Hatcher	Pepper
Corcoran	Hertel	Rangel
D'Amours	Hunter	Ritter
Erdreich	Kogovsek	Savage
Ferraro	Kostmayer	Schulze
Fowler	Leland	Simon
Franklin	Madigan	Williams (OH)
Goodling	Markey	Wilson
Gramm	Marlenee	
Guarini	Martin (NC)	

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. Corcoran against.

Mr. Rangel for, with Mr. McGrath against.

Mr. Guarini for, with Mr. Pashayan against.

Mr. Erdreich for, with Mr. Cheney against.

Mr. Pepper for, with Mr. Hunter against.

Mr. RUDD changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 905, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1983

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 905) to establish the National Archives and Records Administration as an independent agency, with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so just to check to see whether or not this has been cleared by the minority.

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

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, it certainly has.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Mr. BROOKS, Mr. FUQUA, Mr. ENGLISH, Mr. HORTON, and Mr. KINDNESS.

CONTINUING APPROPRIATIONS, 1985

The SPEAKER. Pursuant to House Resolution 588 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 648.

□ 1336

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, with Mr. BROWN of California in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

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

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

My colleagues, this is not the easiest job that I ever had dealing with a continuing resolution. I just work here, as you know, and this is a job that my position carries with it.

There are as many explanations of why we face this situation as there are individual Members; to some it is television coverage encouraging everybody to deliver speeches; others say it is the Budget Committee because the Budget Committee has been unable to work out a conference agreement with the Senate side and under the Budget Act we are prohibited from bringing up any spending or revenue bill until they agree on a budget resolution.

Mr. Chairman, because of the budget impass we were forced to go to the Committee on Rules this spring and request that section 303 of the Budget Act be waived. We in turn, have tried to stay within a target based on the resolution that was passed by the House.

Mr. Chairman, it is my best information that, at the moment, we are within the target set by the House passed resolution since the Budget Committee could not get an agreement with the other body. That agreement is required by May 15 of each year. Here we are in September.

Mr. Chairman, whatever the reason for our present situation, the problem is that on October 1 we begin a new fiscal year and unless we act quickly, practically the whole Government comes to a standstill.

Mr. Chairman, let me describe for the Members what our experience shows that we face on the Committee on Appropriations. In the last 4 years, in the continuing resolutions and supplementals, we have held the line on this side to a greater degree than I ever thought possible. But, on the Senate side, they have added amendment after amendment. In 1981, 432 amendments; in 1982, 132 amendments; in 1983, 254 amendments; and this year 216 amendments were added on the other side.

□ 1340

Now I know they will tell you that they dropped a whole lot of them on the way from the Senate over here, but every Senate Member got a news release for his efforts and the House Member did not get any credit for the proposition.

This year, knowing that we were going to conference with the other side, and knowing what we have been facing when we go to the Senate, I talked to members of the Appropriations Committee and asked what are those things that are badly needed, that we believe should be added so that we would be in position to take care of our colleagues in the House and therefor take care of the country.

Let me show you what is involved here. Involved is the fact that in the past dozen years we have had no authorization for new water source starts. The bill H.R. 3678 passed the House under the leadership of our friend, the gentleman from New Jersey, BOB ROE. The items included in full committee action on House Joint Resolution 648 by Mr. BEVILL and the amendment to be offered by Mr. ROE put us in a somewhat equal situation when we go to conference with the Senate. Listen to this. Please remember that these items for needed waste resource development constitute only three-tenths of 1 percent of the increase asked for military spending and foreign aid. Are we going to turn down three-tenths of 1 percent for our own country?

Recently I spoke to the National Coal Association and asked, "Don't you want to save money?" I said, "Yes, but also I want to know where you are going to spend it."

You do not save money by cutting out oil for your automobile. If the foundation of your house is crumbling you do something about it. You cannot put up with a leaky roof too long. We have to take care of our country.

So may I say to my colleagues that not only did we put these things here to look after our country, at the cost of only three-tenths of 1 percent, but in writing to the Rules Committee, I said that we may have overlooked other things that are essential to keeping the country strong so we would understand if they were made in order.

So may I say to my colleagues we bring you what we feel we have to do to give equal treatment to our colleagues in the House. This is what we

have to do to have an equal standing when we get into the conference with our colleagues on the other side so that we are looking after our own country because all the rest depends on it.

Way back in 1959 I made the motion to override the veto of the President of the United States. We passed a public works bill in the Congress with 67 new starts. It was vetoed. We failed to override his veto. It came back to our Committee on Appropriations and with the support of my friend, BILL NATCHER, and MIKE KIRWAN and others, I suggested we cut everything 2½ percent, which was the usual slippage in construction and that we send it back to the President to restore again the right of the American people's branch of the Government, the Congress, to start new projects. My motion carried, but the President vetoed the bill again.

It might interest the Members to know that the President's veto message said in substance that in view of what we owe at home and abroad, in view of the terrible financial problems that we have, we cannot afford these 67 new starts in our own country.

In my argument to the Congress I used the President's own arguments that not to override his veto would be a mistake in view of our troubles at home and abroad, in view of our financial situation, that we have got to take care of our own country. That is all we have left to protect because we do not have gold and silver behind our money, but we have got our country.

Before the Members is an effort to let us start looking after our own country, for it is our own country to which we have to look. That is our wealth. Dollars and cents, we are in bad shape. We need to level off our budget deficits. We need to get back on a stable basis so you can trade and traffic and know what you are doing, but remember that money is only our medium of exchange. Our real wealth is the country itself, the material things.

Mr. Chairman, today I bring to the floor of the House a resolution which will continue the orderly operations of the Government into the next fiscal year. The rule that we are operating under today does provide for the House to work its will on 11 amendments. I do not know what the outcome will be, but I do know that we will be in better shape when we face our Senate counterparts.

BASIC PHILOSOPHY

The continuing resolution that we bring before you today continues what is essential. It is necessary to continue the orderly operations of the Government into the new fiscal year—which is just 6 days away.

As everyone in the Chamber knows, the Committee on Appropriations has been asked to do a very difficult job this year, and we are doing the best we can.

A major principle that is embodied in this resolution is that it basically reflects the latest action of the House in acting upon the individual appropriation bills.

MECHANICS OF THE RESOLUTION

Five bills are provided for the House passed bill rate. They can be found in section 101(a) of the draft; they are: Agriculture, District of Columbia, Interior, Labor-HHS-Education, and military construction.

The foreign assistance bill is provided for in section 101(b) at the rate of operations provided in the House reported bill.

The defense bill is provided for in section 101(c) at the lower of either the current rate or the budget estimate. A special provision is made in this section that automatically adjusts the rate to: First, the committee reported rate, when that occurs, and later to the House passed rate, when the House passes the bill. In addition there are four special limitations that reflect actions taken by the House dealing with: Nicaragua, the MX missile, the antisatellite weapon system, and the cruise missile. These limitations are identical to provisions carried in the House passed authorization bill (H.R. 5167).

The transportation bill is provided for at the lower of either the current rate or the budget estimate in section 101(d).

The Treasury-Postal Service bill is provided for at the rate of operations provided for in the conference report agreed to on the House floor on September 12.

The water resource development appropriations bill (H.R. 3958) which passed the House on October 6, 1983, is carried at the House passed bill rate in section 101(a).

Section 101(f) of the resolution provides continuing authority at the current rate for approximately 20 programs that lack authorization and need to be continued into the coming fiscal year.

TERMINATION DATE

The resolution which you have before you provides funding through September 30 or when a regular bill is enacted into law. The resolution provides that when a regular bill is signed into law, the provisions of this continuing resolution automatically disengage.

ABORTION AND SCHOOL PRAYER LIMITATION

Finally, the mechanics of this resolution provide for the continuation of the existing provisions of law regarding the prohibition, against preventing the implementation of programs of voluntary school prayer and meditation in public schools. These provisions will remain in effect during the duration of the continuing resolution.

NEED FOR ACTION

The rule under which this resolution is being considered makes 11 amendments in order. I do not know what the disposition will be of each of them but I merely remind by colleagues that the fiscal year expires at midnight, Sunday, September 30, and it will not be easy to provide for the orderly continuation of the Government unless we pass this resolution today.

Remember, under the opinion of the Attorney General, unless a continuing resolution is enacted by midnight, Sunday, September 30, many Government services will stop.

I thank my colleagues and urge your support for this resolution. Thank you.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before the House today is the first continuing resolution for fiscal 1985.

The resolution covers the nine regular appropriations bills for fiscal 1985 which have not yet been enacted into law. For projects and activities covered by the resolution, funds are available until September 30, 1985, or for whatever period is specified by the applicable appropriation bill.

If a bill is subsequently enacted, the continuing resolution disengages, and the funding levels and conditions are established by the enacted bill.

Activities covered by five bills are continued at the rate and under the conditions of the bill as passed the House as of October 1, 1984: Agriculture, District of Columbia, Interior, Labor-HHS-Education, and military construction.

Several unauthorized programs which were not included in the House-passed Labor-HHS bill are specifically continued at the current rate.

Activities covered by the defense bill are continued at the current rate or the budget estimate, whichever is lower, under the current terms and conditions. If the 1985 Defense bill is subsequently reported to or passed the House, then the rate and the conditions shall be those reported to or passed the House.

The following restrictions are applied until the 1985 Defense appropriations bill is reported to or passed the House:

No funds shall be available to increase a procurement (P-1) or RDT&E (R-1) line item above fiscal 1984, or to initiate or resume any such line item for which funds were not available in fiscal 1984.

No funds shall be available to initiate certain multiyear procurements.

No funds shall be available for the purpose or effect of supporting direct or indirect military or paramilitary operations in Nicaragua.

Funds for procurement of the MX, testing the antisatellite weapon, and

deployment of the naval nuclear cruise missile are subject to specified restrictions in the House-passed Defense authorization.

Funds for National Guard Reserve and equipment, and retired pay, defense, shall be at the current rate.

Activities covered by the foreign aid bill are continued at the rate, and under the terms and conditions of the bill as reported to the House on September 13, 1984.

Activities covered by the Transportation bill are continued at the current rate or the budget estimate, whichever is lower, and under the current terms and conditions. Several programs which were zeroed in the budget estimate are specifically continued at the current rate.

Activities covered by the Treasury bill are continued at the rate and under the conditions provided in the conference report.

Finally, the resolution funds the 43 new projects in the 1984 public works supplemental as passed the House, and provides funds or authority for 10 additional new projects.

Mr. Chairman, that concludes my summary of the resolution. I will support the resolution on final passage. I did not agree with several of the amendments added by the committee, and I will oppose several of the amendments made in order by the rule.

However, whatever the outcome is today, we must proceed to conference, and do our best to get a resolution that will be signed into law.

It is clear from the action of the Appropriations Committee, and from the action of the House in defeating the rule last week, that we are not going to get a clean resolution from the committee and through the House.

This resolution is the only game in town, so I will vote to pass it and go to conference.

EL NINO DISASTER ASSISTANCE, SMALL BUSINESS ADMINISTRATION

Section 117 of the resolution authorizes disaster assistance loans from the Small Business Administration for fishermen, fish processors, and agricultural enterprises who suffered losses due to abnormal weather and sea conditions related to the El Nino climatic conditions in the Pacific Ocean in 1982 and 1983.

The administration strongly opposes this provision. Assuming an average SBA loan of $10,000—and the average could well be three times that amount—but assuming a $10,000 average, the demand for farm disaster loans could be as high as $350 million. SBA's entire fiscal year 1985 program level for such loans is $500 million, thus only $150 million would be available for all other disasters affecting small businesses. Over the past decade the lowest amount needed for SBA physical disaster loans in any single year was almost $200 million. While disasters cannot be predicted, it is obvious that this El Nino Program would exceed the resources available for such loans.

These farm loans should be processed through the Farmers Home Administration, which has the resources and the expertise to handle them. SBA has authorized staff of 4,000; Farmers Home has 11,700. SBA estimates that they would receive about 35,000 loan applications under this El Nino Program. which would require 360 person-years, or $10.8 million, in additional direct labor costs.

For these reasons I hope this provision will be dropped by the Senate and subsequently by the conference.

DEFENSE

The conference report holds Defense to the fiscal 1984 enacted level or the 1985 budget request—program by program—whichever is lower until the fiscal year 1985 bill is reported by full committee or subsequently passed by the House at which time the reported and/or passed level is triggered in.

No new starts are allowed and no new multiyear contracts may be initiated.

A prohibition against using CIA or any other funds from any Government agency for use against the Government of Nicaragua is imposed.

Funds for the MX, antisatellite weapons, and nuclear-tipped cruise missiles carry the same restriction as is contained in the authorization bill as passed by the House.

The Defense Subcommittee concluded markup of the 1985 bill a week ago and is hoping to go to full committee on September 26. When that occurs, and assuming no major changes, the Defense level will be the committee reported figure of $269.2 billion not including transfers. This is $23 billion below the January request.

In the case of MX, antisatellite weapons, and nuclear cruise missiles, the subcommittee repeated exactly the restrictions contained in the House-passed authorization bill.

The authorization committees have now concluded their conference and while we don't yet know the exact details of agreements reached on the MX, antisatellite weapons, and cruise missiles, we have every reason to believe that the terms of that compromise and the agreement between the Speaker and the majority leader in the other body will be an item of conference in the continuing resolution.

ENERGY AND WATER DEVELOPMENT

Mr. Chairman, the fiscal year 1985 energy and water development appropriations bill was signed by the President last July 16 and became Public Law 98-360. Given that fact, one might well question whether it is appropriate for there to be an energy and water development section in this continuing resolution. It would probably be more appropriate to characterize sections 106 to III of the continuing resolution as an energy and water supplemental appropriation, and in some cases, supplemental authorization. Section 109, for example, provides authorizing language for some 14 projects.

In addition, section 101(a) of the continuing resolution provides appropriations as contained in H.R. 3958, the water resource development supplemental that passed the House last October 6. Also known as the new starts water supplemental, that measure provides for 39 new Corps of Engineers projects and 4 new Bureau of Reclamation projects. Half of the corps projects are not authorized.

A continuing resolution is supposed to do just that—continue ongoing programs until such time as a regular appropriations measure can be adopted. I think that serious consideration should be given to the propriety of using the continuing resolution as a vehicle to authorize and appropriate for new water projects.

My comments should not be regarded as being critical of all of these projects—many of them are extremely meritorious and, under other circumstances, I would be supporting them.

But this is neither the time nor the place to initiate new water projects.

FOREIGN ASSISTANCE

The resolution funds foreign assistance at the rate and as provided in the foreign assistance appropriations bill as reported on September 13, 1984. A summary of the reported bill is as follows:

Bill comparisons:	
Bill as reported	$17,851,743,306
Below budget requests	−419,272,920
Below fiscal year 1985 enacted	−90,120,330
Bill breakdown:	
Multilateral economic budget authority	1,824,285,056
Multilateral economic off budget	(3,684,012,169)
Bilateral economic	6,544,826,250
Military assistance	5,617,632,000
Eximbank direct loans	3,865,000,000
Total	$17,851,743,306

BILL HIGHLIGHTS

Israel—Total aid is $2.6 billion, including $1.2 billion in grant economic aid ($350 million over the administration's request), and $1.4 billion in forgiven military loans (same as the request). Language provides that up to $150 million of the military loans shall be for research and development in the United States for the Lavi Bomber Program, and not less than $250 million of such funds shall be spent in Israel for the Lavi Program. Language also provides that all of the $1.2 billion in grant economic aid shall be provided as a cash transfer before January 1, 1985. Sense of Congress language states that aid levels for Egypt are based in great measure on the con-

tinued participation of that nation in the Camp David accords and on the Egyptian-Israeli Peace Treaty, and Egypt and Israel are urged to renew their efforts to restore a full diplomatic relationship and achieve realization of the Camp David accords.

Sense of Congress language prohibits sales of sophisticated weaponry—specifically advanced aircraft, new air defense weapons systems or other new advanced military weapons systems—to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into serious peace negotiations with Israel.

Egypt—total aid in this bill is $1.99 billion, including $815 million in grant economic aid ($65 million over the request) and $1.175 billion in forgiven military loans (same as the request). Egypt also will receive food for peace aid through the Agriculture appropriations bill in the amount of $243.3 million, for a total aid package of $2,233,300,000 in fiscal year 1985.

El Salvador—total aid is $383,250,000, including $260 million in economic aid and $123,250,000 in military aid. The economic aid consists of $180 million in economic support funds ($30 million below the request) and $80 million in AID development assistance. The military aid consists of $106.75 million in military grants ($9.25 million below the request), $15 million in foreign military sales (same as the request), and the requested $1.5 million in military training. Language is included making half of the $106.75 million in military grants available of October 1, 1984, with the remaining half to be available March 31, 1985. The second half could be made available prior to March 31 if the President certifies an emergency, and written approval is obtained from the House and Senate Appropriations Committees.

The administration must also consult with these committees prior to March 31 regarding progress in El Salvador against death squad activities, corruption and misuse of funds, and for improved military performance and peaceful resolution of the conflict there. Congress directs that the second half military aid funds not be obligated until "substantial progress" has been made in these areas. Also, $5 million of the military grant funds cannot be expended until the investigation, trial and verdicts are concluded in the murder case of two United States and one Salvadoran land reform officials.

Turkey, Greece, and Cyprus—total security assistance for Turkey is $540 million, including $410 million in foreign military sales ($115 million below the request) and $130 million in military grants ($100 million below the request). Also, the request of $175 million in economic support funds is included, as well as $4 million requested for military training. Total economic and military aid to Turkey is $719 million, or $215 million below the request. Greece gets the requested $500 million in foreign military sales and the requested $1.7 million in military training, for a total of $501.7 million. Cyprus gets $15 million in economic support funds ($12 million over the request), with bill language prohibiting use of these funds for housing assistance. Report language states that the funds should be used for higher education scholarships for Cypriots in the United States.

Report language urges a peaceful settlement of the conflict on Cyprus, including the return of the town of Famagusta-Verosha to the Government of Cyprus.

The Philippines—total aid is $180 million, including $155 million in economic support funds ($60 million over the request), $25 million in military grant aid (same as the request), and $0 in foreign military sales ($60 million below the request). Bill language ties the ESF funds to the normal administrative review procedures of the Agency for International Development. Report language expresses concern about past misuse of such funds, and continuing concern about human rights abuses and weakness of democratic institutions in the Philippines.

Five percent earmarking of economic support funds for health—bill language is included requiring that not less than 5 percent of the $3.664 billion for economic support funds be used only for the delivery of primary health care services and basic health education (primarily oral rehydration and immunization programs), training for health care workers, and medical supplies and equipment. Such aid is to be provided through private and voluntary organizations and international organizations wherever appropriate.

Population programs and abortion—$290 million is included for population programs, $40 million over the request. Of this total $46 million is for the U.N. Fund for Population Activities, and $20 million is for projects funded by the Office of Population, AID, which funds nongovernmental organizations.

Bill language is included reaffirming the committee's commitment to U.S. population assistance based on existing authorizations, as interpreted by AID's 1982 "Policy Paper: Population Assistant"—in effect, rejecting the administration's more recent policy paper on the subject. Bill language also prohibits the denial of funds by the administration to multilateral or nongovernment private and voluntary organizations for activities paid for by funds other than those appropriated by Congress, so long as those activities are conducted "in accordance with all applicable U.S. Federal laws and regulations." Two provisions in the bill also prohibit the use of population program funds for any country or organization which includes as a part of its programs "involuntary abortion."

International financial institutions—total contributions are $5.185 billion, including $1.501 billion in paid-in budget authority and $3.684 billion in callable capital for the World Bank, the Inter-American Development Bank, the International Development Association, the Asian Development Bank and the African Development Fund and Bank. Included in these totals are $319.6 million in paid-in budget authority and $794.5 million in callable capital to clear up several past due U.S. obligations, of which $150 million in budget authority is for the final U.S. contribution to IDA VI.

ASSISTANCE LEVELS AND LANGUAGE PROVISIONS REGARDING ISRAEL

Aid in fiscal year 1985 appropriations bill, H.R. 6237, as included in the continuing resolution, House Joint Resolution 648—total aid is $2.6 billion, including $1.2 billion in grant economic aid ($350 million over the administration's request), and $1.4 billion in forgiven military loans (same as the request). Language provides that up to $150 million of the military loans shall be for research and development in the United States for the Lavi bomber program, and not less than $250 million of such funds shall be spent in Israel for the Lavi program. Language also provides that all of the $1.2 billion in grant economic aid shall be provided as a cash transfer before January 1, 1985. Sense of Congress Language states that aid levels for Egypt are based in great measure on the continued participation of that nation in the Camp David accords and on the Egyptian-Israeli peace treaty, and Egypt and Israel are urged to renew their efforts to restore a full diplomatic relationship and achieve realization of the Camp David accords. Sense of committee language prohibits sales of sophisticated weaponry—specifically advanced aircarft, new air defense weapons systems or other new advanced military weapons systems—to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into serious peace negotiations with Israel.

HUD AND INDEPENDENT AGENCIES

The fiscal year 1985 HUD-Independent Agencies Appropriations Act was signed into law on July 18, 1984 (Public Law 98-371). No general provisions of continuing authority for the programs of HUD and the 17 independent agencies is contained within the reported joint resolution.

Five specific provisions of this resolution, however, do pertain to HUD and the independent agencies. The committee-reported resolution extends for 1 year the authorization for the

Federal Crime Insurance Program, and amends the National Housing Act to give HUD the authority to continue section 236 interest reduction payments and rental subsidies when noninsured State agency rental housing projects are foreclosed.

Language is included to make an Ohio wastewater treatment plant eligible to receive an EPA grant from the State's regular construction grant allocation, and to provide $9 million in budget authority from within recaptured assisted housing funds for a section 8 new construction project in Washington, DC.

Report language to accompany this resolution also includes a table identifying the Veterans' Admininstration's major construction projects for fiscal year 1985 in response to the VA's revised priority list as submitted on August 31, 1984, in accordance with congressional directive.

INTERIOR

The continuing resolution for fiscal year 1985 provides $8.034 billion for the Department of the Interior and 16 related agencies at a rate for operations and to the extent and in the manner provided for in the fiscal year 1985 appropriations bill which passed the House on August 2, 1984.

H.R. 5973, the Interior appropriations bill for fiscal year 1985, has been marked up in full committee in the other body, but has not yet been considered on the Senate floor. The committee-reported bill differs from the House-passed version in more than 400 instances, and recommends $108 million more than the House.

The House-passed Interior bill is $687,840,000 under the fiscal year 1984 enacted level of $8,721,705,000. The fiscal year 1984 enacted figure includes the funding for programs, projects, and activities for fiscal year 1985 as contained within the Second Supplemental Appropriations Act for fiscal year 1984 signed into law on August 22, 1984.

The continuing resolution contains the $5 billion rescission for the Synthetic Fuels Corporation as passed by the House. This rescission is not reflected in the $8.034 total.

House-passed level	$8,033,865,000
Senate committee mark	8,141,830,000
Fiscal year 1984 enacted	8,721,705,000
Revised budget request	8,074,098,000

LABOR/HHS EDUCATION

There are two provisions relating to the Departments of Labor, Health and Human Services, and Education and Related Agencies in House Joint Resolution 648, the continuing resolution.

The first, contained in section 101(a), incorporates the provisions of H.R. 6028, the fiscal year 1985 Labor, Health and Human Services and Education appropriations bill, passed by the House on August 1. Since House passage, we have been awaiting action by the Senate, which is now considering the bill, and so need to make provision in this continuing resolution for the programs considered in that bill, to assure funding is provided come October 1.

The second, contained in section 101(f), makes provision for the many programs on which action was deferred in H.R. 6028, because their authorizations for fiscal year 1985 were not in place. For those programs, primarily in the health area, some $7.9 billion was appropriated in fiscal year 1984, and some $7.1 billion was requested in the fiscal year 1985 budget.

House Joint Resolution 648 provides for continued funding for all the deferred programs except one, which I will mention, at the current rate and under current terms and conditions, in order to allow the programs to continue to operate while the authorization process runs its course.

The one program not covered by House Joint Resolution 648, and thus for which no funding is provided, is the Corporation for Public Broadcasting, an omission that I disagree with and will offer an amendment to correct. Since CPB is 2-year advance funded, the funding in question is for fiscal year 1987. While that may seem like a long time away, the fact is that CPB has been operating on a 2-year advance funded basis since 1975, and that has become a central tenet of its operation, providing time and stability for advance planning. With the outlook for the reauthorization in question, it is important that we make provision for funding CPB at least at its current rate in order to preserve the concept of advance funding for CPB.

As reported from the full committee, the continuing resolution continues funding for programs in the Treasury/Postal Service bill as provided in the House-passed conference report. During consideration of the report, four amendments agreed to in conference were either rejected or removed on a point of order:

No. 24. Small gunmakers amendment: This Senate amendment exempts custom gunmakers from excise tax regulations if they produce less than 50 firearms per year. The House receded in conference, but the provision was stricken on a point of order.

No. 26. Arizona telescope: This Senate amendment waives the duty requirements for articles necessary for the installation and operation of a telescope in the State of Arizona. The House receded, but the provision was stricken on a point of order.

No. 66. Presidential library reform: This legislative bill was added on the Senate floor. It reforms the "out of hand" Presidential library system. The House conferees agreed to recede, but a motion to insist prevailed on a voice vote.

No. 92. Forfeiture bill: This 42-page legislative bill was added on the Senate floor. This legislation—passed by both bodies at some point—reforms the law concerning the confiscation of property seized during drug raids. The provision was stricken on a point of order.

During the regular Treasury/Postal conference, a compromise was reached on a proposed move of BGFO to Hyattsville, MD, from their downtown location because of the Treasury Annex renovation. The report language urged the BGFO to move to GSA facilities, now vacant, in Hyattsville. This language is now in the CR.

The resolution also prohibits the implementation of certain customs regulations concerning duty-free shops in Hawaii.

Other general highlights of the Treasury conference agreement are as follows:

The conference agreement provides $643,465,000 for the U.S. Customs Service. This amount effectively restored the administration's proposed personnel reduction and added another 100 positions. The Senate report instructed the Customs Service to assign these agents and support personnel to the New York City area.

However, the conference report clearly states that "since it is not the policy of the conferees to direct departments as to where personnel should be placed, the conferees direct that the additional 100 customs personnel be assigned to the highest priority drug interdiction task force requirements." At the same time, the conferees did recognize the New York City area as one of these high priority areas.

For the air interdiction program, the conference agreement provides $44,425,000, the amount in the Senate-passed bill. This level is a substantial increase over the amount requested by the administration, $32 million.

The conferees also agreed to accept a House provision prohibiting the Customs Service from closing or consolidating certain offices and functions. Language was also added to the conference report concerning the implementation of interim regulations relating to textiles and textile products.

Under title II, the U.S. Postal Service, the conferees agreed to accept two Senate amendments. First, the conferees agreed to a provision which prohibits the Postal Service from charging any State or local child support enforcement agency a fee for information requested or provided concerning an address of a postal customer. Although the Postal Reorganization Act mandates that charges be assessed for all services provided, certain exceptions have been made, namely, law enforcement agencies.

This amendment is designed to correct an inequity in the postal regula-

tions and assist these programs that operate with scarce resources.

Second, the conferees accepted an amendment prohibiting the consolidation or closing of small rural post offices in fiscal year 1985.

The conferees agreed to accept the House position on the construction of the Federal building in Long Beach, CA. Despite the opposition of the Member representing this area, $20 million was included in this year's limitations. Second, the conferees agreed to delete the House provision prohibiting construction on a Federal building in Charleston, SC. However, report language was included to clarify the committee's intent.

The conference agreement included $5.2 million for the John F. Kennedy Library in Boston, MA. The funds would be used to increase storage space for records and museum objects, to increase classroom and seminar space for educational purposes and to improve maritime access to the library facility. The plan would add about 25,000 square feet to the facility.

As the author of this provision and as a conferee, it's my intention that these funds should be used to address three pressing needs. First, the on-site space for records and Presidential papers is virtually exhausted. The library now stores millions of documents and visual aids at two off-site facilities in the Boston area.

Besides the inconvenience, some records and museum objects are, in the world of library officials, "in immediate jeopardy of deteriorating". Second, since there has been such a big surge in demand for the facility by student groups, these funds will be used for the construction of additional meeting rooms and an auditorium. And third, since the access to Columbia Point is severely limited, these funds will be used to construct a maritime access facility.

As the author of this amendment, it's my intention and I believe the intention of the conferees that these funds should be used for these stated purposes only not for other improvements to this Federal facility. Any other repair or alteration such as the repair of the sea wall should be funded through existing resources of the National Archives. For Member's reference, the House committee report and bill includes these details.

The House bill prohibited OPM from enforcing or even changing the regulations issued concerning a new pay-for-performance system and reductions-in-force. Since he was inaugurated, the President has tried to implement a performance pay system for our Federal civil service. Most Americans agree that Federal employees should not receive automatic within grade increases without any reference to performance. Similarly, "on-the-job" performance should be a factor in the decision to reduce an employee force. The President has tried to bring prudent business practices to the management of our Federal civil service.

For this provision, the conferees agreed to a compromise position. Under this agreement, the prohibition on the regulations will remain in effect until July 1, 1985. This time period should give both sides ample time to work out their differences.

Mr. Chairman, let me also take this opportunity to address an issue affecting the U.S. Postal Service that was included in the second supplemental for fiscal year 1984. During the House consideration of this measure, I offered an amendment that prohibits the Postal Service from changing employee compensation structures during the period of contract negotiations with the unions, as prescribed in the Postal Reorganization Act.

Essentially, the amendment is designed to prohibit the Postal Service from imposing the two-tier pay system while the contract negotiations are in the factfinding stage or in binding arbitration. As I said back in August, the amendment deals only with the process of negotiations, not the issues under consideration. It's basically designed to ensure that the Postal Reorganization Act of 1970 is implemented as the Congress intended.

As the author of this amendment, it was my intention that this provision apply beyond the October 1, 1984 expiration date of H.R. 6040. The language in the amendment specifically stated that funds in "this or any other act" not be used to implement the proposed two-tier system while the contract negotiations were in progress.

During the consideration of the conference report on H.R. 6040, Congressman WILLIAM FORD, chairman of the Committee on Post Office and Civil Service, clearly outlined the scope of this amendment; "the Conte amendment restores the status quo and ensures neutrality while the statutory process works its will. The Postal Service may not use any funds made available to it under any act—including the Postal Reorganization Act—to implement compensation changes except in accordance with a negotiated agreement or an arbitration award."

The House of Representatives clearly expressed its will on a motion offered by Chairman WHITTEN. By a vote of 378 ayes to 1 no, a motion to insist on the Conte amendment was overwhelmingly approved.

For this reason and because the intent of the amendment was to cover the entire period of factfinding and arbitration, I did not offer a similar provision to this continuing resolution.

Mr. Chairman, considering such widespread support in the House, I thought that Members would be interested in an update on the issue.

TRANSPORTATION

I regret that because of a jurisdictional dispute between the Public Works Committee and the Committee on Appropriations, it has not been possible to bring to the floor H.R. 5921, the Department of Transportation appropriations bill for fiscal year 1985.

Section 101(d) provides for the funding of transportation and related programs at the lower of the fiscal year 1984 appropriations or the fiscal year 1985 budget request level, with the exception of four programs for which no 1985 budget request was made. Those four programs, rail/highway crossing demonstrations, local rail service assistance, Northeast Corridor Improvement Program, and activities of the U.S. Railway Association, would be funded at the current rate under section 101(f) of the continuing resolution.

Some of the major differences between the continuing resolution rate and H.R. 5921 as reported from the Appropriations Committee are as follows:

	Continuing resolution level	H.R. 5921 level
Coast Guard operating expenses	$1,670,000,000	$1,750,000,000
Coast Guard A, C 7 I	362,000,000	303,000,000
FAA facilities and equipment	750,000,000	1,500,000,000
FAA airport development grants	800,000,000	987,000,000
Federal aid highways	12,500,000,000	13,300,000,000
Rail/highway crossing demos	15,000,000	48,000,000
Northeast corridor improvement	100,000,000	54,000,000
Amtrak	680,000,000	684,000,000
UMTA formula grants (secs. 9 and 18)	2,390,000,000	2,550,000,000
UMTA discretionary grants (sec. 3)	1,100,000,000	1,125,000,000
UMTA interstate transfer (transit)	250,000,000	320,000,000

Mr. Chairman, as my colleagues can see, the consequence of proceeding by continuing resolution rather than enacting our regular bill is that certain programs have to be carried at a lower rate. I am especially disappointed that the levels of funding for the FAA and mass transit could not have been higher. Nevertheless, this is the consequence of the Public Works Committee's opposition to our bill, and we will have to live with it.

I would like to mention one other item in H.R. 5921, the regular transportation appropriations bill, that is not in the continuing resolution. That item is language prohibiting the Department of Transportation from planning or implementing any change in the current Federal status of the Transportation Systems Center in Cambridge, MA. Similar language was contained in the Senate version of the transportation appropriations bill.

I wanted to make clear that although we have not included that language in the continuing resolution, it is the intent of the committee that no change in the status of the TSC should be made under the authority of this continuing resolution. There is a fundamental premise that ongoing activities should not be terminated

under a continuing resolution, and that principle applies to the TSC.

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Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEHMAN].

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

Mr. LEHMAN of Florida. I yield to the gentleman from Pennsylvania.

Mr. GRAY. I thank the gentleman for yielding.

Mr. Chairman, the joint resolution appropriates roughly $3.5 billion for the section 3 and section 9 UMTA programs of which $1.1 billion is distributed to transit recipients through the section 3 urban discretionary grant program and $2.4 billion through the section 9 formula grant program. There is some confusion between UMTA and the transit industry as to funding eligibility under those two programs.

Section 3 of the UMTA Act states that funds may be used for "the acquisition, construction, reconstruction, and improvement of facilities and equipment for use * * * in mass transportation service * * *" Section 9 states that funds "shall" be used for "* * * the planning, equipment, and associated capital maintenance items for use * * * in mass transportation service." The confusion concerns the application of these provisions to the major overhaul of transit rolling stock prior to the end of the rolling stock's useful life.

Though it is generally recognized that rolling stock have standard useful lives—for example, 25-35 years for rapid transit cars and railroad equipment—those periods only apply to the life of the vehicle's body and frame and not to major subcomponent parts which are useful for a much shorter duration. The replacement or reconstruction of these component parts is a major expense over and beyond routine maintenance which transit properties have extreme difficulty affording out of their constricted operating budgets. Quite arguably, these items are legitimate capital items which at or near the end of their useful life must be replaced or completely rebuilt at a significant cost to the transit operator.

If capital funds are proscribed from use for major overhaul purposes, transit properties may be constrained to defer such improvements to avoid the major operating expense. The result will be increased daily maintenance activities in response to subsystem failures and varying subsystem replacement schedules given the different component lives. This will require additional man-hours and facilities and unscheduled troubleshooting and repair. Under such a maintenance program, vehicles become increasingly unreliable due to increased service failures and longer down time to repair. As cars break down more often, those that do run, receive greater usage and thereby deteriorate more rapidly and fail sooner. This circle of deterioration and failures cannot be broken without a complete rehabilitation program to simultaneously restore the subsystems of the vehicle.

In my view, the inclusion of reconstruction of transportation as a eligible expense in section 3, indicates that overhaul projects which call for replacement of major vehicle subsystems and the labor costs associated with the replacement or total rehabilitation of subsystems, should be eligible for section 3 funding.

Section 9 of the act already recognizes that overhauls are capital expenditures by making associated capital maintenance items eligible for section 9 capital expenditures. However, UMTA Circular 9030.1, which interprets the act, unilaterally states that labor costs associated with installing these parts are not eligible. In my opinion, this interpretation clearly thwarts the intent of Congress in allowing capital expenditures for these expensive replacement parts.

The House Committee on Public Works in its committee report accompanying H.R. 5504, which passed the House in June, expresses support for section 3 and section 9 capital funding of mid-life overhauls of transit vehicles. The interpretation I suggest here is, in my view, not inconsistent with that committee report language.

For these reasons I believe that cost/effective vehicle overhaul projects should receive and are eligible for Federal capital funding under the terms of sections 3 and 9.

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman has made a very convincing argument for the capital funding of vehicle overhaul projects. The Federal Government has invested millions of dollars in the acquisition of mass transportation vehicles and has a vested interest in ensuring that they achieve their useful life in a cost-effective manner. Within the context of the provisions of sections 3 and 9 which you have cited, I believe that cost-effective overhauls of bus or rail rolling stock which are intended to ensure the rolling stock achieve their generally recognized useful life could be eligible for Federal capital assistance. I, therefore, also believe complete rehabilitation of subsystems and major subcomponent parts and labor costs involved in installing them during a vehicle overhaul could be considered eligible for capital funding. I strongly recommend that UMTA work with Congress to resolve the confusion in the application of sections 3 and 9 to major overhaul projects.

● Mr. HOWARD. Mr. Chairman, I agree with the gentleman's concerns regarding the vehicle overhaul issue and also believe that major overhauls could be eligible for capital funding through sections 3 and 9. I, therefore, also strongly encourage UMTA to work with Congress to resolve the confusion regarding the application of the sections 3 and 9 programs to major overhaul projects. The Public Works and Transportation Committee will attempt to further clarify the intent of Congress on this issue when it next considers public transit authorizing legislation.●

● Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the statement made by the gentleman from Pennsylvania. Chicago is the second largest transit system in the Nation and has one of the oldest vehicle fleets. To disallow the cost-effective use of capital funding, conducting major vehicle overhauls means committing the older transit systems to the provision of unreliable service and encourages premature investment of Federal funds in new vehicle acquisitions.●

Mr. CONTE. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I would like to engage the gentleman from Massachusetts in a colloquy on the meaning of a certain phrase in the resolution. On page 3, line 7, page 6, line 5, and page 7, line 8, there occurs the phrase "current rate" which describes the funding level for certain programs either for the entire fiscal year, or pending passage of a regular appropriations bill.

"The Principles of Federal Appropriations Law," first edition, June 1984, U.S. General Accounting Office, Office of General Counsel, includes the following entry for the phrase "current rate":

> The current rate is equivalent to the total amount of money which was available for obligation for an activity during the fiscal year previous to the one for which the continuing resolution is enacted. * * * Current rate refers to a sum of money rather than a program level. * * * Thus, when a continuing resolution appropriates in terms of the current rate, the amount of money available under the resolution will be limited by that rate.

Mr. CONTE. If the gentleman will yield, it is my understanding that, for the purpose of this joint resolution as reported, the current rate is intended to be as generally defined by the GAO, which is, except where otherwise provided by legislative intent, "equivalent to the total amount of money which was available for obligation for an activity" during the fiscal year 1984.

Mr. FRENZEL. I thank the gentleman.

I further ask the gentleman, then, there are no exceptions to this general rule within the resolution?

Mr. CONTE. There are no exceptions.

Mr. FRENZEL. I thank the gentleman for his helping me to clarify my understanding of the resolution.

Mr. Chairman, I am opposed to House Joint Resolution 648, the continuing resolution for fiscal year 1985.

I have often made known my objection to continuing resolutions. It is a haphazard, appalling procedure. We have continuing resolution only when we come up short. We have huge continuing resolutions like this one when we have failed miserably. The failure, however, is not that of the Appropriations Committee. It belongs to all of us in policy branches of government.

This single bill, as far as I can tell, contains well over half of the total spending for the next fiscal year. It threatens to become a vehicle for every sort of left over favorite program.

We are stuck with this horrible bill because of our failures of the last 9 months. It is my intent to attempt wherever possible to limit the damage to the public purse.

My judgment is that this bill will be far over budget. The factsheet provided by the Budget Committee indicates that this bill is about $26.5 billion under the allocation assigned to the Appropriations Committee by our budget. Sadly, that estimation is misleading.

First, the bill funds defense at last year's level. We have learned that an accommodation has been reached between our leadership and that of the other body, centering on a 5-percent real growth rate for defense. That will add about $23 billion to the price of this bill, by the time we finish with the regular defense bill. That leaves us about $3.5 billion under budget.

Second, there are 21 extra unauthorized and unappropriated programs that appear in section (f) of the continuing. Most of those are Labor-HHS-Education provisions. The total for that portion of the 21 extra programs is about $7.8 billion. The Senate-reported figures for the same programs is about $100 million more. That leaves us about $3.4 billion under budget.

Third, we have pending before us 11 amendments, most of which seek to add some spending. At least two will cost more than $100 million apiece.

Fourth, we can expect prodigious additions by the Senate.

Even if we make no additions to this bill, this is only round one of spending on these programs. Supplementals will certainly bust the budget wide open. We have a math and science bill that remains unappropriated. A foreign assistance supplemental seems likely. A civilian and military pay raise will have to be funded.

If we make no addition to this bill, our total supplementals cannot exceed more than about $3.5 billion if we are to stay within our budget. By comparison, last year we had enacted legislation by April that required $3.8 billion in supplementals. We are certain to match, and exceed, that record for fiscal year 1985.

This is, simply, an expensive bill, which will become more expensive. I have no idea how close we are to the President's deficit downpayment. I hope he does, and has a veto pen handy. I know we are frighteningly close to our own House budget ceiling, which I thought excessive in the first place. My estimation is that if we don't bust our fiscal year 1985 budget ceiling with passage of this bill, then we will with the addition of the first supplemental to come along.

This resolution ought to be defeated. We ought to have a clean resolution, with an opportunity to make further reductions. I also urge Members to closely examine my amendment to the Labor-HHS-Education portion of the bill when it is considered.

I shall vote no, and urge my colleagues to do likewise.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BURTON of California. I thank the gentleman for yielding

Mr. Chairman, I would like to engage my colleague, the gentleman from California [Mr. FAZIO], in a colloquy at this time.

In reference to section 110, I would like to acknowledge that contractual negotiations regarding power rates are currently underway between the city of San Francisco and the Modesto and Turlock irrigation districts. These parties have negotiated contracts in good faith for over half a century, 50 years, and I am confident that their discussions today will result in a fair compromise. We are very close to reconciling, and I am very happy about that. This matter is going to be reconciled within this week, and I hope the language in this section will not be necessary in our final legislation.

Is it the gentleman's opinion that the results of an agreement between the city of San Francisco and the two districts that I mentioned would allow section 110 to be deleted in conference?

Mr. FAZIO. Mr. Chairman, responding to the gentlewoman's question at the conclusion of her remarks, I would say that if an agreement can be reached—and I am certainly hopeful that it could be this week—it would not be my purpose to pursue this legislation any further. I am not certain that I would be a conferee, but as the author of the provision I would certainly discuss with the conferees the possibility of deleting it should all of the parties reach an agreement on this matter this week. And I would certainly join the gentlewoman from California [Mrs. BURTON], the gentlewoman from California [Mrs. BOXER], and I am certain Mr. COELHO and Mr. LEHMAN, in urging the parties to reach that sort of conclusion.

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

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his remarks. I want to thank the gentlewoman from California [Mrs. BURTON] for engaging in this colloquy. We are working on a minute-by-minute basis with the people in San Francisco. I know the gentleman from California [Mr. COELHO] is involved in the negotiations. I just want to thank the gentleman very much for stating here publicly that he will be flexible on this and that if in fact there is a fair agreement reached, that there will be no need for this section.

Mr. FAZIO. The gentlewoman uses the word "flexible." I think it is very important that all parties be flexible in this because should there fail to be the kind of flexibility that would allow for a fair and equitable agreement to be worked out, then we may have to pursue legislation in the conference committee. And certainly I know the gentlewoman is using every good office she can bring to the solution of the problem, and I think we would all like to have it resolved at the State and local level.

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BURTON of California. Mr. Chairman, I do want to thank Mr. FAZIO, Mr. COELHO, and Mr. LEHMAN for the effort they have put in helping us to resolve this issue.

Mr. FAZIO. I appreciate the gentlewoman's comments.

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

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

Mr. COELHO. I thank the gentleman for yielding to me.

Mr. Chairman, I also want to join in the remarks that have been made here on the floor, and to compliment the gentlewomen from San Francisco, Mrs. BURTON, and Mrs. BOXER, for their efforts in trying to bring this to resolution. I would also like to thank the senior Senator from our State for trying to get this problem resolved. Hopefully, nothing will have to go into law, and it will all be resolved long before that.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman for yielding me this time.

Mr. Chairman, I observe that the appropriations involved in the continuing resolution are roughly $200 million above the amount that is allowed for in our own budget resolution. It is my intention to offer an amendment to the continuing resolution then that would save $280 million in this area.

I will offer a 2-percent reduction which will not affect the funds appropriated for Egypt and Israel. It will not reduce the fund ceiling for Central America because the $200 million ceiling in the measure will remain.

What does it do? It cuts 2 percent in each of the three titles. Those titles that deal primarily with the major portions of the bill: Multilateral aid, bilateral aid, and military assistance.

What would it do to the bill? If this amendment passes, it would still leave those first three sections minus the foreign military sales area, with a 15-percent increase over last year. That is if the amendment passes.

So I would suggest to my colleagues that it is a modest amendment; it still leaves a major increase in foreign assistance. But at least it brings it back within the bounds of our own budget resolution.

While this is a small step, I think it is an important step to bring balance to our efforts to control domestic spending as well as foreign assistance.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. LONG].

Mr. LONG of Maryland. I thank the gentleman for yielding time to me.

Mr. Chairman, the continuing resolution before us contains the fiscal year 1985 foreign assistance appropriations bill (H.R. 6237) that the Committee on Appropriations reported on September 13, 1985.

While it is necessary to include the fiscal year 1985 foreign aid bill in the continuing resolution at this time, I am hopeful that it will be possible to consider the regular 1985 bill in the normal fashion on the House floor before this Congress adjourns. I have made this request to the leadership, and I have urged that the bill be scheduled. In the meantime, I urge adoption of the continuing resolution.

For the first time in several years the foreign aid appropriations bill is relatively noncontroversial and is supported by both sides of the aisle. It was reported from both the subcommittee and the full Committee on Appropriations without a single objection.

We have reached acceptable compromises on Central America and on the balance between military and economic funding while at the same time holding foreign assistance funding $419 million below the fiscal year 1985 budget request and $28 million below the total fiscal year 1984 appropriations.

Title I of the bill provides $1.5 billion in new budget authority for the multilateral international financial institutions and $328 million primarily for U.N. organizations. For the first time in recent years there are no major disputes about the international development banks.

Title II provides $6.5 billion for bilateral economic assistance primarily administered through the Agency for International Development [AID]. Economic aid for Israel and Egypt is increased by $415 million above the administration request. The administration does not object to this add-on.

Title III provides $5.6 billion for military assistance programs. The requested large increases for military assistance which we have seen during the past 3 years have ended. A reasonable compromise has been reached on El Salvador.

Title IV provides $3.9 billion for the direct-loan authority of the Export-Import Bank. For the first time this administration and the Congress are in agreement over these levels.

For Israel, the bill contains $1.4 billion in military assistance and $1.2 billion in economic-support funds. Language provides the Israeli Lavi program up to $150 million for research and development in the United States and not less than $250 million for procurement in Israel.

For Egypt, the bill contains $1.175 billion in military assistance and $815 million in economic support funds. Additionally, though not in this bill, Egypt will receive $243.3 million in Public Law 480 Food-for-Peace funds.

For the Philippines we have provided the same amount as the budget request; however, we have redistributed the funds following the provisions of the House-passed foreign affairs authorization bill. This provides $155 million in economic-support funds and $25 million in military-assistance funds.

For El Salvador, we have provided $180 million in economic-support funds, $15 million in foreign military credit sales, and $106.75 million in military-assistance program funding. We provide one-half the MAP money for obligation in each half of the fiscal year. However, before the second half can be obligated the administration must consult with the committee in regard to reduction and punishment of death-squad activities, elimination of corruption, and misuse of governmental funds, development of an El Salvador plan to improve military performance, and progress toward discussions leading to a peaceful resolution of the conflict; $5 million of the military funds are withheld until there is a trial and verdict in connection with the AIFLD murders.

Finally, we have provided funds to four new programs. The bill contains $10 million for an Inter-American Investment Corporation subject to authorization. Funding of $25 million for the widely supported child-survival fund is included. We provided $75 million for an economic policy initiative for Africa. And, $104 million has been provided for the foreign military general reserve fund in order to address problems arising from governments failing to repay interest and principal on their foreign-military-credit purchases.

Mr. Chairman, the fiscal year 1985 foreign assistance appropriations bill is a good one, and I am hopeful it can be considered and passed by the House.

In the meantime it is necessary to include the bill in the continuing resolution. I would urge adoption of the resolution.

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

Mr. LONG of Maryland. I yield to the gentleman from Texas.

Mr. HANCE. Mr. Chairman, it is vitally important to remember that any assistance program, whether it is for El Salvador or some other developing nation, should include the private sector of that nation as a key participant in the development of a national economy. I think that it is up to the Congress to indicate that this is our intention. Am I correct in believing it was the committee's intention to send such a signal?

Mr. LONG of Maryland. Yes; the gentleman is absolutely correct. It was the committee's intent to coordinate such private-sector development with the assistance program in this bill. What I deeply regret is that there is not a stronger private sector in El Salvador to accomplish this aid.

Mr. HANCE. The major role of the International Monetary Fund and the World Bank has been to encourage development through the private sector. Am I to understand that both the IMF and the World Bank are to encourage private sector development in all developing nations, in particular El Salvador?

Mr. LONG of Maryland. Yes; may I remind my colleague that, almost without exception, the IMF and the World Bank encourage private-sector economies and generally work well with the private sectors of their member nations. So I think that it was the intention of the committee to encourage the IMF and the World Bank to assist the development of private-sector economies through loan programs and other incentives.

Mr. HANCE. I appreciate the opportunity to have this exchange with the distinguished chairman of the commit-

tee and appreciate his clarifying the point that this aid program is to work in concert with the IMF and World Bank in helping to develop the private-sector economies of the member nations of those organizations, and in developing the private sector, in particular, of El Salvador.

● Mr. BIAGGI. Mr. Chairman, I rise in support of the pending joint resolution making continuing appropriations for various programs and agencies as we approach the beginning of fiscal year 1985. Obviously no one likes to have to resort to this legislative device year after year—but if in fact we do have to—we should make sure the legislative product is equitable and progressive.

We find ourselves in a far better situation than last Thursday when the House soundly and wisely defeated an attempted gag rule issued by the Rules Committee which would have had the effect of devastating many good programs which would simply expire due to the lack of an authorization bill. The rule today is far better—it allows these programs to continue and makes in order some other needed amendments which can stand up to an individual vote as the full House deems it.

Let me address myself to several positive features about this continuing resolution. My strongest words are for perhaps one of the smaller items in this legislation. Section 113 of the continuing resolution would extend the Federal Crime Insurance Program administered by the Federal Emergency Management Agency for 1 year. Were we not to take this step today—this most worthwhile program would expire. This program provides important protection to thousands of homeowners and small businesses located in economically distressed areas of our Nation from the financial devastation brought on by certain crimes such as robbery. This program has special significance for the State and city of New York. It is estimated that more than 7,500 businesses and 22,000 residences are covered under the Federal Crime Insurance Program in economically distressed areas of the State and city. Not only does this program provide protection to individuals and individual businesses—it really serves as a catalyst for neighborhood redevelopment in given areas of the United States. Your large cities, in many respects, are a collection of individual neighborhoods. City revitalization begins from within—it comes from allowing those neighborhoods most in need of help to get it. As the neighborhoods develop, so too does the city. These neighborhoods develop when business invests—when homes are built and rehabilitated—and, of course, when people move in to fill those houses and frequent those businesses. The fear of crime—not only the physical fear—but the financial one—has always served as a deterrent against redevelopment of certain neighborhoods. In its own small way—the Federal crime insurance program has helped to lessen that fear and has allowed neighborhood development to continue.

Our choice is very simple. If we vote for this CR as reported by the Appropriations Committee, we have succeeded in keeping this program going. If we should either defeat the rule or the CR—we are contributing to its expiration and the aspirations of millions who have a stake in neighborhood redevelopment.

I also wish to lend my support to section 114 of the continuing resolution for it will ensure the continuation of subsidies by the Department of Housing and Urban Development to low-income-housing projects following a State-initiated foreclosure action. According to the State of New York, its State Mortgage Loan Corp. manages a 1.2 billion portfolio of low-income housing. These State-financed, privately owned projects receive subsidies from HUD under the section 236 rental-assistance payment and rent-supplement programs. The continuation of the HUD subsidies is critical—for without them, low-income tenants could not afford to rent the units.

I am in strong support of two provisions contained in the defense portion of the CR. I support the continuation of the ban on direct or indirect funding for the support of military or paramilitary operations in Nicaraqua. The House has spoken very clearly on this subject on a number of occasions with a clear message—we should not in any way be subsidizing this clearly flawed element of our Central American policy.

The other defense-related item I endorse is the language barring the use of any funds for the procurement of the MX missile until at least April 1, 1985, and thereafter only by joint congressional resolution. This is another reaffirmation of a strongly held position in the House.

Finally, I wish to indicate my support for the inclusion of all the projects provided for the Water Resources Development Act which was passed by the House last September. It provides for some $118 million in urgently needed projects aimed at flood control, navigation, and other water-resource projects.

Section 101(a) of this legislation incorporates the House-passed Labor-HHS appropriations bill. Among the many features of this bill is one of special importance to my home State of New York. A modest but essential 5-percent inflation increase is provided for employment service activities at the State level. In the case of New York, its employment service has suffered severe cutbacks due to formula changes and could have faced the prospect of laying off some 200 workers. This CR will provide an additional $2.8 million for New York State Employment Service which can help to avert these layoffs and not disrupt necessary employment services to New York's unemployed.

Passage of this continuing resolution will allow two other programs to continue even without authorization legislation having been approved. The first is the all-important Low-Income Energy Assistance Program and the other are the various programs under the health block grants. Both programs serve the low income of our Nation and provide important services and protection.

On balance and considering the circumstances we face, House Joint Resolution 648 is the best we can do. It deserves our prompt passage today so we do not close out this fiscal year with so many good and important programs facing the prospect of extinction. It would be highly irresponsible to allow that to happen and the CR is the responsible approach we must adopt.●

● Mr. FLORIO. Mr. Chairman, I rise today to reiterate my support for the four-engine jet-noise regulations mandated by the Federal Aviation Administration back in 1976, and reinforced by the Aviation Safety and Noise Abatement Act of 1979. Both require all four-engine jets operating at U.S. airports to comply with existing noise standards by January 1, 1985.

Over the past 8 years, U.S. carriers have spent large sums of money to achieve jet-noise compliance. Furthermore, all U.S. carriers have submitted plans to the FAA demonstrating how they can and plan to meet the January deadline. We cannot say the same for foreign carriers which operate out of our airports. Not only have some foreign carriers chosen to ignore these noise regulations, but some have asked that they be exempt from compliance.

Specifically, a few months ago, the airport operator for Miami petitioned the FAA for a 3-year exemption for all international flights in and out of Miami from the four-engine jet-noise rule. Mr. Chairman, to grant such an exemption would be grossly unfair to our U.S. carriers, and would give foreign carriers preferential treatment they have not earned.

Unfortunately, this is just another in a long series of efforts to block the implementation of aircraft-noise restrictions. It was aircraft noise that led Congress to enact the Noise Pollution Control Act in 1972. Under an agreement, the FAA was to have promulgated and enforced aircraft-noise standards; EPA was given this responsibility for all other transportation modes.

Yet, the FAA did all it could to delay and then to undermine the effectiveness of aircraft-noise standards. EPA

recommendations concerning aircraft noise were completely ignored by the FAA in many cases. Under great pressure by Congress, the FAA finally issued the required regulations. However, I would like to ask my colleagues what good is a national standard if we grant wholesale exceptions to it.

EPA was forced to abandon its noise program several years ago due to the administration's budget cuts. Thus, EPA does not even have the ability to determine the extent to which compliance with still-standing noise regulations is occurring. We, therefore, must rely solely on the FAA to ensure that nose abatement is attained.

It's time for the FAA to get tough on noise control. Rejecting exemptions to the four-engine jet-noise rule would be a good start.●

● Mr. MINETA. Mr. Chairman, I rise in support of the bill.

This legislation would do many things that clearly need to be done. But I also want to take note of the fact that it does not do something which clearly should not be done, and that is to grant 11th hour exemptions from longstanding rules limiting the noise produced by the noisiest of the old jet airliners now flying.

Regulations were adopted over 7 years ago requiring airlines to bring the older four-engine jets into compliance with noise standards by January 1, 1985, or cease to use them in the United States; 4 years ago the Congress not only reaffirmed those regulations but directed FAA to make sure that that regulation applied as fully to foreign airlines serving U.S. airports as it did to U.S. airlines.

Most U.S. airlines have acted to comply. They've taken us at our word. They've spent enormous amounts of money to buy new complying aircraft, or to reengine, or retrofit old aircraft. Now a few minor carriers, most of them foreign, want us to waive this longstanding requirement for them. Many of them bought these aircraft only after the regulation was adopted; they therefore got them at bargain-basement prices from U.S. carriers who had to sell them to get their own fleets into compliance; and now they want us to allow them to avoid the costs already being borne by their U.S.-airline competitors.

We would under no circumstances agree to their request for preferential treatment, and we should certainly not do so as part of any continuing resolution. To do so would be unfair to the vast majority of airlines who have complied in good faith, and it would be unfair to our citizens who have suffered through jet-noise impacts around airports in the belief that the relief we have promised was on the way. Even to make legislative exemptions just for carriers flying overseas into one or just a few airports would put all other airports nationwide at a disadvantage in competition for that commerce.

Perhaps more importantly, to give in at this point would put airlines on notice that when we impose compliance schedules of any kind on them they might do better to ignore those schedules, to wait until the 11th hour, and to then plead hardship and get an extension. We hope to have a number of such compliance schedules imposed on carriers, not only on jet noise, but also on fire safety, smoke detectors, and so on. None of those compliance schedules will hold unless carriers can believe that when we direct them to spend money to comply we will not later exempt their competition from the same costs.

If we cannot hold the line in this case, I do not know when we will be able to hold the line. Legislative exemptions to these noise rules are opposed not only by environmental groups and those concerned about jet noise around airports, but also by U.S. airlines, by the major aviation labor unions, and by the associations of the airport operators. This is the place to draw the line. I am therefore pleased that this bill does not grant exemptions from jet-noise rules, and I urge that any subsequent effort to put such provisions into this bill be strongly opposed.●

● Mr. EDGAR. Mr. Chairman, I rise in support of House Joint Resolution 648. I am very pleased that the Committee on Appropriations included full funding of $17.7 million, in accordance with the recommendations of the House Veterans' Affairs Committee, for the Philadelphia VA Hospital construction project. However, it is still vital that funds for the balance of the project be included in the fiscal year 1986 budget, in order to meet the commitment to the city of Philadelphia. This full funding was a result of very close cooperation between the Committee on Appropriations and the Committee on Veterans' Affairs, and I want to thank the chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, and the subcommittee's ranking minority member, Mr. GREEN, for their assistance and leadership. The gentleman from Pennsylvania [Mr. COUGHLIN] was also very helpful, and I want to express my appreciation to him as well.

This construction project is necessary in order to update decrepit and outmoded existing facilities and provide a new clinical addition, parking spaces, and a 240-bed nursing-home-care unit for the veterans of Philadelphia. Philadelphia area veterans were very supportive of this project, and I am grateful for their help.

I urge my colleagues to support House Joint Resolution 648.●

● Mr. MONTGOMERY. Mr. Chairman, I am pleased to note that the Committee on Appropriations has included in its report on this measure a list of Veterans' Administration construction projects which the committee expects will be undertaken with funds appropriated earlier this year. I think our efforts earlier in the session in trying to reach agreement with the Appropriations Committee in the projects to be approved have succeeded to the extent that we have defeated those who opposed the start of work to renovate the Philadelphia VA Hospital. I am glad to see that logic and good sense prevailed. I am also gratified that the Appropriations Committee has joined the Committee on Veterans' Affairs in insisting that the VA make up its mind as to what to do about Allen Park and the downtown Detroit site before appropriating funds for site acquisition.

I was disheartened when the VA announced that they were going to spend $2 million for a study of possible renovations at the two existing VA hospitals in the Baltimore area. This matter has been studied from every angle before; no action resulted from those studies, although a clear course of action was apparent.

Now, the VA is going to study it again. The VA knows what's needed. What we need is leadership and decisionmaking favorable to verterans in the Baltimore area. I will support no effort to further delay the construction of a new replacement hospital.

I would like to commend the chairman of the HUD-Independent Agencies Subcommittee for his vigilant scrutiny of VA budget needs, and for his responsible leadership in providing what is needed. We passed the VA's appropriation bill on May 30 of this year, and it was signed into law on July 28, 1984. I was pleased with the swift action on this measure and the chairman deserves the veterans' thanks. The gentleman from Massachusetts [Mr. BOLAND] and the gentleman from New York [Mr. GREEN] have provided outstanding leadership in getting the fiscal year 1985 bill enacted into law.

Having said that, I must remind all of my colleagues that there is an authorization process for VA construction projects estimated to cost in excess of $2 million. We shall continue to insist that this process be honored in future appropriations for the Veterans' Administration. It is not unusual for the House to insist that a project be authorized before an appropriation is made for that project, and I am giving notice well in advance that I expect this will apply with equal force to VA appropriations in the future. I look forward to working with my colleagues on the appropriations in this regard next year.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of passage of the continuing resolution (H.J. Res.

648). I commend my colleague, Mr. WHITTEN for his leadership and hard work on this resolution.

Included in the continuing resolution report language are directions to the Department of Commerce to complete a study of the importation of counterfeit native American arts and crafts and to report their findings back to the Committee on Energy and Commerce by March 31 of next year. Many native Americans in my district depend on the native American arts and crafts trade for their livelihoods and have been hurt by the recent rise in importation of these counterfeit goods.

This illegal importation is apparently a cash-only business; we do not know the full extent of the damage it is causing the native American arts and crafts industry in the United States. I ask the Department of Commerce to include but not limit their study to an analysis and recommendations with respect to the economic impacts of the illegal importation of counterfeit native American turquoise and silver jewelry and other Indian arts and crafts industry, recommendations on workable remedies to this problem including the requiring of permanent labeling (rather than removable labeling) on arts and crafts imported into the United States, and the prevention of the exporting from the United States of arts and crafts which were imported into the United States and from which the country of origin label was removed.

I thank all of my colleagues who assisted me in my efforts to direct this study and once again, commend Mr. WHITTEN for his work on the continuing resolution.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of House Joint Resolution 648, continuing appropriations for fiscal year 1985. This resolution provides interim funding for departments and agencies whose regular fiscal year 1985 appropriations bills will not have been enacted into law by October 1, 1984, the beginning of fiscal year 1985. Spending on programs during this period is limited to a level specified in House Joint Resolution 648. The continuing appropriations provided by House Joint Resolution 648 automatically expire upon the enactment of the individual appropriations bills.

Four of the 13 regular appropriations bills for fiscal year 1985 have been enacted into law: HUD-independent agencies (Public Law 98-371); energy and water development (Public Law 98-360); legislative branch (Public Law 98-367); and Commerce, Justice, State and the judiciary (Public Law 98-411).

The House has passed 10 of the 13 regular appropriations bills for fiscal year 1985. Defense, foreign assistance, and transportation appropriations bills remain to be passed by the House. The other body has passed seven appropriations bills.

House Joint Resolution 648 provides for continued funding for six major spending categories at levels identical to those in the House-passed versions of fiscal year 1985 appropriations bills: Agriculture (H.R. 5743); District of Columbia (H.R. 5899); Interior (H.R. 5973); Labor, Health and Human Services, and Education (H.R. 6028); and military construction (H.R. 5898).

Mr. Chairman, I wish to commend my colleagues, Mr. WHITTEN, chairman of the Appropriations Committee, Mr. CONTE, ranking minority member of the committee, and Messrs. STOKES and DIXON, for their diligent work on this resolution.●

● Mr. WALGREN. Mr. Chairman, by approving the continuing resolution covering fiscal 1985 appropriations we will be attempting again to get needed education funding out to schools for this school year. Although the House approved the Labor-HHS-Education appropriations bill for fiscal year 1985 on August 1, the Senate has not acted. Today's effort is an attempt to present the Senate with this issue so that it must act on it. This bill would provide funds for almost all the Federal education programs: elementary and secondary education, aid to the handicapped and disadvantaged, vocational and adult education, bilingual education, and student aid.

In recent years, scores of studies have cited flaws in our schools and decried declining test scores and teacher competence. The President's Commission described education in America as permitting a "rising tide of mediocrity." There are problems in our schools; their always have been. But these problems should cause us to increase our effort to support our schools, not berate them. We should support this bill providing adequate funding for the wide range of Federal programs today.

As a legislator, I am pleased to have had a part in developing the math-science education bill recently signed into law. This bill will fund a range of programs to help teachers improve instruction in mathematics and science. It would also provide help in teacher training and teaching materials, as well as provide scholarships for people committed to becoming future math and science teachers. We hope that this effort will give teachers and students the tools they need to succeed in an increasingly technological world.

I am also gratified that we have provided some funds to schools to help remove asbestos from school buildings. Many old school buildings contain hazardous asbestos and the Environmental Protection Agency is now bearing up to accept applications for asbestos abatement and removal.

The Federal Government cannot solve every problem of American education, but we can help. If we provide seed money, I am certain that the American people care enough about education and they will match it many times over with local, State, and private money. A nation as abundant in resources as ours should commit itself to a strong education system.●

Mr. CONTE. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of the joint resolution is as follows:

H.J. RES. 648

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for projects or activities, not otherwise specifically provided for in this joint resolution, at a rate for operations and to the extent and in the manner provided for in the following appropriation Acts as passed by the House of Representatives as of October 1, 1984:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985;

District of Columbia Appropriation Act, 1985;

Department of the Interior and Related Agencies Appropriation Act, 1985;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985;

Military Construction Appropriation Act, 1985; and

Water Resource Development Appropriation Act, 1984.

(b) Such amounts as may be necessary for projects or activities at the rate for operations and to the extent and in the manner provided for in H.R. 6237, the Foreign Assistance and Related Programs Appropriations Act, 1985, as reported to the House of Representatives on September 13, 1984.

(c) Pending enactment of the Department of Defense Appropriation Act, 1985, such amounts as may be necessary for continuing activities which were conducted in the fiscal year 1984, for which provision was made in the Department of Defense Appropriation Act, 1984, under the current terms and conditions and at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives, whereupon such amounts as may be necessary shall become available at a rate for operations for activities and under the terms and conditions as provided for in such Appropriation Act and accompanying House report for fiscal year 1985, as reported to or subsequently passed by the House of Representatives, the latest action prevailing: *Provided,* That no appropriation or funds made

available or authority granted pursuant to this subsection shall be used for new production of items not funded for production in fiscal year 1984 or prior years, for the increase in production rates above those sustained with fiscal year 1984 funds or to initiate, resume or continue any project, activity, operation or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1984 until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That no appropriation or funds made available or authority granted pursuant to this subsection shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later or until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That during fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for procurement of MX missiles shall be in accordance with and subject to all the limitations, restrictions, and conditions set forth in sections 110 and 1132 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for testing of the Space Defense System (anti-satellite weapon) shall be in accordance with and subject to all the limitations, restrictions and conditions set forth in section 207 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That the appropriations or funds made available or authority granted pursuant to this subsection for possible deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel or for the assembly of nuclear warheads onto such a cruise missile shall be in accordance with and subject to all the limitations, restrictions and conditions set forth in section 1130 of the Department of Defense Authorization Act, 1985 (H.R. 5167), as passed by the House of Representatives on June 1, 1984, until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives: *Provided further,* That funds shall be available for National Guard and Reserve Equipment and Retired Pay, Defense at the current rate until the Department of Defense Appropriation Act, 1985, is reported to or subsequently passed by the House of Representatives.

(d) Such amounts as may be necessary for continuing activities, not otherwise specifically provided for in this joint resolution, which were conducted in the fiscal year 1984, for which provision was made in the Department of Transportation and Related Agencies Appropriations Act, 1984, under the current terms and conditions, and at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower.

(e) Such sums as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service and General Government Appropriations Act, 1985 (H.R. 5798) to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as passed by the House of Representatives on September 12, 1984, as if enacted into law: *Provided,* That, notwithstanding section 102 of this joint resolution, the Department of the Treasury shall consolidate the operations of the Bureau of Government Financial Operations in accordance with the language concerning amendment numbered 9 in the joint explanatory statement of the committee of conference (H. Rept. 98-993).

(f) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1984, under the terms and conditions provided in applicable appropriation Acts for the fiscal year 1984, at the current rate:

Activities under section 163 of the Federal-aid Highway Act of 1973, as amended;

Activities under section 5(h)(2) of the Department of Transportation Act, as amended;

Activities under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended;

Activities related to the United States Railway Association under the Regional Rail Reorganization Act of 1973, as amended;

Activities under the Public Health Service Act;

Activities under title V of the Social Security Act;

Activities under section 427(a) of the Federal Coal Mine Health and Safety Act;

Activities of the Regional Offices of Facilities Engineering and Construction;

Activities under title XXVI of the Omnibus Budget Reconciliation Act of 1981;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, except that such activities shall be continued at a rate for operations not in excess of the lower of the current rate or the rate authorized by H.R. 3729 as passed the House of Representatives: *Provided,* That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980, but for the application of paragraph (2)(B) thereof;

Head Start activities authorized by the Head Start Act;

Child abuse prevention and treatment and adoption opportunities activities authorized by the Child Abuse Prevention and Treatment Act, and title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978;

Runaway and homeless youth activities authorized by the Runaway and Homeless Youth Act;

Aging programs and activities authorized by the Older Americans Act of 1965;

Developmental disabilities program and activities authorized by the Developmental Disabilities Assistance and Bill of Rights Act;

Native American activities authorized by the Native American Programs Act of 1974;

Foster care activities authorized by section 102(a)(1) and 102(c) of Public Law 96-272;

Foster care and adoption assistance activities authorized by title IV-E of the Social Security Act;

School assistance in federally affected areas authorized by title I of the Act of September 30, 1950, and the Act of September 23, 1950;

Emergency immigrant education activities authorized by section 101(g) of Public Law 98-151; and

Activities under the Follow Through Act.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1984, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1985, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for the fiscal year 1985 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 106. There is appropriated an additional amount for Construction, general, $6,000,000, to remain available until expended, of which $4,000,000 shall be made available for the construction of the project for correction of the design deficiency of the navigation project for Barnegat Inlet, as described in the report of the Chief of Engineers dated January 20, 1983, and the May

21, 1984, supplement thereto, which project shall be constructed at full Federal expense.

SEC. 107. There is appropriated an additional amount for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, $2,000,000, to remain available until expended.

SEC. 108. There is appropriated an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended.

SEC. 109. Notwithstanding any other provision of this joint resolution:

(A) The Secretary of the Army, acting through the Chief of Engineers, shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of $31,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, at an estimated cost of $4,860,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(a) Prior to initiation of construction of the projects authorized by subsection (A), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the projects;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the projects, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the projects; and

(4) to maintain and operate all features of the projects after completion, in accordance with regulations prescribed by the Secretary.

(B) Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform necessary channel and associated work in connection with the Turtle Creek, Pennsylvania, local protection project; and shall take such action as may be necessary to remove accumulated snags and other debris blocking the channel of the Hatchie River and its tributaries in the vicinity of Bridge Creek and the Little Hatchie River in Mississippi; and shall take such action as may be necessary to perform necessary channel and associated work in connection with the Glencoe, Alabama, flood control project.

(C) Notwithstanding any existing agreements, within funds otherwise made available for the Yazoo Basin, the Corps of Engineers is directed to operate and maintain the McKinney Bayou Pumping Plant in accordance with the provisions of Public Law 678 of the Seventy-fourth Congress, approved June 15, 1936, as amended by Public Law 526 of the Seventy-ninth Congress, approved July 24, 1946, effective upon the passage of this joint resolution.

(D) The authorization for the Sardis Lake project, Oklahoma, contained in section 203 of the Flood Control Act of 1962, as amended by section 108 of the Energy and Water Development Appropriation Act of 1982 is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at an estimated Federal cost of $10,000,000 and the State or political subdivision shall agree to operate and maintain said facilities at their own expense.

(E) The Secretary of the Army, acting through the Chief of Engineers, is directed to utilize funds previously appropriated for the Meramec River Basin flood control study, to establish a demonstration project for flood forecasting/warning on the Lower Meramec River to demonstrate the capability of nonstructural means of flood control through the procurement and installation of commercially available equipment. The Chief of Engineers is to operate and maintain this system for a period of time sufficient to demonstrate its functioning during the occurrence of a one hundred year Meramec River flood or for a period of two years, whichever is less. After the system has been field-tested, the Chief of Engineers is to report to the Congress the results of this prototype testing.

(F) The Secretary of the Army, acting through the Chief of Engineers, shall grant, within ninety days of enactment of this joint resolution, to the University of Alabama at Huntsville the funds appropriated to the Secretary of the Army pursuant to title I of Public Law 98-50 for the design and construction of a Corps of Engineers learning facility at Huntsville, Alabama. This grant shall be made to the University of Alabama at Huntsville subject to the conditions that the University will convey the grant funds to the Chief of Engineers to design and construct the learning facility on lands owned by the University at Huntsville and the completed facility is to be owned and maintained by the University and to be operated by the University and the corps as a joint-use facility, all according to such specifications, terms, and cost sharing arrangements for operation and maintenance as the University of Alabama at Huntsville and the Secretary of the Army, acting through the Chief of Engineers, may agree. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Committees on Appropriations of the United States House of Representatives and the United States Senate on a monthly basis on the status of the required agreements and the construction of the learning facility until such time as the facility is constructed and operational at the University of Alabama at Huntsville.

(G) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately twelve thousand feet, at an estimated cost of $3,200,000.

(H) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, Saint Tammany Parish, Louisiana.

(I) (a) The Secretary of the Army, acting through the Chief of Engineers, shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsection (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this joint resolution (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives; and

(3) such tree plantings, trails, vegetation, and wildlife protection and development and other activities as will enhance the natural environment for recreational purposes.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Mahaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasure of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United

States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(f) There is authorized to be appropriated to carry out this section $6,000,000, for fiscal years beginning after September 30, 1983.

(J) The project for navigation, Tampa Harbor, East Bay Channel, Florida, is hereby authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions recommended in the report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of $2,717,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

(K) The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the Commonwealth of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary of the Army.

SEC. 110. Notwithstanding any other provision of this joint resolution, all rates for the sale of electric power generated at facilities constructed pursuant to 38 Stat. 242, 1913, shall be based upon the costs of generating and transmitting such power and shall be approved by the Secretary of the Interior.

SEC. 111. Notwithstanding any other provision of this joint resolution, no part of the funds provided under this joint resolution or any other provisions of law may hereafter be used by the Comptroller General to review or decide any protest submitted under subchapter V of chapter 35 of title 31, United States Code, involving the nonappropriated fund procurement of property or services by the Tennessee Valley Authority.

SEC. 112. There is appropriated an additional $5,000,000, to remain available until expended, for the "Tennessee Valley Authority" for the conduct of a demonstration project for the construction of a main water transmission line for the city of Bristol, Tennessee, in the vicinity of the Authority's Boone Lake.

SEC. 113. Section 1201(b)(1) of the National Housing Act is amended—

(1) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(2) in subparagraph (A), by inserting after "1985" the following: ", and September 30, 1986, respectively".

SEC. 114. The penultimate proviso in the paragraph under the heading "Rent Supplement" in the Supplemental Appropriations Act, 1983 (Public Law 98-63, 97 Stat. 301, 320) is amended to read as follows: "*Provided further*, That upon the completion of each contract under such sections 101 or 236(f)(2) on behalf of qualified tenants on a State-aided, noninsured rental housing project, the balance of the contract authority provided in appropriation Acts for such contract shall be rescinded:". Any amounts of authority for contracts under section 236 of the National Housing Act (12 U.S.C. 1715z-1) or under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) which would otherwise become available at the time of cancellation of any such contract as a result of a foreclosure action, or a transfer of a deed in lieu of foreclosure, of a State-aided, noninsured rental housing project having any contracts under such sections shall remain available for such project for the balance of the term which remains at the time of cancellation of such a contract as a result of a foreclosure action or such transfer of deed, and the Secretary of Housing and Urban Development shall offer to execute new contracts under such sections, subject to compliance with the requirements of sections 236 (b) and (f)(2) of the National Housing Act, or such section 101, respectively.

SEC. 115. The item relating to "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45; 97 Stat. 219, 220), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act or any other law regarding the availability of recaptured budget authority, $9,000,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available only to provide assistance under the new construction program of section 8 of the United States Housing Act of 1937 for 40 dwelling units in the Carmel Plaza North Project Numbered 600-32028-PM/L8, in the District of Columbia, which project was terminated by the Secretary of Housing and Urban Development on July 26, 1984. Such budget authority shall remain available for obligation for fiscal year 1985, and the provisions repealed by section 209(a) of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181; 97 Stat. 1153, 1183) shall remain in effect with respect to such project and budget authority.".

SEC. 116. The Administrator of the Environmental Protection Agency shall make a grant not to exceed $2,337,000 from construction grant funds allotted to the State of Ohio for fiscal year 1985 to the owners of the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, for reimbursement of such owners for the cost of contruction of such plant.

SEC. 117. (a) Notwithstanding any other provision of law, rule, or regulation, for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry and with respect to agricultural enterprises, treat the recent drought and El Nino-related ocean conditions as disasters under such section:

(1) disaster loan assistance shall be provided to the fishing industry pursuant to paragraph (2) of such section—

(A) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(B) the term "fishing industry" means any trade or business involved in—

(i) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis),

(ii) any operation at sea or on land, in preparation for, or substantially dependent upon, the catching, taking, or harvesting of fish, and

(iii) the processing or canning of fish (including storage, refrigeration and transportation of fish before processing or canning); and

(C) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds; and

(2) disaster loan assistance shall be provided to agricultural enterprises on account of drought commencing during the dates specified in (a)(1)(A) above pursuant to paragraph (1) of such section—

(A) at a rate of interest equal to the based upon computations of eligibility pursuant to rules in effect for emergency loans from the Farmers Home Administration, both as of January 1, 1984;

(B) the Small Business Administration shall not impose on such enterprises any loss threshold or other type of minimum loss test which is not imposed on non-agricultural enterprises on the commencement date of the drought, either to determine the eligibility for such loans or to determine the amount of eligibility for loan assistance; and

(C) the determination of a natural disaster by the Secretary of Agriculture pursuant to subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) shall be deemed a disaster declaration by the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act as amended herein.

SEC. 118. None of the funds appropriated or made available by this joint resolution or any other Act may be used by the United States Customs Service to propose any rule or regulation relating to the subject matter of the Advanced Notice of Proposed Regulations published in the Federal Register on July 21, 1983 (48 Fed. Reg. 33318): *Provided*, That nothing shall prevent the expenditure of funds to propose any rule or regulation relating to duty-free stores which implements or conforms to statutory standards hereafter enacted by Congress.

The CHAIRMAN. No amendments are in order except the 11 amendments made in order by House Resolution 588 which shall only be in order if offered by the Member designated in said resolution.

The amendments shall be considered as having been read when offered, and shall not be subject to amendment. Each amendment shall be debatable for not to exceed 30 minutes equally divided between the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. CONTE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONTE: On page 9, after line 14, insert the following: "Payment to the Corporation for Public Broadcasting under the Communications Act of 1934 as amended for the fiscal year 1987: *Provided*, That for purposes of this payment, the current rate shall be the

amount of the payment provided in fiscal year 1986;".

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Massachusetts [Mr. CONTE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, the purpose of this amendment is to address what I see as an omission in House Journal Resolution 648. Currently, there is no provision made for continuing the activities of the Corporation for Public Broadcasting—there is zero in here for CPB.

My amendment would continue funding for CPB at the current rate, pending reauthorization of the program. Mr. Chairman, when the House passed the fiscal year 1985 Labor/HHS/Education appropriations bill on August 1, funding for CPB and more than $7.7 billion worth of other programs was deferred because their authorizations were not in place.

It was my understanding, at that time, that funding for those deferred programs would be provided in the continuing resolution. And, in fact, funding has been provided in this continuing resolution for every one of those $7.7 billion in deferred programs, except for one, the Corporation for Public Broadcasting. My amendment would simply treat CPB like all the other Labor/HHS programs awaiting reauthorization, keep them going at the current rate, under current terms and conditions, until the reauthorization is passed and the committee can consider funding under the new authorized levels.

Let me say that this amendment is in no way intended to undermine the authorization process. I supported the CPB authorization that was vetoed. And I will support the Goldwater bill recently passed by the Senate and due in the House soon. I hope an authorization bill is enacted in time for us to consider funding under the new authorization in the conference on this continuing resolution. But until that authorization is in place, some provision needs to be made for continued funding of the CPB.

Let me also say that this amendment is in no way intended to go around the recent veto of the CPB authorization. The dispute over the reauthorization of CPB involves the level of increase for CPB in fiscal year 1987. This amendment provides for no increase. Since CPB is 2-year advance funded, it simply carries forward the fiscal year 1986 level into fiscal year 1987 at the current rate, $159.5 million.

Finally, there may be those who say that there is no need to address CPB funding at this time, since it is a 2-year advance funded program. I would simply say that advance funding has been a central principle of CPB's operation since 1975. It is essential to permit planning in advance, so that CPB can begin to produce the new children's mathematics series today, with the commitment that the funds will be there to put the program on the air in 1987. Forward funding is also regarded as a cornerstone of the insulation of public broadcasting from undue outside influence.

So, I would say to my colleagues, treat CPB the same as every other Labor/HHS program, and support this amendment to provide funding at the current rate pending reauthorization, to assure continuation of the program without interruptions, or station breaks. No commercials.

□ 1410

Mr. NATCHER. Mr. Chairman, would the gentleman yield to me at this point?

Mr. CONTE. I would be glad to yield to my good friend from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, as I understand the gentleman's amendment, the amount would be $159,500,000.

Mr. CONTE. That is right, Mr. Chairman.

Mr. NATCHER. This would be the amount that was carried in the fiscal year 1984 bill, including the supplemental of $29,500,000, making the total $159,500,000.

Mr. Chairman, at this time we have no objections to the gentleman's amendment.

Mr. CONTE. Thank you, Mr. Chairman. I want to thank my good friend from Kentucky.

The CHAIRMAN. Does any Member opposed to the amendment seek recognition?

The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PANETTA: H.J. Res. 648 is amended by adding at the end thereof the following new section:

"SEC. . (a) Funds appropriated by this joint resolution or any other appropriation act to carry out the Food Stamp Act of 1977 (7 U.S.C. 2011-2029) shall, notwithstanding any other provision of law or this Act, be used in a manner to ensure that, under the food stamp program, households certified as eligible to participate in the program are issued an allotment that reflects the full cost of the thrifty food plan, adjusted to reflect changes in the cost of such plan for the twelve months ending June 30, 1984, rounded to the nearest lower dollar increment for each household size.

"(b) The provisions of subsection (a) shall be effective during the period beginning November 1, 1984, and ending September 30, 1985.".

The CHAIRMAN. The gentleman from California [Mr. PANETTA] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

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

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. PANETTA. I am pleased to yield to the gentleman from South Carolina.

Mr. TALLON. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to engage my distinguished colleague, the chairman of the Subcommittee on Transportation, the gentleman from Florida [Mr. LEHMAN], in a colloquy.

In my district, I have 14 miles of railroad track between the cities of Conway and Myrtle Beach, located in Horry Country, SC. Horry County has recently agreed to purchase from Seaboard Coast Line Railroad this 14 miles of track. This track services the fastest growing area in the State of South Carolina, and its continued operation is critical to this area's economic development.

Recognizing the significance of this rail segment, the Senate conference committee report for the fiscal year 1984 DOT appropriations bill contained $30,000 to fund a study, to assess the funding requirements for the rehabilitation of this line. The conclusion of the study was that considerable rehabilitation was required in order to continue service on the line. It is my request, and I hope my colleague would agree, that funding for the rehabilitation of this line be addressed under the first moneys dispensed under the Local Rail Service Assistance Program by the Secretary of Transportation.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield to me?

Mr. PANETTA. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I commend the gentleman for his diligence in bringing this issue to the committee's attention. I know the bridge is a major problem for the people in the gentleman's district, and I call on the Federal Railroad Administration to give this project high priority consideration in allocating local rail service assistance funds.

Mr. PANETTA. Mr. Chairman, the purpose of the amendment I offer here today is to provide emergency relief to the hungry. It basically restores the basis of benefits in the Food

Stamp Program from 99 to 100 percent of the thrifty food plan.

I might point out to Members that this was a key element of hunger relief bill, H.R. 5151, which was adopted overwhelmingly on a bipartisan basis by this House on August 1, 1984. It is a key element of the President's Task Force on Food Assistance and it recommended, in fact, to implement this increase. It is also something that was done this morning in the other body in the markup on this very legislation.

The Senate Appropriations Committee has included this proposal with regard to the thrifty food plan and it also is included in a proposal that has been introduced on the Senate side by Senator DOLE to try to deal with hunger issues similar to what the House did on H.R. 5151.

I obviously have concerns about the whole procedure of using a continuing resolution for this purpose and indeed voted for a tighter rule initially. But that having been rejected, we have to understand that this is the last opportunity this year to try to do something for those who are hungry in our society.

Surely if we are going to allow the opportunity to add authorizations for water projects and for foreign aid or for defense, then there should be a little room to add food for the hungry. This may not be pork barrel in the pure sense of the word, but it certainly is food for the hungry.

There are overwhelming reasons to do this, as many of you know. There is a need for emergency relief right now that would, under this bill, take place over the next 11 months. We have seen it from all of the evidence that has been provided in this area to the committees that I am involved with—the Subcommittee on Agriculture and the Select Committee on Hunger.

We have conducted hearings throughout the country finding the same evidence as Senate committees, the GAO, the President's Task Force, the mayors, and the Governors. All come to the same conclusion—that there is a problem of growing hunger in our society.

Dramatic increases in participation—200 and 300 percent occurring at soup kitchens and food pantries throughout the Nation.

There is also a severe nutritional impact that we are seeing with children, many being born either underweight or having anemic problems and the same type of problems are true with regard to the elderly.

There is obviously no other hunger relief that we can expect this year. There is no action anticipated on the Senate side. However, the action in committee this morning indicates that there may be some hope to take this one small step.

What does this one small step mean? It means $1 to $3 per family per month. Not much in congressional terms. Not much to most of us, but a great deal to those families that ultimately may have to face the choice between whether they can stay at home or have to resort to a soup kitchen or a food pantry.

As I said, the Hunger Relief Act, which contained this proposal, was adopted overwhelmingly in the House, 364 to 39. This amendment is within the budget resolution in terms of costs that are involved here, clearly within the budget resolution, and this has been approved on a bipartisan basis in the past.

It is the key recommendation of the President's Task Force when it came to hunger issues. And as I said, there is every indication that the other body will accept this because of the action that they have taken exactly on this point today.

So, I urge your support. I realize there are many that may not like the procedure and they may not like the fact that this is the last train, but it is the last opportunity to do something for the hungry. Let us not miss that chance.

A table showing the impact of my amendment follows:

FISCAL YEAR 1985 MONTHLY FOOD STAMP ALLOTMENT LEVELS FOR 99 PERCENT AND 100 PERCENT OF THE THRIFTY FOOD PLAN

Household size	99 percent	100 percent	Effect of Panetta amendment
1	$78	$79	+$1
2	143	145	+2
3	206	208	+2
4	261	264	+3
5	310	313	+3
6	373	376	+3

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

Mr. PANETTA. I am pleased to yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the Panetta amendment.

As Mr. PANETTA has stated, this amendment would simply base food stamp benefits on 100 percent of the value of the Thrifty Food Plan, the U.S. Department of Agriculture's lowest cost diet. At the moment, benefits are based on 99 percent of the plan.

Both Mr. PANETTA and I apeared before the Rules Committee to seek to make this amendment in order. I am glad that the committee saw fit to do so under the rule adopted earlier today.

There is simply no reason, aside from shortsighted cost savings, to continue the current reduction in food stamp benefits. Support for this modest restoration is nearly unanimous. It was one of the key recommendations of the President's Task Force on Food Assistance, and is a central piece of the Hunger Relief Act of 1984, which was adopted overwhelmingly by the House on August 1.

Support for the Hunger Relief Act was very strong, as only 39 Members opposed it. And I do not know that any one of those Members opposed that portion of the bill restoring food stamp benefits to the full value of the Thrifty Food Plan. In short, I hope that support for this amendment will be unanimous.

The Thrifty Food Plan is by no means overgenerous. Serious questions have been raised as to its nutritional adequacy. For a family of four, current benefits amount to $253 per month, or about $57 a week. This figure has not changed for the past 2 years.

The President and Congress have succeeded in better targeting food stamp benefits to the truly needy. given our success in this regard, let us make absolutely certain that we fulfill our commitment to them by providing an adequate diet for hungry Americans. Benefits based on less than the Thrifty Food Plan, a minimal diet to begin with, are certainly not adequate.

Mr. Chairman, I commend my colleague Mr. PANETTA for his leadership, and urge my colleagues to give this amendment their full support.

Mr. PANETTA. Mr. Chairman, I thank the gentleman from Vermont, and I reserve the balance of my time.

The CHAIRMAN. Does any Member opposed to the amendment seek recognition?

Mr. WHITTEN. Mr. Chairman, there is no objection on this side.

The CHAIRMAN. Does the gentleman from Massachusetts seek recognition in opposition to the amendment?

Mr. CONTE. No, Mr. Chairman, I want to speak for it.

The CHAIRMAN. The gentleman from California is in charge of the time of those in favor.

Mr. CONTE. Mr. Chairman, will the gentleman from California [Mr. PANETTA] yield to me?

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume, and I am pleased to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Panetta amendment.

There is little question that this amendment meets the intention of this House as well as the administration. The Hunger Relief Act which we passed in this House overwhelmingly 364 to 39 on the 1st of August of this year had a provision which authorized the restoration of the full amount. Additionally, the President's Task Force

on Hunger made a similar recommendation.

I think it is clear that those persons who have been certified as truly in need of food assistance must be allotted 100 percent of the barest requirement to meet those needs. I believe that we can do it in this legislation. I recommend that we accept this amendment.

● Mr. LELAND. Mr. Chairman, I rise in support of the amendment offered by our colleague, Representative PANETTA. I encourage Members to join me in voting for its adoption.

On August 1, this House approved H.R. 5151, the Hunger Relief Act sponsored by the gentleman from California. The vote was an overwhelming one which reflected broad bipartisan support for this effort to alleviate hunger in the United States.

The amendment before us today was conceived as part of H.R. 5151. This provision restores benefits under the Food Stamp Program to a level that represents 100 percent the cost of the Thrifty Food Plan. Since 1982, benefits have been set at 99 percent of this plan.

This amendment was recommended by the President's Task Force on Food Assistance. It is noncontroversial and it is an important step in bringing the food-buying power of food stamps up to the actual cost of food.

The Food Stamp Program is designed to provide monthly benefits to assist low-income households in purchasing the food that they require to maintain a sound nutritional status. Today we have the opportunity to assist the Food Stamp Program in serving this goal.

The Select Committee on Hunger, which I chair, has carefully examined some of the major problems facing food stamp recipients. We have found that food stamp recipients do not receive all of the benefits they deserve because the method of calculation lags behind inflation. There is no time at which they are more in need of sufficient benefits than during the winter months when expenses for energy and utilities are greater and resources available for supplementing their food purchasing power are diminished. Therefore, it is imperative that we support this amendment today.●

Mr. PANETTA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any provision to the contrary in title XX of the Social Security Act—

(1) the dollar figure set forth in section 2003(c)(3) of such Act is hereby increased to $2,750,000,000 for the fiscal year 1985;

(2)(A) the additional $50,000,000 made available to the States for such fiscal year pursuant to paragraph (1)—

(i) shall be used only for the purpose of providing training and retraining, including training in the prevention of child abuse in child care settings, to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents, and

(ii) shall be expended only to supplement the level of any funds that would (in the absence of the additional assistance resulting from this section) be available from other sources for the purpose specified in clause (i), and shall in no case supplant such funds from other sources or reduce the level thereof; but

(B) no more than one-half of the amount by which any State's allotment under section 2003 of such Act is increased as a result of paragraph (1) shall actually be paid to such State unless it has in effect procedures (established by or under State law and funded from other sources) for appropriately screening and conducting background checks and criminal investigations of all providers of licensed or registered child care services and all operators and staffs of facilities where licensed or registered child care services are provided, in accordance with standards specified in or established under State law, with the objective of protecting the children involved and assuring their safety and welfare while they are receiving child care services; and

(3) the determination and promulgation required by section 2003(b) of such Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from California will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

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

Mr. MILLER of California. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I have an amendment at the desk. This amendment responds to the deep concerns of child care workers, policymakers, and millions of parents around the country. We all have been shocked and angered by the tragic incidents of child abuse in day care settings. These incidents apparently know no geographic bounds and are not particular to any one type of child care setting. Most recently, a couple operating a day-care home in Marin County, in my own San Francisco Bay Area, has been charged with sexually abusing children as young as 2 years old.

Parents have become fearful; they have very limited choices. We must acknowledge that out-of-home child care is a necessity for millions of American families whose economic well-being depends on it. The child-care system itself is under enormous pressure: The workers are underpaid and untrained; 75 percent of child-care workers have had no training, and there is a 41-percent turnover rate among child-care staff in centers, nurseries and Head Start programs.

According to CRS more than twice as many bachelors and masters degrees are conferred annually for computer science—than are conferred in early childhood education.

The system is hampered by haphazard regulation; licensing systems vary in every State. Some States have instituted criminal history record checks on potential child-care providers, but many have not.

The Select Committee on Children, Youth and Families, which I chair, has just completed a year-long investigation of child care in this country. Last week we joined with the Ways and Means Subcommittee on Oversight to learn specifically about the problems of child abuse and child care. Witnesses at this hearing—and the hearings we have held throughout the year—have emphatically stated that criminal checks are not enough to prevent abuse. Witnesses told us time and time again that we must also train child-care providers, staff and parents.

Every expert cited the child-care providers' skill and training as the single most important factor in promoting a safe setting. Let me give you a few examples: Dr. Susan Aronson, representing the American Academy of Pediatrics, cited her own research, which showed that monitoring and training clearly improve the quality of care. A five-State study—of California, Michigan, Texas, West Virginia, and Pennsylvania—confirmed these results. An intensive monitoring system for compliance with State standards helped improve the quality of the child-care system. And the factors showing the greatest impact on improving the quality of care included the training and qualifications of child-care providers.

According to Bettye Caldwell, the President of the National Association for the Education of Young Children, "one of the most consistent findings of research over the last 15 years is that positive development outcomes for children in child care are linked to the specialized training of their caregivers." These conclusions were confirmed by State human services officials, and representatives of child-care employees.

Let's look at what the administration's response to this problem has been since 1981. Not only did the administration drastically cut the funds available for child care slots, but they eliminated the earmarked $200 million for direct child-care services. And they eliminated the $75 million set aside for training of human service providers. The result has been that 24 States—nearly half—target no title XX funds for training.

In addition, this administration has been trying to phase out the only National Credentialing Program—the Child Development Associate's Program—which encourages providers to seek training. The result is that child-care providers can now no longer afford a credential, even though over half the States include the CDA credential in their licensing standards.

We have also learned through out hearings, both on child care and child abuse prevention, that training of parents is vitally important. Parents need to learn how to listen to their children, how to recognize abuse, how to evaluate a child-care setting and how to assess providers and monitor services. Dr. Anne Cohn, executive director of the National Committee for the Prevention of Child Abuse, told the committee:

> If we are serious about stopping sexual abuse * * * we should educate parents, child-care workers and pediatricians about how to listen * * * so they can detect sexual abuse in its earliest stages.

There is simply not enough support and training for parents and child-care workers, and those who license and enforce licensing for child-care settings in the midst of this crisis. Emergency funds are required to prepare and support those who care for children to prevent any more incidents of abuse in child care.

My amendment would address this emergency by doing the following things:

It would provide $50 million to States for child abuse prevention and child development training of licensed or registered child-care providers, State licensing officials, and parents. These funds would be added to the social services block grant solely for these purposes.

State allotments would be based on the title XX social services block grant allocation formula. No more than one-half of a State's allotment would be paid if the State has no procedures for screening and conducting criminal history checks of providers.

We're talking here about some procedures for criminal history record checks, and possibly child abuse central registry system checks. We have left to States the responsibility for fashioning procedures which meet their needs, but it seems minimal to ask that States put in place some procedures to get a provider and staff sex crime history. We're talking here about risk reduction to minimize the risk of children being abused or sexually victimized in day care.

Training funds may only be used for new efforts or to augment existing programs.

Emergency funds are required for child-care providers to enhance abuse prevention and to further child development.

Training is vitally important to help parents evaluate child-care settings, monitor services, and to recognize and deal with abuse.

Congress has a chance to take solid action in response to the concerns of millions of American parents. Unless we offer greater support and provide States with the means of training and enforcement, we will go on to other subjects, and children will go on to be abused.

I urge you to support our amendment.

□ 1420

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

Mr. MILLER of California. I yield to the chairman of the subcommittee.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, the amendment offered by the gentleman from California [Mr. MILLER] certainly has merit. It seems to me, however, that probably the amendment would be much better in order if it had been considered with the child abuse amendments legislation. I believe that bill is H.R. 1904. I understand the conference report on the bill is scheduled for completion this week. However, Mr. Chairman, we are not going to object to the amendment offered by the gentleman.

The gentleman's amendment would only authorize $50 million additional to the authorization for the social services block grant under title XX of the Social Security Act. This would increase the total authorization of this program from $2.700 billion to $2.750 billion. There is no additional amount appropriated by virtue of the amendment offered by the gentleman from California. The intent of the amendment is good.

Mr. Chairman, we offer no objection to this amendment as it is presented.

Mr. MILLER of California. I thank the gentleman for his cooperation.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to add my support to the amendment offered by the gentleman from California and praise him for all the good work he has done in this area.

It is no secret that in the last several months people in my community and communities throughout America have finally begun to understand the gravity of this problem, how many children have been abused, and for every child who has been abused, there are literally hundreds of thousands of American mothers and fathers, brothers and sisters, who wonder and worry whether their child has also met the same fate.

This amendment is modest, it is carefully drawn, it directs itself at the problem, but not in a way that will waste money, and is something we very, very much need in America today.

So I would add my support and once again compliment the gentleman for taking the lead on this issue, which sorely needs work done on it.

Mr. MILLER of California. I appreciate the support of the gentleman. It has special meaning to me today, given the fact that the gentleman just became a father for the first time yesterday and now will share the concerns that all parents have for the well-being of their children. I appreciate those expressions of concern from the new father of Jessica Emily from New York.

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

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

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, as I read the amendment offered by the gentleman from California, it provides $50 million authorization for training of child-care workers, State officials, and parents, with at least some of that to be used for training in the prevention of child abuse.

Mr. MILLER of California. Yes.

Mr. CONTE. The gentleman knows I am deeply concerned about these issues and supportive of them. I worked closely with my good friend in the well, as he may remember, during floor consideration of the authorization for the program to assist victims of domestic violence, part of the child abuse reauthorization conference report due on the floor tomorrow.

That conference report will authorize substantial increase in programs designed to combat child abuse.

The gentleman's amendment, as I read it, is a straight authorization for $50 million, and I want to commend him.

Mr. MILLER of California. I thank the gentleman for his remarks. There is no one who can question the gentleman's commitment to the issues surrounding child abuse in trying to rid this practice from the national landscape.

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

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

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I am just wondering, for my edification, if this be an authorization of $50 million, are we not parliamentarily or procedurally at odds with ourselves? Are we not considering at this moment an appropriation bill? Can someone explain that to me? Perhaps the gentleman in the well can do so. Is this an appropriation?

Mr. MILLER of California. Under title XX, this would become appropriated money if, in fact, it was approved by the conference committees. Title XX is a capped entitlement and what this amendment does is raise that cap beyond the limit now set solely for this purpose for this 1 year.

This is similar to legislation that we passed last year to provide for child-care services, for job training, and to get people off the unemployment rolls. For one time we raised the title XX cap for this purpose and this amendment would work in a similar fashion.

Mr. GEKAS. That is my question, then. Are we saying that what the gentleman is doing here is, in effect, raising the cap?

Mr. MILLER of California. Correct

Mr. GEKAS. But the moneys are not being provided with this legislation.

Mr. MILLER of California. It is an entitlement with a cap on it. We are raising the cap, and should the Committee on Appropriations, in its wisdom, and the conference committee with the Senate determine to go ahead, yes, the money would be made available.

Mr. GEKAS. With the only reservation being in my mind that it may not be in the right ballpark if this be an appropriation bill.

Mr. MILLER of California. It is in the right ballpark because that is exactly our concern: That we have a 3-alarm fire going out there and this is the only way in which we can get the money to the States immediately through an existing process. Otherwise we have to go through the dual process that the gentleman knows and create some other means to get the money out there.

Mr. GEKAS. I thank the gentleman.

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

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

Mr. BLILEY. I thank the gentleman for yielding.

Mr. Chairman, I have read the amendment and I support the goals of the amendment, but I have a question.

Under the wording of the amendment, it does not seem to require that the funds be expended for child abuse prevention. Is that correct?

Mr. MILLER of California. It does not require it for that sole purpose. It requires it because in many instances when we are talking about training child-care workers or parents, as the gentleman recently wrote about, we are talking about complete training for the purposes of understanding and listening to our children. One fo the things the experts keep telling us is that if parents would listen to the children, if child-care workers would listen to the children and believe the children, possibly detection could come along at a much earlier time.

But the focus, the primary purpose, is for that purpose of training related to detection, and obviously the prevention of child abuse in these settings, but also in family day care which, as the gentleman knows, many, many more children probably attend. In many instances family day care providers have not opportunity or access to these kinds of training programs because they do not belong to a network or a center, but in many instances those are also people we want to see trained for this purpose.

Mr. BLILEY. If the gentleman would continue to yield, then the gentleman is saying that the majority of these funds should be used for this purpose, for training people to prevent this kind of abuse.

Mr. MILLER of California. That would be my hope.

Mr. BLILEY. I thank the gentleman for clearing that point up.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Chairman, I think the intent of the amendment offered by the gentleman from California is excellent. I am just wondering whether the gentleman has looked down the road to see what the long-run cost of this would be and to what extent this would price child care out of the market for the average person.

□ 1430

Mr. MILLER of California. Mr. Chairman, our amendment is offered to address just this concern. We think that the only way you can really get this into the child care system, given the conditions under which the current child care systems operate in terms of their being so price-responsive that people flee the minute you raise the prices, is to go in this direction. This is one of the ways you can do it. We are building on an existing system that has trained thousands of both parents and providers of that care system by basically having the Federal, State, and local governments pick up some of that cost so that it does not have to be reflected in the cost of the care of those children, which then causes the people to go to even worse care than they might be getting at that moment.

So the gentleman's concerns are exactly appropriate, and that is the reason why we are trying to go in this direction.

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

Mr. BIAGGI. Mr. Chairman, as a cosponsor of the pending amendment, I rise to urge its passage today. As the author of H.R. 6207 the Child Protection Act of 1984, I wish to also indicate my agreement with the idea that we must take this first step today—this important first step I might add—in what must be a comprehensive and concerted effort to eliminate the scandal of child abuse, including sexual abuse in federally funded day-care centers.

The amendment offered by my good friend and distinguished colleague, GEORGE MILLER, would provide States with $50 million in funds to train day care providers, State licensing and enforcement officials and parents in child abuse prevention techniques. These funds cannot be used to substitute for existing resources. For any State that does not have a law providing for screening and conducting background checks and criminal investigations of day care providers and staff—their amount of funds under this amendment would be reduced by one half.

We take this step today for a basic and tragic reason—because we have to. Child abuse in day-care centers is not a hypothetical problem it is a clear and present horror affecting an increasing number of children. Consider that in my home city of New York—in the first 7 months of 1984 there have been 77 reported cases of child abuse including sexual abuse in the city's 377 day-care centers.

We can also point to a tenfold increase in the number of overall reported cases of sexual abuse against children since 1976 including increases in cases in day care centers.

Today we work for a twofold objective with this amendment. The first is to return a sense of greater accountability to how Federal day care funds are spent. The second is to give increased and proper recognition to the importance of training of personnel who work with our children in day care centers.

The issue of accountability in my judgement is central to this entire issue. We are aware of the fact that as much as $751 million in Federal funds are being spent on day care services. A good portion of these funds come from the social services block grant program—In 1981 this program became a block grant. The philosophy behind block grants was to transfer responsibilities away from the Federal Government over to State and local govern-

ments. What we in fact have is not a transfer of responsibility—but a disturbing abdication of responsibility on the part of the Federal Government on how certain social service dollars are being spent. The day care scandals make the point perfectly clear. We have the Federal Government providing carte blanche privileges to States and localities in spending social service block grant funds. In turn—States and localities have created bureaucracies which are so large as to be unaccountable. Meanwhile funds are allocated to day care centers to provide services—and some of these centers are in turn the ones where abuse is taking place.

In New York City—we know that some 60 percent of the $165 million spent for day care is Federal money. We also realize that the local agency which administers the programs, the Human Resources Administration, had grown so large it was difficult to trace whether those day care centers where abuse was being reported were Federally financed. That should not be the case and the time has come to start ensuring that future SSBG funds are in fact accounted for relative to day care.

The issue of better training of day care personnel in my mind is also central to this issue. Only about 25 percent of day care employees have professional training in appropriate services. Only 10 States and the District of Columbia require caregivers to have degrees beyond a high school diploma. Even in those States which do require a higher degree it is not always in early childhood education or child development as it should be.

It should be noted that there are not a great number of financial incentives associated with day care work. It is unfortunate for there are many caring individuals in our day care centers who deserve much higher compensation for the work that they do. Lower standards invite a lower standard of people working in our day care centers—including those with previous records of crimes against children. That is abominable.

Another related problem we have to contend with and which may be helped by this amendment has to do with actions that were taken when the social service block grant was established. It was accompanied by the elimination of special title XX training funds and reduced overall expenditures by 25 percent. In my home State of New York this translated into a drastic decline in training funds from $14 million to $4 million since fiscal year 1980.

Under this amendment and since New York State does have a law in effect dealing with screening and background checks it will be eligible for some $3.8 million in funds under this bill which will help a great deal to restore earlier cuts which went right into training.

I hope this amendment is adopted. It is vital that we take some action before we adjourn to deal with this problem. Day care is becoming a central part of millions of families in this Nation. Consider since 1977—the number of children 5 years and younger whose mothers are employed is up by 50 percent to 10 million. Combine this with increases in the number of single fathers—the need for day care services becomes apparent. What must also be apparent is the need to make sure that these centers are staffed with qualifed individuals. The Miller amendment is a step in the right direction and I urge its adoption.

● Mr. FORD of Tennessee. Mr. Chairman, we are all shocked and angered by the recent allegations of child abuse in daycare centers. These tragic incidents are most keenly felt by the children and families involved and by the day care professionals whose dedication to child development is tarnished by the actions of scoundrels.

As Members of Congress, we are responsible for monitoring the considerable Federal support that is provided to our national daycare system. It is also our duty to help the States improve child abuse prevention efforts. Today we have an opportunity to assure that this duty is carried out.

The first, most obvious way to encourage a safe and adequate child care system is training for the child care staff who spend countless hours with our children. Prior to 1981, a separate title XX training program existed. Today, in the aftermath of budget reductions, this is no longer the case. Roughly 75 percent of all child care workers have had no training. Staff turnover for child care centers, nurseries and Head Start workers exceeds 40 percent. 24 States no longer target title XX funds for training. In light of these facts, and the recent revelations of abuse, extra resources must be targeted for training day care workers in child abuse prevention.

There is no short cut or quick fix solution to this problem. However, a $50 million investment today for increased training in child abuse prevention—with a requirement that States investigate the backgrounds and criminal records of day care providers—is essential if we are to make a serious effort to improve the safety and quality of the child care that our children receive.●

● Mr. RANGEL. Mr. Chairman, I rise to urge my colleagues to support this amendment.

Recently, my colleague, GEORGE MILLER and I conducted hearings on child abuse and day care. We have all been outraged by recent reported incidents of child abuse in day care centers throughout the country, and our hearings were designed to find out how the Federal Government can help States minimize the possibility of further incidents.

The Federal Government has a substantial stake in the daycare system. In particular Federal funds, through the title XX social services block grant, currently provide the resources for most public day care programs.

We learned in our hearings that there is no "quick fix" to the problem of abuse. However, it is very clear that the lack of training in child abuse prevention is a major shortcoming. Our amendment would provide emergency funds for child care providers to enhance abuse prevention and to further child development. The amendment is also designed to encourage States to prescreen day care employees so that persons with previous convictions for child abuse cannot prey upon our children.

Mr. Chairman, training is vitally important—

To help parents evaluate child care settings,

For effective monitoring of child care services

To upgrade the skills of child care employees; and

To help us recognize and deal with abuse.

The protection and development of our children is a matter of national concern. Our amendment represents an essential building block to a comprehensive effective program that will improve the safety and quality of day care.●

The CHAIRMAN. If there are no more speakers seeking recognition, the question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROE: At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 3678 (98th Congress), as passed the House of Representatives on June 29, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

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

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment consists of the text of H.R. 3678, the

Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act as it passed the House on June 29, 1984. It is the product of over 3 years of intensive work by the Subcommittee on Water Resources, including extensive hearings and countless hours of gathering information and consulting interested Members and their staffs.

Mr. Chairman, we began work on this legislation with two basic premises in mind. The first is that water is our most important and most valuable national asset, and resolving the problems relating to the use, overuse and abuse of water, as well as protection from catastrophic flooding, are items of the highest priority. The second premise is that we must begin to deal with these water resources problems according to a national policy that is both rational and bipartisan in nature. We have worked diligently to achieve that goal in this legislation.

H.R. 3678, as is traditional with water resources development bills, contains project authorizations, authorizations of water resources studies, project modifications, and general provisions effecting the overall water resources program of the Corps of Engineers. This bill also continues the practice of refining the manner in which the corps' existing water resources program is carried out to meet our constantly changing water resources needs. As a result, the bill contains a number of features addressing water supply needs, environmental concerns, energy needs, and project study procedures, in addition to the traditional provisions addressing flood control, navigation, erosion control, recreation, and the like.

This bill also contains a number of new provisions which significantly expand the water resources program of the Corps of Engineers and which recognize new water resources needs that have arisen as a result of the aging process on our water resources infrastructure.

Mr. Chairman, with these prefatory remarks, I would like to proceed through the bill briefly title by title to describe for you its contents.

Title I authorizes six deep-draft navigation projects—projects with an authorized depth of 45 feet or more—and 27 projects for the improvement of general cargo ports—ports with an authorized depth of between 14 and 45 feet.

These deep-draft projects will be subject to a new cost-sharing arrangement. The non-Federal share for deep-draft ports is established at 50 percent of the incremental costs of construction and maintenance associated with that part of any project which is deeper than 45 feet. For general cargo ports, the Federal share will continue to be 100 percent.

If a non-Federal interest collects fees on vessels in order to pay for its share of a deep-draft port or for other port expenses, those fees may only be collected from vessels which require a channel with a depth of more than 45 feet. The bill authorizes the collection of duties of tonnage, but it states that non-Federal interests which do collect them can do so only with respect to vessels which require the greater depth.

Section 104 provides a mechanism to permit non-Federal interests to plan, design, and construct port projects and later to be reimbursed subject to appropriations for those costs that ordinarily would be a Federal responsibility, so that a project may be expedited by non-Federal interests.

Title II authorizes the construction of seven critically needed lock and dam projects on the inland waterway system. These projects consist of replacements of obsolete structures and improvements to structures needed to prevent unacceptable constraints on navigation. This title also provides that one-third of the cost of the general navigation features of these projects shall be paid only from amounts appropriated from the inland waterways trust fund—the fund derived from fuel taxes on vessels used in commercial waterway transportation.

Title III authorizes the construction of projects for the control of destructive flood waters throughout the Nation. We have developed a new system of cost sharing which we believe to be fair and equitable. Under present law the non-Federal sponsors of local flood protection projects pay for lands, easements, rights-of-way and relocations, which vary from project to project, we have included a new uniform cost-sharing formula which will ensure that regional needs are addressed with fairness, and which will result in the equitable distribution of national water resources investments needed throughout the Nation. The non-Federal share for local flood protection projects is established at 25 percent. Non-Federal interests will continue to provide lands, easements, rights-of-way and relocations, up to a cap of 30 percent of the project's cost. If, on the other hand, the cost of lands, easements, rights-of-way and relocations provided by the non-Federal interests is less than 25 percent, the non-Federal interests must pay in cash the amount necessary to meet the 25 percent non-Federal share, with interest, over a period of 15 years.

This cost-sharing provision applies to projects which are not under construction as of the date of enactment of the act. I would note that the flood control project for the Mississippi River and tributaries is to be considered as one project for the purpose of the provision, and that all of the elements of the overall project therefore retain their traditional cost sharing. Further, we expect to make this fact plain in any conference.

Title IV authorizes a number of projects for the protection of shorelines on the Atlantic and the gulf coasts and the Great Lakes.

Title V authorizes projects for water resources conservation and development purposes—including mitigation of damages to fish and wildlife, water supply, hydroelectric power, streambank erosion control, navigation, and other purposes, including many detailed provisions designed to protect specific environmental values.

Title VI authorizes the corps to conduct a number of studies. These include studies of specific water resources problems in particular localities, as well as studies of a more general nature. A few of the most important provisions for studies of a general nature are as follows.

Section 605 directs the corps and the Fish and Wildlife Service to study the feasibility of utilizing the corps' capabilities to conserve indigenous wildlife and wildlife habitats, including creating alternative habitats, and beneficially modifying existing habitats.

Section 606 authorizes the corps to make a nationwide study of the Nation's flood problems and the effectiveness of existing projects in reducing losses from floods.

Section 610 directs the corps to prepare an estimate of the long-range capital investment needs for water resources programs within its jurisdiction—including investment needs for ports, inland waterway transportation, flood control, municipal and industrial water supply, hydroelectric power, recreation, and the fish and wildlife conservation and enhancement associated with those programs.

Section 614 directs the corps to prepare a list of authorized water resources studies for which no report has been transmitted to the Congress, and to make recommendations with respect to each study as to whether or not it should continue to be authorized.

Title VII contains a number of project modifications for a number of authorized water resources projects. These modifications were all analyzed by the committee on a case-by-case basis and were determined to be necessary for the functioning of the projects to which they relate.

Title VIII relates to water supply. Subtitle A establishes a loan program to be administered by the corps for the purpose of repairing, rehabilitating, expanding, and improving public water supply systems and publicly regulated water supply systems. These loans are limited to 80 percent of the cost of the water supply project for which each loan is made, with an

annual limit of $40 million for each project and an annual limit of $80 million for any State. Before receiving a loan, an operator must implement a water conservation program in order to encourage the responsible use of water.

Subtitle B of title VIII declares a national interest in economically conserving existing water supplies and in economically developing new supplies through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single purpose, as well as multiple purpose, water supply projects. The non-Federal share of such projects is to be 100 percent, with the non-Federal interests initially providing 20 percent, and repaying the remaining 80 percent of the project costs over a period of up to 50 years in accordance with the provisions of the Water Supply Act of 1958.

Title IX changes the names of 11 water resources projects which have been constructed by the corps and names specific features of two other such projects. One naming is geographical and the others are in honor of prominent individuals who have contributed their efforts to the development of water resources.

Title X, deauthorizes more than 300 authorized corps projects or portions of projects. The Congressional Budget Office has estimated that, if these projects were funded, Federal outlays would be approximately $17 billion, and outlays by non-Federal units of government would be approximately $3.1 billion through fiscal year 1996.

Title XI consists of a number of general provisions relating to the corps' water resources program. The following are a few of the most important provisions contained in that title.

Section 1101 defines the objectives for which corps water resources projects are to be planned, including the objectives of enhancing regional economic development, the quality of the total environment, the well-being and quality of life of the people of the United States, the prevention of loss of life, and national economic development. It also provides that the benefits and costs attributable to these objectives—both quantifiable and unquantifiable—shall be included in the corps' evaluations of benefits and costs for corps projects.

Section 1102 requires for the first time that non-Federal interests contribute 25 percent of the costs of any feasibility report for any water resources study prepared by the corps. An exception is made in the case of inland waterway projects, for which the benefits are generally acknowledged to be too widespread to be specifically identified with individual local governmental entities.

Section 1103 provides that in the evaluation of corps projects the benefits attributable to environmental measures shall be deemed to be at least to equal to the costs of those measures.

Section 1104 establishes a new $35 million environmental protection and mitigation fund. Amounts in this fund are to be available for undertaking, in advance of the construction of any corps project, any measures authorized as part of the project which may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated.

Section 1122 relates to the master plan for the management of the Upper Mississippi River System, which was prepared by the Upper Mississippi River Basin Commission pursuant to Public Law 95-502. This section contains congressional approval of the master plan as a guide for future water policy on the Upper Mississippi River System. It authorizes the corps and the Interior Department, in consulation with the States, to undertake a program, as identified in the master plan, for the planning, construction and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement, implementation of a long-term resources monitoring program, and implementation of a computerized inventory and analysis system.

Section 1135 authorizes the corps to review the operation of previously constructed projects in order to determine the need of modifications in the structures and operations of those projects for the purpose of improving the quality of the environment in the public interest.

Title XII establishes a National Board on Water Resources Policy. The Board will be composed of the secretaries of the major Federal water resources agencies, together with two other members and a chairman appointed by the President with the advice and consent of the Senate. Among other things, the Board will be responsible for establishing principles and standards for the formulation and evaluation of Federal water and related land resources projects and coordinating Federal water resources policy. The establishment of this Board is critical to the establishment and implementation of a balanced water resources policy.

Title XIII establishes a port infrastructure development and improvement trust fund, and provides that there is to be appropriated each year to that fund an amount equal to the customs duties collected during the preceding year, but not to exceed $2 billion annually. Amounts in the trust fund will be available as provided by appropriations acts for studies, construction, operation and maintenance of general cargo and deep-draft projects; for studies, construction, rehabilitation and maintenance of the St. Lawrence Seaway project; and for making payments to any non-Federal interest which has planned, designed, or constructed a port in accordance with section 104.

Title XIV relates to bridges over navigable waters. It provides Federal assistance for the relocation of two bridges that have become obstructions to navigation as a result of local land subsidence problems.

Finally, Mr. Chairman, title XV requires that any report dealing with fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, that is required to be sent to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works shall also be sent to the House Committee on Merchant Marine and Fisheries.

Mr. Chairman, H.R. 3678, which is the result of over 3 years of intense study by our committee, represents the first major construction authorization bill since 1970—and the most comprehensive and environmentally sensitive water resources bill ever developed. It is necessary to the dynamics of our Nation's economy; it is timely; and I urge adoption of the amendment.

Mr. Chairman, I now yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I rise in support of the amendment which would include in House Joint Resolution 648 the text of H.R. 3678 as that bill passed the House on June 29 of this year.

The passage of this legislation by the House by a margin of 359 to 33 represented the culmination of over 2 years of intensive efforts by our Committee on Public Works and Transportation and its Subcommittee on Water Resources to develop a comprehensive water resources bill which would truly meet the increasing and ever-changing water resources needs of our Nation.

This bill includes titles on ports, the inland waterway transportation system, flood control, water supply, water policy, and project deauthorizations. It establishes new cost-sharing principles for deep ports and for flood protection projects. It establishes new Federal policy in the very important area of providing assistance for the construction and rehabilitation of water supply systems. It provides for a national water policy to govern the planning and construction of Federal water resources projects. It deauthorizes over $11 billion worth of previously authorized but unconstructed projects. It is a bill which is sensitive to environmental concerns, to water

resources policy concerns, and to the water resources needs of our Nation.

This very important legislation is currently pending in the Senate. While I certainly hope that the other body may be able to pass this bill soon and enable us to go to conference, the rapid approach of the end of this Congress makes this increasingly unlikely. We are, therefore, seeking to add the text of this legislation as it passed the House to the continuing resolution in order to ensure full and proper consideration by both bodies and to secure its passage this year.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. EDGAR].

Mr. EDGAR. Mr. Chairman, I rise in support of the Roe amendment, which includes the omnibus water bill that passed the Committee on Public Works and Transportation and the full House and is now pending over on the other side.

Hopefully, with this action of including this legislation in the continuing resolution, we will get some action in the other body. Let me remind my colleagues that we have not had an omnibus water bill for the last 8 years, and I have been an activist in stopping these water projects and water bills. This year, due to the great work of the gentleman from New Jersey [Mr. ROE] and others in the Committee on Public Works and Transportation, we have been able to place in this legislation a number of positive reforms.

Our colleague, the gentleman from New Jersey [Mr. HOWARD], mentioned the $11 billion of deauthorizations. There is also included in this legislation a revolving loan fund to replace aging water supply systems without driving up the national debt on into the future. Included in the bill is an environmental mitigation fund, which is important to mitigate some of the damage that has been caused to the environment by bad projects. For the first time, we set a minimum standard of 25 percent cost-sharing on all new projects. This is an important way to get State and local investment.

But let me say to my colleagues that I do have one concern. We are taking a bill which we have worked on and crafted and which is a very delicately balanced measure, and which is about the minimum that I can see that we could have, and we are placing it in a continuing resolution. We, on the Committee on Public Works and Transportation, will not be able to be conferees unless the Speaker chooses to appoint our members. I have talked with the gentleman from Alabama [Mr. BEVILL], the chairman of the Water Resources Subcommittee, and I have talked with the chairman of the Appropriations Committee, and I have been assured that on policy issues relating to this bill, the Committee on Public Works and Transportation and its Subcommittee on Water Resources will be fully involved. I take their word at this time, and it is my hope that we can come through this process with a bill that is identical, or very similar, to the bill that I have been able to support and that many in the environmental community have been able to support because of these reforms.

I want to commend the gentleman from New Jersey, and I want to urge my colleagues to support this bill at this time, but I want to put the House on notice that if we get into a process where the policy issues are stripped out and only the water projects are included, I will help to lead an effort to defeat this bill when it comes back from conference, and we will call on the President to veto the legislation.

Mr. Chairman, with the legislation in this form at this time, I support the language of the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON] for 15 minutes.

Mrs. JOHNSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend my colleague, the gentleman from Pennsylvania [Mr. EDGAR], for his clear explanation of the strengths of this bill, but I rise in reluctant opposition to the amendment offered by the gentleman from New Jersey.

The leadership of the Committee on Public Works and Transportation, Chairman JIM HOWARD, and ranking member GENE SNYDER, have done outstanding work developing H.R. 3678, this water resources authorizing legislation. The tireless efforts of Water Resources Subcommittee Chairman BOB ROE and ranking member ARLAN STANGELAND must be particularly commended. There is certainly much to support in this legislation and their efforts and the efforts of many others should not go unrecognized.

My opposition to the amendment lies primarily with the fact that it is being attached to the continuing resolution. This is not the appropriate vehicle for this water resources authorizing legislation. The House did indeed pass this legislation last June and it is up to the Senate through the regular legislative process to take action so that H.R. 3678 can proceed.

I also must object to this legislation on the grounds of its high cost and potential impact on the budget. While it is true that H.R. 3678 authorizes projects rather than appropriating money for them, it cannot be denied that it increases the potential expenditures of many billions of dollars at a time when we face many years of constraining spending.

As I said before, there are many features to commend this legislation. It includes new policy directions and numerous deauthorizations of projects. However, its high cost and the fact that we are attempting to attach it to the continuing resolution compels my reluctant opposition.

Mr. SNYDER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the ranking minority member, the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in strong support of the gentleman from New Jersey's amendment and urge my colleagues to do likewise.

Mr. Chairman, Congress and the executive branch have been completely deadlocked for 8 years with respect to water project authorizations and water policy establishment. This legislative gridlock has spanned two administrations, one Democratic and the other Republican. The problem is not one of partisan politics but rather is the result of a fundamental disagreement that exists between the Congress and the executive branch, particularly the Office of Management and Budget, over which branch of our Federal Government should be responsible for setting the Nation's water policy.

It doesn't take a doctoral thesis in political science or a lifetime of research in the Library of Congress to recognize this situation for what it is. How many of my colleagues remember the famous water project hit list of the previous administration? Or the refusal of that administration, and the current administration to a lesser extent, to forward to the Congress the reports prepared by the Corps of Engineers on many of the projects that have been ready for authorization for years? Or the famous independent water project review proposals of 6 years ago, designed to give veto power to the then Water Resources Council over individual water projects? Or current proposals to revise more than 100 years of tradition with respect to the Federal Government's responsibility to maintain the navigability of our Nation's rivers and ports?

Mr. Chairman, there is no doubt in my mind, and I suspect very little doubt in the minds of most of us here today, about which branch of our Federal Government the Constitution envisions as the policymaking branch. We use the shorthand phrase, "The President Proposes and the Congress Disposes" to reflect this constitutional requirement. For more than 200 years it has been the law of this land that it is the Congress that sets the Nation's policy and the executive branch that implements that policy.

More than 2½ months ago, by the overwhelming vote of 259 to 33, the full House of Representatives passed H.R. 3678, the Water Resources Conservation, Development, and Infra-

structure Improvement and Rehabilitation Act of 1984. This bill was the direct result of 3 years of hearings by our Subcommittee on Water Resources, during which we heard from hundreds of witnesses and received thousands of pages of testimony concerning the projects and water policy initiatives included in the bill.

In reality, however, H.R. 3678 is far more than this. It is really the product of hearings and negotiations and legislative drafting spanning the past three Congresses in addition to this 98th Congress. Many of our colleagues will recognize projects in H.R. 3678 that the House has voted favorably on three or four times since the last omnibus water project authorization bill was signed into law in 1976. For instance, the Gulfport Harbor port project in Mississippi, Halstead, KS, flood control project, the Oakland Outer Harbor dredging project in California, and the flood damage prevention work at Logan and Nelsonville in Ohio—all of which are included in H.R. 3678—were previously included in 1978 in the House-passed version of the 95th Congress' H.R. 13059 and again in 1980 in the House-passed version of the 96th Congress' H.R. 4788. These are just a few of the examples. Many other projects and provisions of H.R. 3678, too numerous to name here, are in the same category.

I have taken this time here today to frame the issue in these historical terms because I believe that an understanding of these matters is extremely important for purposes of appreciating why the amendment of the gentleman from New Jersey [Mr. ROE] must be overwhelmingly accepted.

Unfortunately, our colleagues in the other body have been unsuccessful in resolving their differences and completing action on water project authorization and policy establishment legislation. Thus, with only a few days remaining in this 98th Congress, if we fail to accept the Water Resources Subcommittee chairman's amendment, Congress will once again have allowed itself to be stymied in its efforts to address this most important and badly needed legislation. The executive branch, for the fourth Congress in a row, will have succeeded in usurping the legitimate water policymaking role that properly belongs in the legislative branch. By default, OMB will continue to exercise water project decisionmaking responsibilities that properly belong with us. Our Nation's Water Resources Development Program will continue to languish and the American people will continue to be deprived of the investment in our Nation's future that is represented by the projects and policy contained in H.R. 3678.

Mr. Chairman, it is time to put an end to this paralysis. The issues are controversial, but not insoluble. They are complicated, but both bodies, House and Senate, have invested tremendous time and effort to understand them over the past few years. All that is lacking is the opportunity to meet our Senate colleagues in conference and to strike the necessary compromises with respect to the issues before us.

If we are successful in adding H.R. 3678 to this continuing resolution, as I am hopeful that we will be, I believe we can meet our colleagues in the other body in conference and come up with compromise language sufficient to break the water project authorization logjam that is standing in the way of the economic and other benefits these projects will bring. We owe it to ourselves and to our colleagues here in the House to make every effort to accomplish this goal. Our constituents deserve nothing less.

I strongly urge adoption of the Roe amendment.

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentlewoman from Connecticut for her concern because she has worked on our committee very aggressively for reform of the process, and in normal circumstances I would agree with the gentlewoman that this is not the appropriate vehicle. I do not think any of us like coming to the floor with such an Omnibus Harbors and Rivers Act which includes so many important areas and placing it on a vehicle that essentially is an appropriations bill.

The problem has been with the lack of action on the part of the other body, but we have over a period of time convinced this House and many in the other body that cost sharing, reduction of the projects that need to be deauthorized, the issue of environmental mitigation, and many of the other important issues are important policy issues that we have to deal with. If we do not take action in this bill at this time, I think we are going to find that the other body will take no action.

So I would just like to commend the gentlewoman for her leadership in overseeing the problem that we have had with the words like "pork barrel," and other pointed words that I have been involved with and have received some animosity on the part of our colleagues about. But I think we are at a very difficult point where we have major reforms, and in order to hold those reforms, we have got to use this very unusual vehicle, I will join my colleague in opposing this legislation if it comes back from conference and those policy reforms are stripped away.

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Mrs. JOHNSON. I do appreciate the quality of the policy reforms that are being proposed in this legislation. I truly commend the thoughtfulness and the thoroughness of the consideration that went into developing this water resources bill.

I also think that we share, and I know Chairman ROE shares with me as well as Chairman HOWARD, the awkwardness of this approach as of this moment.

I simply feel it is my responsibility to stand by the process considerations and to oppose the precedent that we are setting here, but I do agree that there are great strengths to this bill and I appreciate the comments of the gentleman that subcommittee members will be vigilant and involved as it goes to conference.

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

Mrs. JOHNSON. I yield now to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in the strongest support of the amendment offered by the gentleman from New Jersey [Mr. ROE]. The leadership of Water Resources Subcommittee Chairman ROE has continued to be extraordinary and his personal efforts are in no small part the reason that we are here today with a real opportunity to address the water resources needs of our Nation. It has been a great pleasure to work with him and with the chairman of the Committee on Public Works and Transportation, JIM HOWARD, and ranking member, GENE SNYDER, on this vital legislation.

H.R. 3678 passed the House on June 29 by an 8-to-1 margin. At that time there were numerous amendments and extensive debate that permitted the House to fully consider and perfect this critically important water resources authorizing legislation.

The issue before us today is not support for H.R. 3678 itself, which it obviously has, but adding it to the continuing resolution.

Why we should, indeed why we must, include H.R. 3678 as part of House Joint Resolution 648 is a matter of time and need. The water resources needs of our great Nation cannot afford to wait any longer for congressional action. It has been 8 years since a water resources authorization bill became law and 14 years since a major bill was enacted. The size and scope of H.R. 3678 are in large part due to the years of inability to obtain final legislative action since 1976. The projects and problems keep adding up. It is our duty to deal with them.

It was my hope that the other body would be able to act in the 3 months since we passed our bill. Unfortunately, this has not happened. That is why

we are required to act again on H.R. 3678. By adding the water resources bill to the resolution, we will provide the incentive for the other body to act as well. It is frankly a means to get us to conference on the legislation.

The resolution currently contains funding for a number of water resources projects, all of which I am sure are vitally needed, but not all of which are presently authorized. If we are to authorize projects by way of the continuing resolution, then we should include the entire authorization package in order to address the entire Nation's range of concerns. Also, we need to resolve the numerous policy questions, including cost sharing. This can be done successfully by including the entire H.R. 3678.

I am fully confident that we can complete a conference on these matters with the Senate in a very short time. There are differences between the present Senate bill and H.R. 3678, but amendments proposed for the Senate floor bring the two bills closer together. Time may be short, but the time is sufficient to get the job done. As I said at the outset, time is the key. It is in the interest of the Congress and the Nation that we act now. It may be the last opportunity to ensure authorization for the many projects that this House so strongly supports.

I urge all my colleagues to join me in voting in favor of the Roe amendment.

Mrs. JOHNSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New Jersey desire to yield further time?

Mr. ROE. Yes, Mr. Chairman. I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I, too, rise in support of this legislation, even though I have serious concerns which are being addressed in an ironic fashion. While we are pleading for water projects across the Nation, and I will make no bones about that it would positively affect projects in my district, we are also putting such restraint and constraints on the part of local governments involved that perhaps we are going to see decades and decades of inaction built into this very legislation, because the increased participation on a local basis that is required here may be the death knell of future projects within the very districts where we want these projects to go forth.

But nevertheless, I believe we ought to adopt this legislation now, because we will be imbedding in the legislative process, in the CONGRESSIONAL RECORD, and in the consciousness of all of us that indeed water projects are a necessity for the future of our country and, therefore, this is the first step toward the eventual solution of many of those problems.

Mr. Chairman, I support the legislation and yield back the balance of my time.

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do want to extend my greatest appreciation for the leadership of the gentleman from New Jersey, JIM HOWARD, who is chairman of our Public Works Committee, and the gentleman from Kentucky, GENE SNYDER, who have worked so very, very hard, and certainly to my good colleague and friend, the gentleman from Minnesota, ARLAN STANGELAND, without whose efforts frankly the bill would not have gotten to the floor if it were not for his help.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield to me?

Mr. ROE. Yes, I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would like to compliment both gentlemen from New Jersey. After all, our country is our real wealth. I can't think of any two people in the history of my service here who have done a greater job in trying to look after our country.

I hope that when we look at this amendment we realize that what it would add to the joint resolution represents less than three-tenths of 1 percent of this year's administration requested increase for foreign aid and military spending. I hope they will take a long time before they fail to approve it. It is a step in the right direction.

I wish to commend my friend for the great job he has done.

Mr. ROE. Mr. Chairman, I want to thank the distinguished chairman for his encomiums and for his kind words, and again also the Rules Committee. We have a little bit of difficulty last week in making our peace, if you like, with the Rules Committee who did such a splendid job to be of help to us; so we want to thank everyone. This will be the third time, God willing, that we will pass this bill, so at this point I would like to thank the House for their consideration.

Mr. MOORE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. ROE] to include in today's continuing resolution flood control and navigation improvements authorized by the House in its passage of H.R. 3678 on June 29, 1984, by the overwhelming margin of 259 to 33. Indecision on the part of the other body to resolve its water project differences now requires use of available and timely legislative means to insure severe flood control and navigation problems are corrected as soon as possible so further flood damage can be prevented.

The amendment authorizes the construction of a project for the control of destructive flood waters in the Pearl River basin in Louisiana and Mississippi. The Corps of Engineers has been working on this study for several years, and preliminary reports indicate the construction of flood control measures in this area could have greatly reduced the damage suffered due to flooding in the past.

Additionally, the amendment authorizes construction and study funds for flood control along the Amite and Comite Rivers. This is a significant step as a reconnaissance study now being conducted on the Amite and Comite basin has determined that had a dam and reservoir been in place during the flood of 1983, the damage prevented would have equaled the cost of the project itself.

The other rivers authorized for study—Bogue Chitto, Natalbany, Tangipahoa, Tchefuncte, and Tickfaw—although they frequently overflow their banks and create flooding conditions, have never been studied for possible flood control measures. Flooding is a real threat to people living along these rivers, and the area must be studied for possible corrective measures. The amendment, by including these rivers, has incorporated my legislation to this effect.

Finally, the amendment authorizes the Mississippi River ship channel project from Baton Rouge, LA, to the Gulf of Mexico. The deep-draft navigation channel in the Mississippi River would be enlarged from its present depth of 40 feet to a project depth of 55 feet. This is important to the Port of Baton Rouge. Within the Baton Rouge Port area, approximately 8.5 million tons of coal, grain and petroleum are shipped annually. This provides significant jobs and revenue for our economy.

The State of Louisiana is committed to all of these projects and has stated its support for providing its non-Federal financial obligation.

The continuation of these projects is critical to the area I represent. I urge members to support this amendment to insure that adequate flood control and river projects are continued.

● Mr. ANDERSON. Mr. Chairman, I rise in strong support of the amendment offered by our distinguished colleague from New Jersey, Mr. ROE.

At the outset, I would like to take just a moment and commend those from our Public Works and Transportation Committee—specifically, JIM HOWARD, BOB ROE, GENE SNYDER, and ARLAN STANGELAND—for their efforts in convincing the House and the Rules Committee that this omnibus water development bill is simply too important to be forgotten and cast aside.

As you know, the Roe amendment incoporates into the 1985 continuing resolution the text of H.R. 3678, the Water Resources Conservation, Development and Infrastructure Improve-

ment and Rehabilitation Act. This is the identical measure that was overwhelmingly approved in this Chamber this past June by the vote of 259 to 33.

Although the Congress has not approved a water resources development bill since 1976, it has been 14 years since a true construction authorization bill has been signed into law.

This comprehensive amendment approves badly needed Army Corps of Engineers water projects including port development, inland navigation, flood control, water supply, and a host of other important items.

Also, this amendment would deauthorize more than 300 water projects or portions of projects that have an estimated completion cost of $11 billion.

Mr. Chairman, this measure has strong bipartisan support and is an investment in our future. Should we fail to adopt this amendment, it could be many years before a comparable water development measure again reaches this floor. And if this scenario unfolds, our Nation's water development needs will fail to be addressed and the economic consequences could be a disaster.

I urge all of my colleagues to support this amendment.●

● Mr. FEIGHAN. Mr. Chairman, the continuing resolution before us today contains a provision allocating $2,337,000 of Ohio's fiscal year 1985 construction grant funds to reimburse the communities of Rocky River, Fairview Park, Bay Village, and Westlake for costs they incurred to build a waste water treatment plant.

Enactment of this provision will show that justice—even if it is delayed—need not always be denied.

The citizens of these communities agreed in 1967 to participate in developing an experimental waste water treatment plant. This new technology, they were told by EPA, promised the high level of treatment required to help clean up Lake Erie.

As the project moved from the planning phase to the construction phase, these communities went forward in good faith—relying on the assurances of the EPA that pending changes in the law would make them eligible for 80-percent Federal funding.

That was in 1972—12 years ago. Ever since then, these communities have been trying to get EPA to make good its promises. And for 12 years, EPA has been arguing that the costs for building the plant could not be reimbursed. Their argument was based on a quirk in the law that—they said—limited reimbursement to "normal" projects and excluded experimental projects.

Nothing could persuade them to change their needlessly narrow interpretation of the law. They were deaf to the pleas of the communities. They forgot the promises they had made. They ignored a colloquy in this Chamber in which the gentleman from New Jersey [Mr. ROE] restated the intent of Congress: That this project was eligible for reimbursement.

Mr. Chairman, my constituents in Rocky River, Fairview Park, Bay Village, and Westlake are not asking for special treatment. They have borne their share of the costs for this project—plus interest. In addition, they have borne the additional costs of replacing the experimental technology that failed.

They are not even asking us to increase the overall spending for construction grants.

They are asking us to provide the same level of Federal support for the Rocky River waste water treatment plant that we have provided for hundreds of other projects throughout the Nation.

And they are asking us to honor the commitments made more than a decade ago.

I urge my colleagues to join me in righting this wrong that has persisted too long.●

● Mr. WALGREN. Mr. Chairman, I urge my colleagues to support the Roe amendment to include funding for critical waterway projects in the so-called continuing resolution. This is our only chance to secure funding for these projects since the Senate has failed to act on the specific bill the House passed over 3 months ago.

The House bill that would be picked up by this amendment was carefully considered, environmentally sensitive and economically critical. It would be the first water resources bill to move through Congress in 8 years. Several points deserve attention:

First, many of us from the Northeast have been trying for years to bring better balance to water resource policy. In our view, we have seen money drained away from the older areas of the country to the West and Southwest for too long. The Northeast makes up 45 percent of the country's population, but receives only 25 percent of the public works money. This works out to about $6 per person spent in our region, compared to about $20 spent on the rest of the country. Locks, dams, flood control projects, sewers, and water systems are in a declining state in many of these older communities. The bill before us today attempts to redress these imbalances in several ways.

Second, under this bill, Congress would authorize the Corps of Engineers for the first time to establish a loan program to repair and rehabilitate municipal water supply systems. The Northeast-Midwest States can expect to receive 91 percent of these funds. Without this bill, the corps is limited to multipurpose projects, which, to be funded, must provide multiple benefits like recreation and navigation. By establishing a single purpose program, we will be able to repair aging water systems—a real breakthrough for areas like mine.

Third, the bill includes the suggestion of Pittsburgh area Members of Congress to include in their amendment Federal assistance for the Turtle Creek flood control project. This is a project in a great state of disrepair that cannot now handle threatened flooding. If we do not move on it, 340,000 people in 30 municipalities could be affected, including people in Penn Hills, Braddock Hills, and Forest Hills. The boroughs involved have and will continue to contribute to the project, but only Federal assistance can expedite the project and avoid human and property damage that could be devastating. I hope the House will agree to the amendment that adds Turtle Creek to the bill.

Fourth, this bill will aid the economy of areas still suffering from recession. In Pittsburgh, waterways are a fundamental underpinning of the economy. Our three rivers provide transportation for coal, chemicals, and steel. In gross tonnage, Pittsburgh is the largest inland port in the United States, moving 41 million tons of freight annually.

But our locks and dams were built in another time for another time. They are old, falling apart, and woefully inadequate. By 1990, we will see 78-hour delays in traffic on the Ohio. This would mean $400 extra cost per hour per tow. Our industries and the Pittsburgh economy can just not afford these extra costs if we are to remain competitive. Added transportation costs means higher consumer costs. One of the major factors in the price of coal—and this electricity—is transportation. An efficient navigable waterway system is essential to keep costs down. The same is true for coal-dependent products like steel, which is so important to our economy.

In the Pittsburgh area, the rivers are an economic lifeline. 85,000 jobs directly depend on the availability and use of river transportation. I am pleased that the House of Representatives is today taking this step toward bringing some national fairness and economic revitalization to our area and am pleased to cast my vote for this amendment.●

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

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

RECORDED VOTE

Mr. HOWARD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 64, not voting 32, as follows:

[Roll No. 413]

AYES—336

Ackerman	Evans (IL)	Lundine
Addabbo	Fascell	Lungren
Akaka	Fazio	Madigan
Albosta	Feighan	Markey
Anderson	Fiedler	Marriott
Andrews (NC)	Fields	Martin (IL)
Andrews (TX)	Flippo	Martin (NY)
Annunzio	Foglietta	Martinez
Anthony	Foley	Matsui
Applegate	Ford (MI)	Mavroules
Aspin	Ford (TN)	Mazzoli
AuCoin	Frank	McCain
Barnard	Frost	McCandless
Barnes	Fuqua	McCloskey
Bateman	Garcia	McCollum
Bates	Gaydos	McCurdy
Bedell	Gejdenson	McDade
Bennett	Gekas	McEwen
Bereuter	Gephardt	McHugh
Berman	Gibbons	McKernan
Bevill	Gilman	McKinney
Biaggi	Gingrich	McNulty
Bilirakis	Glickman	Mica
Bliley	Gonzalez	Mikulski
Boland	Gore	Miller (CA)
Boner	Gray	Miller (OH)
Bonior	Guarini	Mineta
Bonker	Gunderson	Minish
Borski	Hall (OH)	Mitchell
Bosco	Hall, Ralph	Moakley
Boucher	Hall, Sam	Molinari
Boxer	Hamilton	Mollohan
Breaux	Hance	Montgomery
Britt	Harkin	Moody
Brooks	Hartnett	Moore
Brown (CA)	Hawkins	Moorhead
Bryant	Hayes	Morrison (CT)
Burton (CA)	Hefner	Morrison (WA)
Byron	Heftel	Mrazek
Campbell	Hertel	Murphy
Carney	Hightower	Murtha
Carper	Hillis	Myers
Carr	Holt	Natcher
Chandler	Horton	Neal
Chappell	Howard	Nelson
Chappie	Hoyer	Nichols
Clarke	Huckaby	Nowak
Clay	Hughes	O'Brien
Clinger	Hutto	Oakar
Coelho	Hyde	Oberstar
Coleman (MO)	Jenkins	Ortiz
Coleman (TX)	Jones (NC)	Ottinger
Collins	Jones (OK)	Owens
Conte	Jones (TN)	Packard
Conyers	Kaptur	Panetta
Cooper	Kasich	Parris
Courter	Kazen	Pashayan
Coyne	Kemp	Patman
Dannemeyer	Kennelly	Patterson
Darden	Kildee	Pease
Daschle	Kindness	Penny
Daub	Kleczka	Pickle
Davis	Kogovsek	Porter
de la Garza	Kolter	Price
Dellums	Kostmayer	Pritchard
Derrick	Kramer	Pursell
DeWine	LaFalce	Quillen
Dickinson	Lagomarsino	Rahall
Dicks	Lantos	Rangel
Dingell	Leath	Regula
Dixon	Lehman (CA)	Reid
Donnelly	Lehman (FL)	Richardson
Dorgan	Lent	Ridge
Dowdy	Levin	Rinaldo
Downey	Levine	Roberts
Duncan	Levitas	Rodino
Durbin	Lewis (CA)	Roe
Dwyer	Lewis (FL)	Roemer
Dymally	Lipinski	Rogers
Dyson	Livingston	Rose
Early	Lloyd	Rostenkowski
Edgar	Long (LA)	Roth
Edwards (AL)	Long (MD)	Roukema
Edwards (CA)	Lott	Rowland
Edwards (OK)	Lowery (CA)	Roybal
Emerson	Lowry (WA)	Rudd
English	Lujan	Sabo
Erdreich	Luken	Schaefer
Scheuer	Staggers	Vucanovich
Schneider	Stangeland	Walgren
Schumer	Stark	Watkins
Seiberling	Stenholm	Waxman
Shaw	Stokes	Weaver
Shelby	Stratton	Weiss
Shumway	Stump	Wheat
Shuster	Sundquist	Whitehurst
Siljander	Swift	Whitley
Sisisky	Tallon	Whittaker
Skeen	Tauzin	Whitten
Skelton	Taylor	Williams (MT)
Slattery	Thomas (CA)	Wilson
Smith (FL)	Thomas (GA)	Winn
Smith (IA)	Torres	Wirth
Smith (NE)	Torricelli	Wise
Smith (NJ)	Towns	Wolf
Smith, Robert	Traxler	Wolpe
Snowe	Udall	Wyden
Snyder	Valentine	Wylie
Solarz	Vander Jagt	Yatron
Spence	Vandergriff	Young (AK)
Spratt	Vento	Young (FL)
St Germain	Volkmer	Young (MO)

NOES—64

Archer	Gradison	Petri
Badham	Green	Ratchford
Bartlett	Gregg	Robinson
Beilenson	Hansen (UT)	Russo
Boehlert	Hiler	Sawyer
Broomfield	Hopkins	Schroeder
Brown (CO)	Hubbard	Sensenbrenner
Broyhill	Ireland	Shannon
Burton (IN)	Jacobs	Sharp
Coats	Jeffords	Sikorski
Conable	Johnson	Smith, Denny
Coughlin	Kastenmeier	Solomon
Craig	Latta	Studds
Crane, Daniel	Loeffler	Synar
Crane, Philip	Mack	Tauke
Daniel	MacKay	Walker
Dreier	Michel	Weber
Erlenborn	Nielson	Wortley
Fish	Obey	Yates
Fowler	Olin	Zschau
Frenzel	Oxley	
Goodling	Paul	

NOT VOTING—32

Alexander	Franklin	Martin (NC)
Bethune	Gramm	McGrath
Boggs	Hall (IN)	Pepper
Cheney	Hammerschmidt	Ray
Corcoran	Hansen (ID)	Ritter
Crockett	Harrison	Savage
D'Amours	Hatcher	Schulze
Eckart	Hunter	Simon
Evans (IA)	Leach	Williams (OH)
Ferraro	Leland	Wright
Florio	Marlenee	

□ 1500

Messrs. STUDDS, ROBINSON, and GREGG changed their votes from "aye" to "no."

Mr. McCOLLUM and Mr. SMITH of Florida changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Williams of Montana: Please insert this section at the proper point in the bill and renumber subsequent sections accordingly.

SEC. . Notwithstanding section 102, no funds appropriated by this or any other Act may be used for any contract to administer a civilian conservation center of the Job Corps if the administration of such center was not under contract as of September 1, 1984.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Montana [Mr. WILLIAMS] will be recognized for 15 minutes and a Member opposed thereto will be recognized for 15 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. Mr. Chairman, I urge the adoption of my amendment to prevent the Department of Labor from violating clear congressional intent by forging ahead in contracting out the 30 civilian conservation centers of the Job Corps. These centers are currently administered by the Department of Interior and Agriculture.

The Department of Labor is proceeding to contract out these centers, despite the fact that on August 1, 1984, Chairman NATCHER of the Subcommittee on Labor, Health and Human Services and Education participated in a colloquy on this subject with the late Chairman Perkins which was supported by Mr. CONTE. The colloquy endorsed the statement, "* * * that is not the intent of our subcommittee or our Committee on Appropriations to see that the total operation of any civilian conservation center—of the Job Corps—is turned over by the Federal Government to private contractors * * *." Since that colloquy, the Department of Labor in its letter of August 16 to the Department of Agriculture, ignored and violated the colloquy's intent by implementing A-76 procedures to contract out these Job Corps centers.

My amendment would prohibit contracting out the administration of these centers if they had not been under such a contract prior to September 1, 1984.

In the other body, Senator HATCH introduced S. 2111 in the first session of the 98th Congress to permit contracting out of these centers. No similar bill was introduced in the House. In his own Senate Labor and Human Resources Committee his bill went nowhere. It wasn't even marked up in subcommittee.

Just last Friday, September 21, 1984—see CONGRESSIONAL RECORD, page S11697—the Senate reaffirmed its position by passing Senator BUMPERS' amendment to H.R. 6028 prohibiting contracting out.

Despite these clear indicators, the administration is pushing ahead and has done so without notification of the Congress and in particular Chairman HAWKINS or Chairman NATCHER defying specific requirements to do so in House Report 98-911.

The Department of Labor intends to proceed to contract out these centers

between now and when committees are reorganized in the 99th Congress. It is clear that we must act now to preserve congressional intent before the Department of Labor proceeds with more privatization of projects on public lands without the approval of and beyond the recall of Congress.

The 30 civilian conservation centers affected are:

Arkansas (two USDA): Ozark, Royal; Colorado (one USDA): Collbran; Idaho (one USDI): Marsing; Illinois (one USDA): Golconda; Kentucky (two USDA, one USDI): Mariba, Pine Knot, Mammoth Cave; Missouri (one USDI): Puxico; Montana (two USDA): Anaconda, Darby; Nebraska (one USDA): Chadron; New York (two USDI): Brooklyn, Medina; North Carolina (two USDA, one USDI): Franklin, Pisgah Forest, Cherokee;

Oklahoma (one USDI): Indiahoma; Oregon (three USDA): Estacada, Glide, Yachata; South Dakota (one USDA): Nema; Tennessee (one USDA): Bristol; Utah (one USDI): Ogden; Virginia (one USDA): Coeburn; Washington (one USDA, two USDI): Wauconda, Moses Lake, White Swan; West Virginia (one USDI): Harpers Ferry; Wisconsin (one USDA): Lanoa.

In Montana, we are particularly proud of the record established by the Job Corps centers in Anaconda and Darby that are operated by the Forest Service. Just last week the Trapper Creek Job Corps Center, south of Darby, received a Federal Department of Labor award for best overall performance in the Department's six-State region. The Anaconda Job Corps Center won recognition for most improved center. Both centers have consistently rated in the top third among 18 centers operated by the Forest Service nationwide. The two centers offer residential vocational training and education for about 224 youths, aged 16 to 21. In their 18-year history, about 12,000 students have graduated from the courses. Student projects have provided millions of dollars worth of labor and products to communities and agencies in Montana.

My amendment merely preserves the status quo whereby 30 Job Corps centers will remain operated by the U.S. Departments of Agriculture and Interior. The funding level for Job Corps in the Senate version of H.R. 6028 will permit the program to continue in its present form, and it is my hope that House conferees will adopt the Senate funding level for the Job Corps.

I would not be coming here today with this amendment of the continuing resolution if the Department of Labor was obeying the intent of the colloquy which occurred during House consideration of H.R. 6028, the fiscal year 1985 Labor/HHS/Education bill. It was my hope that that effort would have been sufficient. This amendment has the support of Chairman HAWKINS as well as Representatives WEAVER, SIMON, KOGOVSEK, STAGGERS, SOLARZ, MORRISON, CLARKE, FRANK, BOUCHER, ALBOSTA, SMITH of Nebraska, and LA FALCE.

I am attaching two important letters:

U.S. DEPARTMENT OF LABOR,
Washington, DC, August 16, 1984.

Hon. JOHN B. CROWELL,
Assistant Secretary for Natural Resources and Environment, U.S. Department of Agriculture, Washington, DC.

DEAR MR. CROWELL: This concerns our mutual efforts to determine how to bring the costs of the Job Corps' Civilian Conservation centers into line with those operated under competitively awarded contracts. As you know, this effort was raised in the President's Fiscal Year 1985 Budget request as a measure that could result in substantial cost savings to the Federal government, without diminution of the quality of the Job Corps program.

The recent series of meetings that have been held on this matter between members of our respective staffs have been constructive and enlightening. The meetings, which focused mainly on the Department of Labor's analysis of costs at the contractor-operated centers as compared to the costs at the Department of Agriculture's centers, have not, however, yielded a clear and conclusive assessment as to the gains in cost-effectiveness that would result from contracting out the Federally staffed centers.

While there is no general disagreement that the costs of the Civilian Conservation centers run substantially higher than the contractor-operated centers, there are questions concerning the reasons for the cost differentials. It has been argued, for example, that food costs at the Civilian Conservation centers are higher than at contractor-operated centers owing to their remote locations. On the other hand, it has been argued that the remoteness of these locations should also result in lower costs on account of reduced requirements for security staff. These issues, and many similar ones, have led us to conclude that the body of data now available to us is not adequate to arrive at a reasonably accurate determination of the cost savings that can be achieved.

We believe that the procedures found in OMB Circular A-76 will yield the types of data necessary to assess whether the costs of the Civilian Conservation centers can be made competitive with other Job Corps facilities, or at least reduced substantially. This Circular, as you know, establishes specific procedures and requirements to be followed by Federal agencies to determine whether certain activities and functions currently performed by Federal employees should, on the basis of cost considerations, be carried out by private contractors instead. In most cases, including the case at hand, these determinations are to be reached through a process whereby the Federal agency participates in a competitive bidding process with interested private sector firms.

After consulting with officials in OMB, we have established that the policies and procedures set forth in OMB Circular A-76 are directly applicable to the Job Corps centers operated by the Department of Agriculture. By simple virtue of the fact that 77 Job Corps centers are now being operated by contractors, there is no doubt that all centers must be regarded as potential "commercial activities" falling within the purview of the circular.

With regard to implementing the procedures found in A-76, it appears that the Department of Labor should take the lead in managing the process. This role is appropriate for the Department of Labor according to section B.1.a. in chapter 3 of circular supplement, part 1, which says in pertinent part:

"The agency requiring the product or service shall use the procurement process to establish commercial prices. The prospective providing agency shall furnish the requesting agency a firm price for the product or service which will then be compared by the requesting agency to the commercial price. A contract shall be awarded if the commercial price is more economical."

As is evident from the passage quoted above, it will be the Department of Labor's responsibility to establish the commercial price for operation of each center through the competitive procurement process. At the same time, we will ask you to prepare an in-house estimate for each of these centers. If the cost comparison prescribed by A-76 results in a determination that the best commercial offer for a center is more economical than the Federal department's estimate, then that center will be converted to contractor operation. Otherwise, the center will continue to be operated by the Department of Agriculture, assuming a continued interest in doing so.

Because the implementation of A-76 has several complex and highly technical aspects, I am proposing the formation of a task force that would assist the Job Corps Director, Mr. Peter Rell, in the development of a detailed plan and schedule for carrying the process to a successful and timely conclusion. Ideally, the task force would include representatives from the Departments of Agriculture, Interior, and Labor who, as a group, possess knowledge and expertise in A-76 procedures and Job Corps program administration. If at all possible, I would like the task force to convene by late August.

If you agree, I would appreciate it if you would identify the individuals who would be available to represent your Department on the task force. Please ask your staff to contact Peter E. Rell, Director, Office of Job Corps, with this information. I am, of course, available to discuss this initiative with you at any time.

Sincerely,

PATRICK J. O'KEEFE,
Deputy Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR,
Washington, DC, April 13, 1984.

MR. DICK HITE,
Acting Assistant Secretary for Policy, Budget and Administration, U.S. Department of Interior, Washington, DC.

DEAR MR. HITE: The President's 1985 budget request for the Employment and Training Administration calls for a number of specific cost reductions in the Job Corps program to maintain current service levels. One of the measures included in the Fiscal Year 1985 budget involves reducing the cost of the civilian conservation centers to make them competitive with the contractor-operated centers.

I want to assure you that it is not our intent through this action to remove all responsibility for Job Corps centers located on Federal lands from the Department of Interior. We have a close, longstanding relationship with you through the operation of the program, and we want to maintain that relationship. Where the day-to day operation of the centers is contracted out, we envision that some Federal staff from the Department of Interior will need to be retained onsite for general oversight, management of

vocational skills training projects on public lands, ensuring that the utilization of public lands and facilities is appropriate and that the program makes the maximum feasible contribution to enhance your Department's overall mission.

Since full implementation of competitive operations must occur by July 1, 1985, to realize the savings incorporated in the President's budget, we need to begin developing detailed plans and timeframes as soon as possible to give us sufficient lead time for the procurement process, a transition period, and Federal staff phaseout. I would appreciate it if you would have your staff contact the Director of Job Corps, Peter E. Rell, by April 20, 1984, to prepare jointly a phaseout/phasein schedule.

Sincerely,

PATRICK J. O'KEEFE,
Deputy Assistant Secretary of Labor.

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

Mr. WILLIAMS of Montana. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, as the distinguished gentleman in the well has pointed out to Members of the House, at the time the regular bill for fiscal year 1985 for the Departments of Labor, Health and Human Services, and Education was brought to the House for final passage, our late friend Carl Perkins, asked that I yield to him so we could have a colloquy in regard to this same matter.

Mr. Chairman, we still miss Carl Perkins.

The inquiry was as to whether or not it was the intent of our committee that these Job Corps centers that were now being operated properly, very efficiently, should be contracted out.

We said, Mr. Chairman, it was not the intent of our committee. We did not approve of it and we believed that the Education and Labor Committee, that has jurisdiction over the Job Corps program should have the final say as to this particular matter.

That was our statement then, Mr. Chairman. We thought we were right. Mr. Chairman, that is our statement today.

I say, Mr. Chairman, during our hearings—my distinguished friend from Massachusetts [Mr. CONTE] will agree with this—the Secretary of Labor comes before our committee. He spends a day, a day and half. We always find him very cooperative, Mr. Chairman, very cooperative. We have no trouble getting along with this gentleman. I think he has done a good job.

He is wrong in this instance, Mr. Chairman, or at least his people are wrong. The distinguished gentleman in the well from Montana is right. The chairman of the Education and Labor Committee, the new chairman, the gentleman from California [Mr. HAWKINS] is right. The amendment of the gentleman in the well should be adopted.

Mr. WILLIAMS of Montana. I appreciate the support and the kind words of the gentleman from Kentucky.

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

Mr. WILLIAMS of Montana. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Let me ask the gentleman in the well this question. Could the gentleman tell me if this amendment, if adopted would prohibit A-76 review from going forward?

Mr. WILLIAMS of Montana. I say to my friend from Massachusetts that it would not permit the A-76 process from continuing. The A-76 process, as the gentleman knows, is a study process. It is not an implementation process.

What the Departments are doing in this instance, my friend and my colleagues need to understand, is in effect bypassing the A-76 process and going straight to implementation.

We are asking them to cease and desist that.

Mr. CONTE. One other question, because we did have that colloquy on the floor.

I agree with my good friend from Kentucky, we all miss Carl Perkins very greatly.

When we had that colloquy on the floor on August 1, Mr. Perkins was talking about whether centers would be totally contracted out. We said no, that was not our intent.

Its that what the gentleman is driving at?

Mr. WILLIAMS of Montana. That is the clear purpose of my amendment. If my amendment were implemented it would prevent a situation where all of the centers would have been contracted out privately.

Mr. CONTE. Would the gentleman support any cost-saving measures to reduce the cost of the Civilian Conservation centers?

Mr. WILLIAMS of Montana. Would the gentleman restate his question.

Mr. CONTE. Would the gentleman support any cost-saving measures to reduce the cost of the Civilian Conservation centers?

Mr. WILLIAMS of Montana. The Departments estimate that perhaps as much $20 million can be saved in Job Corps centers through cost-saving measures. I agree that that effort should be made and I am hopeful that the conference committee will agree to a figure that will find that.

However, the administration also estimates that in addition to that $20 million, perhaps another $10 or $12 million can be saved by contracting out these centers. That is disputable and I am, of course, hopeful that the conference committee rejects that part of the savings.

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

Mr. WILLIAMS of Montana. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Reluctantly, I think that the gentleman has posed the issue in this particular bill in his statement that part of the cost-saving measures that are built into the recommendations by the Labor Department have to do with contracting out to private firms a job that now is being more costly conducted by others. If those of us who wish to do something about deficits really know what this is about, we would have to reluctantly oppose the gentleman's amendment. Is that not correct? Is it not so that on plain logic the cost now per individual trainee under the Job Corps would be sufficiently reduced if under the Labor Department's recommendations part of these centers would be given out to private contractors; is that correct?

Mr. WILLIAMS of Montana. There is a surmise on the part of the Department of Labor that perhaps there can be $12 million in savings if all of the Job Corps centers are contracted out privately.

□ 1520

The assumption is not based on an A-76 study. The assumption is based more on thrusting a wet finger into the wind. There is no demonstration of fact that that $12 million can be saved by contracting out these centers.

Now, let me make one other important point to the gentleman. There is an increasing notion in this country that private business can conduct the public's business better than the public can conduct it itself. And that is what part of the privatization of Government is all about, whether it is leasing the Navy, selling the weather satellites, or selling what is called the Crazy Mountains in Montana. The notion is that private business can do it better. But the hard fact is that in some agencies of Government, and in this particular instance, in some Job Corps centers, we have demonstrated for 20 years that private business cannot do as well in these centers as can the public. Now, is the public going to break even in the cost of running these centers? No; these centers happen to be expensive. Some of them are heavy-equipment-operated centers in the Forest Service. The cost per student participant is higher. But so is the job-placement record and the job-retention record. And it is the opinion of many of us that these few remaining Job Corps centers which the public has found it is best to run themselves, even though they are slightly more expensive per student, should continue to be run by the public and not run for

the purpose of making a profit at the student's expense.

Mr. GEKAS. If the gentleman will yield, I believe the gentleman is mistaken, but I appreciate the strength of his remarks.

I reluctantly must oppose this legislation.

Mr. WILLIAMS of Montana. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is any Member opposed to the amendment?

Mr. GEKAS. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I intimated through the colloquy I had with the gentleman from Montana, he seems to be, in offering this amendment, taking the position that in this particular amendment we want to issue a job protection policy for the current employee factions who are conducting or operating the centers, and I appreciate that. But we also have a duty as we proceed on the various appropriations before us to consider the deficit, that overwhelming deficit that is on the tongue of every American citizen these days.

If there is one thing that has been proved over the years to work to the benefit of the American taxpayer, it is to allow private contractors where possible to bid for projects to serve the public sector and what the Congress has mandated and thereby to preserve for the taxpayers the possibility that the lowest possible expense will be incurred in providing certain services. This, to me, is the classic example of how that theme can work. Here we have nothing to lose if we simply allow that process to go on, to allow one of these centers or two of these centers or all of them, if necessary, but not to prohibit any of them from doing so, of seeing whether or not a private contracting firm, with a package to be approved by the Labor Department, with all of the safeguards intact, to see whether or not we can reduce the per capita cost for the training that has to go into the projects for all these centers.

I must reluctantly reaffirm my opposition to this measure and to give it a chance to work. Why not see whether or not contracting out, with all the safeguards of bidding to be in place, whether or not the hardpressed taxpayer, at least in this instance, with all of the other spending that we are about in this Hall of the House of Representatives, whether or not it can result in some savings for the taxpayers and in some signal that we are interested in reducing, or preventing the escalation, at least, of the deficit.

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

Mr. WILLIAMS of Montana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would tell my colleagues that this legislation has been referred to as perhaps a job protection effort for current employees of the Job Corps centers. That is not so. I have no difficulty with allowing the studies to continue which would determine whether or not all or part of the Job Corps centers should be subcontracted out. I have no problem with that. I only have a problem with this slam-dunk arrangement of the administration to go ahead and contract out every last Job Corps center, even though we now have a cooperative, coordinated, 20-year-long working arrangement between private contractors and the publicly administered Job Corps centers.

This is certainly not an amendment that is supported by big spenders wishing to break the budget. I tell my friend who opposes the amendment that this amendment has been adopted in the Senate. Just last week they put this amendment on their bill. They want to stop this headlong effort to let the last of the Job Corps centers escape the public purview.

The hard fact is that for 25 years now the Job Corps centers in America have proven themselves to be among if not the most successful job training effort in this country. The cooperative effort that we have between private and public contractors works, and we should not allow the Department of Labor to go ahead and tinker with something that just is not broken.

Mr. AuCOIN. Mr. Chairman, I rise in strong support of the amendment offered by Mr. WILLIAMS to prevent the Department of Labor from taking action that would seriously damage the civilian conservation centers of the Job Corps.

The Federal Government operates 30 civilian conservation centers in our national forests and parks. Over the years, the centers have proven themselves to be among the most effective Federal programs for meeting the needs of economically disadvantaged youths in this country. The centers give these young people a chance to learn jobs skills and—for the first time for many—give them adequate housing and a nutritional diet.

Like other Federal programs the Job Corps has suffered its share of budget cuts over the past 4 years: training programs have been trimmed and fewer people are being served. But today the centers face a new challenge. The Department of Labor, in direct opposition to Congress, has decided to contract out administration of the centers to private firms. In other words, the Department of Labor is preparing to hand over the centers to the lowest bidder.

Mr. Chairman, if something isn't broke, don't fix it. It doesn't make sense to sacrifice an effective Federal program that benefits the economy in the long run to save a couple of dollars in the short run. I say this as someone who has been a consistent critic of wasteful Federal spending, as someone who voted for an across the board spending freeze this year.

And I say this as someone who has had the opportunity to see, first hand, how well the civilian conservation centers work.

The Angel Job Corps Conservation Center, one of the 30 Federal centers, is located in Yachats, OR, in my congressional district. Yachats, a small community of 500 on the Oregon coast, is still reeling from the devastating recession of the past 4 years. Unemployment in the community is well above the national average. Traditional industries in the area such as fishing and timber are still depressed.

The Angel Conservation Center and the community of Yachats are joining together to meet these economic challenges.

The Director of the Center and the 50 members of the staff, who have been at the Center an average of 10 years, have worked to share the benefits of the Center with the community. The young people involved in the Center's chefs training program invite the citizens of Yachats to the Center for meals and, until recently, provided free meals for people down on their luck. The community is allowed free use of the Center's facilities for a variety of local activities and gatherings.

Every year the Center invites the citizens of Yachats to a Christmas dinner. And every year the cooking classes donate their time and expertise to the annual Yachats fish fry.

The Center's carpentry program has provided the labor to build an extension to the Waldport and Alsea Ranger offices and has helped to remodel the facilities of several nonprofit community organizations. In addition, the Center has donated labor to help the local Yachats Lions Club build a new library.

As Carl Shelley, member of the Yachats City Council, remarked: "I've never heard anyone say a bad word about the Center."

It is precisely this type of interaction that makes the Angel Center so successful—teaching marketable skills to the young people going through the program while helping to maintain the quality of life in the surrounding community. Unfortunately, it is precisely that sort of interaction that will be lost if the Department of Labor is allowed to go through with its plans to contract the activities of the Center to an outside firm. Contracting out means higher staff turnover and less coordination with local organizations.

Mr. Chairman, Congress has twice told the Department of Labor not to contract out the civilian conservation centers. Apparently, however, the unelected bureaucrats in the Department of Labor seem to think that they have the right to substitute their judgment for the will of Congress.

I say no, and I urge my colleagues to vote for the Williams amendment to insure the future of the civilian conservation centers.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

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

Mr. GEKAS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 414]

Ackerman	Burton (CA)	Fowdy
Addabbo	Burton (IN)	Downey
Akaka	Byron	Dreier
Albosta	Campbell	Duncan
Anderson	Carney	Durbin
Andrews (NC)	Carper	Dwyer
Andrews (TX)	Carr	Dymally
Annunzio	Chandler	Dyson
Anthony	Chappell	Early
Applegate	Chappie	Eckart
Archer	Clarke	Edgar
Aspin	Clay	Edwards (AL)
AuCoin	Clinger	Edwards (CA)
Badham	Coats	Edwards (OK)
Barnard	Coelho	Emerson
Barnes	Coleman (MO)	English
Bartlett	Coleman (TX)	Erdreich
Bateman	Collins	Erlenborn
Bates	Conable	Evans (IA)
Bedell	Conte	Evans (IL)
Beilenson	Cooper	Fascell
Bennett	Coughlin	Fazio
Berman	Courter	Feighan
Bevill	Coyne	Fiedler
Biaggi	Craig	Fields
Bilirakis	Crane, Daniel	Fish
Bliley	Crane, Philip	Flippo
Boehlert	Crockett	Florio
Boland	Daniel	Foglietta
Boner	Dannemeyer	Foley
Bonior	Darden	Ford (MI)
Bonker	Daschle	Fowler
Borski	Daub	Frank
Bosco	Davis	Frenzel
Boucher	de la Garza	Frost
Boxer	Dellums	Fuqua
Breaux	Derrick	Garcia
Britt	DeWine	Gaydos
Brooks	Dickinson	Gejdenson
Broomfield	Dicks	Gekas
Brown (CA)	Dingell	Gephardt
Brown (CO)	Dixon	Gibbons
Broyhill	Donnelly	Gilman
Bryant	Dorgan	Gingrich
Glickman	Marriott	Russo
Gonzalez	Martin (IL)	Sabo
Goodling	Martin (NY)	Sawyer
Gore	Martinez	Schaefer
Gradison	Matsui	Schneider
Gray	Mavroules	Schroeder
Green	Mazzoli	Schumer
Gregg	McCain	Seiberling
Guarini	McCandless	Sensenbrenner
Gunderson	McCloskey	Shannon
Hall (OH)	McCurdy	Sharp
Hall, Ralph	McDade	Shaw
Hall, Sam	McEwen	Shelby
Hamilton	McHugh	Shumway
Hance	McKernan	Sikorski
Hansen (ID)	McKinney	Siljander
Hansen (UT)	McNulty	Sisisky
Harkin	Mica	Skeen
Hartnett	Mikulski	Skelton
Hawkins	Miller (CA)	Slattery
Hayes	Miller (OH)	Smith (FL)
Hefner	Mineta	Smith (IA)
Heftel	Minish	Smith (NE)
Hertel	Mitchell	Smith (NJ)
Hightower	Moakley	Smith, Denny
Hiler	Molinari	Smith, Robert
Hillis	Mollohan	Snowe
Holt	Montgomery	Snyder
Hopkins	Moody	Solarz
Horton	Moore	Solomon
Howard	Moorhead	Spence
Hoyer	Morrison (CT)	Spratt
Hubbard	Morrison (WA)	St Germain
Huckaby	Mrazek	Staggers
Hughes	Murphy	Stangeland
Hutto	Murtha	Stenholm
Hyde	Myers	Stokes
Ireland	Natcher	Stratton
Jacobs	Neal	Studds
Jeffords	Nelson	Stump
Jenkins	Nichols	Sundquist
Johnson	Nielson	Swift
Jones (NC)	Nowak	Synar
Jones (OK)	O'Brien	Tallon
Jones (TN)	Oakar	Tauke
Kaptur	Oberstar	Tauzin
Kasich	Obey	Taylor
Kastenmeier	Olin	Thomas (CA)
Kazen	Ortiz	Thomas (GA)
Kemp	Ottinger	Torres
Kennelly	Owens	Torricelli
Kildee	Oxley	Towns
Kindness	Packard	Traxler
Kleczka	Panetta	Udall
Kogovsek	Parris	Valentine
Kolter	Pashayan	Vander Jagt
Kostmayer	Patman	Vandergriff
Kramer	Patterson	Vento
LaFalce	Paul	Volkmer
Lagomarsino	Pease	Vucanovich
Lantos	Penny	Walgren
Latta	Petri	Walker
Leach	Pickle	Watkins
Leath	Porter	Waxman
Lehman (CA)	Price	Weaver
Lehman (FL)	Pritchard	Wheat
Lent	Pursell	Whitehurst
Levin	Quillen	Whitley
Levitas	Rahall	Whittaker
Lewis (CA)	Rangel	Whitten
Lewis (FL)	Ratchford	Williams (MT)
Lipinski	Regula	Wilson
Livingston	Reid	Winn
Lloyd	Richardson	Wirth
Loeffler	Rinaldo	Wise
Long (LA)	Roberts	Wolf
Long (MD)	Robinson	Wolpe
Lott	Rodino	Wortley
Lowery (CA)	Roe	Wright
Lowry (WA)	Roemer	Wyden
Lujan	Rogers	Wylie
Luken	Rose	Yates
Lundine	Rostenkowski	Yatron
Lungren	Roth	Young (AK)
Mack	Roukema	Young (FL)
MacKay	Rowland	Young (MO)
Madigan	Roybal	Zschau
Markey	Rudd	

□ 1540

The CHAIRMAN. Three hundred ninety-five Members have recorded their presence, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. GEKAS] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 162, not voting 28, as follows:

[Roll No. 415]

AYES—242

Ackerman	Frank	Oakar
Addabbo	Frost	Oberstar
Akaka	Garcia	Obey
Albosta	Gaydos	Olin
Anderson	Gejdenson	Ortiz
Andrews (NC)	Gephardt	Ottinger
Andrews (TX)	Gilman	Owens
Annunzio	Glickman	Panetta
Anthony	Gonzalez	Pashayan
Applegate	Goodling	Patterson
Aspin	Gore	Pease
AuCoin	Gray	Penny
Barnes	Guarini	Pickle
Bates	Hall (OH)	Price
Bedell	Hall, Ralph	Pritchard
Beilenson	Hall, Sam	Quillen
Bennett	Hamilton	Rahall
Bereuter	Hance	Rangel
Berman	Harkin	Ratchford
Bevill	Hartnett	Reid
Biaggi	Hawkins	Richardson
Boehlert	Hayes	Rinaldo
Boland	Hefner	Rodino
Boner	Heftel	Roe
Bonior	Hertel	Rogers
Bonker	Hightower	Rose
Borski	Holt	Rostenkowski
Bosco	Horton	Rowland
Boucher	Howard	Roybal
Boxer	Hoyer	Russo
Britt	Hubbard	Sabo
Brooks	Hughes	Scheuer
Brown (CA)	Hutto	Schneider
Bryant	Jacobs	Schroeder
Burton (CA)	Jones (NC)	Schumer
Byron	Jones (TN)	Seiberling
Carr	Kaptur	Shannon
Chandler	Kastenmeier	Sharp
Clarke	Kennelly	Shuster
Clay	Kildee	Sikorski
Coelho	Kleczka	Sisisky
Coleman (TX)	Kogovsek	Skelton
Collins	Kolter	Slattery
Conyers	Kostmayer	Smith (FL)
Cooper	LaFalce	Smith (IA)
Coyne	Lantos	Smith (NJ)
Craig	Leath	Solarz
Crockett	Lehman (CA)	Spratt
Daschle	Lehman (FL)	St Germain
Davis	Levin	Staggers
de la Garza	Levine	Stark
Dellums	Lipinski	Stokes
Dicks	Long (LA)	Studds
Dingell	Lowry (WA)	Swift
Dixon	Luken	Thomas (GA)
Donnelly	MacKay	Torres
Dorgan	Markey	Torricelli
Dowdy	Martinez	Towns
Downey	Matsui	Traxler
Duncan	Mavroules	Udall
Durbin	McCloskey	Vandergriff
Dwyer	McCurdy	Vento
Dymally	McDade	Volkmer
Dyson	McHugh	Walgren
Eckart	McNulty	Waxman
Edgar	Mikulski	Weaver
Edwards (CA)	Miller (CA)	Weiss
Emerson	Mineta	Wheat
Erdreich	Minish	Whitley
Evans (IL)	Mitchell	Whitten
Fascell	Moakley	Williams (MT)
Fazio	Mollohan	Wilson
Feighan	Morrison (CT)	Wirth
Fish	Morrison (WA)	Wise
Flippo	Mrazek	Wolpe
Florio	Murphy	Wright
Foglietta	Murtha	Wyden
Foley	Natcher	Yates
Ford (MI)	Neal	Yatron
Ford (TN)	Nichols	Young (MO)
Fowler	Nowak	

NOES—162

Archer	Hillis	Paul
Badham	Hopkins	Petri
Barnard	Huckaby	Porter
Bartlett	Hyde	Pursell
Bateman	Ireland	Ray
Bilirakis	Jeffords	Regula
Bliley	Jenkins	Ridge
Breaux	Johnson	Roberts
Broomfield	Jones (OK)	Robinson
Brown (CO)	Kasich	Roemer
Broyhill	Kazen	Roth
Burton (IN)	Kemp	Roukema
Campbell	Kindness	Rudd
Carney	Kramer	Sawyer
Carper	Lagomarsino	Schaefer
Chappell	Latta	Sensenbrenner
Chappie	Leach	Shaw
Clinger	Lent	Shelby
Coats	Levitas	Shumway
Coleman (MO)	Lewis (CA)	Siljander
Conable	Lewis (FL)	Skeen
Conte	Livingston	Smith (NE)
Coughlin	Lloyd	Smith, Denny
Courter	Loeffler	Smith, Robert
Crane, Daniel	Long (MD)	Snowe
Crane, Philip	Lott	Snyder
Daniel	Lowery (CA)	Solomon
Dannemeyer	Lujan	Spence
Darden	Lundine	Stangeland
Daub	Lungren	Stenholm
Derrick	Mack	Stratton
DeWine	Madigan	Stump
Dickinson	Marriott	Sundquist
Dreier	Martin (IL)	Synar
Early	Martin (NY)	Tallon
Edwards (AL)	Mazzoli	Tauke
Edwards (OK)	McCain	Tauzin
English	McCandless	Taylor
Erlenborn	McEwen	Thomas (CA)
Evans (IA)	McKernan	Valentine
Fiedler	McKinney	Vander Jagt
Fields	Miller (OH)	Vucanovich
Frenzel	Molinari	Walker
Fuqua	Montgomery	Watkins
Gekas	Moore	Weber
Gibbons	Moorhead	Whitehurst
Gingrich	Myers	Whittaker
Gradison	Nelson	Winn
Green	Nielson	Wolf
Gregg	O'Brien	Wortley
Gunderson	Oxley	Wylie
Hansen (ID)	Packard	Young (AK)
Hansen (UT)	Parris	Young (FL)
Hiler	Patman	Zschau

NOT VOTING—28

Alexander	Hammerschmidt	Michel
Bethune	Harrison	Moody
Boggs	Hatcher	Pepper
Cheney	Hunter	Ritter
Corcoran	Leland	Savage
D'Amours	Marlenee	Schulze
Ferraro	Martin (NC)	Simon
Franklin	McCollum	Williams (OH)
Gramm	McGrath	
Hall (IN)	Mica	

□ 1550

Mr. GILMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Chairman, I offer an amendment which is made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DIXON: At the end of the resolution, add the following new section:

SEC. . (a)(1) 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.".

(2) 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.".

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

(4) 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.".

(5) 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.".

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

(7) 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".

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

(9) The amendments made by this subsection 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 this joint resolution, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

(b) 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 circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(c) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended 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.".

(d) Section 102 of this joint resolution shall not apply with respect to the amendments made by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from California [Mr. DIXON] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

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

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer to House Joint Resolution 648, is the text of H.R. 3932, a bill which passed the House of Representatives on October 4, 1984. That bill—and this amendment—modify Public Law 93-198, approved December 24, 1973, the District of Columbia Self-Government and Governmental Reorganization Act and brings it into compliance with the Supreme Court decision in the case INS against Chadha. Specifically, the amendment addresses the Court's strict interpretation of the principles of bicameralism and presentment, and provides that the Home Rule Act conform to that standard.

Mr. Chairman, the Home Rule Act includes three congressional veto provisions which do not meet the Supreme Court test.

First, amendments to the DC Charter are required to be approved affirmatively by concurrent resolution of both Houses of Congress.

Second, acts passed by the Council of the District of Columbia and approved by the Mayor are subject to resolutions of disapproval by one or both Houses; however, criminal code legislation need only be disapproved by one House.

Third, the statute gives Congress authority to control by resolution the President's exercise of emergency authority over the Metropolitan Police Force.

Of these three provisions, only the second has ever been used by Congress. In using its power, Congress has exercised its veto over acts of the District government only twice. More than 700 laws have been enacted by the city since home rule. But the law must be changed to comply with the Court's decision.

In the Chadha decision, the Supreme Court concluded that article 1, section 7, of the Constitution, which requires that bills be passed by both Houses of Congress and be presented to the President for signature, had not been complied with when the veto mechanism was used. Since disapproved District of Columbia legislation is not presented to the President, presumably it violates the requirements of article 1. Because the strict interpretation requires that the dual test of bicameralism and presentment be met, remedial legislation was introduced.

H.R. 3932 and its companion piece in the Senate, S. 1858 would bring each of the veto provisions of the Home Rule Act into conformity with the Chadha decision by altering the form of congressional action from concurrent resolution to that of a joint resolution of disapproval. Like laws, joint resolutions must be passed by both Houses and presented to the President for signature. This process would satisfy the procedural requirements of article 1.

The application of Chadha to home rule raises a number of troubling problems. The city has been unable to take certain financial actions which have been planned for some time. The city's bond counsel will not give the District an unqualified opinion on various bonds, thereby precluding the city from going to the bond market. Also, litigants are using the decision as an argument in attacks on city criminal laws enacted since home rule.

Efforts to pass remedial legislation seem to be at an impasse. H.R. 3932 was passed by the House of Representatives at the end of the first session of the 98th Congress. However, S. 1858, although reported from the Committee on Governmental Affairs, is still pending before the Senate.

It is imperative, Mr. Chairman, given the potential danger not only to the city's financial capabilities but to the District government itself, to have legislation remedying this problem enacted into law.

Mr. Chairman, I ask the Members of this House to support this important amendment.

I include, immediately following these remarks, a section-by-section analysis of the amendment:

SECTION-BY-SECTION ANALYSIS

SECTION 1

(a) Charter Amending Procedures.—Amends Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act (Home Rule Act) to require the enactment into law of a joint resolution in order to disapprove an amendment to the charter which has been ratified by the registered qualified electors. Provides that if such a joint resolution is passed by Congress and sent to the President within the existing 35 calendar day time period permitted for such action, but signed into law after the expiration of such time period, the proposed charter amendment shall be deemed repealed as of the date such resolution becomes law.

(b) Limitations on the Council.—Amends Section 602(c)(1) of the Home Rule Act to require the enactment into law of a joint resolution in order to disapprove routine acts of the Council. Provides that if such joint resolution is passed by Congress and sent to the President within the existing 30 calendar day period (exclusive of certain specified days) provided such action, but signed into law after the expiration of such time period, the proposed act of the council shall be deemed repealed as of the date such resolution becomes law.

(c) Limitations on the Council.—Technical amendment to Section 602(c)(1) of the Home Rule Act which changes the word "concurrent" to "joint".

(d) Limitations on the Council.—Amends Section 602(c)(2) of the Home Rule Act to require the enactment into law of a joint resolution in order to disapprove an act of the Council codified in titles 22, 23, or 24 of the District of Columbia Code. Provides that if such joint resolution is passed by Congress and sent to the President within the existing 30-day period provided for such action, but signed into law after the expiration of such time period, the proposed act of the Council shall be deemed repealed as of the date such resolution becomes law.

(e) Limitations on the Council.—Technical amendment to Section 602(c)(2) of the Home Rule Act which clarifies the requirement for joint resolutions of disapproval rather than simple resolutions with respect to acts of the Council codified in titles 22, 23 or 24 of the District of Columbia Code.

(f) Congressional Action on Certain Matters.—Amends Section 604(b) of the Home Rule Act by substituting the word "joint" for "concurrent" in the existing language outlining the procedures by which resolutions of disapproval are considered by Congress.

(g) Emergency Control of Police.—Amends Section 740 (b) and (c) of the Home Rule Act to require a joint resolution of Congress in order to terminate the existence of a state of emergency under which the President of the United States is empowered to require the use of the Metropolitan Police force for Federal purposes.

(h) Emergency Control of Police.—Amends Section 740(d) of the Home Rule Act to require enactment of a joint resolution in order to permit emergency use of local police by the President for a period in excess of 30 days.

(i) Effective Dates.—Provides that the amendments made by Section 1 of the bill shall apply to laws passed by the Council of the District of Columbia after the date of enactment of bill, and provides that all laws passed by the Council prior to the date of enactment of the bill are deemed valid. "Deemed valid" is interpreted as meaning that the Congress intends all laws which were enacted by the Council of the District of Columbia and which became effective prior to the effective date of H.R. 3932 are ratified by the Congress.

SECTION 2

This section of the bill adds a severability clause to the Home Rule Act as a new Section 762.

SECTION 3

Section 3 amends Section 164(a)(3) of the District of Columbia Retirement Reform Act by requiring enactment of a joint resolution in order for Congress to reject an annual report of the District of Columbia Retirement Board and exercise existing options to correct or resubmit any such report found deficient.

The CHAIRMAN. Is there a Member desiring to speak in opposition to the amendment offered by the gentleman from California [Mr. DIXON]?

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

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

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment offered by the gentleman from California [Mr. DIXON].

As Chairman DIXON explained, this amendment is designed to remove the cloud created by the Supreme Court's Chadha decision concerning the legislative veto. Since several provisions of the District of Columbia Home Rule Act are considered by some as unconstitutional, many District statutes and

authority are surrounded by a cloud of uncertaintly.

Specifically, the District has been unable to secure an "unqualified" legal opinion from bond counsel. This opinion is necessary to enter the municipal bond market with a reasonable rating. The absence of an unqualified legal opinion would make any bond issued by the city effectively unmarketable; no one would buy the bonds.

Currently, the District borrows from the Federal Treasury with interest. In fact, the administration listed the appropriation of $155 million in Federal loans to the District of Columbia as an objectionable provision in the House passed bill (H.R. 5899). On September 17, 1984, the "young slasher" wrote that "The District was to start borrowing in 1984 from the private sector and receive all of its capital funds from the private sector in 1985". However, administration objections to this reform have prevented the District from entering the private bond market.

The lack of authority to issue bonds also affects private organizations in the District of Columbia. Georgetown University, for example, has $65 million in tax exempt bonds pending before the District for approval. Until legislation is enacted clarifying the Chadha problem, the city will be unable to issue bonds.

I urge my colleagues to support this amendment.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment which seeks to remove the cloud created by the U.S. Supreme Court's decision in the Chadha case in so far 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 struck 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 a 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 D.C. Home Rule Act from the taint of Chadha.

All DC laws passed since home rule stand in a shadow of doubt which has prompted a proliferation of lawsuits. The District is unable to access the private bond market and must continue to borrow long term from the Federal Treasury, a state of affairs which is both expensive and unwanted by the District as well as the Federal Government. Some criminal cases are not being prosecuted because of the Chadha cloud over District laws, and the situation promises to get worse unless legislative action is taken to excise the District from the taint of Chadha. The future bodes even more nightmarish scenarios. So long as Chadha stands unchallenged by legislative intervention, the District will be a manacled government. Beginning in fiscal year 1984 and beyond, the District will have no source of long- or short-term financing. While the District has been working diligently to get itself into the municipal bond market, in the wake of Chadha, it cannot secure an "unqualified" legal opinion from bond counsel. At the same time, the Federal Government will no longer provide either bridge loans or capital improvement loans to the District.

Mr. Chairman, this standoff is more than a battle of wills. For the nearly three-quarters of a million taxpaying citizens of the District of Columbia, it is a bread-and-butter issue. More than 300 capital improvement projects are threatened, including school, health and housing projects. The new municipal office building cannot be completed if the Congress does nothing. The same is true of the District's crosstown water main project—a project incidentally which also affects the water delivery system to Federal buildings. In short, if Congress does nothing, beginning October 1, 1984, there will be no source for the $150 million short-term borrowing and the $155 million long-term borrowing that the District Government has relied upon each year to function. It is a situation, in my view, which cannot be tolerated.

Because of the weight of opinion that Chadha affected the District and because of the unique and troublesome burdens the decision presented, the Committee on the District of Columbia acted quickly to provide legislative relief. We passed, and the House ultimately passed, H.R. 3932, a straightforward proposal containing basically technical amendments to the DC Home Rule Act, designed to conform to the mandate of Chadha.

The amendment before us, identical to H.R. 3932, is 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 DC Government. It is, however, urgently needed.

Mr. Chairman, the basic thrust of the amendment is simple. In each instance in the DC 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 the amendment, is changed to a requirement of joint resolution. At section 602(c)(1), the provision allowing for congressional rejection of the DC 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 DC 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 DC Metropolitan Police Force, is changed in the amendment 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 DC Retirement Reform Act which allows the Congress to reject a report of the Retirement Board by simple resolution, is changed to joint resolution.

The amendment makes laws passed by the DC 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. Chairman, this amendment 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. Chairman, I urge the House to support the amendment, an urgent matter for the Disctict of Columbia—a bill which does not impede or impair congressional oversight of DC Government action. There are nearly 700,000 Americans who pay taxes, who fight and die in our wars, and who shoulder all the burdens of citizenship—who are, this day, relying upon this House to carry the torch for them.

Thank you.●

● Mr. FRENZEL. Mr. Chairman, I support the Dixon amendment.

The amendment seems straightforward to me. It simply allows the government of the District of Columbia to issue bonds. Under the Chadha U.S. Supreme Court decision, the District of Columbia is foreclosed from offering bonds for construction. The only exception is the DC Housing Authority.

My judgment is that the District of Columbia ought to be able to run its own government. This amendment seems fair and necessary.

I am, of course, concerned about the advantage the District has under the Deficit Reduction Act provisions on tax-free bonds. Because of the per capita limitation on issuing authority, the District fares well. Moreover, because of the specific exclusion granted by the DRA to the DC Housing Authority, the District government does have an advantage not afforded other municipalities.

If there is a problem with bond limitations, then the proper place to make reforms is in the tax law, not in limiting DC's authority.

I also note that this year's DC appropriations contains a line item for $155 million for Federal payment to make up for the District's inability to issue bonds. I would hope that if this amendment is approved, we will see prompt recission of those funds.

I commend the chairman of the District of Columbia Committee, Mr. DELLUMS, and the chairman of the District of Columbia Appropriations Subcommittee, Mr. DIXON, for their diligent work on this matter.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FASCELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment offered by Mr. FASCELL: At the end of the resolution, add the following:

SEC. . (a) The provisions of the bill H.R. 5119 (98th Congress), as passed the House of Representatives on May 10, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section.

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Florida [Mr. FASCELL] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has already passed the House on May 10 and this simply gives us an opportunity to enact an authorization bill.

I will say to my colleagues, we will not hold up the conference. If we have not delivered a package on the conferenceable items by the time the Committee on Appropriations is ready to rise on the continuing resolution, they can drop this amendment and come home.

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

Mr. FASCELL. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by my friend, the distinguished chairman of the House Foreign Affairs Committee, to incorporate the text of H.R. 5119, as passed by the House on May 10, into this continuing resolution.

While I support the amendment, I regret that this action is necessary to protect the authorization process. Unfortunately, the other body has not seen fit to act on this important issue.

H.R. 5119, the foreign assistance authorization for fiscal year 1985, already approved by the House, contains a number of important legislative provisions. In particular, the text of that bill, the pending Fascell amendment, includes authorizations for critical Central American aid programs. It also contains a provision to provide Greece fair, proportional access to concessional foreign military sales [FMS] financing in the same ratio as Turkey receives in its total FMS financing package.

I oppose the inclusion in the continuing resolution of the complete foreign aid appropriations bill (H.R. 6237), without giving the House a chance to work its will on individual amendments.

Even now, the rule under which the continuing resolution is being considered does not permit me to offer an amendment to the foreign aid appropriations provisions of the continuing resolution. I had hoped to offer an amendment to raise the continuing resolution's dollar ceiling on worldwide concessional FMS financing. As the continuing resolution now stands on this point, some other proposed recipients of concessional FMS credits may have to make do with lower levels of concessional credits in order to implement the required, fair, proportional FMS treatment for Greece.

In conclusion, let me, nevertheless, urge my colleagues to adopt the Fascell amendment, as they did this same legislation originally on last May 10.

The CHAIRMAN. Is there a Member desiring to speak in opposition to the amendment?

□ 1600

Mr. OBEY. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I thank the Chair.

Mr. Chairman, I certainly shall not take the 15 minutes, but I would like to explain to the House why at least this Member is opposed to the motion being offered by the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL]. I have tremendous respect for the gentleman who offered the amendment and I appreciate the procedural bind the gentleman is in, but I would like to make a couple points to clarify what is happening procedurally.

The Appropriations Committee is always in a funny process, or in a funny position at the end of the session.

We are always "damned if you do and damned if you don't."

We are condemned for trying to proceed with the appropriations bill when we are required by law to do it. We are condemned for trying to use the appropriations process to in fact write law by some of the very people who today are asking us to use the appropriations process to write law, rather than simply appropriate money.

It just seems that no matter what we do, we are in a position of making somebody unhappy.

I think procedurally the only reason we are here today is because the other body has chosen not to meet their responsibility in taking up the authorization bill. I see no reason why Members of this House should have to take time to do our work twice because the other party will not do its work once. It seems to me that the best way to resolve this problem is to have the other body meet its responsibilities and take up its authorization and pass it.

The other point I would like to make, I do not want to support this

amendment for a number of reasons on substantive grounds. No. 1, it contains the language of the Broomfield amendment. I did not support the Broomfield amendment when it passed the House the first time. I see no reason why I ought to have to support it this time, and I will not.

I also see no reason why we should provide in MAP funds, which is grant military assistance, that is the giveaway stuff that everybody around here always objects to; I see no reason why we should vote to provide $156 million more in MAP assistance than we have in the appropriation bill. That is what you do if you attach this amendment.

I also see no reason why in the case of El Salvador we should provide an authorization for $9 million more than is provided in the appropriation bill. That just encourages the administration to come in here next year for additional supplementals. It seems to me that the fiscally responsible thing to do, the responsible thing to do from the standpoint of process, is to vote no on this amendment, and if I have an opportunity to do so, that is exactly what I will do.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of this amendment, offered by the distinguished chairman of the Committee on Foreign Affairs, Congressman DANTE B. FASCELL.

This amendment is sponsored for the purpose of including in House Joint Resolution 648, the text of H.R. 5119, the Foreign Assistance Authorization Act for fiscal year 1985 as passed by this body on May 10, 1984. I support this amendment because I believe it is in our national interest to pass legislation which provides a policy framework for our assistance programs. Our foreign policy needs such a framework in order to clarify areas of congressional concern.

I also support this amendment because the text of H.R. 5119, which this amendment seeks to incorporate in the continuing resolution, has a number of very positive features, particularly as it addresses issues of human rights and economic development. For example, this amendment would provide the following: $1.6 billion in bilateral development assistance for basic human needs in developing countries; $25 million for a new "Child Survival Fund"; $97.5 million for the Sahel Development Program; $75 million for a new Economic Policy Initiative for Africa; $3 million for the African Development Foundation; $279 million for voluntary contributions to international organizations, including $53.5 million for UNICEF; provisions to ensure that assistance is targeted on those living in absolute poverty; a 10 percent set-aside for minority businesses from AID funds; $15 million for refugees and displaced persons in Africa; $134 million for the Peace Corps; $16 million for disaster relief assistance to famine victims in Africa; prohibitions on aid to Chile, Uruguay, and Paraguay; $45 million for Eastern Caribbean countries; $50 million for economically disadvantaged students from Latin America and the Caribbean; and conditions on aid to Haiti.

As chairman of the Congressional Black Caucus Task Force on Haitian Refugees, I am especially appreciative of the language in this amendment which sets conditions on aid to Haiti. Concern is expressed for the promotion and protection of human rights in Haiti by conditioning assistance on certification by the President that the Government of Haiti "is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including steps toward the establishment of political parties, free elections, and freedom of the press." Most importantly, this section continues the requirement that the President shall report to the Congress every 6 months on the human rights situation in Haiti.

Mr. Chairman, our Nation needs a foreign policy that is undergirded by values supportive of democratization, human rights, and economic justice. This amendment, while not perfect in all aspects regarding the above, represents, on balance, a positive step by the Congress in asserting the principles of human rights and economic justice as important aspects of our foreign policy.●

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FASCELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Colorado: Page 2, line 24, strike out the period at the end of section 101(b) and insert in lieu thereof the following: ": *Provided*, That 2 percent of the aggregate amount of new budget authority provided for in each of the first three titles of H.R. 6237 shall be withheld from obligation, and all earmarkings of funds in H.R. 6237 (except earmarkings for Israel and Egypt) shall be deemed to be reduced by 2 percent.".

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Colorado [Mr. BROWN] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, the foreign assistance bill, a portion of this bill, provides $17.9 billion of foreign assistance. In relation to what we authorized and what we spent in the continuing resolution last year, we have an increase of $586 billion in foreign assistance; but the fact is that the increase in foreign assistance is far larger than that. Through some innovative accounting, we have managed to show a reduction in the military sales area; but let us take a look at that. What they have done is indeed marked down military sales in terms of the amount appropriated this year, but the fact is that they have also reduced the interest rate.

Now, in talking to the Budget Committee, they advise us that instead of that being a $900 and some million reduction in foreign military sales, that that may well be a wash, at least that was their closest estimate; so if you consider that wash in foreign military sales, you are not looking at a $586 million increase in foreign assistance, you are looking at an increase of almost $1½ billion in 1 year.

The question is, with the enormous deficits we have and with our efforts to control spending on the domestic side, is it appropriate to go ahead with an enormous increase in foreign assistance?

The amendment that I offer is an attempt to bring some moderation to the size of that increase. In light of what many consider a $586 million increase in foreign assistance and what many and myself and some others consider almost $1½ billion increase in foreign assistance, this amendment would provide a modest $280 million reduction in the size of the increase. It would still leave major increases in foreign assistance over last year's continuing resolution.

It would apply to the first three titles. It does not apply to the fourth title.

It exempts the funds for Egypt and Israel because of our commitment to Camp David.

It provides that earmarked funds would be involved at the 2-percent reduction level.

So what we are looking at is an effort to bring this budget into line, to moderate the size of the increase that has been proposed. We are looking at a $200 million savings of the taxpayers' money.

One thing I think needs to be mentioned right here and now is that if we are going to get control of this deficit, if we are going to bring this interest and economy into line, we have got to be willing to face up to these problems in programs we like, as well as in those we do not like. We have got to be willing to set priorities.

How much easier an area do you want than foreign assistance? Where do we draw the line?

It seems to me this very modest proposal, this $280 million, is a first step toward helping to bring this continuing resolution down into line.

Let me address several specific areas, because I think it is important to see what happens in this bill. If you exclude foreign military sales and this amendment passes, you are still looking at a 15-percent increase in foreign assistance.

Now, admittedly that excludes the category where a decrease is shown, but remember, that is the area where we also reduced the interest rate.

What we are looking at is a $1.2 billion increase, excluding that category. That is the kind of moderation in the size of increase that I think we easily stand.

It preserves the priority set by the Appropriations Committee because it is across the board. It is evenhanded because it involves both economic aid and military aid.

It does not affect the cap on Central America. As you know, there is a $200 million ceiling on Central America. It does not affect that maximum.

But the 2 percent is manageable. The 2 percent is something we can live with.

If we do not face the budget problem here, where will we face it?

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

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

Mr. BROWN of Colorado. I have reserved the balance of my time, but I would be happy to answer any inquiries on the gentleman's time.

Mr. KEMP. Well, I do not have the time. The gentleman has the time. Does the gentleman want to take enough time to yield to me or not?

Mr. BROWN of Colorado. I am not sure if the Chair has recognized a speaker from the other side. I have obligated my time.

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

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair is required to choose between these two distinguished gentleman and would prefer to alternate the parties in this case.

The Chair will recognize the gentleman from Maryland [Mr. LONG]. The gentleman from Maryland is recognized for 15 minutes in opposition to the amendment.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Colorado.

I think the gentleman is wrong on a number of points.

First, I might point out that the gentleman fails to appreciate what has been recommended as foreign aid. The Appropriations Committee has not recommended increases in foreign aid for fiscal year 1985, as requested by the President.

Instead, the committee has proposed $450 million less than has been requested. We have proposed less for 1985 than this Congress has already provided for foreign assistance in fiscal year 1984. That is correct, and you should all know: There is no increase in foreign aid funding in this bill, despite this administration's request.

Any figures that the gentleman marshalls, I think will have to fly in the face of very carefully constructed data that we have on our committee financial table here. If the gentleman has any data that proves the contrary, let us hear from him.

Further, I should say that the foreign assistance appropriations bill for fiscal year 1985 is for the first time in many years relatively noncontroversial. And, it is bipartisan. It has been reported from the Foreign Operations Subcommittee and the full Appropriations Committee without a single dissenting vote.

I should point out that the gentleman has exempted $4.6 billion for Israel and Egypt in proposing his 2-percent cut in the total. That action exempts one-third of the total funds in the entire bill and causes the remaining programs to be cut by more than the stated 2 percent. Additionally, the amendment cuts each earmarked program or country by 2 percent. The result will be that programs like UNICEF, the U.N. Development Foundation, military and economic assistance to El Salvador, and Turkey; and, economic assistance to the Philippines, Sudan, Portugal, Morocco, and Cyprus will be cut by 2 percent.

The amendment, however, fails to provide direction on how the other programs which must be cut by more than 2 percent, such as the multilateral development banks, the new Child Survival Fund, the Economic Policy Initiative for Africa, the Agency for International Development programs, and military assistance funding should individually be cut. Consequently, the gentleman from Colorado is proposing that the executive branch would decide how much will be appropriated in each of these unearmarked accounts. I say to you that that decision rightfully belongs to the Congress of the United States.

□ 1610

That proposal is very bad. For example, whereas the amendment excludes Israel and Egypt from the program, it allows the President to wipe out completely the American Schools and Hospitals Abroad Program. That is a very, very important program for Israel; but, it is not excluded from the amendment. In this program, the President always requests $10 million for ASHA and the Congress votes three times that amount, $30 million for this year. Yet, the President could, if this amendment passes, cut $20 million out of that program and you would then hear a howl that would go up all over the United States from every synogogue, from every rabbi, and from those, of course, who are interested in schools and hospitals in Beirut and Egypt and so on. They are going to be worried about this program.

In summary, I strongly urge you to defeat this amendment. We have been careful and responsible in crafting the foreign aid section. It is bipartisan and noncontroversial. It provides less funding than fiscal year 1984. It provides much less than has been requested for fiscal year 1985. Further, the amendment usurps the prerogatives of the Congress to determine how and where money is going to be spent.

It is a bad amendment and I urge its defeat.

Mr. BROWN of Colorado. Mr. Chairman, at this time I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Chairman, I thank the gentleman from Colorado for yielding me some time because I want to rise in support of what I think is a very good amendment.

You know, as we head home to our districts we are going to be hearing a great deal about the deficit. In fact, I think we have already heard a great deal of it during our campaign period over the last few months. And as we run down the list of areas where the Congress has addressed the deficit, I think we have some strong points that we can talk about in many areas.

One of the areas which does not seem to be able to be talked about is foreign aid, because clearly if the Congress passes this bill as it is presently structured there is going to be a significant increase in the foreign aid appropriations. When you are going home and you are saying to your constituents, "Listen, we are going to make some tough decisions on spending to reduce the deficit," but you are unable to say to your constituents that we are going to be able to make those tough decisions in foreign aid, then I think we are going to receive a fairly jaundiced response.

The American people have always been suspect of our foreign aid program. I, for one, however, have felt that it is an appropriate program and in fact I have voted for foreign aid spending throughout my experience here in the House. That is a fairly difficult vote to make, being someone who votes generally against the spend-

ing practices of this House. But I think foreign aid is important.

In this instance, however, we are not talking about eliminating foreign aid. We are talking about reducing the rate of growth of foreign aid. We are talking about a budget which is up about $185 million in title I and up about $1.1 million in title II. That is a significant increase.

The Brown approach, which would cut across the board 2 percent, is a very reasonable approach. It is the type of an approach which we as a Congress should be willing to make, and then when you go home to tick off the areas where you have addressed the deficit as Members of Congress, when you get to the foreign aid item, if you have voted for this item you will be able to say we also made the tough decision in foreign aid.

I yield back to the gentleman from Colorado [Mr. BROWN] the balance of my time.

The CHAIRMAN. The gentleman has consumed 2 minutes.

Mr. LONG of Maryland. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. I appreciate the chairman yielding. I rise in very strong opposition to this amendment.

I have heard it said on the floor that this is a good, political issue. A fair cut in foreign aid.

We are told that this amendment will effect a cut across the board. But that is not correct.

First of all, the amendment exempts Egypt and Israel. Egypt and Israel get one-third of all U.S. bilateral foreign assistance, I say to my friend from Colorado. He says he does not want to cut Egypt and Israel because we have an agreement with Egypt and Israel on Camp David.

How about the agreement on basing with the Philippines? How about basing rights with Turkey and Portugal? How about the agreements we have made with other countries?

Why does the gentleman protect just the Camp David accords? How about the countries, the impoverished struggling African countries that support Camp David and have put themselves at great risk in the Arab world, such as the Sudan? Does the gentleman really want to cut out a key assistance program for the Sudan?

The gentleman suggests that his amendment would not affect Central America. It does not exempt Central America.

I took the floor and helped raise the money for an emergency supplemental for Central America, which the gentleman supported. But now he is proposing to backtrack on our commitment, to cut back promised security and economic aid for that part of the world, which is desperately in need of our help.

In the committee, we asked our friends on the Democratic side of the aisle, we asked our conservative friends to work out a compromise on economic security assistance. We worked it out and it is very fragile. And now if we adopt the Brown amendment, we would be cutting into the agreement that we had suggested was part of the President's foreign assistance program.

Foreign aid, yes, it may be good politics to cut foreign aid. But is it good national security policy?

Is it good to cut security assistance? Is it good to cut critical economic assistance? Is it proper to cut into the marrow and the bone of the very important programs that this country has designed for so many of those countries in the world who are desperately in need of U.S. security and economic assistance?

The gentleman says, as I said a little bit earlier, that this is going to be an easy thing for the administration to find 2 percent to cut. But if you stop and think, my friends, that if you exclude Israel and Egypt and the Camp David nations it raises to 4 percent the amount of money that is going to be taken out of the appropriations for other countries. That is $280 million.

The gentleman from Colorado suggests that this bill is way over what it was last year. But he is forgetting to factor into his statement the fact that supplemental funds were appropriated for the Central American package which was part of the Kissinger Comission or Jackson Report which was considered to be extremely vital to this country's hemispheric interests. When this supplemental is added in, we are $450 million under last year's level.

I ask my friends on the Republican side of the aisle to please give some consideration to what they are doing today by just across the board wiping out $280 million or so of those programs which are of critical importance to this country's defense and security needs.

This is not a foreign aid package as we have looked at them in the past. This is a defense bill as far as I am concerned. And I will match my voting record with any Member of the Congress, including the gentleman from Colorado, in terms of trying to cut Federal spending. But I think this would not be the proper, prudent, or responsible thing to do.

I support the opposition which can be heard from both sides of the aisle.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. KEMP. I yield to my friend from Louisiana [Mr. LIVINGSTON] who had something to do with helping shape this whole foreign assistance, foreign security program.

Mr. LIVINGSTON. I appreciate my friend yielding to me. I have to say that I support his position in opposition to this amendment not because I wish to throw millions of dollars away on foreign aid per se, as we have always heard. It is easy to talk about the waste of money in the foreign-aid program.

But the gentleman might recall that actually the entire foreign aid budget is only about 1½ percent of the entire budget of the United States, of all of the money that the United States spend on an annual basis. And of that money, that small 1½ percent, as the gentleman ably pointed out, half or a little bit more than half of it goes to humanitarian assistance, simply to try to help people who are starving abroad; and the other portion goes as a defense bill, as the gentleman pointed out.

One thing I am particularly concerned about in advancement of this amendment, the gentleman from Colorado has pointed out that it is an across-the-board, evenhanded amendment. Let me ask the gentleman from New York, if you take out or exempt Israel and Egypt, does that not in fact mean that some 35 to 40 percent of the entire foreign aid package is exempt, and that that 2 percent, that evenhanded 2 percent across-the-board has to apply to all of the other countries that we support?

Mr. KEMP. It does, and second, as I pointed out a little bit earlier, the gentleman from Colorado suggests that we are protecting Camp David, but what about NATO? What about our agreement with Greece and Turkey and Portugal? How about in Southeast Asia with the Philippines? How about in Central America?

I asked the gentleman from Colorado privately why is it that we are cutting into those other agreements that this country has made, including his own administration, for the security interests of the United States? You are cutting into security as well as the economic needs of this country and the world.

I think it is a big mistake and I join with the gentleman from Louisiana in strong opposition to this approach.

Mr. LIVINGSTON. So the point, if the gentleman will yield further, he has pointed out we have commitments to other nations in the world. I am just wondering how that 2 percent would be apportioned to those other countries.

Mr. KEMP. It would double the cut from those other countries.

As the gentleman from Louisiana has pointed out, it increases the amount of money that has to be cut in other parts of the world. That means Korea, Thailand. How about Pakistan? We passed a big resolution to help the Afghan rebels. Where does anybody think they are getting their support if it is not from that part of the world

that is critical to this country's relationships? Yet this amendment would cut aid to Pakistan.

I expect that this amendment probably will pass, but I think it is a big mistake.

□ 1620

Mr. LIVINGSTON. We passed some packages here for assistance, military assistance, economic assistance for El Salvador. In this package is a $7 million appropriation for starving children in Honduras, people who are refugees from Nicaragua. These people would be hit not by 2 percent but by 4, 5, or 6 percent depending on how the administration chooses to apportion it.

Mr. KEMP. Certainly, as the gentleman from Maryland [Mr. LONG] pointed out, first, it is not across the board, and second, it leaves the discretion up to the executive branch and it totally removes from our committee, from our own hand, from the Congress, the responsibility for shaping a foreign assistance program.

Mr. LIVINGSTON. I thank the gentleman for his comments.

Mr. Chairman, I hope the committee will reject this amendment.

Mr. BROWN of Colorado. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I might observe that this modest cut that has been described in such draconian terms still leaves us with an increase over the continuing resolution of last year. So the world is not going to end if this modest cut goes through. I think we will survive just fine. As a matter of fact, we will work on lower interest rates.

At this time, Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, I rise to speak firmly in favor of the amendment of the gentleman from Colorado [Mr. BROWN].

At a time when we are asking the folks back home who are paying these bills to pay their taxes, at a time when we are asking them to take cuts in lots of domestic programs that are important to them back home, here we are in this bill increasing foreign aid in three categories—multilateral, bilateral, and military aid by 15 percent, even with this cut.

We will be increasing, multilateral aid by 11 percent, bilateral aid by 21 percent, and military aid by 22 percent.

Even with this 2-percent cut, we are still increasing these categories by 15 percent over the continuing resolution of 1984.

Mr. Chairman, I think it is time that we bring some control over these expenditures.

Like the refrain from that familiar song, we are "killing them with kindness, killing them with love."

I quote from the Kansas City Times of October 1983, where Maurice Williams, executive director of the World Food Council, issued a report in Rome last year on Africa's dire food problems:

Upper Volta can hardly cope with the number of assistance projects that it is receiving. For 1981 there were 340 external assistance missions and the government was not always able to keep up with the management and coordination requirements, with resulting confusion at all levels and a loss of resources and efficiency.

A study released by the Club du Sahel, a Paris-based consortium of donors to West Africa:

Donors collaborate relatively little with one another, they tend frequently to be in a competitive position, bidding for good projects, for good counterparts—

That is local managers—

and for uncommitted fiscal resources of the host government. Their impact on the internal cohesion of the host government can be particularly damaging.

Quoting further:

Most of the people have big egos and they all want to see the top people in the government—

Talking of the donors—

we simply don't have a very good appreciation of what Upper Volta has to face in coordinating donors. The sheer volume and weight of these teams is just overwhelming.

I am quoting there from Mr. John Becker, the agricultural officer in that country for U.S. AID. Mr. Becker said while on leave in Washington:

There were six different World Bank teams in the country when I left in June and not one really knew the others were there.

What is happening in the Kenyan Government is somewhat fascinating. When the British compiled a list of who was doing what in Kenya last year, aid officials were stunned to find that there were 600 projects sponsored by 40 different donors, not even counting the World Bank's presence.

In Haiti, and I am quoting,

Americans estimate there are 500 separate assistance missions, including more missionaries per capita than in any Third World nation. Someone will walk in and introduce themselves and I'll say, "Oh, you just got here?" And they'll say, "Oh, no, we've been here 15 years."

That is from Ann Fitzcharles, the Food for Peace officer of AID in Port-au-Prince.

So it seems fair to ask here today whether aid efforts from all the donors, including the United States, dovetail into some kind of coherent development strategy in the Third World.

Interviews around the world suggest the answer is a qualified "no."

Quoting again:

There are 56 separate donors in Africa, not one talking to another

And that is from the senior AID official in Washington.

They're undermining one another without even knowing it in some cases.

So I think it is time that we tried to bring some cohesive nature to what we do around the world to help. A 2-percent cut will force some sort of a sifting out of what we do around the other parts of the world with this aid.

Complex management tasks have been shoveled into Third World nations where 9 out of 10 people cannot even read them. For example, projects in the Sahel, an impoverished sub-Sahara region, have been so grandiose, so convoluted, that the aid controller in Mali acknowledges, "I doubt whether they could even be run in the United States," because 9 out of 10 who cannot even read the instructions that are sent.

Third World economic policies frequently undermine American efforts.

Mr. Chairman, I urge that this amendment be adopted. This is only a 2-percent cut. It still leaves a 15-percent increase, and I urge passage of the amendment of the gentleman from Colorado [Mr. BROWN].

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Maryland [Mr. LONG] desire to yield additional time?

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I want to rise in opposition to this amendment. You know, it really sometimes is pretty funny to watch the Congress work. We duck and we bob and we weave and we pose for political holy pictures all over these acres up here and then what we really do so often is we go home and pretend we have done something when we really do not have the guts enough to face up to the choices that this amendment pretends.

If you think there are individual items in the foreign aid bill which are too high—and God knows I do, I lost a lot of votes in subcommittee just 3 weeks ago, the gentleman from New York will tell you, and the chairman of the committee will tell you—but if you think an item is too high, you ought to have guts enough to offer an amendment cutting that specific item. This amendment does not do anything that takes any courage whatsoever. All it does is it says, "We would like to pretend that we are doing something about the budget deficit." If you want to balance the budget deficit on appropriation bills, you do not have to cut spending 2 percent, you have got to cut it 64 percent across the board. This just lets you pretend you are doing something about that problem.

So what do they do? Instead of deciding where those cuts are going to come they said, "Well, Mr. President,

we are going to let you do that." So Congress hides behind that gauze and then when the administration does not cut it in the right places then we are all free to criticize them for not implementing our cuts in the right places. That is not the responsible way to budget. That is not the responsible way for you to meet our military and economic obligations.

Most of the money that would be cut under this amendment I happen to oppose. But, Mr. Chairman, I think it is a mistake, for instance, to fiddle with what we have done in the Philippines. There we reduced the military aid going to the Philippines, we raised the economic assistance to try to send a message to the Marcos government.

This amendment is going to screw up the delivery of that message.

Mr. Chairman, I do not think we ought to play at being Secretaries of State. If you want to take on a policy directly, take it on directly but do not pretend that you are doing something on this phony amendment.

Mr. BROWN of Colorado. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Colorado [Mr. BROWN] has 3 minutes remaining.

Mr. BROWN of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the body has heard both sides of this issue. I would really like to respond to a couple of remarks that have been made because I think they are important for the Members as they consider their votes.

□ 1630

First of all, it was pointed out just a few minutes ago that this amendment did not specifically earmark individual areas where you would cut funding.

There is a reason for that. I think the gentleman from Wisconsin suggestion is a good one. There is a reason why the amendment does not do that and that is that the rule with regard to this bill does not permit that.

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

Mr. BROWN of Colorado. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

If you want money cut, why do you not have the courage to tell us where it ought to be cut specifically. Why hide behind a percentage. Tell us what specific dollars you think should not be spent. Where is the President wrong? Specifically. Where are we wrong? Specifically.

Mr. BROWN of Colorado. I thank the gentleman for his comment.

The point is that the rule does not permit that kind of amendment. I think the gentleman's point is good and I wish it did.

Second, there has been a great deal of discussion with regard to whether you are cutting or increasing or how much this would result in.

The budget summary is very clear. There is an increase of $185.7 million from last year's continuing resolution to this year's continuing resolution in title I.

There is an increase of $1.123 billion in title II from last year's continuing resolution to this year's continuing resolution.

There is a drop in this bill in title III in military assistance of $712 million, but that, they tell me from the Budget Office, is offset by the drop in the interest rate that is charged. In other words, we have gone from something near a market interest rate down to 5 percent.

So, while the report, the summary report, shows a drop there, in fact, there is no drop.

The bottom line is we have a major increase in foreign assistance. The bottom line is this amendment does not eliminate it, it still leaves us with a major increase in foreign assistance.

But, my colleagues, we have limited resources. If we are going to get this economy back on line, if we are going to get interest rates down, we have to begin to at least address the size of these increases. That is what this amendment does.

It gives us a chance to get the American economy moving again. I urge its adoption.

Mr. STUDDS. Mr. Chairman, this continuing resolution will provide $122 million in additional U.S. military assistance for the Government of El Salvador. I think that is too much.

But rather than recite the arguments that have been presented in the past in opposition to unconditioned U.S. military aid to El Salvador, I intend in this statement to focus on the recent development in that country, and on the opportunities that I believe now exist for major progress toward peace.

The government headed by Jose Napoleon Duarte, in power now for a little less than 4 months, has greater legitimacy than any Salvadoran regime in more than half a century. This is true despite the fact that the elections this past spring did not include candidates from parties or factions supporting the armed opposition groups. President Duarte, unlike the military officials who ruled El Salvador for the past five decades, has a base of support that extends to virtually all sectors of Salvadoran society including the urban and rural poor. Duarte himself is a man of immense personal courage, whose most deadly enemies reside not within the armed left, but within rightwing elements of the military and civilian elite of El Salvador.

Prior to his election, Duarte pledged major reforms in human rights and progress toward a serious dialog with the armed opposition. At least two highly credible accounts of army-perpetrated massacres of civilians have since occurred, both of which Duarte has promised to investigate. Aside from those utterly inexcusable tragedies, there have been positive signs. Death squad killings have declined; efforts have been initiated to limit civilian casualties associated with the government bombing; the military has been purged of at least some of its most vicious and corrupt officers; the national university was reopened 4 years after a government-orchestrated bloodbath caused it to close; the government and the opposition have cooperated in several significant exchanges of prisoners; and a commission has been created to investigate four prominent, unsolved cases of murder and mass murder apparently perpetrated by members of the Salvadoran security forces.

These initiatives have been hailed by the Reagan administration and used to justify the President's request for major increases in U.S. military aid to El Salvador. It is vital to remember, however, that these small signs of progress could only be considered dramatic in El Salvador, which has traditionally had a government by, of, and for the wealthy, and where advocates of even the mildest social reforms have been routinely denounced as Communists and targeted for death.

It is also vital to bear in mind that the rightwing death squads that made organized armed opposition inevitable 4 years ago remain inside El Salvador, ready and willing to strike again. The leaders of these groups, including defeated Presidential candidate Roberto D'Aubuisson and his clique of military and civilian supporters, retain the power to prevent President Duarte from fulfilling his campaign promise to bring peace and justice to the people of El Salvador. An example of this power was the reputed threat by D'Aubuisson supporters to murder U.S. Ambassador to El Salvador Thomas Pickering last May. The United States took that threat very seriously, and removed the Ambassador from El Salvador for 2 months. But no criminal or other disciplinary action has been brought against those responsible for the threat, and D'Aubuisson has since been granted a visa to visit the United States.

The power of rightwing terrorist groups is also evident in the continued failure of the Salvadoran Government to convict anyone for any of the 20,000 murders of unarmed Salvadoran civilians that have occurred over the past 4 years. The fear of rightwing violence remains so widespread that four of the five members of the Commission se-

lected by Duarte to investigate past crimes have chosen to remain anonymous, while the penalty for military officers found guilty of murder is expected to be no worse than forced retirement or transfer to a diplomatic post abroad.

There are now two fundamental and related questions concerning the future of El Salvador. Can the extralegal rightwing violence—both military and nonmilitary—be stopped, and can the armed opposition be persuaded to pursue its social and political goals through more conventional means? I remain convinced that it must be possible to answer the first question yes before it will be equitable to hold the opposition fully accountable for its reply to the second.

The policies and the popularity of Duarte have opened important possibilities for progress in dealing with both political extremes in El Salvador. I believe that the full weight of U.S. resources and prestige could honorably and usefully be devoted to a strategy aimed at isolating and dramatically weakening the Salvadoran right. If this course were pursued with sufficient determination, I think it would have the full support of the broad majority of the people of El Salvador, and that it would strengthen substantially the ability of Duarte to pursue policies of reform and reconciliation within the country.

Unfortunately, the Reagan administration has never been willing to enter into a serious, ongoing public confrontation with the right wing. This is true, first of all, because confronting the murderers of El Salvador is a dangerous business. Second, such a confrontation would divert energy and attention away from what the administration believes to be the more important fight against the forces of the left. It has been this failure to confront the right that has led to my ongoing and strenuous opposition to U.S. military aid. I think it is cowardly, dishonest, and ultimately useless to fight the left in El Salvador without reforming the government to the point where a viable option to continued armed struggle exists.

We have today the allies within both the civilian and the military sectors of the Salvadoran Government that we must have to make a confrontation with the hardcore right a success. We have the leverage, through the availability or nonavailability of military aid, to insist that some measure of justice for past crimes be done. And we have the intelligence information and other evidence necessary to identify with reasonable certainty the individuals in El Salvador who are most directly responsible for the killings that have occurred in recent years. At least one of these men, for example, was on the payroll of the Central Intelligence Agency throughout the period in question.

President Duarte has admitted on numerous occasions that control of the right wing is an essential precondition to settling the civil war. For only until that occurs can one reasonably demand that the opposition put down its arms and agree to return to a normal democratic process. It should be remembered, for example, that the entire leadership of the civilian opposition in El Salvador was kidnaped by the Army at a public meeting in November 1980, tortured, and killed. The brother of the No. 2 leader of the current civilian opposition was murdered at D'Aubuisson's direction in February of the same year. The present leadership will not return to an electoral process until they have some reason to believe they will not be murdered. That strikes me as a reasonable request.

This is not to say, however, that the opposition should be relieved of any responsibility for its actions prior to the creation of a just and stable El Salvador. President Duarte's government is not the government against which they originally took up arms. Even the military, which remains the dominant force in Salvadoran society, has also begun to change, slowly, painfully, for the better. The opposition should, it seems to me, begin to recognize and respond positively to any progress that does occur inside the government, in order to facilitate that progress and make a peaceful settlement of the war a more and more realistic proposition. The opposition must also examine carefully its own goals for the people of El Salvador. They have been forced to fight a war that has increasingly resulted in hardships not only for the wealthy, but also for the poor on behalf of whom they claim to fight. The opposition has, in recent months, mimicked the Army's tactic of recruiting new soldiers through a process barely distinguishable from kidnaping.

Finally, also like the government, the opposition has accepted help from outside countries, thereby running the risk that it will lose control over the nationalist character of its own attempted revolution. The opposition's prospects for success will not be enhanced to the extent its policies appear to be directed by the leaders of other countries.

It is, therefore, a time of opportunity for U.S. policy in El Salvador, but it is an opportunity that is being lost. The Reagan administration has responded to Duarte's efforts at reform not by encouraging movement toward peace, but by pressing ever harder for a wider war. For 3 years, the administration has been predicting the military defeat of the guerillas, and for 3 years they have been wrong. Today, we are told that with more military aid, more U.S. advisers, and 2 more years, the Salvadoran Army will control 90 percent of the country. As once occurred in Vietnam. The tunnel of war grows longer with every prediction of peace and every promise of imminent light. The darkness of additional deaths grows deeper, U.S. involvement becomes greater, and the promised victory never comes.

Since 1981, the Reagan administration has provided about $1.5 billion in military and economic aid to El Salvador. Yet the guerillas are as strong as ever, and the economy has been laid to waste. The United States has spent tens of millions of dollars trying to halt the alleged flow of arms from the Government of Nicaragua to the Salvadoran rebels, but over the past 42 months, we have not interdicted or capture a single gun or bullet. The military approach is not working. The Pentagon knows it, and it is for this reason that U.S. troops have themselves been engaged in almost continual exercises throughout Central America over the past 2 years, preparing for the possibility—now, I fear, a likelihood—that they will be ordered to enter the war themselves.

I think the President has chosen the wrong course. I believe the opportunity for important progress in El Salvador is at hand. The administration deserves a share of credit for the creation of this opportunity, for its support was vital to the creation of the improved, albeit imperfect, electoral process that produced Duarte. But we must use this opportunity not to justify greater U.S. involvement in a wider and more savage war; instead we must move with vigor and courage to dismantle the structure of rightwing terror, and to test once and for all the many but uniformly unproven promises of democratic intent that have issued from the political and military leadership of the left.

● Mrs. LLOYD. Mr. Chairman, I strongly support the amendment offered by my colleague from Colorado [Mr. BROWN]. I think it is exceptionally good, farsighted amendment and I urge its adoption.

The issue of whether this Nation has the ability to provide massive amounts of financial assistance to foreign nations is indeed difficult. Since I first came to the Congress I have opposed the continuation of these programs because I could not, in all good conscience, support giving billions of dollars to other nations while we faced severe economic problems at home. I'm not suggesting that every one has been wasteful. Some of these programs have provided miraculous results and as proof we need only look to the Marshall plan.

However, in recent years, our aid has too often been readily accepted by nations who have consistently opposed

U.S. interests and the funding level for foreign aid far exceeds the amounts appropriated programs which benefit the citizens of our country. So I strongly support the gentleman's effort to cut the foreign assistance appropriations but am relieved that he chose to exempt Israel and Egypt from a reduction that will save the taxpayer well over $200 million. This exemption will maintain our commitment to the Camp David accords and will continue our assistance to the nation of Israel which has had to bear such heavy defense expenditures.

This amendment will allow us to cut foreign aid just as we have had to cut domestic programs but not at the expense of Israel, and their partner at Camp David, Egypt.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN].

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

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 416]

Ackerman	Breaux	Daniel
Addabbo	Britt	Dannemeyer
Akaka	Brooks	Darden
Albosta	Broomfield	Daschle
Anderson	Brown (CA)	Daub
Andrews (NC)	Brown (CO)	Davis
Andrews (TX)	Broyhill	de la Garza
Annunzio	Bryant	Dellums
Anthony	Burton (CA)	Derrick
Applegate	Burton (IN)	DeWine
Archer	Byron	Dickinson
Aspin	Campbell	Dicks
AuCoin	Carney	Dingell
Badham	Carper	Dixon
Barnard	Carr	Donnelly
Barnes	Chandler	Dorgan
Bartlett	Chappell	Dowdy
Bateman	Chappie	Downey
Bates	Clarke	Dreier
Bedell	Clay	Duncan
Beilenson	Clinger	Durbin
Bennett	Coats	Dwyer
Bereuter	Coelho	Dymally
Berman	Coleman (MO)	Dyson
Bevill	Coleman (TX)	Early
Biaggi	Collins	Eckart
Bilirakis	Conable	Edgar
Bliley	Conte	Edwards (AL)
Boehlert	Cooper	Edwards (CA)
Boland	Coughlin	Edwards (OK)
Boner	Courter	Emerson
Bonior	Coyne	English
Bonker	Craig	Erdreich
Borski	Crane, Daniel	Erlenborn
Bosco	Crane, Philip	Evans (IA)
Boxer	Crockett	Evans (IL)
Fascell	Lloyd	Roth
Fazio	Loeffler	Roukema
Feighan	Long (LA)	Rowland
Fiedler	Long (MD)	Roybal
Fields	Lott	Rudd
Fish	Lowery (CA)	Russo
Flippo	Lowry (WA)	Sabo
Florio	Lujan	Sawyer
Foglietta	Luken	Schaefer
Foley	Lundine	Scheuer
Ford (MI)	Lungren	Schneider
Ford (TN)	Mack	Schroeder
Fowler	MacKay	Schumer
Frank	Madigan	Seiberling
Frenzel	Markey	Sensenbrenner
Frost	Marriott	Shannon
Fuqua	Martin (IL)	Sharp
Gaydos	Martin (NY)	Shaw
Gejdenson	Martinez	Shelby
Gekas	Matsui	Shumway
Gibbons	Mavroules	Shuster
Gilman	McCain	Sikorski
Gingrich	McCandless	Siljander
Glickman	McCloskey	Sisisky
Gonzalez	McCollum	Skeen
Goodling	McCurdy	Skelton
Gore	McDade	Slattery
Gradison	McEwen	Smith (FL)
Gray	McHugh	Smith (IA)
Green	McKernan	Smith (NE)
Gregg	McKinney	Smith (NJ)
Guarini	McNulty	Smith, Denny
Gunderson	Mica	Smith, Robert
Hall (OH)	Michel	Snowe
Hall, Ralph	Mikulski	Snyder
Hall, Sam	Miller (CA)	Solarz
Hamilton	Miller (OH)	Solomon
Hance	Mineta	Spence
Hansen (ID)	Minish	Spratt
Hansen (UT)	Mitchell	St Germain
Harkin	Moakley	Staggers
Hartnett	Molinari	Stangeland
Hawkins	Mollohan	Stark
Hayes	Montgomery	Stenholm
Hefner	Moore	Stokes
Heftel	Moorhead	Stratton
Hertel	Morrison (CT)	Studds
Hightower	Morrison (WA)	Stump
Hiler	Mrazek	Sundquist
Hillis	Murphy	Swift
Holt	Murtha	Synar
Hopkins	Myers	Tallon
Horton	Natcher	Tauke
Howard	Nelson	Tauzin
Hoyer	Nichols	Taylor
Hubbard	Nielson	Thomas (CA)
Huckaby	Nowak	Thomas (GA)
Hughes	O'Brien	Torres
Hutto	Oakar	Torricelli
Hyde	Oberstar	Towns
Ireland	Obey	Traxler
Jacobs	Olin	Udall
Jeffords	Ortiz	Valentine
Jenkins	Owens	Vander Jagt
Johnson	Packard	Vandergriff
Jones (NC)	Panetta	Vento
Jones (OK)	Parris	Volkmer
Jones (TN)	Pashayan	Vucanovich
Kaptur	Patman	Walgren
Kasich	Patterson	Walker
Kastenmeier	Paul	Watkins
Kazen	Pease	Waxman
Kemp	Penny	Weaver
Kennelly	Petri	Weiss
Kildee	Pickle	Wheat
Kindness	Porter	Whitehurst
Kleczka	Price	Whitley
Kogovsek	Pritchard	Whittaker
Kolter	Pursell	Whitten
Kostmayer	Quillen	Wilson
Kramer	Rahall	Winn
LaFalce	Rangel	Wirth
Lagomarsino	Ratchford	Wise
Lantos	Ray	Wolf
Latta	Regula	Wolpe
Leach	Reid	Wortley
Leath	Richardson	Wright
Lehman (CA)	Ridge	Wyden
Lehman (FL)	Rinaldo	Wylie
Lent	Roberts	Yates
Levin	Robinson	Yatron
Levine	Rodino	Young (AK)
Levitas	Roe	Young (FL)
Lewis (CA)	Roemer	Young (MO)
Lewis (FL)	Rogers	Zschau
Lipinski	Rose	
Livingston	Rostenkowski	

□ 1640

The CHAIRMAN. Three hundred ninety-seven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Colorado [Mr. BROWN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 273, noes 134, not voting 25, as follows:

[Roll No. 417]

AYES—273

Akaka	Erlenborn	Lungren
Albosta	Evans (IA)	Mack
Anderson	Fiedler	Marriott
Andrews (NC)	Fields	Martin (IL)
Andrews (TX)	Fish	Martin (NY)
Annunzio	Flippo	Martinez
Anthony	Ford (TN)	Mazzoli
Applegate	Fowler	McCain
Archer	Frenzel	McCandless
AuCoin	Fuqua	McCloskey
Badham	Gaydos	McCollum
Barnard	Gekas	McCurdy
Bartlett	Gibbons	McEwen
Bateman	Gingrich	McKernan
Bates	Goodling	McNulty
Bedell	Gore	Mica
Bennett	Gradison	Michel
Bereuter	Gregg	Miller (OH)
Bevill	Gunderson	Minish
Bilirakis	Hall (OH)	Molinari
Bliley	Hall, Ralph	Mollohan
Boehlert	Hall, Sam	Montgomery
Boner	Hamilton	Moore
Bosco	Hance	Moorhead
Boxer	Hansen (ID)	Morrison (WA)
Breaux	Hansen (UT)	Mrazek
Britt	Harkin	Murphy
Brooks	Hartnett	Myers
Broomfield	Hefner	Neal
Brown (CO)	Heftel	Nelson
Broyhill	Hertel	Nichols
Burton (IN)	Hightower	Nielson
Byron	Hiler	Nowak
Campbell	Hillis	Oakar
Carney	Holt	Olin
Carper	Hopkins	Oxley
Carr	Horton	Packard
Chandler	Hubbard	Panetta
Chappell	Huckaby	Parris
Chappie	Hughes	Pashayan
Clarke	Hutto	Patman
Clinger	Ireland	Patterson
Coats	Jacobs	Paul
Coelho	Jenkins	Pease
Coleman (MO)	Jones (NC)	Penny
Coleman (TX)	Jones (OK)	Petri
Conable	Jones (TN)	Pickle
Courter	Kaptur	Porter
Craig	Kasich	Price
Crane, Daniel	Kastenmeier	Pursell
Crane, Philip	Kennelly	Quillen
Crockett	Kindness	Rahall
Daniel	Kleczka	Ratchford
Dannemeyer	Kogovsek	Ray
Darden	Kolter	Regula
Daschle	Kramer	Richardson
Daub	Lagomarsino	Ridge
Davis	Latta	Rinaldo
Derrick	Leach	Roberts
Dickinson	Leath	Roe
Dicks	Lehman (CA)	Roemer
Dorgan	Levitas	Rogers
Dowdy	Lewis (FL)	Rose
Dreier	Lloyd	Rostenkowski
Duncan	Loeffler	Roth
Dyson	Lott	Roukema
Eckart	Lowery (CA)	Rowland
Emerson	Lujan	Rudd
English	Luken	Russo
Erdreich	Lundine	Sawyer

Schaefer	Snowe	Volkmer
Schneider	Snyder	Vucanovich
Schroeder	Solomon	Walgren
Schulze	Spence	Walker
Seiberling	Spratt	Watkins
Sensenbrenner	Staggers	Weaver
Sharp	Stangeland	Weber
Shaw	Stenholm	Whitehurst
Shelby	Stump	Whitley
Shumway	Sundquist	Whittaker
Shuster	Tallon	Whitten
Sikorski	Tauke	Williams (MT)
Siljander	Tauzin	Winn
Skeen	Taylor	Wirth
Skelton	Thomas (CA)	Wise
Slattery	Thomas (GA)	Wortley
Smith (IA)	Torricelli	Wylie
Smith (NE)	Udall	Yatron
Smith (NJ)	Valentine	Young (AK)
Smith, Denny	Vander Jagt	Young (FL)
Smith, Robert	Vandergriff	Young (MO)

NOES—134

Ackerman	Frank	Mitchell
Addabbo	Frost	Moakley
Alexander	Garcia	Morrison (CT)
Aspin	Gejdenson	Murtha
Barnes	Gephardt	Natcher
Beilenson	Gilman	O'Brien
Berman	Glickman	Oberstar
Biaggi	Gonzalez	Obey
Boland	Gray	Ortiz
Bonior	Green	Owens
Bonker	Guarini	Pritchard
Borski	Hawkins	Rangel
Brown (CA)	Hayes	Reid
Bryant	Howard	Robinson
Burton (CA)	Hoyer	Rodino
Clay	Hyde	Roybal
Collins	Jeffords	Sabo
Conte	Johnson	Scheuer
Conyers	Kazen	Schumer
Cooper	Kemp	Shannon
Coughlin	Kildee	Sisisky
Coyne	Kostmayer	Smith (FL)
de la Garza	LaFalce	Solarz
Dellums	Lantos	St Germain
DeWine	Lehman (FL)	Stark
Dingell	Lent	Stokes
Dixon	Levin	Stratton
Donnelly	Levine	Studds
Downey	Lewis (CA)	Swift
Durbin	Lipinski	Synar
Dwyer	Livingston	Torres
Dymally	Long (LA)	Towns
Early	Long (MD)	Traxler
Edgar	Lowry (WA)	Vento
Edwards (AL)	MacKay	Waxman
Edwards (CA)	Madigan	Weiss
Edwards (OK)	Markey	Wheat
Evans (IL)	Matsui	Wilson
Fascell	Mavroules	Wolf
Fazio	McDade	Wolpe
Feighan	McHugh	Wright
Florio	McKinney	Wyden
Foglietta	Mikulski	Yates
Foley	Miller (CA)	Zschau
Ford (MI)	Mineta	

NOT VOTING—25

Bethune	Hall (IN)	Moody
Boggs	Hammerschmidt	Ottinger
Boucher	Harrison	Pepper
Cheney	Hatcher	Ritter
Corcoran	Hunter	Savage
D'Amours	Leland	Simon
Ferraro	Marlenee	Williams (OH)
Franklin	Martin (NC)	
Gramm	McGrath	

□ 1650

Mr. McEWEN and Mr. RUDD changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I have an amendment at the desk which I offer.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRENZEL: Page 2, line 14, strike out the semicolon and insert ": *Provided*, That each amount of budget authority provided in the act, for payments not required by law, is hereby reduced by two per centum;"

The CHAIRMAN. Pursuant to House Resolution 588, the amendment is considered as having been read.

The gentleman from Minnesota [Mr. FRENZEL] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment to this bill is very straightforward. It would reduce the discretionary portion of the Labor-HHS-Education bill by 2 percent. My amendment would not reduce any other funds for any other program.

The budget resolution, as everyone will recall, limits domestic discretionary funding to 3.5 percent.

Total funding in the Labor-HHS-Education bill is about $96 billion. Of, that, $25,200,075,000 is discretionary spending. Those same programs were funded at $22,807,856,000 for fiscal year 1984 discretionary programs, therefore, increase 10.5 percent under this bill. That is, of course, 7 percent in excess of our own budget resolution.

My amendment would make a 2 percent reduction in that spending. Total discretionary spending would be $24,697,146,600. That is 8.3 percent more than last year. That is twice our budget limit. It is the least we can do.

My amendment makes $504 million in savings. But because of the huge size of the Labor-HHS-Education bill the amendment is not, in my judgment, particularly severe. Spending for the Department of Labor increases 3 percent over last year's level in my amendment. Spending for the Department of Health and Human Services increases 8 percent under my amendment. Spending for education increases 12 percent under my amendment. Funding for related agencies, which is reduced by 6 percent in the committee bill, is reduced 8 percent by my amendment.

Some, of course, will criticize my amendment on the grounds that is makes severe reductions. I would point out, however, that my amendment only reduces those programs in which the committee itself recommended reductions. Several programs were frozen at last year's level by the committee, or granted only small increases. In that instance, those programs face marginal reductions under my amendment.

In all instance, my amendment reflects the work of the Appropriations Committee. My amendment makes no realignment in priorities. It burdens no program unfairly. It cost no entitlement or mandatory. It is a fair, and effective, means to make some desperately needed savings.

I would also point out that my amendment does, in fact, exclude all mandatories and entitlements. No reduction whatsoever is made in Social Security, medicare, medicaid, SSI, black lung, guaranteed student loans, and a list of other programs. My amendment effects only about one-fourth of the total spending in this bill.

Finally, I would remind my colleagues that not only do we have to pass a bill, we have to get it signed by the President. When this bill came to the floor in August, the Office of Management and Budget indicated that it would recommend a veto unless this bill is reduced by about half a billion dollars. My amendment achieves that savings.

This is probably our last chance to make some savings this year. We'll have lot of opportunities to vote for extra spending, buy very few to make some essential savings. I urge a yea vote on my amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] is recognized for 15 minutes.

Mr. NATCHER. Mr. Chairman, the distinguished gentleman from Minnesota, my friend, has just advised the committee this is the last chance. This is the last chance to do something about the deficit. So let us go after the children in this country. Let us go after vocational education. Let us go after the feeding programs for the elderly. Let us go after cancer, heart, and stroke research. Let us take it out of the programs pertaining to job training that are so necessary at this time when we have millions of people unemployed.

Mr. Chairman, as far as education is concerned, let's reduce the deficit by reducing the Pell grant program that assists the boys and girls in this country to go through college.

Now that, in substance, is what this amendment if adopted would do.

Mr. Chairman, we don't agree with that argument and we believe this amendment should be defeated.

You know we passed the Labor-HHS-Education bill in the House on August 1, Mr. Chairman. The distin-

guished gentleman from Minnesota [Mr. FRENZEL] offered a 5.9-percent reduction across the board at that time.

As the chairman will remember, the rollcall vote was 144 ayes, 276 noes. The members of the committee said at that time, and I hope and pray today will say to the distinguished gentleman from Minnesota: We believe that the children in this country are our greatest asset. We are not going to start cutting this deficit at the expense of the children in this country.

Mr. Chairman, you know we hold hearings on the Labor, Health and Human Services and Education bill that last about 16 or 17 weeks. The members on the subcommittee, as my friend SILVIO CONTE of Massachusetts will tell you, we work together to produce a good bill.

Mr. Chairman, we do not have rollcall votes in our subcommittee. We do not need to have them. We sit there and talk about the issues in our bill. We are interested and concerned about the people in this country and that is what this bill is all about. We try to reach a consensus of all of our members.

Mr. CONTE, the ranking minority member not only on this subcommittee but on the full Committee on Appropriations, and I bring this bill out. We have done it now for a number of years. We bring a bill to House which both meets the needs of our people and in fiscally responsible.

Mr. Chairman, let me give you some specific example. If this amendment is adopted, Mr. Chairman, the job training program would be reduced $77,002,000.

As far as the summer youth program is concerned, that means so much to the cities in this country; the amendment includes an $18 million reduction. Think about it.

□ 1710

As far as the National Institutes of Health, Mr. Chairman, a $96 million reduction. Cancer research alone, the dread disease that we read about every day in the newspapers in this country, would receive a $20 million reduction under the Frenzel amendment.

Mr. Chairman, heart, lung, and blood research, $15 million; child health research, $5,939,000; research on aging, a $2,802,000 reduction.

Alcohol, drug abuse, and mental health would be reduced $8,106,000; child welfare assistance, $3,300,000. Chapter I grants for education of the disadvantaged children in this country, would be reduced $73 million. Chapter II grants for special education, a $14 million reduction.

Education for the handicapped—listen to this, Mr. Chairman—education for the handicapped. Not a member on this committee wants to do it. The Frenzel amendment makes a $25,970,000 reduction in education for the handicapped. Vocational education would receive a $14 million reduction. Student financial assistance, $101,580,000. Pell grants, $75 million.

Mr. Chairman, I know as well as you and every Member in this House that the budget deficit is one of the most serious problems confronting our people today. I know that. I know that when we end up with a $195 billion deficit, it is a serious matter. I know that when a budget is presented that totals $925 billion which anticipates a deficit of $172 billion, I know that is a serious matter.

Mr. Chairman, Mr. FRENZEL says this is the last go-round. This is the last time that we have a chance to reduce the deficit. Let us go after the children in this country; let us go after the elderly, let us go after the people who are helpless.

Mr. Chairman, not me. Not me, Mr. Chairman. I have served as a Member of this body for 30 years and 10 months, and I do not intend to start that today. The gentleman's amendment should be defeated.

Mr. Chairman, at this time I yield 5 minutes to my distinguished friend, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding this time to me.

It is ironic that 5 days after we heard Member after Member come to the well and ask, "will this rule cut my water project, my dam, my jetty," and vote against even allowing consideration of those cuts, this House is being asked to cut funding for programs for the needy, the unemployed, the sick, the handicapped, the children.

It is ironic that the effect of the vote of the gentleman who offers this amendment on the rule last Thursday will mean that this House will approve hundreds of millions of dollars in new spending on public works, and allows amendments to be considered to add entire authorization bills for billions of dollars, in order to cut 2 percent off health and education programs. Are those the priorities of this House?

Mr. Chairman, on August 1, this House approved the fiscal year 1985 Labor, Health and Human Services and Education appropriations bill by an overwhelming vote of 328-91. The pending amendment seeks to reopen that bill. It seeks to cover ground that has already been covered.

It was my position on August 1, and continues to be my position, that the budget totals contemplated in the Labor/HHS bill and the related provisions of this continuing resolution are close enough to what the folks downtown are indicating they could accept that we can work it out in conference with the Senate. We are within striking distance of getting a bill signed for the second year in a row.

What I said on August 1 was let us go to conference with the Senate with our House-passed priorities. I said that if we are going to bargain with the Senate, let us bargain over the priorities the House has passed on funding for education. And if we are going to bargain over the importance of education, let us bargain from a position of strength.

The 2-percent cut proposed by the gentleman would take the Labor/HHS discretionary total, as I understand it, well below what is needed to obtain a signature on the bill. It would cut more than $500 million from the bill. But what's worst, it would do so by a rash, across-the-board approach, with the subtlety and finesse of a butcher's knife.

Let me tell you about the programs it would reduce below the fiscal year 1984 appropriation level:

Job Training block grant;
Summer Youth Employment;
Dislocated Worker Training;
Child Welfare Assistance;
Work Incentives for Welfare Recipients;
Migrant Education programs;
Vocational Education;
TRIO programs, like Upward Bound;
Libraries, and so on.

It would cut health research by nearly $100 million.

It would cut student financial assistance for needy college students by more than $100 million.

It would cut education programs by some $258 million—more than half of the reductions resulting from this amendment would come from education programs.

If this continuing resolution is going forward, as it is, with hundreds of millions of dollars in new starts for public works projects, and with amendments to authorize billions of dollars in spending on foreign aid, defense, and water resources, I believe it would send the wrong signal about this body's priorities to take action at the same time to hack away blindly at programs aimed at the education, health, and employment of our people.

I urge my colleagues not to reopen the bill we passed overwhelmingly on August 1, and to defeat the amendment.

Mr. WEISS. Mr. Chairman, I rise in opposition to the amendment. This amendment is advertised as a simple matter of trimming the budget, and it is contended that this is not a particularly severe cut. But nothing could be farther from the truth. The amendment proposes to cut precisely those programs which have already been hardest hit by program cuts in 1981 and 1982. And among them are some of the programs which benefit the most defenseless members of our society—poor children and their families.

The Frenzel amendment will continue to diminish funds for the education of our disadvantaged youngsters, de-

nying close to 100,000 low-income children of this valuable opportunity. It will cut funds to child welfare services, denying hundreds of abused and homeless children the assistance they need. And it would also slice programs that offer our Nation's disabled children educational opportunities they will not find elsewhere. By any standards, these are severe cuts which serve to deny opportunity and lessen hope for those that are most in need.

These are not the only programs covered by the proposed 2 percent across-the-board cut. The amendment also envisions substantial cuts for job training programs, for health programs under the auspices of the National Institutes of Health, and for programs on alcohol, drug abuse, and mental health. The amendment also places our Nation's students in jeopardy by deleting funds for vocational education, for student aid—including Pell grants, and for other higher education programs.

If the thought of cutting 2 percent out of these kinds of programs is appealing to anyone in this chamber, they would do well to remember that the House has already spoken on this issue repeatedly in recent months. The House spoke on this issue when it approved a budget resolution that allows for $2 million more in spending than the present resolution envisions. And it spoke on this issue in approving the Labor-HHS-Education appropriations bill, H.R. 6028, by the impressive margin of 329 to 91. On the same date, the House rejected a similar effort for an across-the-board cut in Labor-HHS-Education programs by a margin of 144 to 276.

It is clear that there is a mandate in the House for the continuation of Labor-HHS-Education programs at the levels provided for in the continuing resolution. Furthermore, it is clear that these figures are well within the House budget resolution limits and can in no way be characterized as contrary to the intent of that resolution. In fact, overall appropriations levels under the continuing resolution are actually below fiscal year 1984 levels.

Mr. Chairman, the Frenzel amendment once again seeks to balance the Federal budget on the backs of those who can least shoulder the burden. In this case, it is our Nation's poor children and students who may bear the brunt of misdirected budget cuts that threaten their future.

Today, we must stand firm. We must not force these groups to sacrifice again in order to finance a deficit borne of tax giveaways for the wealthy and a massive, unwarranted military buildup. Rather, we must protect what we have already achieved: the spending levels approved by the House in H.R. 6028. I urge my colleagues to join me in defeating this ill-conceived amendment.

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to the amendment sponsored by the gentleman from Minnesota [Mr. FRENZEL] regarding the Labor-HHS-Education portion of the continuing resolution. The amendment seeks to reduce discretionary spending by 2 percent across-the-board.

During consideration of H.R. 6028, the Labor, Health and Human Services, Education Appropriations, fiscal year 1985, the House defeated an amendment sponsored by the gentleman from Minnesota by a vote of 276 to 144. That amendment sought to reduce discretionary spending by 5.9 percent across-the-board, or $1.5 billion.

Mr. Chairman, we cannot continue to spend billions and billions on weapons of destruction while destroying programs for people. Throughout our Nation's history, the people have been our greatest resource. I strongly urge my colleagues to defeat the amendment and to support Labor-HHS-Education programs at the level proposed by the Appropriations Committee.●

Mr. FRENZEL. Mr. Chairman, may I ask the distinguished gentleman from Kentucky whether he has any more speakers? I am prepared to yield my time.

Mr. NATCHER. Mr. Chairman, I have no additional requests on this side.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the last person whose bill I would like to amend is the gentleman from Kentucky. I do not think there is a finer subcommittee chairman in the House. I have seen him sit for hours and listen to request after request, and I know that he does not approve them frivolously, nor does his committee.

Nevertheless, what we are talking about in my allegedly heartless and cruel amendment is a simple reduction of a 10-percent increase down to an 8-percent increase. An increase of twice the rate of inflation is not really that mean. Even after my amendment, the increase in these programs is larger than all other departments of Government are getting this year.

Therefore, I hope my amendment will be adopted.

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

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. Sixty-seven Members are present, not a quorum.

Mr. CONTE. Mr. Chairman, can I ask for a recorded vote?

The CHAIRMAN. A recorded vote has already been demanded by the gentleman from Minnesota.

Mr. CONTE. Pending a quorum. I outright ask for a recorded vote.

Mr. Chairman, I ask for the yeas and nays.

Mr. FRENZEL. Mr. Chairman, I withdraw my request for a quorum.

The CHAIRMAN. The Chair has already announced the absence of a quorum. Therefore, a quorum call is necessary.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. It is not in order to ask unanimous consent to dispense with a quorum?

The CHAIRMAN. It is in order to ask for unanimous consent.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that we dispense with the quorum.

The CHAIRMAN. The Chair has been corrected. The Chair having already announced the absence of a quorum, it is not in order to do any business, even by unanimous consent.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1720

QUORUM CALL VACATED

The CHAIRMAN. One hundred one Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota [Mr. FRENZEL] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 284, not voting 26, as follows:

[Roll No. 418]

AYES—122

Archer	Bosco	Chandler
Badham	Breaux	Chappie
Bartlett	Brown (CO)	Clinger
Bateman	Broyhill	Coats
Bennett	Burton (IN)	Coleman (MO)
Bliley	Campbell	Conable

Craig	Kramer	Penny
Crane, Daniel	Lagomarsino	Petri
Crane, Philip	Latta	Pritchard
Daniel	Leach	Ray
Dannemeyer	Leath	Ritter
Darden	Levitas	Roberts
Daub	Lewis (CA)	Roemer
DeWine	Loeffler	Roth
Dreier	Lott	Rudd
Edwards (OK)	Lowery (CA)	Schaefer
English	Lujan	Schulze
Erdreich	Lundine	Sensenbrenner
Erlenborn	Lungren	Sharp
Fiedler	Mack	Shaw
Fields	MacKay	Shumway
Frenzel	Marriott	Shuster
Gekas	Martin (IL)	Siljander
Gingrich	McCain	Skeen
Gradison	McCandless	Slattery
Gregg	McCollum	Smith (NE)
Gunderson	McEwen	Smith, Denny
Hall, Sam	Mica	Smith, Robert
Hamilton	Michel	Stangeland
Hansen (ID)	Miller (OH)	Stenholm
Hansen (UT)	Montgomery	Stump
Hartnett	Moore	Sundquist
Hiler	Moorhead	Tauke
Hillis	Myers	Tauzin
Holt	Nelson	Thomas (CA)
Huckaby	Nielson	Vander Jagt
Hutto	Olin	Walker
Jacobs	Oxley	Weber
Jones (OK)	Packard	Wortley
Kasich	Pashayan	Zschau
Kindness	Paul	

NOES—284

Ackerman	Dicks	Hopkins
Addabbo	Dingell	Horton
Akaka	Dixon	Howard
Albosta	Donnelly	Hubbard
Anderson	Dorgan	Hughes
Andrews (NC)	Dowdy	Ireland
Andrews (TX)	Downey	Jeffords
Annunzio	Duncan	Jenkins
Anthony	Durbin	Johnson
Applegate	Dwyer	Jones (NC)
Aspin	Dymally	Jones (TN)
AuCoin	Dyson	Kaptur
Barnard	Early	Kastenmeier
Barnes	Eckart	Kazen
Bates	Edgar	Kemp
Bedell	Edwards (AL)	Kennelly
Beilenson	Edwards (CA)	Kildee
Bereuter	Emerson	Kleczka
Berman	Evans (IA)	Kogovsek
Bevill	Evans (IL)	Kolter
Biaggi	Fascell	Kostmayer
Bilirakis	Fazio	LaFalce
Boehlert	Feighan	Lantos
Boland	Fish	Lehman (CA)
Boner	Flippo	Lehman (FL)
Bonior	Florio	Lent
Bonker	Foglietta	Levin
Borski	Foley	Levine
Boucher	Ford (MI)	Lewis (FL)
Boxer	Ford (TN)	Lipinski
Britt	Fowler	Livingston
Brooks	Frank	Lloyd
Broomfield	Frost	Long (LA)
Brown (CA)	Fuqua	Long (MD)
Bryant	Garcia	Lowry (WA)
Burton (CA)	Gaydos	Luken
Carney	Gejdenson	Markey
Carper	Gephardt	Martin (NY)
Carr	Gibbons	Martinez
Chappell	Gilman	Matsui
Clarke	Glickman	Mavroules
Clay	Gonzalez	Mazzoli
Coelho	Goodling	McCloskey
Coleman (TX)	Gore	McCurdy
Collins	Gray	McDade
Conte	Green	McHugh
Conyers	Guarini	McKernan
Cooper	Hall (IN)	McKinney
Coughlin	Hall (OH)	McNulty
Courter	Hall, Ralph	Mikulski
Coyne	Hance	Miller (CA)
Crockett	Harkin	Mineta
Daschle	Hawkins	Minish
Davis	Hayes	Mitchell
de la Garza	Hefner	Moakley
Dellums	Heftel	Molinari
Derrick	Hertel	Mollohan
Dickinson	Hightower	Morrison (CT)
Morrison (WA)	Rose	Thomas (GA)
Mrazek	Rostenkowski	Torres
Murphy	Roukema	Torricelli
Murtha	Rowland	Towns
Natcher	Roybal	Traxler
Neal	Russo	Udall
Nichols	Sabo	Valentine
Nowak	Sawyer	Vandergriff
O'Brien	Scheuer	Vento
Oakar	Schneider	Volkmer
Oberstar	Schroeder	Vucanovich
Obey	Schumer	Walgren
Ortiz	Seiberling	Watkins
Ottinger	Shannon	Waxman
Owens	Shelby	Weaver
Panetta	Sikorski	Weiss
Parris	Sisisky	Wheat
Patman	Skelton	Whitehurst
Patterson	Smith (FL)	Whitley
Pease	Smith (IA)	Whittaker
Pickle	Smith (NJ)	Whitten
Porter	Snowe	Williams (MT)
Price	Snyder	Wilson
Pursell	Solarz	Winn
Quillen	Solomon	Wirth
Rahall	Spence	Wise
Rangel	Spratt	Wolf
Ratchford	St Germain	Wolpe
Regula	Staggers	Wright
Reid	Stark	Wyden
Richardson	Stokes	Wylie
Ridge	Stratton	Yates
Rinaldo	Studds	Yatron
Robinson	Swift	Young (AK)
Rodino	Synar	Young (FL)
Roe	Tallon	Young (MO)
Rogers	Taylor	

NOT VOTING—26

Alexander	Gramm	Marlenee
Bethune	Hammerschmidt	Martin (NC)
Boggs	Harrison	McGrath
Byron	Hatcher	Moody
Cheney	Hoyer	Pepper
Corcoran	Hunter	Savage
D'Amours	Hyde	Simon
Ferraro	Leland	Williams (OH)
Franklin	Madigan	

□ 1730

Messrs. SAWYER, EMERSON, DASCHLE, DORGAN, WISE, and COURTER changed their votes from "aye" to "no."

Messrs. HILLIS, CRAIG, RITTER, HANSEN of Idaho, and HUTTO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent Mr. MOLINARI was allowed to speak out of order.)

□ 1740

KENNEDY CENTER FUNDING

Mr. MOLINARI. I thank the chairman.

Mr. Chairman, I would like to ask a question of the chairman of the Committee on Appropriations before we proceed to a vote, if I may.

Mr. Chairman, lurking around this place someplace for the last several months is a bailout bill for Kennedy Center. I know there is some funding in the continuing resolution for Kennedy Center. Is there any provision in this continuing resolution that would provide for a bailout of the past-due indebtedness of the Kennedy Center?

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

Mr. MOLINARI. I yield to the chairman of the committee.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Illinois [Mr. YATES], the chairman of the Appropriations Subcommittee on Interior, may be familiar with this. Unfortunately he is not on the floor at the moment.

In reply, Mr. Chairman, may I say that nearly all of the 13 Appropriations Subcommittees are involved in this joint resolution.

I am advised that there is no specific provision in this joint resolution concerning the Kennedy Center. I don't know if there is a provision in the Interior appropriations bill which is carried by reference in this measure. We passed that bill through the House and it is pending in the Senate. They have not had a conference as yet.

Mr. MOLINARI. If I may impose on the gentleman [Mr. WHITTEN] for one more question.

Mr. Chairman, is there anything the gentleman knows of in the way of the continuing resolution in the other body containing a provision for the Kennedy Center bailout?

Mr. WHITTEN. May I say that I do not have the least idea about what the other body may do, and I do not think anyone else knows what they will have in their final version of the resolution. I am advised they are in full committee right now marking up the resolution. So I do not know yet what will be in it.

May I repeat there is no specific provision in this resolution concerning the Kennedy Center.

Mr. MOLINARI. I thank the gentleman.

Mr. Chairman, I would like to put the House on notice that there are a number of us who would like to debate that on its merits and not have it attached to the continuing resolution, if possible.

Mr. Chairman, I appreciate the answer of the gentleman from Mississippi.

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

The CHAIRMAN. The Chair will inform the gentleman that that request is not in order.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes, pursuant to House Resolution 588, he reported the bill back to the House with sundry amendments 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?

Mr. MILLER of California. Mr. Speaker, I demand a separate vote on the so-called Miller of California amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any provision to the contrary in title XX of the Social Security Act—

(1) the dollar figure set forth in section 2003(c)(3) of such Act is hereby increased to $2,750,000,000 for the fiscal year 1985;

(2)(A) the additional $50,000,000 made available to the States for such fiscal year pursuant to paragraph (1)—

(i) shall be used only for the purpose of providing training and retraining, including training in the prevention of child abuse in child care settings, to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents, and

(ii) shall be expended only to supplement the level of any funds that would (in the absence of the additional assistance resulting from this section) be available from other sources for the purpose specified in clause (i), and shall in no case supplant such funds from other sources or reduce the level thereof; but

(B) no more than one-half of the amount by which any State's allotment under section 2003 of such Act is increased as a result of paragraph (1) shall actually be paid to such State unless it has in effect procedures (established by or under State law and funded from other sources) for appropriately screening and conducting background checks and criminal investigations of all providers of licensed or registered child care services and all operators and staffs of facilities where licensed or registered child care services are provided, in accordance with standards specified in or established under State law, with the objective of protecting the children involved and assuring their safety and welfare while they are receiving child care services; and

(3) the determination and promulgation required by section 2003(b) of such Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the enactment of this Act.

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

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

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 369, noes 37, not voting 26, as follows:

[Roll No. 419]

AYES—369

Ackerman	Edwards (AL)	Lehman (FL)
Addabbo	Edwards (CA)	Lent
Akaka	Edwards (OK)	Levin
Albosta	Emerson	Levine
Anderson	English	Levitas
Andrews (NC)	Erdreich	Lewis (CA)
Andrews (TX)	Evans (IA)	Lewis (FL)
Annunzio	Evans (IL)	Lipinski
Anthony	Fascell	Livingston
Applegate	Fazio	Lloyd
Archer	Feighan	Loeffler
Aspin	Fiedler	Long (LA)
AuCoin	Fields	Long (MD)
Barnard	Fish	Lott
Barnes	Flippo	Lowery (CA)
Bateman	Florio	Lowry (WA)
Bates	Foglietta	Lujan
Bedell	Foley	Luken
Bennett	Ford (MI)	Lundine
Bereuter	Ford (TN)	Lungren
Berman	Fowler	MacKay
Bevill	Frank	Madigan
Biaggi	Frenzel	Markey
Bilirakis	Frost	Marriott
Bliley	Fuqua	Martin (IL)
Boehlert	Garcia	Martin (NY)
Boland	Gaydos	Martinez
Boner	Gekas	Matsui
Bonker	Gephardt	Mavroules
Borski	Gibbons	Mazzoli
Boucher	Gilman	McCain
Boxer	Gingrich	McCandless
Breaux	Glickman	McCloskey
Britt	Gonzalez	McCollum
Brooks	Goodling	McCurdy
Broomfield	Gore	McDade
Brown (CA)	Gray	McEwen
Bryant	Green	McHugh
Burton (IN)	Gregg	McKernan
Byron	Guarini	McKinney
Campbell	Hall (IN)	McNulty
Carney	Hall (OH)	Mica
Carper	Hall, Ralph	Michel
Carr	Hall, Sam	Mikulski
Chandler	Hamilton	Miller (CA)
Chappell	Hance	Miller (OH)
Chappie	Harkin	Mineta
Clarke	Hawkins	Minish
Clay	Hayes	Mitchell
Clinger	Hefner	Moakley
Coats	Hertel	Molinari
Coelho	Hightower	Mollohan
Coleman (MO)	Hiler	Moore
Coleman (TX)	Hillis	Morrison (CT)
Collins	Hopkins	Morrison (WA)
Conable	Horton	Mrazek
Conte	Howard	Murphy
Conyers	Huckaby	Murtha
Cooper	Hughes	Myers
Coughlin	Hunter	Natcher
Courter	Ireland	Neal
Coyne	Jacobs	Nelson
Crockett	Jeffords	Nichols
Darden	Jenkins	Nowak
Daub	Johnson	O'Brien
Davis	Jones (NC)	Oakar
de la Garza	Jones (OK)	Oberstar
Dellums	Jones (TN)	Obey
Derrick	Kaptur	Olin
DeWine	Kasich	Ortiz
Dickinson	Kastenmeier	Ottinger
Dicks	Kazen	Owens
Dingell	Kemp	Packard
Dixon	Kennelly	Panetta
Donnelly	Kildee	Parris
Dorgan	Kleczka	Pashayan
Dowdy	Kogovsek	Patman
Downey	Kolter	Patterson
Dreier	Kostmayer	Pease
Duncan	Kramer	Petri
Durbin	LaFalce	Pickle
Dwyer	Lagomarsino	Porter
Dymally	Lantos	Price
Dyson	Latta	Pritchard
Early	Leach	Pursell
Eckart	Leath	Quillen
Edgar	Lehman (CA)	Rahall
Rangel	Shuster	Udall
Ratchford	Sikorski	Valentine
Ray	Siljander	Vander Jagt
Regula	Sisisky	Vandergriff
Reid	Skeen	Vento
Richardson	Skelton	Volkmer
Ridge	Smith (FL)	Vucanovich
Rinaldo	Smith (IA)	Walgren
Ritter	Smith (NE)	Walker
Roberts	Smith (NJ)	Watkins
Robinson	Smith, Robert	Waxman
Rodino	Snowe	Weaver
Roe	Snyder	Weber
Roemer	Solarz	Weiss
Rogers	Solomon	Wheat
Rose	Spence	Whitehurst
Rostenkowski	Spratt	Whitley
Roth	St Germain	Whittaker
Roukema	Staggers	Whitten
Rowland	Stangeland	Williams (MT)
Roybal	Stark	Wilson
Russo	Stokes	Winn
Sabo	Stratton	Wirth
Sawyer	Studds	Wise
Schaefer	Sundquist	Wolf
Scheuer	Swift	Wolpe
Schneider	Tallon	Wortley
Schroeder	Tauke	Wright
Schulze	Tauzin	Wyden
Schumer	Taylor	Wylie
Seiberling	Thomas (CA)	Yates
Sensenbrenner	Thomas (GA)	Yatron
Shannon	Torres	Young (AK)
Sharp	Torricelli	Young (FL)
Shaw	Towns	Young (MO)
Shelby	Traxler	Zschau

NOES—37

Badham	Gradison	Nielson
Bartlett	Gunderson	Oxley
Bellenson	Hansen (ID)	Paul
Bonior	Hansen (UT)	Penny
Bosco	Hartnett	Rudd
Brown (CO)	Heftel	Shumway
Broyhill	Holt	Slattery
Craig	Hubbard	Smith, Denny
Crane, Daniel	Hutto	Stenholm
Crane, Philip	Kindness	Stump
Daniel	Mack	Synar
Dannemeyer	Montgomery	
Erlenborn	Moorhead	

NOT VOTING—26

Alexander	Franklin	Marlenee
Bethune	Gejdenson	Martin (NC)
Boggs	Gramm	McGrath
Burton (CA)	Hammerschmidt	Moody
Cheney	Harrison	Pepper
Corcoran	Hatcher	Savage
D'Amours	Hoyer	Simon
Daschle	Hyde	Williams (OH)
Ferraro	Leland	

□ 1800

Mr. SAM B. HALL, JR., changed his vote from "no" to "aye."

Mr. SLATTERY changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. MOAKLEY]. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LUNGREN. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LUNGREN moves to recommit H.J. Res. 648 to the Committee on Appropriations with instructions to report it back to the House forthwith with the following amendment: Immediately after line 2 add the following: "Title I" and at the end of the bill add the following new title:

"TITLE II

This Title may be cited as the "Comprehensive Crime Control Act of 1984."

SEC. 101. Section 102 of this joint resolution (H.J. Res. 648) shall not apply with respect to the provisions enacted by this title.

BAIL

SEC. 102. This section may be cited as the "Bail Reform Act of 1984".

SEC. 103. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) PENDING TRIAL.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) RELEASE ON CONDITIONS.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) DETENTION HEARING.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142 (c)(2)(K) or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) AVAILABLE SANCTIONS.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) REVOCATION OF RELEASE.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) PROSECUTION FOR CONTEMPT.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings ..... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to sections 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.

"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court."

SEC. 103. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions.".

SEC. 104. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 105. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 106. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 107. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 108. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing.".

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 109. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

SENTENCING REFORM

SEC. 201. This title may be cited as the "Sentencing Reform Act of 1984".

SEC. 202. (a) Title 18 of the United States Code is amended by—

(1) redesignating sections 3577, 3578, 3579, 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620, and 3656 as sections 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a new chapter 232 of title 18 of the United States Code, respectively;

(2) repealing chapters 227, 229, and 231 and substituting the following new chapters:

"CHAPTER 227—SENTENCES

"SUBCHAPTER A—GENERAL PROVISIONS

"SUBCHAPTER A—GENERAL PROVISIONS

"§ 3551. Authorized sentences

"(a) IN GENERAL.—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

"(b) INDIVIDUALS.—An individual found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B;

"(2) a fine as authorized by subchapter C; or

"(3) a term of imprisonment as authorized by subchapter D.

A sentence to pay a fine may be imposed in addition to any other sentence. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"(c) ORGANIZATIONS.—An organization found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B; or

"(2) a fine as authorized by subchapter C.

A sentence to pay a fine may be imposed in addition to a sentence to probation. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"§ 3552. Presentence reports

"(a) PRESENTENCE INVESTIGATION AND REPORT BY PROBATION OFFICER.—A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

"(b) PRESENTENCE STUDY AND REPORT BY BUREAU OF PRISONS.—If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall take no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an

order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States marshal shall return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they believe are applicable to the defendant's case. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

"(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, it may order that the defendant undergo a psychiatric or psychological examination and that the court be provided with a written report of the results of the examination pursuant to the provisions of section 4247.

"(d) DISCLOSURE OF PRESENTENCE REPORTS.—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant.

"§ 3553. Imposition of a sentence

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentence imposed—

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

"(3) the kinds of sentences available;

"(4) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and that are in effect on the date the defendant is sentenced;

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced; and

"(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

"(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

"(1) is of the kind, and within the range, described in subsection (a)(4), the reason for imposing a sentence at a particular point within the range; or

"(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

"(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE OR RESTITUTION.—Prior to imposing an order of notice pursuant to section 3555, or an order of restitution pursuant to section 3556, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

"(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

"(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

"(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

"§ 3554. Order of criminal forfeiture

"The court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of this title or in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accordance with the provisions of section 1963 of this title or section 413 of the Comprehensive Drug Abuse and Control Act of 1970.

"§ 3555. Order of notice to victims

"The court, in imposing a sentence on a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices, may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant give reasonable notice and explanation of the conviction, in such form as the court may approve, to the victims of the offense. The notice may be ordered to be given by mail, by advertising in designated areas or through designated media, or by other appropriate means. In determining whether to require the defendant to give such notice, the court shall consider the factors set forth in section 3553(a) to the extent that they are applicable and shall consider the cost involved in giving the notice as it relates to the loss caused by the offense, and shall not require the defendant to bear the costs of notice in excess of $20,000.

"§ 3556. Order of restitution

"The court, in imposing a sentence on a defendant who has been found guilty of an offense under this title, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant make restitution to any victim of the offense in accordance with the provisions of sections 3663 and 3664.

"§ 3557. Review of a sentence

"The review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742.

"§ 3558. Implementation of a sentence

"The implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229.

"§ 3559. Sentencing classification of offenses

"(a) CLASSIFICATION.—An offense that is not specifically classified by a letter grade in the section defining it, is classified—

"(1) if the maximum term of imprisonment authorized is—

"(A) life imprisonment, or if the maximum penalty is death, as a Class A felony;

"(B) twenty years or more, as a Class B felony;

"(C) less than twenty years but ten or more years, as a Class C felony;

"(D) less than ten years but five or more years, as a Class D felony;

"(E) less than five years but more than one year, as a Class E felony;

"(F) one year or less but more than six months, as a Class A misdemeanor;

"(G) six months or less but more than thirty days, as a Class B misdemeanor;

"(H) thirty days or less but more than five days, as a Class C misdemeanor; or

"(I) five days or less, or if no imprisonment is authorized, as an infraction.

"(b) EFFECT OF CLASSIFICATION.—An offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation except that:

"(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

"(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.

"SUBCHAPTER B—PROBATION

"Sec.

"3561. Sentence of probation.

"3562. Imposition of a sentence of probation.

"3563. Conditions of probation.

"3564. Running of a term of probation.

"3565. Revocation of probation.

"SUBCHAPTER B—PROBATION

"§ 3561. Sentence of probation

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

"(1) the offense is a Class A or Class B felony;

"(2) the offense is an offense for which probation has been expressly precluded; or

"(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense.

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

"(b) AUTHORIZED TERMS.—The authorized terms of probation are—

"(1) for a felony, not less than one nor more than five years;

"(2) for a misdemeanor, not more than five years; and

"(3) for an infraction, not more than one year.

"§ 3562. Imposition of a sentence of probation

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF PROBATION.—The court, in determining whether to impose a term of probation, and, if a term of probation is to be imposed, in determining the length of the term and the conditions of probation, shall consider the factors set forth in section 3553(a) to the extent that they are applicable.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence of probation can subsequently be—

"(1) modified or revoked pursuant to the provisions of section 3564 or 3565;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3563. Conditions of probation

"(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

"(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation; and

"(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13).

If the court has imposed and ordered execution of a fine and placed the defendent on probation, payment of the fine or adherence to the court-established installment schedule shall be a conditon of the probation.

"(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553 (a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

"(1) support his dependents and meet other family responsibilities;

"(2) pay a fine imposed pursuant to the provisions of subchapter C;

"(3) make restitution to a victim of the offense pursuant to the provisions of section 3556;

"(4) give to the victims of the offense the notice ordered pursuant to the provisions of section 3555;

"(5) work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment;

"(6) refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances;

"(7) refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons;

"(8) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(9) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(10) undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose;

"(11) remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no more than the lesser of one year or the term of imprisonment authorized for the offense in section 3581(b), during the first year of the term of probation;

"(12) reside at, or participate in the program of, a community corrections facility for all or part of the term of probation;

"(13) work in community service as directed by the court;

"(14) reside in a specified place or area, or refrain from residing in a specified place or area;

"(15) remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer;

"(16) report to a probation officer as directed by the court or the probation officer;

"(17) permit a probation officer to visit him at his home or elsewhere as specified by the court;

"(18) answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment;

"(19) notify the probation officer promptly if arrested or questioned by a law enforcement officer; or

"(20) satisfy such other conditions as the court may impose.

"(c) MODIFICATIONS OF CONDITIONS.—The court may, after a hearing, modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the conditions of probation.

"(d) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the sentence is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3564. Running of a term of probation

"(a) COMMENCEMENT.—A term of probation commences on the day that the sentence of probation is imposed, unless otherwise ordered by the court.

"(b) CONCURRENCE WITH OTHER SENTENCES.—Multiple terms of probation, whether imposed at the same time or at different times, run concurrently with each other. A term of probation runs concurrently with any Federal, State, or local term of probation, or supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation, except that it does not run during any period in which the defendant is imprisoned for a period of at least 30 consecutive days in connection with a conviction for a Federal, State, or local crime.

"(c) EARLY TERMINATION.—The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

"(d) EXTENSION.—The court may, after a hearing, extend a term of probation, if less than the maximum authorized term was previously imposed, at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the term of probation.

"(e) SUBJECT TO REVOCATION.— A sentence of probation remains conditional and subject to revocation until its expiration or termination.

"§ 3565. Revocation of probation

"(a) CONTINUATION OR REVOCATION.—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

"(1) continue him on probation, with or without extending the term of modifying or enlarging the conditions; or

"(2) revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.

"(b) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

"§ 3566. Implementation of a sentence of probation

"The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

"SUBCHAPTER C—FINES

"SUBCHAPTER C—FINES

"§ 3571. Sentence of fine

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) AUTHORIZED FINES.—Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $250,000;

"(B) for any other misdemeanor, not more than $25,000; and

"(C) for an infraction, not more than $1,000; and

"(2) if the defendant is an organization—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $500,000;

"(B) for any other misdemeanor, not more than $100,000; and

"(C) for an infraction, not more than $10,000.

"§ 3572. Imposition of a sentence of fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING FINE.—The court, in determining whether to impose a fine, and, if a fine is to be imposed, in determining the amount of the fine, the time for payment, and the method of payment, shall consider—

"(1) the factors set forth in section 3553(a), to the extent they are applicable, including, with regard to the characteristics of the defendant under section 3553(a), the ability of the defendant to pay the fine in view of the defendant's income, earning capacity, and financial resources and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent upon the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant to the victim of the offense, and any obligation imposed upon the defendant to make such restitution or reparation to the victim of the offense;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent equitable consideration.

"(b) LIMIT ON AGGREGATE OF MULTIPLE FINES.—Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.

"(c) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3573;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(e) ALTERNATIVE SENTENCE PRECLUDED.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be served in the event that the fine is not paid.

"(f) INDIVIDUAL RESPONSIBILITY FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3574. Implementation of a sentence of fine

"The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

"SUBCHAPTER D—IMPRISONMENT

"Sec.

"3581. Sentence of imprisonment.

"3582. Imposition of a sentence of imprisonment.

"3583. Inclusion of a term of supervised release after imprisonment.

"3584. Multiple sentences of imprisonment.

"3585. Calculation of a term of imprisonment.

"3586. Implementation of a sentence of imprisonment.

"SUBCHAPTER D—IMPRISONMENT

"§ 3581. Sentence of imprisonment

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

"(b) AUTHORIZED TERMS.—The authorized terms of imprisonment are—

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty-five years;

"(3) for a Class C felony, not more than twelve years;

"(4) for a Class D felony, not more than six years;

"(5) for a Class E felony, not more than three years;

"(6) for a Class A misdemeanor, not more than one year;

"(7) for a Class B misdemeanor, not more than six months;

"(8) for a Class C misdemeanor, not more than thirty days; and

"(9) for an infraction, not more than five days.

"§ 3582. Imposition of a sentence of imprisonment

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

"(1) modified pursuant to the provisions of subsection (c);

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

"(1) in any case—

"(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

"(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

"(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(n), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

"(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

"§ 3583. Inclusion of a term of supervised release after imprisonment

"(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment.

"(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—The authorized terms of supervised release are—

"(1) for a Class A or Class B felony, not more than three years;

"(2) for a Class C or Class D felony, not more than two years; and

"(3) for a Class E felony, or for a misdemeanor, not more than one year.

"(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

"(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision. The court may order, as a further condition of supervised release, to the extent that such condition—

"(1) is reasonably related to the factors set forth in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

"(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553 (a)(2)(B) and (a)(2)(D); and

"(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563 (b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

"(e) MODIFICATION OF TERM OR CONDITIONS.—The court may, after considering the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

"(1) terminate a term of supervised release previously ordered and discharge the person released at any time after the expiration of one year of supervised release, if it is satisfied that such action is warranted by the conduct of the person released and the interest of justice;

"(2) after a hearing, extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions applicable to the initial setting of the terms and conditions of post-release supervision; or

"(3) treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title.

"(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3584. Multiple sentences of imprisonment

"(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

"(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

"(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

"§ 3585. Calculation of a term of imprisonment

"(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

"(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

"(1) as a result of the offense for which the sentence was imposed; or

"(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

"§ 3586. Implementation of a sentence of imprisonment

"The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

"CHAPTER 229—POSTSENTENCE ADMINISTRATION

"SUBCHAPTER A—PROBATION

"SUBCHAPTER A—PROBATION

"§ 3601. Supervision of probation

"A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

"§ 3602. Appointment of probation officers

"(a) APPOINTMENT.—A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

"(b) RECORD OF APPOINTMENT.—The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

"(c) CHIEF PROBATION OFFICER.—If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

"§ 3603. Duties of probation officers

"A probation officer shall—

"(a) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

"(b) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

"(c) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

"(d) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

"(e) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked; and

"(h) perform any other duty that the court may designate.

"§ 3604. Transportation of a probationer

"A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

"(a) transportation to the place to which he is required to proceed as a condition of his probation; and

"(b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

"§ 3605. Transfer of jurisdiction over a probationer

"A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

"§ 3606. Arrest and return of a probationer

"If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

"§ 3607. Special probation and expungement procedures for drug possessors

"(a) PRE-JUDGMENT PROBATION.—If a person found guilty of an offense described in section 404 of the Controlled Substances Act (21 U.S.C. 844)—

"(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

"(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565.

"(b) RECORD OF DISPOSITION.—A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

"(c) EXPUNGEMENT OF RECORD OF DISPOSITION.—If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (21 U.S.C. 844) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

"SUBCHAPTER B—FINES

"SUBCHAPTER B—FINES

"§ 3611. Payment of a fine

"A person who has been sentenced to pay a fine pursuant to the provisions of subchapter C of chapter 227 shall pay the fine immediately, or by the time and method specified by the sentencing court, to the clerk of the court. The clerk shall forward the payment to the United States Treasury.

"§ 3612. Collection of an unpaid fine

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;
"(2) his current address;
"(3) the docket number of the case;
"(4) the amount of the fine imposed;
"(5) any installment schedule;
"(6) the nature of any modification or remission of the fine or installment schedule; and
"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (b). An order of restitution, pursuant to section 3556, does not create any right of action against the

United States by the person to whom restitution is ordered to be paid.

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3613. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable and liability to pay a fine expires—

"(1) twenty years after the entry of the judgment; or

"(2) upon the death of the individual fined.

The period set forth in paragraph (1) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in paragraph (1) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT OF NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases, but in no event shall liability for payment of a fine extend beyond the period specified in subsection (b).

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

"SUBCHAPTER C—IMPRISONMENT

"Sec.

"3621. Imprisonment of a convicted person.

"3622. Temporary release of a prisoner.

"3623. Transfer of a prisoner to State authority.

"3624. Release of a prisoner.

"3625. Inapplicability of the Administrative Procedure Act.

"SUBCHAPTER C—IMPRISONMENT

"§ 3621. Imprisonment of a convicted person

"(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

"(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

"(1) the resources of the facility contemplated;

"(2) the nature and circumstances of the offense;

"(3) the history and characteristics of the prisoner;

"(4) any statement by the court that imposed the sentence—

"(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

"(B) recommending a type of penal or correctional facility as appropriate; and

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.

"(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

"(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

"§ 3622. Temporary release of a prisoner

"The Bureau of Prisons may release a prisoner from the place of his imprisonment for a limited period if such release appears to be consistent with the purpose for which the sentence was imposed and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), if such release otherwise appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions, to—

"(a) visit a designated place for a period not to exceed thirty days, and then return

to the same or another facility, for the purpose of—

"(1) visiting a relative who is dying;

"(2) attending a funeral of a relative;

"(3) obtaining medical treatment not otherwise available;

"(4) contacting a prospective employer;

"(5) establishing or reestablishing family or community ties; or

"(6) engaging in any other significant activity consistent with the public interest;

"(b) participate in a training or educational program in the community while continuing in official detention at the prison facility; or

"(c) work at paid employment in the community while continuing in official detention at the penal or correctional facility if—

"(1) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the community; and

"(2) the prisoner agrees to pay to the Bureau such costs incident to official detention as the Bureau finds appropriate and reasonable under all the circumstances, such costs to be collected by the Bureau and deposited in the Treasury to the credit of the appropriation available for such costs at the time such collections are made.

"§ 3623. Transfer of a prisoner to State authority

"The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if—

"(1) the transfer has been requested by the Governor or other executive authority of the State;

"(2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and

"(3) the Director finds that the transfer would be in the public interest.

If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

"§ 3624. Release of a prisoner

"(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of his term of imprisonment, less any time credited toward the service of his sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of thirty-six days at the end of each year of his term of imprisonment, beginning after the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

"(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his re-entry into the community. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

"(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of his term of imprisonment, the Bureau of Prisons shall furnish him with—

"(1) suitable clothing;

"(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

"(3) transportation to the place of his conviction, to his bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

"(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment. The term runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release, except that it does not run during any period in which the person is imprisoned, other than during limited intervals as a condition of probation or supervised release, in connection with a conviction for a Federal, State, or local crime. No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.

"§ 3625. Inapplicability of the Administrative Procedure Act

"The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.";

(3) in section 3663 (formerly section 3579):

(A) by amending subsection (g) to read as follows:

"(g) If such defendant is placed on probation or sentenced to a term of supervised release under this title, any restitution ordered under this section shall be a condition of such probation or supervised release. The court may revoke probation, or modify the term or conditions of a term of supervised release, or hold a defendant in contempt pursuant to section 3583(e) if the defendant fails to comply with such order. In determining whether to revoke probation, modify the term or conditions of supervised release, or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay."; and

(B) by amending subsection (h) to read as follows:

"(h) An order of restitution may be enforced by the United States in the manner provided in sections 3812 and 3813 or in the same manner as a judgment in a civil action, and by the victim named in the order to receive the restitution in the same manner as a judgment in a civil action.";

(4) adding the following new section at the end of chapter 232:

"§ 3673. Definitions for sentencing provisions

"As used in chapters 227 and 229—

"(a) 'found guilty' includes acceptance by a court of a plea of guilty or nolo contendere;

"(b) 'commission of an offense' includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

"(c) 'law enforcement officer' means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense."; and

(5) adding the following caption and sectional analysis at the beginning of new chapter 232:

"CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

(b) The chapter analysis of Part II of title 18, United States Code, is amended by striking out the items relating to chapters 227, 229, and 231, and inserting in lieu thereof the following:

SEC. 203. (a) Chapter 235 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 3742. Review of a sentence

"(a) APPEAL BY A DEFENDANT.—A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a); or

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

"(b) APPEAL BY THE GOVERNMENT.—The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;

and the Attorney General or the Solicitor General personally approves the filing of the notice of appeal.

"(c) RECORD ON REVIEW.—If a notice of appeal is filed in the district court pursuant to subsection (a) or (b), the clerk shall certify to the court of appeals—

"(1) that portion of the record in the case that is designated as pertinent by either of the parties;

"(2) the presentence report; and

"(3) the information submitted during the sentencing proceeding.

"(d) CONSIDERATION.—Upon review of the record, the court of appeals shall determine whether the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines; or

"(3) is outside the range of the applicable sentencing guideline, and is unreasonable, having regard for—

"(A) the factors to be considered in imposing a sentence, as set forth in chapter 227 of this title; and

"(B) the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c).

The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous.

"(e) DECISION AND DISPOSITION.—If the court of appeals determines that the sentence—

"(1) was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it shall—

"(A) remand the case for further sentencing proceedings; or

"(B) correct the sentence;

"(2) is outside the range of the applicable sentencing guideline and is unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and—

"(i) remand the case for imposition of a lesser sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a lesser sentence;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and—

"(i) remand the case for imposition of a greater sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a greater sentence; or

"(3) was not imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, and is not unreasonable, it shall affirm the sentence.".

(b) The sectional analysis of chapter 235 of title 18, United States Code, is amended by adding the following new item after the item relating to section 3741:

"3742. Review of a sentence.".

SEC. 204. Chapter 403 of title 18, United States Code is amended as follows:

(a) Section 5037 is amended—

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

(2) by striking out subsections (a) and (b) and inserting the following new subsections in lieu thereof:

"(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a disposition hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (e). After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, enter an order of restitution pursuant to section 3556, place him on probation, or commit him to official detention. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

"(A) three years; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond five years; or

"(B) in any other case beyond the lesser of—

"(i) three years; or

"(ii) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult.".

(b) Section 5041 is repealed.

(c) Section 5042 is amended by—

(1) striking out "parole or" each place it appears in the caption and text; and

(2) striking out "parolee or".

(d) The sectional analysis is amended by striking out the items relating to sections 5041 and 5042 and inserting in lieu thereof the following:

"5041. Repealed.

"5042. Revocation of Probation.".

SEC. 205. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 32 is amended—

(1) by deleting subdivision (a)(1) and inserting in lieu thereof the following:

"(1) IMPOSITION OF SENTENCE.—Sentence shall be imposed without unnecessary delay, but the court may, upon a motion that is jointly filed by the defendant and by the attorney for the Government and that asserts a factor important to the sentencing determination is not capable of being resolved at that time, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved. Prior to the sentencing hearing, the court shall provide the counsel for the defendant and the attorney for the Government with notice of the probation officer's determination, pursuant

to the provisions of subdivision (c)(2)(B), of the sentencing classifications and sentencing guideline range believed to be applicable to the case. At the sentencing hearing, the court shall afford the counsel for the defendant and the attorney for the Government an opportunity to comment upon the probation officer's determination and on other matters relating to the appropriate sentence. Before imposing sentence, the court shall also—

"(A) determine that the defendant and his counsel have had the opportunity to read and discuss the presentence investigation report made available pursuant to subdivision (c)(3)(A) or summary thereof made available pursuant to subdivision (c)(3)(B);

"(B) afford counsel for the defendant an opportunity to speak on behalf of the defendant; and

"(C) address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of the sentence.

The attorney for the Government shall have an equivalent opportunity to speak to the court. Upon a motion that is jointly filed by the defendant and by the attorney for the Government, the court may hear in camera such a statement by the defendant, counsel for the defendant, or the attorney for the Government.";

(2) in subdivision (a)(2), by adding ", including any right to appeal the sentence," after "right to appeal" in the first sentence;

(3) in subdivision (a)(2), by adding ", except that the court shall advise the defendant of any right to appeal his sentence" after "nolo contendere" in the second sentence;

(4) by amending the first sentence of subdivision (c)(1) to read as follows:

"A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.";

(5) by amending subdivision (c)(2) to read as follows:

"(2) REPORT.—The report of the presentence investigation shall contain—

"(A) information about the history and characteristics of the defendant, including his prior criminal record, if any, his financial condition, and any circumstances affecting his behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant;

"(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case; the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length than one within the applicable guideline would be more appropriate under all the circumstances;

"(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2);

"(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

"(E) unless the court orders otherwise, information concerning the nature and extent of nonprison programs and resources available for the defendant; and

"(F) such other information as may be required by the court.";

(6) in subdivision (c)(3)(A), by deleting "exclusive of any recommendations as to sentence" and inserting in lieu thereof ", including the information required by subdivision (c)(2) but not including any final recommendation as to sentence,";

(7) in subdivision (c)(3)(D), delete "or the Parole Commission";

(8) in subdivision (c)(3)(F), delete "or the Parole Commission pursuant to 18 U.S.C. §§ 4205(c), 4252, 5010(e), or 5037(c)" and substitute "pursuant to 18 U.S.C. § 3552(b)"; and

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18 U.S.C. § 4205(c)," in subdivision (d).

(b) Rule 35 is amended to read as follows:

"Rule 35. Correction of Sentence

"(a) CORRECTION OF A SENTENCE ON REMAND.—The court shall correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the sentencing guidelines, or to be unreasonable, upon remand of the case to the court—

"(1) for imposition of a sentence in accord with the findings of the court of appeals; or

"(2) for further sentencing proceedings if, after such proceedings, the court determines that the original sentence was incorrect.

"(b) CORRECTION OF SENTENCE FOR CHANGED CIRCUMSTANCES.—The court, on motion of the Government, may within one year after the imposition of a sentence, lower a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a).".

(c) Rule 38 is amended—

(1) by amending the caption to read: "Stay of Execution" and deleting "(a) Stay of Execution.";

(2) by deleting subdivisions (b) and (c);

(3) by redesignating subdivisions (a)(1) through (a)(4) as subdivisions (a) through (d), respectively;

(4) in subdivision (a), by adding "from the conviction or sentence" after "is taken";

(5) in the first sentence of subdivision (b), by adding "from the conviction or sentence" after "is taken";

(6) by amending subdivision (d) to read as follows:

"(d) PROBATION.—A sentence of probation may be stayed if an appeal from the conviction or sentence is taken. If the sentence is stayed, the court shall fix the terms of the stay."; and

(7) by adding new subdivisions (e) and (f) as follows:

"(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS, AND RESTITUTION.—A sanction imposed as part of the sentence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an appeal of the conviction or sentence is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may issue such orders as may be reasonably necessary to ensure compliance with the sanction upon disposition of the appeal, including the entering of a restraining order or an injunction or requiring a deposit in whole or in part of the monetary amount involved into the registry of the district court or execution of a performance bond.

"(f) DISABILITIES.—A civil or employment disability arising under a Federal statute by reason of the defendant's conviction or sentence, may, if an appeal is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may enter a restraining order or an injunction, or take any other action that may be reasonably necessary to protect the interest represented by the disability pending disposition of the appeal.".

(d) Rule 40 is amended by deleting "3653" in subdivision (d)(1) and inserting in lieu thereof "3605".

(e) Rule 54 is amended by amending the definition of "Petty offense" in subdivision (c) to read as follows: " 'Petty offense' means a class B or C misdemeanor or an infraction.".

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

(g) The Table of Rules that precedes Rule 1 is amended as follows:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.
"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances.".

(2) The item relating to Rule 38 is amended to read as follows:

"38. Stay of Execution.
"(a) Death.
"(b) Imprisonment.
"(c) Fine.
"(d) Probation.
"(e) Criminal forfeiture, notice to victims, and restitution.
"(f) Disabilities.".

SEC. 206. (a) The Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates are amended by adding the following new rule at the end thereof:

"Rule 9. Definition

"As used in these rules, 'petty offense' means a Class B or C misdemeanor or an infraction.".

(b) The Table of Rules that precedes Rule 1 is amended by adding at the end thereof the following new item:

"9. Definition.".

SEC. 207. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

"CHAPTER 58—UNITED STATES SENTENCING COMMISSION

"Sec.
"991. United States Sentencing Commission; establishment and purposes.
"992. Terms of office; compensation.
"993. Powers and duties of Chairman.
"994. Duties of the Commission.
"995. Powers of the Commission.
"996. Director and staff.
"997. Annual report.
"998. Definitions.

"§ 991. United States Sentencing Commission; establishment and purposes

"(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least two of the members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

"(b) The purposes of the United States Sentencing Commission are to—

"(1) establish sentencing policies and practices for the Federal criminal justice system that—

"(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

"§ 992. Terms of office; compensation

"(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

"(1) two members, including the Chairman, serve terms of six years;

"(2) three members serve terms of four years; and

"(3) two members serve terms of two years.

"(b) No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge.

"§ 993. Powers and duties of Chairman

"The Chairman shall—

"(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

"(b) direct—

"(1) the preparation of requests for appropriations for the Commission; and

"(2) the use of funds made available to the Commission.

"§ 994. Duties of the Commission

"(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and title 18, United States Code, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

"(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;

"(B) a determination as to the appropriate amount of a fine or the appropriate length of a term of probation or a term of imprisonment;

"(C) a determination whether a sentence to a term of imprisonment should include a requirement that the defendant be placed on a term of supervised release after imprisonment, and, if so, the appropriate length of such a term; and

"(D) a determination whether multiple sentences to terms of imprisonment should be ordered to run concurrently or consecutively;

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553(a)(2) of title 18, United States Code, including the appropriate use of—

"(A) the sanctions set forth in sections 3554, 3555, and 3556 of title 18;

"(B) the conditions of probation and supervised release set forth in sections 3563(b) and 3583(d) of title 18;

"(C) the sentence modification provisions set forth in sections 3563(c), 3573, and 3582(c) of title 18;

"(D) the authority granted under rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement entered into pursuant to rule 11(e)(1); and

"(E) the temporary release provisions set forth in section 3622 of title 18, and the prerelease custody provisions set forth in section 3624(c) of title 18; and

"(3) guidelines or general policy statements regarding the appropriate use of the probation revocation provisions set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

"(b) The Commission, in the guidelines promulgated pursuant to subsection (a)(1), shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 per centum.

"(c) The Commission, in establishing categories of offenses for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) the grade of the offense;

"(2) the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense;

"(3) the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust;

"(4) the community view of the gravity of the offense;

"(5) the public concern generated by the offense;

"(6) the deterrent effect a particular sentence may have on the commission of the offense by others; and

"(7) the current incidence of the offense in the community and in the Nation as a whole.

"(d) The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) age;

"(2) education;

"(3) vocational skills;

"(4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;

"(5) physical condition, including drug dependence;

"(6) previous employment record;

"(7) family ties and responsibilities;

"(8) community ties;

"(9) role in the offense;

"(10) criminal history; and

"(11) degree of dependence upon criminal activity for a livelihood.

The Commission shall assure that the guidelines and policy statements are entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders.

"(e) The Commission shall assure that the guidelines and policy statements, in recommending a term of imprisonment or length of a term of imprisonment, reflect the general inappropriateness of considering the education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant.

"(f) The Commission, in promulgating guidelines pursuant to subsection (a)(1), shall promote the purposes set forth in section 991(b)(1), with particular attention to the requirements of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities.

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter.

"(h) The Commission shall assure that the guidelines will specify a sentence to a term of imprisonment at or near the maximum term authorized by section 3581(b) of title 18, United States Code, for categories of defendants in which the defendant is eighteen years old or older and—

"(1) has been convicted of a felony that is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(2) has previously been convicted of two or more prior felonies, each of which is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a).

"(i) The Commission shall assure that the guidelines will specify a sentence to a substantial term of imprisonment for categories of defendants in which the defendant—

"(1) has a history of two or more prior Federal, State, or local felony convictions for offenses committed on different occasions;

"(2) committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income;

"(3) committed the offense in furtherance of a conspiracy with three or more persons engaging in a pattern of racketeering activity in which the defendant participated in a managerial or supervisory capacity;

"(4) committed a crime of violence that constitutes a felony while on release pending trial, sentence, or appeal from a Federal, State, or local felony for which he was ultimately convicted; or

"(5) committed a felony that is set forth in section 401 or 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 and 960), and that involved trafficking in a substantial quantity of a controlled substance.

"(j) The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury.

"(k) The Commission shall insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational or vocational training, medical care, or other correctional treatment.

"(l) The Commission shall insure that the guidelines promulgated pursuant to subsection (a)(1) reflect—

"(1) the appropriateness of imposing an incremental penalty for each offense in a case in which a defendant is convicted of—

"(A) multiple offenses committed in the same course of conduct that result in the exercise of ancillary jurisdiction over one or more of the offenses; and

"(B) multiple offenses committed at different times, including those cases in which the subsequent offense is a violation of section 3146 (penalty for failure to appear) or is committed while the person is released pursuant to the provisions of section 3147 (penalty for an offense committed while on release) of title 18; and

"(2) the general inappropriateness of imposing consecutive terms of imprisonment for an offense of conspiring to commit an offense or soliciting commission of an offense and for an offense that was the sole object of the conspiracy or solicitation.

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing described in section 3553(a)(2) of title 18, United States Code.

"(n) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, the Bureau of Prisons, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work.

"(o) The Commission, at or after the beginning of a regular session of Congress but not later than the first day of May, shall report to the Congress any amendments of the guidelines promulgated pursuant to subsection (a)(1), and a report of the reasons therefor, and the amended guidelines shall take effect one hundred and eighty days after the Commission reports them, except to the extent the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress.

"(p) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—

"(1) modernization of existing facilities;

"(2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and

"(3) use of existing Federal facilities, such as those currently within military jurisdiction.

"(q) The Commission, within three years of the date of enactment of the Sentencing Reform Act of 1983, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate.

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

Within one hundred and eighty days of the filing of such petition the Commission shall provide written notice to the defendant whether or not it has approved the petition. If the petition is disapproved the written notice shall contain the reasons for such disapproval. The Commission shall submit to the Congress at least annually an analysis of such written notices.

"(s) The Commission, in promulgating general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) of title 18, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples. Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason.

"(t) If the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify by what amount the sentences of prisoners serving terms of imprisonment that are outside the

applicable guideline ranges for the offense may be reduced.

"(u) The Commission shall ensure that the general policy statements promulgated pursuant to subsection (a)(2) include a policy limiting consecutive terms of imprisonment for an offense involving a violation of a general prohibition and for an offense involving a violation of a specific prohibition encompassed within the general prohibition.

"(v) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis.

"(w) The provisions of section 553 of title 5, relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section.

"§ 995. Powers of the Commission

"(a) The Commission, by vote of a majority of the members present and voting, shall have the power to—

"(1) establish general policies and promulgate such rules and regulations for the Commission as are necessary to carry out the purposes of this chapter;

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) deny, revise, or ratify any request for regular, supplemental, or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman;

"(4) procure for the Commission temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code;

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims;

"(8) request such information, data, and reports from any Federal agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;

"(11) arrange with the head of any other Federal agency for the performance by such agency of any function of the Commission, with or without reimbursement;

"(12) establish a research and development program within the Commission for the purpose of—

"(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

"(B) assisting and serving in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;

"(14) publish data concerning the sentencing process;

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code;

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties; and

"(22) perform such other functions as are required to permit Federal courts to meet their responsibilities under section 3553(a) of title 18, United States Code, and to permit others involved in the Federal criminal justice system to meet their related responsibilities.

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a) (1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

"(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

"§ 996. Director and staff

"(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission.

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code, except the following chapters: 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest).

"§ 997. Annual report

"The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

"§ 998. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Sentencing Commission;

"(b) 'Commissioner' means a member of the United States Sentencing Commission;

"(c) 'guidelines' means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and

"(d) 'rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 995 of this title.".

(b) The chapter analysis of part III of title 28, United States Code, is amended by adding after the item relating to chapter 57 the following new item:

REPEALERS

SEC. 208. (a) The following provisions of title 18, United States Code, are repealed:

(1) section 1;

(2) section 3012;

(3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;

(4) chapter 309;

(5) chapter 311;

(6) chapter 314;

(7) sections 4281, 4283, and 4284; and

(8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

"1. Repealed.".

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

"3012. Repealed.".

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

(1) chapters 309 and 311 to read as follows:

"309. Repealed.....
"311. Repealed..... ";

and

(2) chapter 314 to read as follows:

"314. Repealed..... ".

(e) The items relating to sections 4084 and 4085 in the sectional analysis of chapter 305 of title 18, United States Code, are amended to read as follows:

"4084. Repealed.
"4085. Repealed.".

(f) The sectional analysis of chapter 315 of title 18, United States Code, is amended by amending the items relating to—

(1) section 4281 to read:

"4281. Repealed."; and

(2) sections 4283 and 4284 to read as follows:

"4283. Repealed.
"4284. Repealed.".

(g) The item relating to chapter 402 in the chapter analysis of Part IV of title 18, United States Code, is amended to read as follows:

"402. Repealed..... ".

SEC. 209. (a) Sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849) are repealed.

(b) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by deleting the designation "(a)" at the beginning of the subsection.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 210. The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended as follows:

(a) The second sentence of section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended to read: "An alien who would be excludable because of the conviction of an offense for which the sentence actually imposed did not exceed a term of imprisonment in excess of six months, or who would be excludable as one who admits the commission of an offense for which a sentence not to exceed one year's imprisonment might have been imposed on him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.".

(b) Section 242(h) (8 U.S.C. 1252(h)) is amended by adding "supervised release," after "parole,".

SEC. 211. Section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) is amended by deleting "petty offense (18 U.S.C. 1)" and substituting "misdemeanor".

SEC. 212. Section 9 of the Act of October 8, 1964 (16 U.S.C. 460n-8) is amended—

(a) in the first paragraph, by deleting "commissioner" each place it appears and substituting "magistrate"; and

(b) in the second paragraph, by amending the first sentence to read: "The functions of the magistrate shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18, United States Code.".

SEC. 213. Title 18 of the United States Code is amended as follows:

(a) Section 924(a) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

(b) Section 1161 is amended by deleting "3618" and substituting "3669".

(c) Section 1761(a) is amended by adding ", supervised release," after "parole".

(d) Section 2114 is amended by adding "not more than" after "imprisoned".

(e) Section 3006A is amended—

(1) in subsections (a)(1) and (b), by deleting "misdemeanor (other than a petty offense as defined in section 1 of this title)" each place it appears and substituting "Class A misdemeanor"; and

(2) in subsections (a)(3) and (g), deleting "subject to revocation of parole," each place it appears.

(f) Section 3143, as amended by this Act, is amended—

(1) in subsection (a), by adding "other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment," after "sentence,"; and

(2) in subsection (c), by adding the following at the end thereof: "The judge shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3742 in accordance with the provisions of—

"(1) subsection (a) if the person has been sentenced to a term of imprisonment; or

"(2) section 3142 if the person has not been sentenced to a term of imprisonment.".

(g) Section 3147, as amended by this Act, is amended—

(1) in paragraph (1), by deleting "not less than two years and"; and

(2) in paragraph (2), by deleting "not less than ninety days and".

(h) Section 3156(b)(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(i) Section 3172(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(j) Section 3401 is amended—

(1) by repealing subsection (g) and redesignating (h) to (g); and

(2) in subsection (h), by deleting "petty offense case" and substituting "Class B or C misdemeanor case, or infraction case,".

(k) Section 3670 (formerly section 3619) is amended by deleting "3617" and "3618" and substituting "3668" and "3669", respectively.

(l) Section 4004 is amended by deleting "record clerks, and parole officers" and substituting "and record clerks".

(m) Chapter 306 is amended as follows:

(1) Section 4101 is amended—

(A) in subsection (f), by adding ", including a term of supervised release pursuant to section 3583" after "supervision"; and

(B) in subsection (g), by deleting "to a penalty of imprisonment the execution of which is suspended and" and substituting "under which", and by deleting "the suspended" and substituting "a".

(2) Section 4105(c) is amended—

(A) in paragraph (1), by deleting "for good time" the second place it appears and substituting "toward service of sentence for satisfactory behavior";

(B) in paragraphs (1) and (2), by deleting "section 4161" and substituting "section 3624(b)";

(C) in paragraph (1), by deleting "section 4164" and substituting "section 3624(a)";

(D) by repealing paragraph (3);

(E) by amending paragraph (4) to read as follows:

"(3) Credit toward service of sentence may be withheld as provided in section 3624(b) of this title."; and

(F) by redesignating paragraphs accordingly.

(3) Section 4106 is amended—

(A) in subsection (a), by deleting "Parole Commission" and substituting "Probation System";

(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment shall be released pursuant to section 3624(a) of this title after serving the period of time specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1). He shall be released to serve a term of supervised release for any term specified in the applicable guideline. The provisions of section 3742 of this title apply to a sentence to a term of imprisonment under this subsection, and the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States has jurisdiction to review the period of imprisonment as though it had been imposed by the United States district court."; and

(C) by repealing subsection (c).

(4) Section 4108(a) is amended by adding ", including any term of imprisonment or term of supervised release specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1)," after "consequences thereof".

(n) Section 4321 is amended by deleting "parole or".

(o) Section 4351(b) is amended by deleting "Parole Board" and substituting "Sentencing Commission".

(p) Section 5002 is amended by deleting "Board of Parole, the Chairman of the Youth Division," and substituting "United States Sentencing Commission,".

SEC. 214. The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A), by deleting the last sentence;

(2) in subsection (b)(1)(B), by deleting the last sentence;

(3) in subsection (b)(2), by deleting the last sentence;

(4) in subsection (b)(4), by deleting "subsections (a) and (b) of", and by adding "and section 3607 of title 18, United States Code" after "404";

(5) in subsection (b)(5), by deleting the last sentence; and

(6) by repealing subsection (c).

(b) Section 405 (21 U.S.C. 845) is amended—

(1) in subsection (a), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule"; and

(2) in subsection (b), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving

the same controlled substance and schedule".

(c) Section 408(c) (21 U.S.C. 848(c)) is amended by deleting "and section 4202 of title 18 of the United States Code".

SEC. 215. The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended—

(1) in subsection (b)(1), by deleting the last sentence;

(2) in subsection (b)(2), by deleting the last sentence; and

(3) by repealing subsection (c).

(b) Section 1012(a) (21 U.S.C. 962(a)) is amended by deleting the last sentence.

SEC. 216. Section 114(b) of title 23, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 217. Section 5871 of the Internal Revenue Code of 1954 (26 U.S.C. 5871) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

SEC. 218. Title 28 of the United States Code is amended as follows:

(a) Section 509 is amended—

(1) by adding "and" after paragraph (2) and, in paragraph (3), by deleting "; and" and substituting a period; and

(2) by repealing paragraph (4).

(b) Section 591(a) is amended by deleting "petty offense" and substituting "Class B or C misdemeanor or an infraction".

(c) Section 2901 is amended—

(1) in subsection (e), by deleting "section 1" and substituting "section 3581"; and

(2) in subsection (g)(3), by adding ", supervised release," after "parole", and by adding "supervised release," after "parole,".

SEC. 219. Section 504(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and section 411(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)) are amended—

(a) by deleting "the Board of Parole of the United States Department of Justice" and substituting "if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, on motion of the United States Department of Justice, the district court of the United States for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

(b) by deleting "Board" and "Board's" and substituting "court" and "court's", respectively; and

(c) by deleting "an administrative" and substituting "a".

SEC. 220. Section 411(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is amended by adding "or supervised release" after "parole".

SEC. 221. Section 425(b) of the Job Training and Partnership Act is amended by deleting "or parole" the first place it appears and substituting ", parole, or supervised release".

SEC. 222. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(a) Section 341(a) (42 U.S.C. 257(a)) is amended by deleting "or convicted of offenses against the United States and sentenced to treatment" and "addicts who are committed to the custody of the Attorney General pursuant to provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code),".

(b) Section 343(d) (42 U.S.C. 259(d)) is amended by adding "or supervised release" after "parole".

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

SEC. 223. Section 11507 of title 49, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 224. Section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 460(b)(7)) is amended by deleting "parole" and substituting "release".

EFFECTIVE DATE

SEC. 225. (a)(1) This title shall take effect on the first day of the first calendar month beginning twenty-four months after the date of enactment, except that—

(A) the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment;

(B)(i) chapter 58 of title 28, United States Code, shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the United States Sentencing Commission shall submit the initial sentencing guidelines promulgated to section 994(a)(1) of title 28 to the Congress within eighteen months of the effective date of the chapter; and

(ii) the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, shall not go into effect until the day after—

(I) the United States Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(II) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within one hundred and fifty days of submission of the guidelines, reported to the Congress the results of its study; and

(III) the Congress has had six months after the date described in subclause (I) in which to examine the guidelines and consider the reports; and

(IV) the provisions of sections 227 and 228 shall take effect on the date of enactment.

(2) For the purposes of section 992(a) of title 28, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii).

(b)(1) The following provisions of law in effect on the day before the effective date of this Act shall remain in effect for five years after the effective date as to an individual convicted of an offense or adjudicated to be a juvenile delinquent before the effective date and as to a term of imprisonment during the period described in subsection (a)(1)(B):

(A) Chapter 311 of title 18, United States Code.

(B) Chapter 309 of title 18, United States Code.

(C) Sections 4251 through 4255 of title 18, United States Code.

(D) Sections 5041 and 5042 of title 18, United States Code.

(E) Sections 5017 through 5020 of title 18, United States Code, as to a sentence imposed before the date of enactment.

(F) The maximum term of imprisonment in effect on the effective date for an offense committed before the effective date.

(G) Any other law relating to a violation of a condition of release or to arrest authority with regard to a person who violates a condition of release.

(2) Notwithstanding the provisions of section 4202 of title 18, United States Code, as in effect on the day before the effective date of this Act, the term of office of a Commissioner who is in office on the effective date is extended to the end of the five-year period after the effective date of this Act.

(3) The United States Parole Commission shall set a release date, for an individual who will be in its jurisdiction the day before the expiration of five years after the effective date of this Act, that is within the range that applies to the prisoner under the applicable parole guideline. A release date set pursuant to this paragraph shall be set early enough to permit consideration of an appeal of the release date, in accordance with Parole Commission procedures, before the expiration of five years following the effective date of this Act.

(4) Notwithstanding the other provisions of this subsection, all laws in effect on the day before the effective date of this Act pertaining to an individual who is—

(A) released pursuant to a provision listed in paragraph (1); and

(B)(i) subject to supervision on the day before the expiration of the five-year period following the effective date of this Act; or

(ii) released on a date set pursuant to paragraph (3);

including laws pertaining to terms and conditions of release, revocation of release, provision of counsel, and payment of transportation costs, shall remain in effect as to the individual until the expiration of his sentence, except that the district court shall determine, in accord with the Federal Rules of Criminal Procedure, whether release should be revoked or the conditions of release amended for violation of a condition of release.

(5) Notwithstanding the provisions of section 991 of title 28, United States Code, and sections 4351 and 5002 of title 18, United States Code, the Chairman of the United States Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the United States Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the United States Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of section 4351 of title 18, during the five-year period the National Institute of Corrections shall have seventeen members, including seven ex officio members. Notwithstanding the provisions of section 991 of title 28, during the five-year period the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members.

SEC. 226. (a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, go into effect, the General Accounting Office shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study.

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine—

(1) whether the sentencing guideline system has been effective;

(2) whether any changes should be made in the sentencing guideline system; and

(3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended.

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within one hundred and twenty days, notify the person by certified mail of his obligation, within thirty days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within one hundred and eighty days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to ensure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) twenty years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b) (1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within thirty days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning twenty-four months after the date of enactment of this Act.

SEC. 229. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to ensure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, Federal

sentencing practice should ensure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

FORFEITURE

SEC. 301. This title may be cited as the "Comprehensive Forfeiture Act of 1984".

PART A

SEC. 302. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

PART B

SEC. 303. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining

order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the rele-

vant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 304. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 305. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 306. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 307. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 308. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.

"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C

SEC. 309. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any

expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the general fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

PART D

SEC. 311. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 312. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 313. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 314. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 315. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 316. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 317. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 318. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of

the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 319. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 320. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 321. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 322. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 323. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

OFFENDERS WITH MENTAL DISEASE OR DEFECT

SEC. 401. This title may be sited as the "Insanity Defense Reform Act of 1984."

SEC. 402. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 20. Insanity defense

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.".

"(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

SEC. 403. (a) Chapter 313 of title 18, United States Code, is amended to read as follows:

"CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"§ 4241. Determination of mental competency to stand trial

"(a) MOTION TO DETERMINE COMPETENCY OF DEFENDANT.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. The court shall hold a hear-

ing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged.

"§ 4242. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the Government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 4243. Hospitalization of a person found not guilty only by reason of insanity

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (e).

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) BURDEN OF PROOF.—In a hearing pursuant to subsection (c) of this section, a person found not guilty only by reason of insanity of an offense involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. With respect to any other offense, the person has the burden of such proof by a preponderance of the evidence.

"(e) DETERMINATION AND DISPOSITION.—If, after the hearing, the court fails to find by the standard specified in subsection (d) of this section that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(f) DISCHARGE.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (e) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by the standard specified in subsection (d) that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(g) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (f) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"§ 4244. Hospitalization of a convicted person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the Government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a pre-

ponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for the offense for which the defendant was found guilty.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

"§ 4245. Hospitalization of an imprisoned person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF IMPRISONED PERSON.—If a person serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suitable facility for care or treatment, an attorney for the Government, at the request of the director of the facility in which the person is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person. The court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the transfer of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the person may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the person is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the person to the custody of the Attorney General. The Attorney General shall hospitalize the person for treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of the sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the person has not expired, the court shall order that the person be reimprisoned until the expiration of his sentence of imprisonment.

"§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial

risk of bodily injury to another person or serious damage to property of another.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than ten days after certification by the director of the facility.

"§ 4247. General provisions for chapter—

"(a) DEFINITIONS.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

"(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) section 4243, 4244, 4245, or 4246 shall prepare annual reports concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 4243 or 4246 precludes a person who is committed under either of such sections from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of section 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the Government.

"(i) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a political subdivision, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(j) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.".

(b) The item relating to chapter 313 in the chapter analysis of part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect.".

SEC. 404. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by deleting "crime" in subdivision (a) and inserting in lieu thereof "offense";

(b) by deleting "other condition bearing upon the issue of whether he had the mental state required for the offense charged" in subdivision (b) and inserting in lieu thereof "any other mental condition bearing upon the issue of guilt";

(c) by deleting "to a psychiatric examination by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(d) by deleting "mental state" in subdivision (d) and inserting in lieu thereof "guilt".

SEC. 405. Section 3006A of title 18, United States Code, is amended—

(a) in subsection (a), by deleting "or, (4)" and substituting "(4) whose mental condition is the subject of a hearing pursuant to chapter 313 of this title, or (5)"; and

(b) in subsection (g), by deleting "or section 4245 of title 18".

SEC. 406. Rule 704 of the Federal Rules of Evidence is amended to read as follows:

"Rule 704. Opinion on ultimate issue

"(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

"(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.".

DRUG ENFORCEMENT AMENDMENTS

PART A—CONTROLLED SUBSTANCES PENALTIES

SEC. 501. This title may be cited as the "Controlled Substances Penalties Amendments Act of 1984".

SEC. 502. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1), by—

(A) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and inserting after "(1)" a new subparagraph to read as follows:

"(A) In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(I) coca leaves;

"(II) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(III) a substance chemically identical thereto;

"(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

"(iii) 500 grams or more of phencyclidine (PCP); or

"(iv) 5 grams or more of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than $500,000, or both";

(B) in subparagraph (B), as redesignated above, by—

(i) striking out "which is a narcotic drug" in the first sentence and inserting in lieu thereof "except as provided in subparagraphs (A) and (C),"

(ii) striking out "$25,000" and "$50,000" and inserting in lieu thereof "$125,000" and "$250,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country"; and

(C) in subparagraph (C), as redesignated above, by—

(i) striking out "a controlled substance in schedule I or II which is not a narcotic drug" and ", (5), and (6)" and inserting in lieu thereof "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil" and "and (5)", respectively;

(ii) striking out "$15,000" and "$30,000" and inserting in lieu thereof "$50,000" and "$100,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country";

(2) in paragraph (2), by—

(A) striking out "$10,000" and "$20,000" and inserting in lieu thereof "$25,000" and "$50,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(3) in paragraph (3), by—

(A) striking out "$5,000" and "$10,000" and inserting in lieu thereof "$10,000" and "$20,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(4) in paragraph (4), by striking out "(1)(B)" and inserting in lieu thereof "(1)(C)";

(5) by striking out paragraphs (5) and (6);

(6) by adding at the end thereof the following:

"(5) Notwithstanding paragraph (1), any person who violates subsection (a) by cultivating a controlled substance on Federal property shall be fined not more than—

"(A) $500,000 if such person is an individual; and

"(B) $1,000,000 if such person is not an individual.".

SEC. 503. (a) Part D of the Controlled Substances Act is amended by adding after section 405 of the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

(b)(1) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(2) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(3) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

SEC. 504. Subsection (b) of section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting after "(b)" a new paragraph to read as follows:

"(1) In the case of a violation under subsection (a) of this section involving—

"(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto;

"(B) a kilogram or more of any other narcotic drug in schedule I or II;

"(C) 500 grams or more of phencyclidine (PCP);

"(D) 5 grams or more of lysergic acid diethylamide (LSD);

the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.";

(2) in paragraph (2), as redesignated above, by—

(A) striking out "narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3),"; and

(B) striking out "$25,000" and inserting in lieu thereof "$125,000";

(3) in paragraph (3), as redesignated above, by—

(A) striking out "a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)"; and

(B) striking out "$15,000" and substituting "$50,000".

SEC. 505. Section 1012 of the Controlled Substances Import and Export Act (21 U.S.C. 962) is amended by striking out "the United States" in subsection (b) and inserting in lieu thereof "a State, the United States, or a foreign country".

PART B—DIVERSION CONTROL AMENDMENTS

SEC. 506. Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding the following new paragraph (14):

"(14) The term 'isomer' means the optical isomer, except as used in section 202(c) schedule I(c) and section 202(c) schedule II(a)(4). As used in section 202(c) schedule I(c), the term 'isomer' means the optical, positional or geometric isomer. As used in section 202(c) schedule II(a)(4), the term 'isomer' means the optical or geometric isomer.".

Section 102 is further amended by redesignating subsequent paragraphs accordingly and by amending redesignated paragraph (17) to read as follows:

"(17) The term 'narcotic drug' means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

"(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

"(B) Poppy straw and concentrate of poppy straw.

"(C) Coca leaves. Such term does not include coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine of their salts have been removed.

"(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

"(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

"(F) Any compound, mixture or preparation which contains any quantity of any of the substances referred to in clauses (A) through (E).".

SEC. 507. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives.".

SEC. 508. Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding a new subsection (h) as follows:

"(h) If the Attorney General finds that such action is necessary to avoid an imminent hazard to the public safety, he may, by temporary rule without prior notice or hearing, and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, control any drug or other substance. A finding that the issuance of a temporary rule under this subsection is necessary to avoid an imminent hazard to the public safety shall be good cause for and, unless otherwise provided by the Attorney General, shall constitute a finding for the purpose of section 553(b) of title 5, United States Code, that notice and public procedure on making such a temporary rule are impractical, unnecessary, and contrary to the public interest.

"(1) When issuing a temporary rule under this subsection, the Attorney General shall be required to consider, with respect to this finding of an imminent hazard to the public safety, only those factors set forth in section 201(c) (4), (5) and (6), including, but not limited to, actual abuse, diversion from legitimate channels, and clandestine importation, manufacture or marketing.

"(2) The Attorney General shall transmit notice of the temporary scheduling of any drug or substance to the Secretary of Health and Human Services who, within thirty days from the date of such notice, may object to the temporary placement. Unless the Secretary has currently available evidence relating to the lack of abuse potential of the drug or substance, his consideration shall be limited to the factors set forth in subsection (1) of this section. The Secretary's objection to temporary control shall be binding upon the Attorney General but shall be considered as affecting the temporary scheduling only and shall in no way reflect upon any subsequent proceedings under section 201(a) to permanently control or reschedule the same drug or substance.

"(3) The temporary scheduling of any drug or substance shall expire at the end of one year from the date of the temporary scheduling thereof, except that the Attorney General may, during the pendency of proceedings under section 201(a)(1), extend the temporary placement for periods of six months.

"(4) A temporary rule issued under this subsection shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under section 201(a) and no such temporary rule may be issued subsequent to the initiation of formal rulemaking proceedings as to the same drug or substance.

"(5) Notwithstanding the schedule in which a drug is placed pursuant to this subsection, the penalty for the illegal manufacture, distribution, dispensing or possession with intent to manufacture, distribute or dispense, shall be that provided by section 401(b)(1)(c) for schedule III controlled substances.

"(6) With respect to the requirements of title II, part C, only the requirements of section 302 (registration) and section 307 (recordkeeping and reporting) shall apply to a drug for as long as it is temporarily scheduled.

"(7) The issuance of a temporary rule under this subsection shall not constitute a final determination for purposes of review under section 507 of this title, nor shall such temporary rule be otherwise reviewable.".

SEC. 509. Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended to add the following new paragraph:

"(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

"(A) EXEMPT PRESCRIPTION PREPARATIONS.—A compound, mixture or preparation containing a non-narcotic controlled substance and which is approved for prescription use and which contains one or more other active ingredients which are not listed in any schedule. In addition, such other ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

"(B) EXEMPT CHEMICAL PREPARATIONS.—A compound, mixture or preparation which contains any controlled substance and which is not for administration to a human being or animal, and is packaged in such form or concentration, or with adulterants or denaturants, so that the packaged quantities do not present any significant potential for abuse.".

SEC. 510. Section 202(d) of the Controlled Substances Act (21 U.S.C. 812(d)) is deleted.

SEC. 511. Section 302(a) of the Controlled Substances Act (21 U.S.C. 822(a)) is amended to read as follows:

"(a)(1) Every person who manufactures or distributes any controlled substance, or who proposes to engage in the manufacture or distribution of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

"(2) Every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the Attorney General a registration issued in accordance with the rules and regulations promulgated by him. The Attorney General shall, by regulation, determine the period of such registrations. In no event, however, shall such registrations be issued for less than one year nor for more than three years.".

SEC. 512. Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended to read as follows:

"(f) The Attorney General shall register practitioners (including pharmacies, as distinguished from—pharmacists) to dispense, or conduct research with, controlled substances in schedule II, III, IV, or V, if the applicant is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the State in which he practices: *Provided, however,* That the Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) the recommendation of the appropriate State licensing board or professional disciplinary authority;

"(2) the applicant's past experience in dispensing, or conducting research with respect to controlled substances;

"(3) the applicant's prior conviction record under Federal, State or local laws relating to the manufacture, distribution, or dispensing of controlled substances;

"(4) compliance with applicable State, Federal or local laws relating to controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.

"Separate registration under this part for practitioners engaging in research with controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

SEC. 513. Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended by deleting "or" at the end of subsection (2), by the addition of the word "or" to the end of subsection (3) thereof, and by the addition of a new subsection (4) as follows:

"(4) has committed such acts as would render his registration under section 303 inconsistent with the public interest as defined therein.".

SEC. 514. Section 304(f) of the Controlled Substances Act (21 U.S.C. 824(f)) is redesignated section 304(f)(1) and the following new section 304(f) is added:

"(2) The Attorney General may, in his discretion, place under seal any controlled sub-

stances owned or possessed by a registrant whose registration has expired, or who has ceased to practice or do business in the manner contemplated by his registration. Such controlled substances shall be held for the benefit of the registrant, or his successor in interest, for a period of ninety days, following which the Attorney General may dispose of such controlled substances in accordance with section 511(e).".

SEC. 515. Section 307(c)(1)(A) of the Controlled Substances Act (21 U.S.C. 827(c)(1)(A)) is amended to read:

"(A) to the prescribing of controlled substances in schedule II, III, IV, or V by practitioners acting in the lawful course of their professional practice";

SEC. 516. Section 307(c)(1)(B) of the Controlled Substances Act (21 U.S.C. 827(c)(1)(B)) is amended to read:

"(B) to the administering of a controlled substance in schedule II, III, IV, or V unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges his patients, either separately or together with charges for other professional services, for substances so administered.".

SEC. 517. Section 307 of the Controlled Substances Act (21 U.S.C. 827) is further amended by adding thereto a new subsection (g) as follows:

"(g) Every registrant under this title shall be required to report any change of professional or business address in such manner as the Attorney General shall by regulation require.".

SEC. 518. Section 403(a)(2) of the Controlled Substances Act (21 U.S.C. 843(a)(2)) is amended to read as follows:

"(2) to use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person.".

SEC. 519. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

"(6) enter into grant-in-aid programs with State and local governments to assist them to suppress the diversion of controlled substances from legitimate medical, scientific, and commercial channels. Funds annually appropriated for this purpose shall remain available until expended.".

SEC. 520. Section 511(a)(1) of the Controlled Substances Act (21 U.S.C. 881(a)(1)) is amended to read as follows:

"(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this title.".

SEC. 521. Section 1002(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(2)) is amended by deleting "or" at the end of subpart (A), by adding the word "or," at the end of subpart (B) thereof, and by adding the following new subpart (C):

"(C) in limited quantities for ultimate scientific, analytical or research uses exclusively,".

SEC. 522. Section 1002(b)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952(b)(2)) is amended to read as follows:

"(2) is imported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

SEC. 523. Section 1003(e) of the Controlled Substances Import and Export Act (21 U.S.C. 953(e)) is amended to read as follows:

"(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substances in schedule V unless—

"(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination for consumption for medical, scientific or other legitimate purposes;

"(2) it is exported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification or declaration, as the Attorney General may by regulation prescribe; and

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

SEC. 524. Section 1007(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 957(a)(2)) is amended to read as follows:

"(2) export from the United States any controlled substance in schedule I, II, III, IV, or V,".

SEC. 525. Section 1008(a) of the Controlled Substances Import and Export Act (21 U.S.C. 958(a)) is amended to read as follows:

"(a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances both within the United States and international commerce;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 526. Section 1008(b) of the Controlled Substances Import and Export Act (21 U.S.C. 958(b)) is amended to read as follows:

"(b) Registration granted under this section shall not entitle a registrant to import or export controlled substances other than those specified in the registration.".

SEC. 527. Section 1008(c) of the Controlled Substances Import and Export Act (21 U.S.C. 958(c)) is amended to read as follows:

"(c) The Attorney General shall register an applicant to import or to export a controlled substance in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against the diversion of any controlled substances;

"(2) compliance with applicable State and local laws;

"(3) prior conviction record of the applicant under Federal and State laws relating to controlled substances;

"(4) past experience in the handling of controlled substances; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

SEC. 528. Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958), is further amended by redesignating subsections (d), (e), (f), (g), and (h), as subsections (e), (f), (g), (h), and (i), respectively, and—

(1) by inserting the following new subsection (d):

"(d) Actions to deny an application for registration or to revoke or suspend a registration under this section.

"(1) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (a) if he is unable to determine that such registration is consistent with the public interest (as defined in subsection (a)) and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(2) The Attorney General may deny an application for registration or revoke or suspend a registration under subsection (c), if he determines that such registration is inconsistent with the public interest (as defined in subsection (c)) or with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(3) The Attorney General may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

"(4) Before taking action pursuant to this section, the Attorney General shall serve upon the applicant or registrant an order to show cause as to why the registration should not be denied, revoked or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General, or his designee, at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceeding shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health and safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by

the Attorney General or dissolved by a court of competent jurisdiction.

"(6) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306 of the Controlled Substances Act.

"(7) In the event that the Attorney General suspends or revokes a registration granted under this section, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of the sale thereof which have been deposited with the court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e) of the Controlled Substances Act.".

(2) by deleting "304" in the second sentence of redesignated subsection (e); and

(3) by amending redesignated subsection (i) to read as follows:

"(i) prior to issuing a registration under section 1002(a)(2)(B), the Attorney General shall give manufacturers holding registrations for the bulk manufacture of such controlled substance an opportunity to comment upon the adequacy of existing competition among domestic manufacturers.".

SEC. 529. Section 1002(a)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(1)) is amended to read as follows:

"(1) such amounts of crude opium, poppy straw, concentrate of poppy straw and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and".

SEC. 530. (a) Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) inserting at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

(b) Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) as amended by this Act is further amended by—

(1) striking out "and" at the end of clause (5);

(2) striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

JUSTICE ASSISTANCE

SEC. 601. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—JUSTICE ASSISTANCE

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"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE

"SEC. 101. There is hereby established an Office of Justice Assistance within the Department of Justice under the general authority of the Attorney General. The Office of Justice Assistance (hereafter referred to in this title as the 'Office') shall be headed by an Assistant Attorney General appointed by the President, by and with the consent of the Senate. The Assistant Attorney General shall have authority to award all grants, cooperative agreements, and contracts authorized under this title.

"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

"SEC. 102. (a) The Assistant Attorney General shall—

"(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

"(2) maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to justice research and statistics, and cooperate in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice research and statistics;

"(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations concerning justice research and statistics;

"(5) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

"(6) insure conformance with security and privacy regulations issued pursuant to section 810 and, identify, analyze and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities;

"(7) directly provide staff support to, supervise and coordinate the activities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice, the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention;

"(8) exercise the powers and functions set out in part G; and

"(9) exercise such other powers and functions as may be vested in the Assistant At-

torney General pursuant to this title or by delegation of the Attorney General.

"(b) The Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each annual report shall describe the activities carried out under the provisions of this title and shall contain such findings and recommendations as the Attorney General considers necessary or appropriate after consultation with the Assistant Attorney General and the Advisory Board.

"ADVISORY BOARD

"SEC. 103. (a) There is hereby established a Justice Assistance Board (hereinafter referred to as the 'Board'). The Board shall consist of not more than twenty-one members who shall be appointed by the President. The members shall include representatives of the public, various components of the criminal justice system at all levels of government, and persons experienced in the criminal justice system, including the design, operation and management of programs at the State and local level. The Board shall include at least one member who is experienced in addressing the unique problem of crime committed against the elderly. The President shall designate from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Assistant Attorney General shall be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of an original appointment.

"(b) The Board may make such rules respecting organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the full Board assents.

"(c) The members of the Board shall serve at the pleasure of the President and shall have no fixed term. The members of the Board shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(d) The Board shall—

"(1) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice and the Bureau of Justice Statistics in research, statistics and program priorities;

"(2) review demonstration programs funded under part B, and evaluations thereof, and advise the Assistant Attorney General of the results of such review and evaluations; and

"(3) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Assistant Attorney General shall exercise such powers and duties of the Board as may be delegated to the Assistant Attorney General by the Board.

"(f) The Assistant Attorney General shall provide staff support to assist the Board in carrying out its activities.

"PART B—BUREAU OF JUSTICE PROGRAMS

"ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

"SEC. 201. (a) There is established within the Office of Justice Assistance a Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"DUTIES AND FUNCTIONS OF DIRECTOR

"SEC. 202. The Director shall—

"(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to part E and part F;

"(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part F and on terms and conditions determined by the Director to be consistent with part F;

"(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

"(5) encourage the targeting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

"(6) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

"PART C—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

"SEC. 301. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption;

"(5) addressing the unique problem of crime committed against the elderly;

"(6) identifying programs of proven and demonstrated success or programs which are likely to be successful; and

"(7) developing improved strategies for rural areas to better utilize their dispersed resources in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to units of Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part the Institute shall give primary emphasis to the problems of State and local justice systems.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 302. (a) There is established within the Office of Justice Assistance a National Institute of Justice (hereinafter referred to in this title as the 'Institute').

"(b) The Institute shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in justice research. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangements under this title.

"(c) The Institute is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with, States, units of local government or combinations thereof, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstration or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals;

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, including but not limited to the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this title;

"(4) make recommendations to the Assistant Attorney General for action which can be taken by units of Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

"(8) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services;

"(9) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Institute; and

"(10) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Institute is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State governments in coordinating civil and criminal justice research and development.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"PART D—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

"SEC. 401. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to encourage the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall give primary emphasis to the needs of State and local justice systems, both individually and as a whole.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 402. (a) There is established within the Office of Justice Assistance a Bureau of Justice Statistics (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in statistical programs. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

"(c) The Bureau is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of National, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels.

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, rural crime, and civil disputes in the various States;

"(8) recommend to the Assistant Attorney General national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(10) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(11) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(12) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(13) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data and other justice information;

"(14) insure conformance with security and privacy requirements of section 810 and regulations issued pursuant thereto;

"(15) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(16) exercise such administrative functions under part H as may be delegated by the Assistant Attorney General.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Bureau is authorized to—

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with the aforementioned agencies and instrumentalities for purposes of data collection and analysis;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

"(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section,

the Bureau shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"USE OF DATA

"SEC. 404. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

"PART E—STATE AND LOCAL ALLOCATIONS

"DESCRIPTION OF PROGRAM

"SEC. 501. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs of proven effectiveness or which offer a high probability of improving the functions of the criminal justice systems and which focus primarily on violent crime and serious offenders. The Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau') is authorized, pursuant to authority delegated by the Assistant Attorney General, to establish criteria and make grants under this part to States for the purpose of funding specific programs and projects that—

"(1) increase the conviction rate of repeat or violent offenders through focused enforcement and prosecution units which target serious offenders for special prosecution action;

"(2) address the problem of serious and violent offenses committed by juveniles;

"(3) combat arson;

"(4) disrupt illicit commerce in stolen goods and property;

"(5) improve assistance (other than compensation) to crime victims and witnesses;

"(6) improve the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques;

"(7) encourage citizen action in crime prevention and cooperation with law enforcement;

"(8) reduce recidivism among drug or alcohol abusing offenders;

"(9) improve workload management systems for prosecutors and expedite felony case processing by the courts;

"(10) provide training and technical assistance to justice personnel;

"(11) provide programs which alleviate prison and jail overcrowding, including alternatives to pretrial detention and alternative programs for nonviolent offenders;

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, and improve court system management;

"(13) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;

"(14) address the unique problem of crime committed against the elderly; and

"(15) implement programs that address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the Directors of National Institute of Justice, Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention, as having proved successful or which are innovative and have been deemed by the Director likely to prove successful.

"FEDERAL SHARE

"SEC. 502. (a) The Federal portion of any grant to a State made under this part shall be 50 per centum of the aggregate cost of programs and projects specified in the application for such grant.

"(b) The non-Federal portion of the cost of such programs or project shall be in cash.

"(c) In the case of a grant to an Indian tribe or other aboriginal group, the Bureau may increase the Federal portion of the cost of such program to the extent the Bureau deems necessary if the Bureau determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(d) The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years.

"APPLICATIONS

"SEC. 503. (a) No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to part E, unless the application sets forth criminal justice programs covering a two-year period which meet the objectives of section 501, designates which objective specified in section 501(a) each such program is intended to achieve, and identifies the State agency or unit of local government which will implement each such program. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau, where the applicant is a State:

"(A) a performance report concerning the activities carried out pursuant to this title; and

"(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(3) fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(4) an assurance that the State will maintain such data and information and submit such reports in such form, at such times and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or other officer of the applicant qualified under regulations promulgated by the Bureau;

"(6) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life; and

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of section 501.

"REVIEW OF APPLICATIONS

"SEC. 504. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that the application or amendment thereof is consistent with requirements of this title and with the priorities and criteria established by the Bureau under section 501. Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 of this title shall be deemed approved, in whole or in part, by the Bureau within sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under this part and part F shall not be used for—

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 501(a);

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) construction projects; or

"(4) programs or projects which, based upon evaluations by the Bureau, the National Institute of Justice, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

"(d) The Bureau shall not finally disapprove any application submitted to the Director under this part, or any amendments thereof, without first affording the appli-

cant reasonable notice and opportunity for reconsideration.

"DISTRIBUTION OF FUNDS

"SEC. 505. (a) Of the total amount appropriated for this part and part F in any fiscal year, 80 per centum shall be set aside for this part and 20 per centum shall be set aside for part F. Funds set aside for this part shall be allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining for this part after the allocation under paragraph (1) there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all the States.

"(b) Notwithstanding the requirements of section 505(a), if the total amount appropriated for this part and part F is less than $80,000,000 in any fiscal year, then the entire amount shall be set aside and reserved for allocation to the States according to the criteria established by the Director to provide for equitable distribution among the States.

"(c)(1) Each State which receives funds under this part in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(a) not less than that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraphs (1) and (2) shall be available for expenditure by the State involved.

"(4) For purposes of determinihg the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds.

"(d) No funds allocated to a State under subsection (a) or (b) or received by a State for distribution under subsection (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(e) If the Bureau determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(f) Any funds not distributed under subsections (d) and (e) shall be available for obligation under part F.

"STATE OFFICE

"SEC. 506. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Bureau of Justice Programs, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"PART F—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 601. (a) The purpose of this part is to provide additional Federal financial assistance to States, units of local government, combinations of such units, and private nonprofit organizations for purposes of—

"(1) educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments;

"(3) projects which are national or multi-State in scope and which address the purposes specified in section 501, and programs to improve the professionalism and performance of criminal justice agencies through the development of standards and voluntary accreditation processes; and

"(4) providing financial assistance to States, units of local government and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"(b) The Director is authorized, pursuant to such authority as delegated by the Assistant Attorney General, to make grants, enter into cooperative agreements, and contracts with, States, units of local governments or combinations thereof, public agencies, institutions of higher education or private organizations.

"(c) The Federal portion of any grants made under this part may be made in amounts up to 100 per centum of the costs of the program or project.

"PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA

"SEC. 602. The Bureau shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.

"APPLICATION REQUIREMENTS

"SEC. 603. (a) No grant may be made pursuant to this part unless an application has been submitted to the Bureau in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Bureau;

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program or project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau.

"PERIOD FOR AWARD

"SEC. 604. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part E funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 601(c) of this part is not subject to the funding limitations of this section.

"PART G—CRIMINAL JUSTICE FACILITIES

"ESTABLISHMENT OF THE BUREAU OF CRIMINAL JUSTICE FACILITIES

"SEC. 701. (a) There is established within the Office of Justice Assistance a Bureau of Criminal Justice Facilities (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"FUNCTIONS OF THE BUREAU

"SEC. 702. In order to carry out the purposes of this part, the Bureau shall—

"(1) make grants to States for the construction and modernization of correctional facilities in accordance with sections 703, 704, 705, 706, and 708; and

"(2) provide for the widest practical and appropriate dissemination of information obtained from the programs and projects assisted under this part.

"GRANTS AUTHORIZED FOR THE RENOVATION AND CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES

"SEC. 703. The Director of the Bureau of Criminal Justice Facilities is authorized to make grants to States in accordance with the provisions of this part for the renovation and construction of correctional facilities beginning October 1, 1984, and ending September 30, 1987.

"ALLOTMENT

"SEC. 704. (a) From the sums appropriated for each fiscal year, the Director shall allot not more than 1½ per centum thereof among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands according to their respective needs.

"(b)(1) From the remaining 98½ per centum of such funds the Director—

"(A) shall allot to each State with a plan approved pursuant to section 705 an amount which bears the same ratio to 50 per centum of the remaining funds as the population in such State bears to the population in all States; and

"(B) from the remaining 50 per centum of the remainder from this paragraph, States submitting a State plan approved by the Director shall be awarded assistance under this part based on the relative needs of each State relating to correctional facilities. In determining the relative needs of each State the Director shall consider—

"(i) whether population levels or conditions of confinement in State or local facilities are in violation of the Federal Constitution or State statutes, codes, or standards and the amount and type of assistance required to bring such facilities into compliance with the law;

"(ii) the numbers and general characteristics of the inmate population, to include factors such as offender ages, offenses, average term of incarceration, and custody status; and

"(iii) other relevant criteria.

In allocating assistance under this part, the Director shall give primary consideration to the needs of States which have made satisfactory assurances that they have implemented, or are in the process of implementing, significant measures to reduce overcrowding and improve conditions of confinement in State and local correctional facilities, through legislative, executive, or judicial initiatives.

"(2) Notwithstanding the provisions of subsection (b), during the period within which funds are available under this part, each State with an approved plan shall be entitled to grant or bond interest subsidy assistance totaling no less than one-half of 1 per centum of available funds.

"(3) For the purpose of this section, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"STATE PLANS

"SEC. 705. (a) Any State desiring to receive its allotment of Federal funds under this part shall, within 180 days following the promulgation of rules implementing this subpart, submit a State-needs assessment and action plan for a three-year period, supplemented by such annual revisions as may be necessary, which is consistent with such basic criteria as the Director may prescribe under section 706. Each such plan shall—

"(1) provide for the administration of the plan by a State agency designated by the chief executive of such State;

"(2) set forth a comprehensive statewide program assessing needs and establishing priorities and action plans which involve both construction and nonconstruction initiatives to relieve overcrowding and improve conditions of confinement in correctional facilities;

"(3) provide satisfactory assurance that the control of funds granted under this part and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property for such purposes;

"(4) provide assurances that the State agency or local government will, after a reasonable period of Federal assistance, pay from non-Federal sources any remaining or continuing construction or nonconstruction costs of the program for which application is made including the cost of programs to be carried out in the facilities for which assistance is sought under this part;

"(5) provide assurances that, to the extent practical, correctional facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built;

"(6) provide assurances that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of projects reducing overcrowding and improving conditions of confinement in corrections facilities not assisted under this part;

"(7) provide, based on requests and relative need, for appropriately balanced allocation of funds between the State and units of general local government within the State and among such units for projects for the construction and modernization of correctional facilities;

"(8) provide for appropriate executive and judicial review of any actions taken by the State agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or any combination of such units for assistance under this part;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this part will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the construction and renovation of corrections facilities in the State;

"(10) provide assurances that the State is making diligent efforts, consistent with public safety, to reduce overcrowding and improve programs and conditions of confinement in its correction facilities through legislative, executive, and judicial advanced practice initiatives such as incentives, for greater use of community corrections facilities, development of State corrections standards, more effective use of prisoner classification methods and overcrowding contingency plans, as well as prison industry, education, and work-release programs;

"(11) provide assurances that all projects under this part utilize advanced practices in the design and construction of corrections facilities.

"(b) The Director shall approve a State plan and any revision thereof only if the State plan complies with the requirements set forth in subsection (a).

"BASIC CRITERIA

"SEC. 706. As soon as practicable after enactment of this part, the Director shall by regulation prescribe basic criteria to be applied by the State agency under section 705. In addition to other matters, such basic criteria shall provide the general manner in which the State agency will determine priority of projects based upon—

"(1) the relative needs of the area within such State for correctional facility assistance, particularly where such assistance is necessary to bring existing facilities into compliance with Federal or State law;

"(2) the relative ability of the particular public agency in the area to support a program of construction or modernization; and

"(3) the extent to which the project contributes to an equitable distribution of assistance under this part within the State.

"CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

"SEC. 707. The Director shall establish and operate a clearinghouse on the construction and modernization of correctional facilities, which shall collect and disseminate to the public information pertaining to the construction and modernization of correctional facilities, including information concerning ways in which a construction program may be used to improve the administration of the criminal justice system within each State and concerning the provision of inmate health care and other services and programs. The Director is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section.

"INTEREST SUBSIDY FOR CRIMINAL JUSTICE FACILITY CONSTRUCTION BONDS

"SEC. 708. (a) The Secretary of the Treasury is authorized to pay to any State or political subdivision thereof which issues obligations described in section 103(a) of the Internal Revenue Code of 1954 which are issued as part of an issue substantially all of the proceeds of which are to be used to finance correctional facilities such amounts as may be necessary to reduce the cost to the issuer of such bonds to a rate of interest not in excess of 5 per centum per annum. Such payments shall be made only upon application of the issuer made in such form, in such manner, and at such times as the Director shall require consistent with the criteria established for allocating funds under section 705 and 706.

"(b) Payments under subsection (a) may be made in advance, by installment, or in any other manner determined by the Secretary, in consultation with the Director, to be appropriate under the circumstances, and may be made on the basis of estimates, if necessary, with corrections in later payments to the extent necessary to compensate for overpayments or underpayments arising out of errors of estimate or otherwise.

"(c) No State may receive a combination of bond subsidies under this section grant under this part in excess of such State's allocation formula.

"(d) The payment, by the Secretary of any amount under subsection (a) to a State or a political subdivision thereof, shall not affect the status of any such obligation under section 103 of such Code, nor shall it cause the interest thereon to be excludable only in part under such section.

"DEFINITIONS

"SEC. 709. As used in this part—

"(1) The term 'correctional facility' means any prison, jail, reformatory, work farm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or other institution designed for the confinement or rehabilitation of individuals charged with or convicted of any criminal offense, including juvenile offenders.

"(2) The term 'construction' includes the preparation of drawings and specifications for facilities; erecting, building, acquiring,

altering, remodeling, renovating, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities. The term does not include interest in land or offsite improvements.

"PART H—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF RULES AND DELEGATION OF FUNCTIONS

"SEC. 801. (a) The Attorney General is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the Institute and the Bureau of Justice Statistics, and as are consistent with the stated purpose of this title.

"(b) The Attorney General may delegate to any of his respective officers or employees such functions as the Attorney General deems appropriate.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 802. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Office finds that a recipient of assistance under this title has failed to comply substantially with—

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Assistant Attorney General, until satisfied that there is no longer any such failure to comply, shall terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant under this title has been terminated, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice or the Bureau of Justice Statistics, as appropriate, shall notify the grantee of its action and set forth the reason for the action taken. Whenever such a grantee requests a hearing, the Office, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such grantee; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Office is authorized to take final action without a hearing if after an administrative review of the termination it is determined that the basis for the appeal, if substantiated, would not establish a basis for continuation of the grant. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the grantee.

"(c) If such recipient is dissatisfied with the findings and determinations of the Office, following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Office may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 803. In carrying out the functions vested by this title in the Office, its determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all grants.

"SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. 804. The Office may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out the powers and duties under this title. The Office, or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"PERSONNEL AND ADMINISTRATIVE AUTHORITY

"SEC. 805. (a) The Office is authorized to select, appoint, employ and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics under this title.

"(b) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

"(c) The Office may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"(d) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics in carrying out their respective functions may use grants, contracts or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"(e) The Office may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(f) The Office is authorized to appoint pursuant to the Advisory Committee Management Act, but without regard to the remaining provisions of title 5, United States Code, technical or other advisory committees to advise it with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of the committees shall be compensated at rates to be fixed by the Office but not exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(g) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of 31 U.S.C. 1345.

"(h) The Office is authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of 31 U.S.C. 1342. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"TITLE TO PERSONAL PROPERTY

"SEC. 806. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this Act as in effect before the date of the enactment of the Justice Assistance Act of 1983, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in section 506 that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

"SEC. 807. Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"NONDISCRIMINATION

"SEC. 808. (a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Office of Justice Assistance—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system or other program.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in

or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such a court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(d) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after filing has been granted such preliminary relief with regard to the suspension or repayment of funds as may be otherwise available by law, the Office of Justice Assistance shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"RECORDKEEPING REQUIREMENT

"SEC. 809. (a) Each recipient of funds under this title shall keep such records as the Office shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Office or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

"CONFIDENTIALITY OF INFORMATION

"SEC. 810. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and indentifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage and dissemination of such information shall take place under procedures reasonably designed to ensure that all such information is kept current therein; the Office shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000 in addition to any other penalty imposed by law.

"PART I—DEFINITIONS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia and the Commonwealth of Puerto Rico;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, any agency of the District of Columbia government or the United States performing law enforcement functions in and for the District of Columbia, and the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(5) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(6) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(7) 'Attorney General' means the Attorney General of the United States or his designee;

"(8) 'Assistant Attorney General' means the Assistant Attorney General for Justice Assistance.

"PART J—FUNDING

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated to carry out the functions of the National Institute of Justice such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated for parts A, B, E, F, G, and H, and for the purposes of carrying out the remaining function of the Office of Justice Assistance other than parts K and M, such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. The appropriation authorized for the Bureau of Criminal Justice Facilities or for any function or activity authorized for part G shall not exceed in total $25,000,000 for any fiscal year ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part K and part M.

"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1101. (a) In any case in which the Office determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Office shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Office determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Office may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Office may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)); or

"(2) benefits authorized by section 8191 of title 5, United States Code; such beneficiaries shall only receive benefits under that section that are in excess of the benefits received under this part.

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 1102. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death; or

"(4) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

"SEC. 1103. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire or police emergency;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

"(i) a postmortem blood alcohol level of 0.20 per centum or greater;

"(ii) a postmortem blood alcohol level of at least 0.10 per centum but less than 0.20 per centum, unless the Office receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 1104. (a) The Office is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Office. The Office may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Office, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1101, the Office may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Office.

"JUDICIAL REVIEW

"SEC. 1105. The United States Claims Court shall have exclusive jurisdiction over all actions seeking review of the final decisions of the Office under this part.

"PART L—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. 1201. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to fund and continue to develop, establish and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel so long as that training does not interfere with the Center's mission to train Federal law enforcement personnel.

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"APPLICATION REQUIREMENTS

"SEC. 1301. (a) The Attorney General is authorized to receive from the chief executive of any State a request for designation of a State or local jurisdiction as a law enforcement emergency jurisdiction. Such application shall be submitted in such manner and containing or accompanied by such information as the Attorney General may prescribe. Such application for designation as a law enforcement emergency jurisdiction shall be evaluated by the Attorney General according to such criteria, and on such terms and conditions as he shall establish and shall publish in the Federal Register prior to the beginning of fiscal year 1984 and each fiscal year thereafter for which appropriations will be available to carry out the program.

"(b) The Attorney General shall, in accordance with the criteria established, approve or disapprove such application not later than ten days after receiving such application.

"ASSISTANCE PROVIDED

"SEC. 1302. (a) Upon a finding by the Attorney General that a law enforcement emergency exists in accordance with the provisions of section 1301 of this title, the Federal law enforcement community is authorized to provide emergency assistance for the duration of the emergency. The cost of such assistance may be paid by the Office of Justice Assistance from funds appropriated under this part, in accordance with procedures established by the Office and the heads of the participating Federal law enforcement agencies and with the approval of the Attorney General.

"(b) Upon such finding by the Attorney General, the Office of Justice Assistance may provide technical assistance, funds for the lease or rental of specialized equipment and other forms of emergency assistance to the jurisdiction, except that no funds may be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds that would in the absence of such Federal funds be made available for law enforcement. The cost of assistance provided under this section shall be paid by the Office of Justice Assistance from funds appropriated under this part.

The Federal share of such assistance may be up to 100 per centum of project costs.

"DEFINITIONS

"SEC. 1303. For the purposes of this part—

"(1) the term 'Federal law enforcement assistance' means equipment, training, intelligence information, and technical expertise;

"(2) the term 'Federal law enforcement community' means the heads of—

"(A) the Department of Justice;

"(B) the Internal Revenue Service;

"(C) the Customs Service;

"(D) the National Park Service;

"(E) the Secret Service;

"(F) the Coast Guard;

"(G) the Bureau of Alcohol, Tobacco and Firearms; and

"(H) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws;

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) the term 'law enforcement emergency' means an uncommon situation in which State and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law.

"ADMINISTRATIVE REQUIREMENT

"SEC. 1304. The recordkeeping and administrative requirements of section 809 and section 810 shall apply to funds provided under this part.

"PART N—TRANSITION

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"SEC. 1401. (a) All orders, determinations, rules, regulations, and instructions of the Office of Justice Assistance, Research, and Statistics which are in effect on the date of the enactment of this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, or his designee, or by operation of law.

"(b) The amendments made to this title by the Justice Assistance Act of 1983 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(c) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice Assistance Act of 1983, may be carried out with funds appropriated for purposes of this title.

"(d) The Assistant Attorney General may award new grants, enter into new contracts or cooperative agreements and otherwise obligate unused or reversionary funds previously appropriated for the purposes of parts D, E and F of this title as in effect on the day before the date of enactment of the Justice Assistance Act of 1983, or for purposes consistent with this title.

"(e) Notwithstanding any other provisions of law, the Assistant Attorney General shall have all the authority previously vested in the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration necessary to terminate the activities of the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics, and all provisions of this title, as in effect on the day before the enactment of the Justice Assistance Act of 1983, which are necessary for this purpose remain in effect for the sole purpose of carrying out the termination of these activities.".

REFERENCES IN OTHER LAWS

SEC. 602. Any reference to the Office of Justice Assistance, Research, and Statistics or the Law Enforcement Assistance Administration in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Assistance shall be deemed to be a reference to the Office of Justice Assistance or to the Assistant Attorney General, Office of Justice Assistance, as the case may be.

COMPENSATION OF FEDERAL OFFICERS

SEC. 603. (a) Section 5314 of title 5, United States Code is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code is amended by striking out "Administrator of Law Enforcement Assistance.", "Director of the National Institute of Justice.", and "Director of the Bureau of Justice Statistics.".

(c) Section 5316 of title 5, United States Code is amended by adding "Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, the Director of the Bureau of Criminal Justice Facilities, and Director of the Bureau of Justice Programs.".

PRISON INDUSTRY ENHANCEMENT

SEC. 604. (a) Section 1761, subsection (c), of title 18, United States Code, is amended to read as follows—

"(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, services or merchandise manufactured, produced, provided or mined by convicts or prisoners participating in a program of not more than twenty projects designated by the Director of the Bureau of Criminal Justice Facilities, who—

"(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows—

"(A) taxes (Federal, State, local);

"(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief correctional officer of the jurisdiction;

"(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

"(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

"(2) are entitled to compensation for injury sustained in the course of participation in these projects;

"(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.".

(b)(1) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (d) as follows:

"(d) The provisions of subsection (c) shall not apply unless—

"(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project otherwise qualifying for any exception created by subsection (c); and

"(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.".

(2) The second sentence of section 11507 of title 49, United States Code, is amended by adding after "use" the following: ", or to commodities produced by a project designated by the Director of the Bureau of Criminal Justice Facilities under section 1761(c) of title 18, United States Code".

(c) The first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before "; and", the following: "except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of sections 1761(c) and 1761(d) of title 18, United States Code".

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to—

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

TITLE VII—SURPLUS FEDERAL PROPERTY AMENDMENTS

SEC. 701. Section 203 of the Federal Property and Administrative Services Act of 1949

as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided,* That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.".

SEC. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyanced under subsection (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.".

TITLE VIII—LABOR RACKETEERING AMENDMENTS

SEC. 801. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186), is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of Rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101–115).".

SEC. 802. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan without a notice, hearing, and

determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

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

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 803. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.".

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

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction, any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 804. (a) The amendments made by section 802 and section 803 of this title shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this title, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this title if a right of appeal or an appeal from such judgment is pending on the date of enactment of this title.

(b) Subject to subsection (a) the amendments made by sections 803 and 804 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this title.

SEC. 805. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

TITLE IX—CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

SEC. 901. (a) Section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Subsection (a) of section 5322 of title 31, United States Code, is amended by striking out "$1,000, or imprisonment not more than one year, or both" and inserting in lieu thereof "$250,000, or imprisonment not more than five years, or both".

(c) Subsection (a) of section 5316 of title 31, United States Code, is amended—

(1) by inserting ", or attempts to transport or have transported," after "transports or has transported" in paragraph (1); and

(2) by striking out "more than $5,000" and inserting in lieu thereof "more than $10,000" in paragraph (1).

(d) Section 5317 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.".

(e) Chapter 53 of title 31 of the United States Code is amended by adding a new section 5323 at the end thereof as follows:

"§ 5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(f) The table of contents of chapter 53 of title 31 is amended by adding the following new item after the item relating to section 5322:

"5323. Rewards for informants.".

(g) Section 1961(1) of title 18, United States Code, is amended—

(1) by striking out "or" after "(relating to embezzlement from union funds),"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act".

TITLE X—MISCELLANEOUS VIOLENT CRIME AMENDMENTS

PART A—MURDER-FOR-HIRE AND VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY

SEC. 1001. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 16 as follows:

"§ 16. Crime of violence defined

"The term 'crime of violence' means—

"(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

(b) The analysis for chapter 1 of title 18 of the United States Code is amended by adding at the end thereof the following:

"16. Crime of violence defined.".

SEC. 1002. (a) Chapter 95 of title 18, United States Code, is amended by adding new sections 1952A and 1952B, following section 1952, as follows:

"§ 1952A. Use of interstate commerce facilities in the commission of murder-for-hire

"(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not more than $10,000 or imprisoned for not more than five years, or both; and if personal injury results, shall be fined not more than $20,000 and imprisoned for not more than twenty years, or both; and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both.

"(b) As used in this section and section 1952B—

"(1) 'anything of pecuniary value' means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; and

"(2) 'facility of interstate commerce' includes means of transportation and communication.

"§ 1952B. Violent crimes in aid of racketeering activity

"(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

"(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than $50,000, or both;

"(2) for maiming, by imprisonment for not more than thirty years or a fine of not more than $30,000, or both;

"(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine of not more than $20,000, or both;

"(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine of not more than $5,000, or both;

"(5) for attempting or conspiring to commit murder or kidnaping, by imprisonment for not more than ten years or a fine of not more than $10,000, or both; and

"(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of not more than $3,000, or both.

"(b) As used in this section—

"(1) 'racketeering activity' has the meaning set forth in section 1961 of this title; and

"(2) 'enterprise' includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.".

(b) The analysis at the beginning of chapter 95 of title 18 is amended by adding after the item relating to section 1952 the following:

"1952A. Use of interstate commerce facilities in the commission of murder-for-hire.

"1952B. Violent crimes in aid of racketeering activity.".

PART B—SOLICITATION TO COMMIT A CRIME OF VIOLENCE

SEC. 1003. (a) Chapter 19 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 373. Solicitation to commit a crime of violence

"(a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half of the maximum fine prescribed for the punishment of the crime solicited, or both; or if the crime solicited is punishable by death, shall be imprisoned for not more than twenty years.

"(b) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not 'voluntary and complete' if it is motivated in whole or in part by a decision to postpone the commission of the crime until another time or to substitute another victim or another but similar objective. If the defendant raises the affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

"(c) It is not a defense to a prosecution under this section that the person solicited could not be convicted of the crime because he lacked the state of mind required for its commission, because he was incompetent or irresponsible, or because he is immune from prosecution or is not subject to prosecution.".

(b) The analysis at the beginning of chapter 19 of title 18 is amended by adding after the item relating to section 372 the following:

"373. Solicitation to commit a crime of violence.".

PART C—FELONY-MURDER RULE

SEC. 1004. Section 1111 of title 18 of the United States Code is amended by adding after the word "arson" the words "escape, murder, kidnaping, treason, espionage, sabotage,".

PART D—MANDATORY PENALTY FOR USE OF A FIREARM DURING A FEDERAL CRIME OF VIOLENCE

SEC. 1005. (a) Subsection (c) of section 924 of title 18 is amended to read as follows:

"(c) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under

this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

PART E—ARMOR-PIERCING BULLETS

SEC. 1006. (a) Chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Use of restricted ammunition

"(a) Whoever, during and in relation to the commission of a crime of violence including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device for which he may be prosecuted in a court of the United States, uses or carries any handgun loaded with armor-piercing ammunition as defined in subsection (b), shall, in addition to the punishment provided for the commission of such crime of violence be sentenced to a term of imprisonment for not less than five nor more than ten years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other terms of imprisonment including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.

"(b) For purposes of this section—

"(1) 'armor-piercing ammunition' means ammunition which, when or if fired from any handgun used or carrried in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978; and

"(2) 'handgun' means any firearm, including a pistol or revolver, originally designed to be fired by the use of a single hand.".

(b) The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"929. Use of restricted ammunition.".

PART F—KIDNAPING OF FEDERAL OFFICIALS

SEC. 1007. Section 1201 of title 18 of the United States Code is amended—

(1) in subsection (a)(3), by deleting "or" at the end thereof;

(2) in subsection (a)(4), by deleting the comma at the end thereof and substituting "; or"; and

(3) by adding after subsection (a)(4) a new subsection (a)(5) to read as follows:

"(5) The person is among those officers and employees designated in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of his official duties,".

PART G—CRIMES AGAINST FAMILY MEMBERS OF FEDERAL OFFICIALS

SEC. 1008. (a) Chapter 7 of title 18 of the United States Code is amended by adding a new section at the end thereof to read as follows:

"§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

"(a) Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under 18 U.S.C. 1114, as amended, with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while he is engaged in or on account of the performance of his official duties, shall be punished as provided in subsection (b).

"(b)(1) An assault in violation of this section shall be punished as provided in section 111 of this title.

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this titie.

"(3) A murder or attempted murder in violation of this section shall be punished as provided in sections 1111 and 1113 of this title.

"(4) A threat made in violation of this section shall be punished by a fine of not more than $5,000 or imprisonment for a term of not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(c) As used in this section, the term—

"(1) 'Federal law enforcement officer' means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

"(2) 'immediate family member' of an individual means—

"(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

"(B) any other person living in his household and related to him by blood or marriage;

"(3) 'United States judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate; and

"(4) 'United States official' means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of The Central Intelligence Agency.".

"(b) The analysis of chapter 7 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.".

PART H—ADDITION OF CRIMES OF MAIMING AND INVOLUNTARY SODOMY TO MAJOR CRIMES ACT

SEC. 1009. Section 1153 of title 18 is amended to read as follows:

"Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

"As used in this section, the offenses of burglary, involuntary sodomy, and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

"In addition to the offenses of burglary, involuntary sodomy, and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.".

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

PART I—DESTRUCTION OF MOTOR VEHICLES

SEC. 1010. Section 31 of title 18 of the United States Code is amended in the definition of "motor vehicle" by striking out "or passengers and property;" and inserting in lieu thereof "passengers and property, or property or cargo;".

PART J—DESTRUCTION OF ENERGY FACILITIES

SEC. 1011. (a) Chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1365. Destruction of an energy facility

"(a) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $100,000, or damages the property of an energy facility in any amount and causes a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine of not more than $50,000 or imprisonment for not more than ten years, or both.

"(b) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $5,000 shall be punishable by a fine of not more than $25,000, or imprisonment for not more than five years, or both.

"(c) For purposes of this section, the term 'energy facility' means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.

"(d) The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1365 Destruction of an energy facility.".

PART K—ASSAULTS UPON FEDERAL OFFICIALS

SEC. 1012. Section 1114 of title 18 of the United States Code is amended—

(1) by inserting "or attempts to kill" after "kills";

(2) by striking out "while engaged in the performance of his official duties or on account of the performance of his official

duties" and inserting in lieu thereof "or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,";

(3) by adding ", or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General" after "National Credit Union Administration"; and

(4) by inserting before the period at the end thereof the following: ", except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

PART L—ESCAPE FROM CUSTODY RESULTING FROM CIVIL COMMITMENT

SEC. 1013. Section 1826 of title 28, United States Code is amended by adding a new subsection (c) as follows:

"(c) Whoever escapes or attempts to escape from the custody of any facility or from any place in which or to which he is confined pursuant to this section or section 4243 of title 18, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to imprisonment for not more than three years, or a fine of not more than $10,000, or both.".

PART M—ARSON AMENDMENTS

SEC. 1014. Section 844 of title 18, United States Code, is amended by—

(1) by deleting "personal injury results" in subsections (d), (f), and (i) and substitute "personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,";

(2) by deleting "death results" in subsections (d), (f), and (i) and substitute "death results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,".

PART N—PHARMACY ROBBERY AND BURGLARY

SEC. 1015. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1984".

SEC. 1016. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of Federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, any truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal Government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1017. It is the purpose of this part—

(1) to assist State and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1018. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413. (a)(1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, in committing any offense under this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 and imprisoned not more than twenty-five years.

"(c) Whoever, in committing any offense under this section kills, any person, shall be subject to imprisonment for any term of years or for life.

"(d) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

"(e) For the purposes of this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(f) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"Sec. 413. Robbery or burglary of a controlled substance from a pharmacist.".

COLLECTION OF DATE

SEC. 1019. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and submit an annual report for each of the first three years after the date of enactment of this Act, to the Congress with respect to its enforcement activities relating to the offense described in this section.

PART O—RACKETEERING IN OBSCENE MATTER

SEC. 1020. Section 1961(1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

TITLE XI—SERIOUS NONVIOLENT OFFENSES

PART A—CHILD PORNOGRAPHY

SEC. 1101. (a) Congress hereby finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 1102. Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sado-masochistic abuse;

"(D) masturbation; or

"(E) a display of the genitals or pubic area of any person for the purpose of arousing or inciting sexual desire;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the actual appearance of such conduct;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct; or

"(2) knowingly receives, sells or distributes any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b)(1) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both. Any organization which violates this section shall be fined not more than $250,000.

"(2) For purposes of this section, the term 'organization' means a person other than an individual.

"§ 2254. Criminal forfeiture

"(a) Whoever violates any provision of section 2252 shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 2252, and (2) any interest in, security of, claim against, or property or contractural right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 2252.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders of prohibitions, or to take such other action, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c)(1) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person.

"(2) All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions thereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General.

"(3) The United States shall dispose of all such property as soon as commercially reasonable, making due provision for the rights of innocent persons.

"§ 2255. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) any visual or print medium produced, transported, shipped, or received in violation of this chapter; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

"§ 2256. Reporting

"Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to Congress the number of cases and convictions brought under section 2252 of title 18, United States Code, and the dollar amount of any forfeiture of assets under section 2254 of such title.".

PART B—WARNING THE SUBJECT OF A SEARCH

SEC. 1103. Section 2232 of title 18 of the United States Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned more than five years, or both;

(b) by adding a new paragraph as follows:

"Whoever, having knowledge that any person authorized to make searches and seizures has been authorized or is otherwise likely to make a search or seizure, in order to prevent the authorized seizing or securing of any person, goods, wares, merchandise or other property, gives notice or attempts to give notice of the possible search or seizure to any person shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

PART C—PROGRAM FRAUD AND BRIBERY

SEC. 1104. (a) Chapter 31 of title 18 of the United States Code is amended by adding a new section 666 as follows:

"§ 666. Theft or bribery concerning programs receiving Federal funds

"(a) Whoever, being an agent of an organization, or of a State or local government agency, that receives benefits in excess of $10,000 in any one year period pursuant to a Federal program involving a grant, a contract, a subsidy, a loan, a guarantee, insurance, or another form of Federal assistance, embezzles, steals, purloins, willfully misapplies, obtains by fraud, or otherwise knowingly without authority converts to his own use or to the use of another, property having a value of $5,000 or more owned by or under the care, custody, or control of such organization or State or local government agency, shall be imprisoned for not more than ten years and fined not more than $100,000 or an amount equal to twice that which was obtained in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(b) Whoever, being an agent of an organization, or of a State or local government agency, described in subsection (a), solicits, demands, accepts, or agrees to accept anything of value from a person or organization other than his employer or principal for or because of the recipient's conduct in any transaction or matter or a series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned for not more than ten years

or fined not more than $100,000 or an amount equal to twice that which was obtained, demanded, solicited or agreed upon in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(c) Whoever offers, gives, or agrees to give to an agent of an organization or of a State or local government agency, described in subsection (a), anything of value for or because of the recipient's conduct in any transaction or matter or any series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned not more than ten years or fined not more than $100,000 or an amount equal to twice that offered, given or agreed to be given, whichever is greater, or both so imprisoned and fined.

"(d) For purposes of this section—

"(1) 'agent' means a person or organization authorized to act on behalf of another person, organization or a government and, in the case of an organization or a government, includes a servant or employee, a partner, director, officer, manager and representative;

"(2) 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, and any other association of persons;

"(3) 'government agency' means a subdivision of the executive, legislative, judicial, or other branch of a government, including a department, independent establishment, commission, administration, authority, board, and bureau; or a corporation or other legal entity established by, and subject to control by, a government or governments for execution of a governmental or intergovernmental program; and

"(4) 'local' means of or pertaining to a political subdivision within a State.".

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by adding after the item relating to section 665 the following:

"666. Theft or bribery concerning programs receiving Federal funds.".

PART D—COUNTERFEITING OF STATE AND CORPORATE SECURITIES AND FORGING OF ENDORSEMENTS OR SIGNATURES ON UNITED STATES SECURITIES

SEC. 1105. (a) Chapter 25 of title 18 of the United States Code is amended by adding the following new sections at the end thereof:

"§ 510. Securities of the States and private entities

"(a) Whoever makes, utters or possesses a counterfeited security of a State or a political subdivision thereof or of an organization, or whoever makes, utters or possesses a forged security of a State or political subdivision thereof or of an organization, with intent to deceive another person, organization, or government shall be fined not more than $250,000 or imprisoned for not more than ten years, or both.

"(b) Whoever makes, receives, possesses, sells or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged security with the intent that it be so used shall be punished by a fine of not more than $250,000 or by imprisonment for not more than ten years, or both.

"(c) For purposes of this section—

"(1) the term 'counterfeited' means a document that purports to be genuine but is not, because it has been falsely made or manufactured in its entirety;

"(2) the term 'forged' means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents;

"(3) the term 'security' means—

"(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693(c)), money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property;

"(B) an instrument evidencing ownership of goods, wares, or merchandise;

"(C) any other written instrument commonly known as a security;

"(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

"(E) a blank form of any of the foregoing;

"(4) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association or persons which operates in or the activities of which affect interstate or foreign commerce; and

"(5) the term 'State' includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

"§ 511. Forging endorsements or signature on securities of the United States

"(a) Whoever—

"(1) with intent to defraud, forges any endorsement or signature on a security of the United States;

"(2) with intent to defraud, passes, utters, or publishes, or attempts to pass, utter, or publish any security of the United States bearing a forged endorsement or signature; or

"(3) with knowledge that a security of the United States is stolen or bears a forged endorsement or signature, buys, sells, exchanges, receives, delivers, retains, or conceals any such security of the United States that in fact is stolen or bears a forged endorsement or signature—

shall be fined not more than $250,000 or imprisoned not more than ten years, or both; but if the face value of the security of the United States or the aggregate face value, if more than one security, does not exceed $500 in any of the above offenses, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(b) For purposes of this section—

"(1) the term 'forge' means to create an endorsement or signature which purports to be genuine but is not because it has been falsely signed, made, completed, altered, subjected to a false addition, or subjected to a combination of parts of two or more genuine endorsements or signatures;

"(2) the term 'security' means (A) an obligation of the United States or (B) any security as defined in section 510(c)(3) of this title.".

(b) The analysis at the beginning of chapter 25 of title 18 is amended by adding after the item relating to section 509 the following:

"510. Securities of the State and private entities.

"511. Forging endorsements or signatures on securities of the United States.".

(c) Section 3056(a) of title 18 of the United States Code is amended by inserting "511," after "509,".

PART E—RECEIPT OF STOLEN BANK PROPERTY

SEC. 1106. Subsection (c) of section 2113 of title 18 is amended to read as follows:

"(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value which has been taken or stolen from a bank, credit union, or savings and loan association in violation of subsection (b), knowing the same to be property which has been stolen shall be subject to the punishment provided in subsection (b) for the taker.".

PART F—BANK BRIBERY

SEC. 1107. (a) Section 215 of title 18 is amended to read as follows:

"(a) Whoever, being an officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, except as provided by law, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value, for himself or for any other person or entity, other than such financial institution, from any person or entity for or in connection with any transaction or business of such financial institution; or

"(b) Whoever, except as provided by law, directly or indirectly, gives, offers, or promises anything of value to any officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, or offers or promises any such officer, director, employee, agent, or attorney to give anything of value to any person or entity, other than such financial institution, for or in connection with any transaction or business of such financial institution, shall be fined not more than $5,000 or three times the value of anything offered, asked, given, received, or agreed to be given or received, whichever is greater, or imprisoned not more than five years, or both; but if the value of anything offered, asked, given, received, or agreed to be given or received does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) As used in this section—

"(1) 'financial institution' means—

"(A) any bank the deposits of which are insured by the Federal Deposit Insurance Corporation;

"(B) any member, as defined in section 2 of the Federal Home Loan Bank Act, as amended, of the Federal Home Loan Bank System and any Federal Home Loan Bank;

"(C) any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(D) any credit union the accounts of which are insured by the Administrator of the National Credit Union Administration;

"(E) any Federal land bank, Federal land bank association, Federal intermediate credit bank, production credit association, bank for cooperatives; and

"(F) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

"(2) 'bank holding company' or 'savings and loan holding company' means any person, corporation, partnership, business trust, association or similar organization which controls a financial institution in such a manner as to be a bank holding company or a savings and loan holding company under the Bank Holding Company Act Amendments of 1956 (12 U.S.C. 1841) or the Savings and Loan Holding Company Amendments of 1967 (12 U.S.C. 1730a).

"(d) This section shall not apply to the payment by a financial institution of the usual salary or director's fee paid to an officer, director, employee, agent, or attorney thereof, or to a reasonable fee paid by such financial institution to such officer, director, employee, agent, or attorney for services rendered to such financial institution.".

(b) Section 216 of title 18 is repealed, and the section analysis of chapter 11 for section 216 be amended to read:

"216. Repealed.".

PART G—BANK FRAUD

SEC. 1108. (a) Chapter 63 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1344. Bank fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud a federally chartered or insured financial institution; or

"(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'federally chartered or insured financial institution' means—

"(1) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(2) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(3) a credit union with accounts insured by the National Credit Union Administration Board;

"(4) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system; or

"(5) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States.".

(b) The analysis for chapter 63 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1344. Bank fraud.".

PART H—POSSESSION OF CONTRABAND IN PRISON

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows:

"§1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a) (3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"§1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

PART I—LIVESTOCK FRAUD

SEC. 1110. This Part may be cited as the "Livestock Fraud Protection Act".

SEC. 1111. Chapter 31 of title 18, United States Code, is amended by adding a new section 667 to read as follows:

"§ 667. Theft of livestock

"Whoever obtains or uses the property of another which has a value of $10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

SEC. 1112. The analysis of chapter 31 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"667. Theft of livestock.".

SEC. 1113. Section 2316 of title 18, United States Code, is amended by striking out "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1114. Section 2317 of title 18, United States Code, is amended by striking "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1115. The analysis of chapter 113 of title 18, United States Code, is amended by striking out "cattle" in sections 2316 and 2317 and inserting in lieu thereof "livestock".

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

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

"For the purpose of this section 'public official' means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.".

TITLE XII—PROCEDURAL AMENDMENTS

PART A—PROSECUTION OF CERTAIN JUVENILES AS ADULTS

SEC. 1201. (a) The first paragraph of section 5032 of title 18 of the United States Code is amended to read as follows:

"A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses

to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 841, 952(a), 955, or 959 of title 21, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction."

(b) The fourth paragraph of section 5032 of title 18 of the United States Code is amended—

(1) by striking "punishable by a maximum term of ten years imprisonment or more, life imprisonment or death," and inserting in lieu thereof: "that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21,";

(2) by striking out "sixteen" and "sixteenth" and inserting in lieu thereof "fifteen" and "fifteenth" respectively; and

(3) by striking out the period at the end of the paragraph and inserting in lieu thereof: "; however, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution."; and

(c) Section 5032 of title 18 of the United States Code is further amended by adding at the end thereof the following:

"Whenever a juvenile transferred to district court under this section is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

"Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.

"Whenever a juvenile is adjudged delinquent pursuant to the provisions of this chapter, the specific acts which the juvenile has been found to have committed shall be described as part of the official record of the proceedings and part of the juvenile's official record.".

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

PART B—WIRETAP AMENDMENTS

SEC. 1203. (a) Section 2518(7) of title 18 of the United States Code is amended by inserting ", the Deputy Attorney General, the Associate Attorney General," after the words "Attorney General";

(b) Paragraph (a) of section 2518(7) of title 18 of the United States Code is amended to read as follows:

"(a) an emergency situation exists that involves—

"(i) immediate danger of death or serious physical injury to any person,

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and".

(c) Subsection (1) of section 2516 of title 18 of the United States Code is amended—

(1) in paragraph (c) by adding "section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),";

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

"(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions); or" and

(4) in the first paragraph by inserting the words "Deputy Attorney General, Associate Attorney General," after the words "Attorney General.".

PART C—EXPANSION OF VENUE FOR THREAT OFFENSES

SEC. 1204. (a) The second paragraph of subsection (a) of section 3237 of title 18, United States Code is amended to read as follows:

"Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.".

(b) Section 3239 of title 18 of the United States Code is deleted, and amend section analysis accordingly.

PART D—INJUNCTIONS AGAINST FRAUD

SEC. 1205. (a) Chapter 63 of title 18 of the United States Code is amended by adding at the end thereof a new section 1345 as follows:

"§ 1345. Injunctions against fraud

"Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the re-

spondent, discovery is governed by the Federal Rules of Criminal Procedure.".

(b) The analysis at the beginning of chapter 63 of title 18 is amended by adding after the item relating to section 1343 the following:

"1345. Injunctions against fraud.".

PART E—GOVERNMENT APPEAL OF POST-CONVICTION NEW TRIAL ORDERS

SEC. 1206. The first paragraph of section 3731 of title 18 of the United States Code is amended by adding, after "indictment or information" the words, "or granting a new trial after verdict or judgment,".

PART F—WITNESS SECURITY PROGRAM IMPROVEMENTS

SEC. 1207. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Reimbursement of expenses.
"3523. Penalty for wrongful disclosure.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) RELOCATION.—The Attorney General may provide for the relocation or protection of a Government witness or a potential Government witness in an official proceeding concerning an organized criminal activity or other serious offense if the Attorney General determines that an offense described in section 1512 or 1513, or a State or local offense that is similar in nature or that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered. The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

"(b) RELATED PROTECTIVE MEASURES.—In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) disclose or refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure, except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.

"(c) CIVIL ACTION AGAINST A RELOCATED PERSON.—Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall determine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the Government to liability in any action based upon the consequences thereof.

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime one hundred twenty days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2) (A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to effect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the

United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

"§ 3522. Reimbursement of expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3521 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Penalty for wrongful disclosure

"Whoever without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the Federal Government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses ..... 3521".

(c) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

PART G—CLARIFICATION OF CHANGE OF VENUE FOR CERTAIN TAX OFFENSES

SEC. 1208. Section 3237(b) of title 18 of the United States Code is amended to read as follows:

"(b) Notwithstanding the second paragraph of subsection (a), where an offense is described in section 7203 of the Internal Revenue Code of 1954, or where venue for prosecution of an offense described in section 7201 or 7206 (1), (2) or (5) of such Code (whether or not the offense is also described in another provision of law) is based solely on a mailing to the Internal Revenue Service, and prosecution is begun in a judicial district other than the judicial district in which the defendant resides, he may upon motion filed in the district in which the prosecution is begun, elect to be tried in the district in which he was residing at the time the alleged offense was committed: *Provided*, That the motion is filed within twenty days after arraignment of the defendant upon indictment or information.".

PART H—18 U.S.C. 951 AMENDMENTS

SEC. 1209. Section 951 of title 18, United States Code, is amended by—

(1) striking out "Secretary of State" and inserting in lieu thereof "Attorney General if required in subsection (b)";

(2) inserting "(a)" before "Whoever" and adding at the end of such subsection the following new subsections:

"(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

"(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General to do so shall not be a bar to prosecution under this section.

"(d) For purposes of this section, the term 'agent of a foreign government' means an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

"(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

"(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

"(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

"(4) any person engaged in a legal commercial transaction.".

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.".

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by Federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that Federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

PART K—NOTICE ON SOCIAL SECURITY CHECKS

SEC. 1212. (a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

(b) Subsection (a) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act.

PART L—FOREIGN EVIDENCE IMPROVEMENTS

SEC. 1213. This part may be cited as the "Acquisition of Foreign Evidence Improvements Act".

FOREIGN RECORDS ADMISSIBILITY

SEC. 1214. (a) Chapter 223 of title 18, United States Code, is amended by striking out sections 3491 through 3494 and all references thereto and inserting in lieu thereof the following:

"§ 3491. Foreign records of regularly conducted activity

"(a) A document, or copy thereof, which is a memorandum, report, record, or data compilation in any form, of acts, events, conditions, opinions or diagnoses, made or maintained in a foreign country shall be admissible in any criminal action or proceeding in any court of the United States as evidence of the matters set forth therein if a competent person certifies, under circumstances which subject him to the penalties for perjury in that country—

"(1) that the document is made or kept in the course of a regularly conducted business activity;

"(2) that it is a regular practice of that business activity to make or keep a document of that kind;

"(3) that the document was made at or about the time of the occurrence of the matters set forth, by, or from information transmitted by a person with knowledge of those matters;

"(4) his position in the management or employ of the business activity and how he is in a position to know the matters which he certifies under paragraphs (1) through (3) and paragraph (5); and

"(5) if the document is not the original, that it is a true and exact copy of the original.

"(b) A certification in compliance with subsection (a) shall constitute prima facie proof of the genuineness and trustworthiness of the document, and of the competency of the person making the certification.

"(c) The memorandum, report, record or data compilation and the statement of the custodian or other qualified witness may not be admitted in evidence unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the

particulars of it, including the name and address of the custodian or other qualified witness.

"(d) Upon written demand of the proponent of the evidence to be admitted, the adverse party shall serve upon such proponent, within ten days after such demand, a written notice of his intention to object. Such notice of intention shall state the nature and basis for such objection.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by striking out the items relating to sections 3491 through 3494 and inserting in lieu thereof the following:

"3491. Foreign records of regularly conducted activity.".

APPOINTMENT OF MASTERS

SEC. 1215. Rule 15 of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following:

"(h) MASTERS AT FOREIGN DEPOSITIONS.—A court may appoint a master to attend a deposition taken outside the United States to act on behalf of the court to the extent possible. Such deposition shall be taken and filed in a manner consistent with this rule and subject to any additional conditions as the court shall provide, except that, notwithstanding any other provision of law, the Federal Rules of Evidence shall not apply.".

NOTICE TO UNITED STATES AUTHORITY

SEC. 1216. Section 1781 of title 28, United States Code, is amended by adding at the end thereof the following:

"(c) No person or entity subject to the jurisdiction of the United States shall take, or cause to be taken, any action in a foreign country to impair, delay, challenge or prevent the execution of a request by the United States or any agency or authority thereof either through letters rogatory, treaty, convention, or any other means, for evidence located in that country, without having simultaneously served the United States or private litigant with copies of every pleading, objection, opposition, or other document submitted to any foreign authority in furtherance of such action.".

LIMITATIONS AMENDMENT

SEC. 1217. (a) Chapter 213 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3292. Suspension of limitations to obtain foreign information or evidence

"(a) Upon application to the court in which the offense lies, the running of any period of limitations applicable to any offense shall be ordered to be suspended for such period as provided in subsection (b) of this section to allow the United States to obtain or to seek to obtain information or evidence from one or more foreign jurisdictions if it reasonably appears that material evidence, fruits, or instrumentalities of a crime are in such jurisdictions.

"(b) The period of suspension under this section shall run from the date of issuance of a request for foreign information or evidence, until the foreign authority takes final action upon the request; but in no case shall the period of suspension exceed three years.

"(c) If more than one such request is made, the respective periods of suspension may be aggregated, but not to exceed a total of three years.

"(d) Nothing in this section shall extend the period of limitations if final action on such requests by all foreign authorities is complete before the period of limitations would expire without regard to this section.".

(b) The table of sections for chapter 213 of title 18, United States Code, is amended by adding after the item relating to section 3291 the following:

"3292. Suspension of limitations to obtain foreign information or evidence.".

SPEEDY TRIAL AMENDMENT

SEC. 1218. Section 3161(h) of title 18, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) by striking out "paragraph (8)(A)" in paragraph (9) as redesignated herein and inserting in lieu thereof "subparagraph (A)"; and

(3) by inserting the following new paragraph after paragraph (7):

"(8) Any period of delay, for the purpose of obtaining or seeking to obtain foreign information or evidence, which would qualify as a period of suspension of the running of any statute of limitations under section 3292 of this title.".

Mr. LUNGREN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit 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 gentleman from California [Mr. LUNGREN] is recognized for 5 minutes in support of his motion to recommit.

Mr. LUNGREN. Mr. Speaker, as we know, this continuing resolution is a rather unusual bill. We have attached the foreign aid bill to it. We have attached the public works bill to it. And the purpose of this motion to recommit is our attempt to have an up or down vote on the President's Comprehensive Crime Control Act of 1984 as voted out by the U.S. Senate by a 91-to-1 margin. It was voted out in the previous Congress by a 95-to-1 margin. That is about as unanimous as you can get. And I might add that the one vote against it was a Republican Senator.

This is an effort by those of us who have tried in the last 2 years to get an up or down vote on the major elements of the President's package. The President invited us over a year ago March to the Oval Office, those of us involved in this issue, and at that time requested the effort of both Democrats and Republicans in the House and the Senate to enact this legislation.

The day after that meeting, Democrats and Republicans in the other body met and decided how they would work on this bill and passed this bill out in March of this year. We did not even have elements of this bill sent to our subcommittees until that same time approximately a year later.

There has been a lot of smoke and mirrors on this floor over the last several months about this issue. There has been some claim that there was a major bill, crime bill, that the President vetoed. I would suggest that bill was never considered on the floor, that bill was never debated on the floor, that bill came through here in the last hours.

Mr. Speaker, we have just not had an opportunity to vote on this bill. We have been promised parts and bits and pieces of it. Things have been brought up on the Suspension Calendar. We were put in a position where we could not vote on amendments. So this is an opportunity to vote up or down on the bill as it passed out of the Senate. It has all the major elements of the original package sent over by the President, with the exception of those most controversial parts, insanity defense, exclusionary rule, and capital punishment. Other than that, it is the whole package that he sent over here. It was fully debated in the Senate. It has been passed overwhelmingly. It has been languishing here in the House since March of this year.

This is a very, very simple vote. It is not procedural. It is a very, very simple vote. If you want the President's crime control package passed, this is your opportunity to do it. By voting yes on this motion to recommit you will attach that to this overall bill which already has to it attached the foreign aid bill and the public works bill.

We have had a lot of rhetoric. We have talked a lot about this issue. The American people are demanding that we have an opportunity to vote on it. This is your chance. Do not worry about next week, do not worry about last week when they had on the Suspension Calendar the sentencing bill that was put on and then put off. Do not worry about next week when we may have to go through those same things and not be given the opportunity. This is that single vote that you will have a chance to cast.

□ 1810

It is not procedural; it is substantive. It has every single element of that package here. If we have an opportunity, as we did today, to attach the foreign aid bill and the public works bill, we should do no less than attach this bill since the American people have shown in the latest poll this is the No. 1 issue facing them.

You cannot dodge it; this is your chance to do it. I would hope that we would have an overwhelming yes vote on behalf of the American people in favor of the Comprehensive Crime Control Act of 1984.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HUGHES] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. HUGHES. Mr. Speaker, I really had not intended to speak but there really has been so much misinforma-

tion about this crime package. It really troubles me because we have worked diligently. I am talking about HAL SAWYER, the ranking Republican and myself in the Subcommittee on Crime to pass crime legislation. We were sick that the President vetoed a year and a half of our work and it went down the drain because the Senate insisted upon packaging in the 98th Congress.

We had six of our major bills in that package that we passed individually. I do not have to tell the Members that many of the crime bills go to many committees. I look around the Chamber and I can think of forfeiture that went to three different committees. It took us the better part of a year and a half to pass forfeiture again.

We did everything; HAL SAWYER, myself, Senator THURMOND, Senator BIDEN and others to try to persuade the administration in the closing days of the 98th Congress not to veto that bill. The Attorney General recommended a veto because of the so-called drug czar. We represented to the administration that we would work in this Congress to make the changes that the administration wanted in the drug czar bill so that we could save a year and a half of our work, particularly because of the antitampering provision and the provision dealing with forfeiture.

In south Florida we have 300 boats, two dozen airplanes sitting on a field rotting, rusting. Boats wasting away because we do not have in place the forfeiture procedures that we needed 3½ years ago. Right after the President vetoed the crime bill in the 98th Congress, HAL SAWYER and myself and others went to the White House and we sat down with Ed Meese and others and we agreed that we would bring crime bills to the floor individually so that we would not have a package once again to see our work go down the drain. That is precisely what we have done; we have worked on individual crime bills, and we now have passed out of the House 17 major crime bills. Many of them are languishing in the Senate.

The Justice Assistance Act, which passed by almost 400 to about 13, has been on the Senate side now since May 1983. You ask your policemen and your prosecutors and their No. 1 priority is the Justice Assistance Act because that is the only bill that we are going to pass, I might say, ladies and gentlemen, that is really going to impact street crime.

We have tomorrow the cop killer bullet legislation up; career criminal up; we are marking up tomorrow the three antiterrorism bills that the administration wants us to move in this session of the Congress. The committee is now seeking a rule on sentencing and bail reform, so, according to my calculations, we will have passed about 27 major crime bills including things like antitampering, which the President has already signed. Child pornography, which the President signed. Pharmacy robbery, which the President signed.

We have in the works now a major trademark counterfeiting bill that we passed by an overwhelming margin. We passed a major diversion bill, which is part of the President's crime package. We passed a major credit card computer crime bill, which is sitting on the Senate side, that BILL NELSON and others are trying to free up on the Senate side.

So, yes, we have not passed everything that is in the 42 provisions but I would say half of the provisions in that 42-provision bill are housekeeping provisions that HAL SAWYER and I, when it was referred to our committee, decided not to take up because we had other priorities that would make a far wider impact on the criminal justice system. I say to my colleagues that this is no way to legislate.

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

Mr. HUGHES. I yield to the gentleman.

Mr. SAWYER. I thank the gentleman for yielding.

Mr. Speaker, I have no objection to what the gentleman says is true about that part that came to our subcommittee, but that was 10 bills out of 42, and the others are all sitting in JOHN CONYERS' subcommittee, and they will sit there until doomsday.

Mr. HUGHES. I am not saying that all the bills came to our committee; they do not because jurisdiction is spread so widely. But we opted not to take up some of the provisions in the President's package because we felt it was far more important to talk about computer crime, trademark counterfeiting, diversion, and a whole host of other bills that we think will impact the criminal justice system.

Many of the provisions in the omnibus bill have never had hearings. There are provisions in the Administrative Law Subcommittee; provisions that came to our subcommittee that we really did not reach because of the press of time, and it is no way to legislate, to vote in this fashion on crime legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. LUNGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 243, noes 166, not voting 23, as follows:

[Roll No. 420]

AYES—243

Albosta	Hance	Oxley
Anderson	Hansen (ID)	Packard
Andrews (NC)	Hansen (UT)	Parris
Applegate	Harkin	Pashayan
Archer	Hartnett	Patman
AuCoin	Hefner	Patterson
Badham	Heftel	Petri
Barnard	Hertel	Pickle
Bartlett	Hightower	Porter
Bateman	Hiler	Pritchard
Bedell	Hillis	Pursell
Bennett	Holt	Rahall
Bereuter	Hopkins	Ray
Bilirakis	Horton	Regula
Billey	Hubbard	Ridge
Boehlert	Huckaby	Rinaldo
Breaux	Hunter	Ritter
Britt	Hutto	Roberts
Broomfield	Hyde	Robinson
Brown (CO)	Ireland	Roemer
Broyhill	Jeffords	Rogers
Burton (IN)	Jenkins	Rose
Byron	Johnson	Roth
Campbell	Jones (OK)	Roukema
Carney	Kaptur	Rowland
Carper	Kasich	Rudd
Carr	Kemp	Sawyer
Chandler	Kindness	Schaefer
Chappell	Kostmayer	Schneider
Chappie	Kramer	Schulze
Clinger	Lagomarsino	Sensenbrenner
Coats	Latta	Sharp
Coleman (MO)	Leach	Shaw
Coleman (TX)	Leath	Shelby
Conable	Lent	Shumway
Conte	Levitas	Shuster
Coughlin	Lewis (CA)	Siljander
Courter	Lewis (FL)	Sisisky
Craig	Livingston	Skeen
Crane, Daniel	Lloyd	Slattery
Crane, Philip	Loeffler	Smith (IA)
Daniel	Long (MD)	Smith (NE)
Dannemeyer	Lott	Smith (NJ)
Darden	Lowery (CA)	Smith, Denny
Daub	Lujan	Smith, Robert
Davis	Luken	Snowe
Derrick	Lundine	Snyder
DeWine	Lungren	Solomon
Dickinson	Mack	Spence
Dowdy	MacKay	Stangeland
Dreier	Madigan	Stenholm
Duncan	Marriott	Stratton
Durbin	Martin (IL)	Stump
Dwyer	Martin (NY)	Sundquist
Dyson	Mazzoli	Tallon
Eckart	McCain	Tauke
Edwards (AL)	McCandless	Tauzin
Edwards (OK)	McCloskey	Taylor
Emerson	McCollum	Thomas (CA)
English	McCurdy	Valentine
Erdreich	McDade	Vander Jagt
Erlenborn	McEwen	Vandergriff
Evans (IA)	McHugh	Volkmer
Fiedler	McKernan	Vucanovich
Fields	McKinney	Walker
Fish	Mica	Watkins
Flippo	Michel	Weber
Frenzel	Miller (OH)	Whitehurst
Fuqua	Minish	Whitley
Gekas	Molinari	Whittaker
Gibbons	Montgomery	Wilson
Gilman	Moore	Winn
Gingrich	Moorhead	Wise
Goodling	Morrison (WA)	Wolf
Gradison	Mrazek	Wortley
Green	Neal	Wylie
Gregg	Nelson	Yatron
Gunderson	Nichols	Young (AK)
Hall, Ralph	Nielson	Young (FL)
Hall, Sam	O'Brien	Young (MO)
Hamilton	Olin	Zschau

NOES—166

Ackerman	Frost	Owens
Addabbo	Garcia	Panetta
Akaka	Gaydos	Paul
Andrews (TX)	Gejdenson	Pease
Annunzio	Gephardt	Penny
Anthony	Glickman	Price
Aspin	Gonzalez	Quillen
Barnes	Gore	Rangel
Bates	Gray	Ratchford
Beilenson	Hall (IN)	Reid
Berman	Hall (OH)	Richardson
Bevill	Hawkins	Rodino
Biaggi	Hayes	Roe
Boland	Howard	Rostenkowski
Boner	Hughes	Roybal
Bonior	Jacobs	Russo
Bonker	Jones (NC)	Sabo
Borski	Jones (TN)	Savage
Bosco	Kastenmeier	Scheuer
Boucher	Kazen	Schroeder
Boxer	Kennelly	Schumer
Brooks	Kildee	Seiberling
Brown (CA)	Kleczka	Shannon
Bryant	Kogovsek	Sikorski
Clarke	Kolter	Skelton
Clay	LaFalce	Smith (FL)
Coelho	Lantos	Solarz
Collins	Lehman (CA)	Spratt
Conyers	Lehman (FL)	St Germain
Cooper	Levin	Staggers
Coyne	Levine	Stark
Crockett	Lipinski	Stokes
Daschle	Long (LA)	Studds
de la Garza	Lowry (WA)	Swift
Dellums	Markey	Synar
Dicks	Martinez	Thomas (GA)
Dingell	Matsui	Torres
Dixon	Mavroules	Torricelli
Donnelly	McNulty	Towns
Dorgan	Mikulski	Traxler
Downey	Miller (CA)	Udall
Dymally	Mineta	Vento
Early	Mitchell	Walgren
Edgar	Moakley	Waxman
Edwards (CA)	Mollohan	Weaver
Evans (IL)	Morrison (CT)	Weiss
Fascell	Murphy	Wheat
Fazio	Murtha	Whitten
Feighan	Myers	Williams (MT)
Florio	Natcher	Wirth
Foglietta	Nowak	Wolpe
Foley	Oakar	Wright
Ford (MI)	Oberstar	Wyden
Ford (TN)	Obey	Yates
Fowler	Ortiz	
Frank	Ottinger	

NOT VOTING—23

Alexander	Franklin	Marlenee
Bethune	Gramm	Martin (NC)
Boggs	Guarini	McGrath
Burton (CA)	Hammerschmidt	Moody
Cheney	Harrison	Pepper
Corcoran	Hatcher	Simon
D'Amours	Hoyer	Williams (OH)
Ferraro	Leland	

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. D'Amours for, with Mr. Guarini against.

Mr. McGrath for, with Mr. Hoyer against.

Mr. Franklin for, with Mr. Leland against.

Mr. Cheney for, with Mr. Alexander against.

Mr. WILLIAMS of Montana and Mr. BEVILL changed their votes from "aye" to "no."

Messrs. ROSE, BARNARD, LONG of Maryland, COLEMAN of Texas, ROWLAND, DWYER of New Jersey, LUNDINE, HERTEL of Michigan, McHUGH, OLIN, RAHALL, CHAPPELL, WISE, KOSTMAYER, STRATTON, and BEDELL changed their votes from "no" to "aye."

So the motion to recommit was agreed to.

● Mr. PAUL. Mr. Chairman, I strongly object to the way this legislation, H.R. 5963 as an amendment to House Joint Resolution 648, has been brought up, at the last minute—with no more than 5 minutes of debate possible on each side. How many Members are familiar with the provisions of this crime-control bill? My colleagues are not even aware that one provision in this bill, title IX, makes such a sweeping grant of power to the Secretary of the Treasury under the Bank Secrecy Act that it should frighten anyone who worries about civil liberties.

The supporters of title IX of this bill, which is being rammed through this Congress, have argued the only new thing it does is close a loophole in the Bank Secrecy Act, by making it possible to enforce the requirement to disclose financial transactions when people try to leave the United States—to prevent "money laundering" by organized crime.

Congress is building an invisible Berlin Wall around America with the powers in this title. For the past 6 years, Congress has been pushed by the administration to increase the powers of law enforcement over the movements of money in our society. The wall in Berlin, of course, only makes it possible for East German border guards to enforce their emigration laws more easily. How can any law-abiding citizen object?

The closed door way in which this legislation is being treated is typical of the way our Government always acts when it wants to violate the Constitution. The United States does not impose any other restrictions on the freedom of citizens to travel; a passport is not even required. The Supreme Court ruled in 1958 that we have a fifth amendment right to travel. We have never had to tell the Government when we depart—until now!

On Monday, September 10, with fewer than 10 Members of the House of Representatives on the floor, another bill, H.R. 6031, was passed by voice vote increasing the Treasury Department's power in exactly the same way, except without the wiretapping powers contained in this title. This swift enactment of the new powers was handled in almost total secrecy. On Friday, September 7, the list of bills to be considered the following week in the House of Representatives was released by the majority leader's office, after most Members had returned to their districts to campaign. Most Members are still not even aware of the action the House took on Monday, September 10—just as they are not aware of what is in title IX of this bill.

This title is substantially the same piece of legislation that was overwhelmingly defeated 4 years ago. The fact that a majority of Members voted it down in 1980 is probably the reason it has been so stealthily managed in this Congress this week, cleverly whisked by when the leadership knew most Members would either be out of town or driven to frenzy by the politics of reelection partisanship. They suspended the rules of the House to ram this bill through on September 10—a procedure supposed to be reserved for noncontroversial measures, not measures defeated by a two-thirds vote in the 96th Congress. H.R. 5963 is being rammed through on a slogan about making Democrats appear soft on crime.

The section of this title IX that has repeatedly drawn the most heated opposition is the section that says, "A customs officer may stop and search, without a search warrant a * * * person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported." The courts have upheld the right of customs officers to search people who might be smuggling or illegally importing things, but now Congress seems to have expanded their powers to warrantless searches of people who may be innocently exercising their constitutional right to travel abroad.

Moreover, the provisions of title IX are not restricted to enforcing the law against criminals with suitcases full of cash, as the term "money laundering" suggests. This bill will affect anyone who carries any valuable coin or paper out of the country. Fifteen U.S. double-eagle gold coins with a market value of $667 for example, would fall under the provisions of this bill. Nothing is exempt, since anything traded on foreign markets—art objects, rare stamps, pedigreed dogs or horses—as well as stocks, bonds, and promissory notes will serve as good substitutes for cash.

The person who may be victimized under this legislation is not guilty of any violation—the reporting requirement applies to someone who has clear legal title to his "monetary instruments". The only crime is a failure to tell the Government before you leave.

This bill empowers the Secretary of the Treasury to make American citizens fill out financial declarations in advance of any foreign travel. Will the Customs Service begin to require everyone to undergo an "exit interview" in the future, to make sure all required reports have been filed? What assurance do we have that the Secretary will not issue regulations to require a 48-hour advance filing of these reports? None.

This proposal to strengthen the Bank Secrecy Act greatly alarms me. In the modern world, virtually every part of daily life occurs with the intermediation of money. As long as the philosophy of socialism remains dominant in Washington—the common belief that government doesn't have to respect anyone's individual rights so long as it simply claims it is "regulating the economy"—you can trust the Bank Secrecy Act will be abused by some future administration. This bill authorizes the Secretary of the Treasury to set up a domestic spying and informant system to prepare for some future wave of economic repression. It authorizes wiretapping. The courts have upheld prosecutions under the "doctrine of conspiracy" just because some experts on foreign banking laws have helped Americans deposit their capital abroad, where they have believed it to be more safe.

To me, this is a question of civil liberties. What are the arguments in favor of this legislation? The real question we must ask is Why should the administration have this power in the first place? Drug smugglers are supposed to be the target of this bill. All of the Members of Congress who spoke in favor of H.R. 6031 on September 10 cited drug trafficking as the target. They celebrated this new tool in the war against crime. The only reservations voiced against that bill was that it did not also permit wiretapping in cases of money laundering. This bill, H.R. 5963, title IX, contains that power.

The arguments against drug smugglers are thrown about as if this legislation were strictly directed against organized criminal gangs who are poisoning American children. But this bill is not a drug-enforcement bill—it is a broad grant of power to the Secretary of the Treasury to require advance submission of financial disclosure reports and pay rewards to private citizens to spy on business associates or neighbors who may be trying to leave this country for whatever reasons they may have without reporting it.

The United States does not impose any other restrictions on the freedom of citizens to travel; a passport is not even required. The Supreme Court has ruled, *Kent* v. *Dulles,* 357 U.S. 116 (1958), that we have a fifth amendment right to travel. We don't have to tell the Government when we depart—until now.

The particular thing that makes this bill so dangerous is its complete lack of focus on any particular crime. Drug trafficking is just a plausible excuse. The general declaration of purpose in the Bank Secrecy Act says nothing about drugs. It gives as the reason to require banks and individuals to file reports—for all expenditures of $100 or more and cash transactions of $10,000 or more—merely the high degree of usefulness of such financial reports in criminal, tax, or regulatory investigations. The Government wants to know about your use of money for every conceivable regulatory use.

The sneaky tactics of surprise in the House of Representatives have worked like a charm. I simply pray that I am wrong about the eventual violation of civil liberties—the creation of a police state that title IX will make possible.●

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the joint resolution, H. Res. 648, back to the House with an amendment.

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

The Clerk reread the amendment contained in the foregoing motion to recommit.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The SPEAKER pro tempore. 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 joint resolution.

The joint resolution 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 joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 316, nays 91, not voting 25, as follows:

[Roll No. 421]

YEAS—316

Ackerman	Boland	Coleman (MO)
Addabbo	Boner	Coleman (TX)
Akaka	Bonker	Collins
Albosta	Borski	Conte
Anderson	Bosco	Cooper
Andrews (NC)	Boucher	Coughlin
Andrews (TX)	Boxer	Courter
Annunzio	Breaux	Coyne
Anthony	Britt	Daniel
Aspin	Brooks	Darden
Badham	Brown (CA)	Daub
Barnard	Broyhill	Davis
Barnes	Bryant	de la Garza
Bartlett	Byron	Derrick
Bateman	Campbell	DeWine
Bates	Carney	Dickinson
Bedell	Carper	Dicks
Bennett	Carr	Dingell
Bereuter	Chandler	Dixon
Berman	Chappell	Donnelly
Bevill	Chappie	Dowdy
Biaggi	Clarke	Downey
Bliley	Clinger	Duncan
Boehlert	Coelho	Durbin
Dwyer	Levin	Robinson
Dyson	Levine	Roe
Early	Levitas	Rogers
Eckart	Lewis (CA)	Rose
Edgar	Lipinski	Rostenkowski
Edwards (AL)	Livingston	Roth
Edwards (OK)	Lloyd	Roukema
Emerson	Loeffler	Rowland
Erdreich	Long (LA)	Roybal
Evans (IL)	Long (MD)	Rudd
Fascell	Lott	Sabo
Fazio	Lowery (CA)	Savage
Feighan	Lujan	Sawyer
Fiedler	Luken	Scheuer
Fields	Lundine	Schneider
Fish	Lungren	Schulze
Flippo	Madigan	Schumer
Florio	Martin (NY)	Shaw
Foglietta	Martinez	Shelby
Foley	Matsui	Shuster
Ford (MI)	Mavroules	Sikorski
Ford (TN)	Mazzoli	Siljander
Fowler	McCain	Sisisky
Frost	McCandless	Skeen
Fuqua	McCloskey	Skelton
Garcia	McCollum	Smith (FL)
Gaydos	McCurdy	Smith (IA)
Gejdenson	McDade	Smith (NE)
Gekas	McHugh	Smith (NJ)
Gephardt	McKernan	Smith, Robert
Gibbons	McKinney	Snowe
Gilman	McNulty	Snyder
Gingrich	Mica	Solarz
Glickman	Michel	Spratt
Gonzalez	Mikulski	St Germain
Gore	Miller (CA)	Staggers
Gray	Miller (OH)	Stangeland
Green	Mineta	Stark
Hall (IN)	Minish	Stokes
Hall (OH)	Moakley	Stratton
Hall, Ralph	Molinari	Studds
Hall, Sam	Mollohan	Sundquist
Hamilton	Montgomery	Swift
Hance	Moore	Tallon
Harkin	Moorhead	Tauzin
Hawkins	Morrison (CT)	Taylor
Hayes	Morrison (WA)	Thomas (CA)
Hefner	Mrazek	Thomas (GA)
Heftel	Murphy	Torres
Hightower	Murtha	Torricelli
Hillis	Myers	Towns
Holt	Natcher	Traxler
Horton	Nichols	Udall
Howard	Nowak	Valentine
Huckaby	O'Brien	Vander Jagt
Hunter	Oakar	Vento
Hutto	Oberstar	Volkmer
Hyde	Ortiz	Walgren
Ireland	Ottinger	Watkins
Jeffords	Owens	Weber
Jenkins	Oxley	Weiss
Johnson	Packard	Whitehurst
Jones (NC)	Parris	Whitley
Jones (OK)	Pashayan	Whittaker
Jones (TN)	Patman	Whitten
Kaptur	Patterson	Williams (MT)
Kasich	Pease	Wilson
Kazen	Penny	Winn
Kemp	Pickle	Wise
Kennelly	Porter	Wolf
Kildee	Price	Wolpe
Kindness	Quillen	Wortley
Kleczka	Rahall	Wright
Kogovsek	Rangel	Wyden
Kolter	Ratchford	Wylie
Kostmayer	Ray	Yates
LaFalce	Regula	Yatron
Lagomarsino	Reid	Young (AK)
Lantos	Richardson	Young (FL)
Leath	Ridge	Young (MO)
Lehman (CA)	Rinaldo	
Lehman (FL)	Ritter	

NAYS—91

Applegate	Conable	Dymally
Archer	Conyers	Edwards (CA)
AuCoin	Craig	English
Beilenson	Crane, Daniel	Erlenborn
Bilirakis	Crane, Philip	Evans (IA)
Bonior	Crockett	Frank
Broomfield	Dannemeyer	Frenzel
Brown (CO)	Daschle	Goodling
Burton (IN)	Dellums	Gradison
Clay	Dorgan	Gregg
Coats	Dreier	Gunderson

Hansen (ID)	McEwen	Sharp
Hansen (UT)	Mitchell	Shumway
Hartnett	Neal	Slattery
Hertel	Nelson	Smith, Denny
Hiler	Nielson	Solomon
Hopkins	Obey	Spence
Hubbard	Olin	Stenholm
Hughes	Panetta	Stump
Jacobs	Paul	Synar
Kastenmeier	Petri	Tauke
Kramer	Pursell	Vandergriff
Latta	Roberts	Vucanovich
Leach	Rodino	Walker
Lewis (FL)	Roemer	Waxman
Lowry (WA)	Russo	Weaver
Mack	Schaefer	Wheat
MacKay	Schroeder	Wirth
Markey	Seiberling	Zschau
Marriott	Sensenbrenner	
Martin (IL)	Shannon	

NOT VOTING—25

Alexander	Gramm	Martin (NC)
Bethune	Guarini	McGrath
Boggs	Hammerschmidt	Moody
Burton (CA)	Harrison	Pepper
Cheney	Hatcher	Pritchard
Corcoran	Hoyer	Simon
D'Amours	Leland	Williams (OH)
Ferraro	Lent	
Franklin	Marlenee	

□ 1840

Mr. BILIRAKIS changed his vote from "yea" to "nay."

Mr. TALLON and Mr. STARK changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 648, and that I may include extraneous and tabular material.

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

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS, 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that in the engrossment of House Joint Resolution 648, the Clerk be authorized to correct section numbers, cross references, and punctuation marks.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2819, TECHNICAL CORRECTIONS AMENDMENTS TO HOUSING AND URBAN-RURAL RECOVERY ACT OF 1983

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2819) to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island? The Chair hears none, and without objection, appoints the following conferees: Messrs. ST GERMAIN, GONZALEZ, FAUNTROY, PATTERSON, LUNDINE, WYLIE, and MCKINNEY.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONGRESSIONAL BUDGET FOR U.S. GOVERNMENT, 1984, 1985, 1986, AND 1987

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file the conference report on the concurrent resolution (H. Con. Res. 280) revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONCURRENT RESOLUTION ON THE BUDGET, ON OR AFTER WEDNESDAY, SEPTEMBER 26, 1984

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that it shall be in order at anytime on Wednesday, September 26, 1984, or any day thereafter to consider the conference report and amendments in disagreement on the concurrent resolution (H. Con. Res. 280) revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

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

Mr. FRENZEL. Reserving the right to object, Mr. Speaker, my understanding is that if that bill has to be taken up first in the Senate, it will not be presented tomorrow; is that correct?

Mr. JONES of Oklahoma. Mr. Speaker, if the gentleman will yield, the gentleman is correct. The Chairman's present intention is to try to bring it up Monday.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2878, LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

Mr. HAWKINS submitted the following conference report and statement on the bill (H.R. 2878) to amend and extend the Library Services and Construction Act:

CONFERENCE REPORT (H. REPT. 98-1075)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

TITLE I—LIBRARY SERVICES AND CONSTRUCTION

SHORT TITLE; FINDINGS

SEC. 101. (a) This title may be cited as the "Library Services and Construction Act Amendments of 1984".

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

(5) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehen-

sive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

DECLARATION OF PURPOSE

SEC. 102. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this title referred to as "the Act") is amended to read as follows:

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.".

(b) Section 2(b) of the Act is amended by inserting "and Indian tribes" before the period at the end of the second sentence.

DEFINITIONS; ADMINISTRATIVE AMENDMENT

SEC. 103. (a) Section 3 of the Act is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'Secretary' means the Secretary of Education.";

(2) by inserting after the first sentence in paragraph (2) the following new sentence: "Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the 'Architectural Barriers Act of 1968', remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in paragraph (7);

(4) by striking out the parenthetical in paragraph (9) and inserting in lieu thereof the following: "(including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education)"; and

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

"(15) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.

"(16) 'Hawaiian native' means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.".

(b) The Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) by striking out "Commissioner's" each place it appears and inserting in lieu thereof "Secretary's".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows:

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $75,000,000 for fiscal year 1985, $80,000,000 for fiscal year 1986, $85,000,000 for fiscal year 1987, $90,000,000 for fiscal year 1988, and $95,000,000 for fiscal year 1989;

"(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989;

"(3) for the purpose of making grants as provided in title III, $20,000,000 for fiscal year 1985, $25,000,000 for fiscal year 1986, $30,000,000 for fiscal year 1987, $35,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989;

"(4) for the purpose of making grants as provided in title V, $1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988; and

"(5) for the purpose of making grants as provided in title VI, $5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of clauses (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 5(d) for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such clauses for each such fiscal year.".

(b) Section 4 of the Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.".

ALLOTMENTS TO STATES AND INDIAN TRIBES

SEC. 105. Section 5 of the Act is amended—

(1) by inserting "AND INDIAN TRIBES" after "STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" each place it appears in subsection (a) and inserting in lieu thereof "clause (1), (2), or (3)";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," each place it appears in subsection (a)(3);

(4) in subsection (a)(3), by inserting "and" at the end of clause (B), by striking out "; and" at the end of clause (C), and inserting in lieu thereof a period, and by striking out clause (D);

(5) in subsection (b), by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "clause (1), (2), or (3)"; and

(6) by adding at the end thereof the following new subsections:

"(c)(1) From the sums available pursuant to the second sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 403.

"(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).

"(d)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall make grants to organizations primarily serving and representing Hawaiian natives that are recognized by the Governor of the State of Hawaii.

"(2) Grants under this subsection shall be made on the basis of applications and plans submitted by such organizations that are consistent with the requirements imposed pursuant to sections 403 and 404. Funds made available by grants under this subsection may be used for the purposes specified in clauses (1) through (8) of section 402(a). Section 402(c) shall apply with respect to the cultural materials of Hawaiian natives.".

PLANS AND PROGRAMS

SEC. 106. Section 6 of the Act is amended—

(1) by striking out "STATE" in the heading of such section;

(2) by striking out "titles I, II, III, and IV" in subsection (a) and inserting in lieu thereof "titles I, II, and III";

(3) by striking out clause (4) of subsection (b) and inserting in lieu thereof the following:

"(4) provide that priority will be given to programs and projects—

"(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency or handicapping conditions, and programs and projects in urban and rural areas;

"(B) that serve the elderly;

"(C) that are designed to combat illiteracy; and

"(D) that increase services and access to services through effective use of technology."; and

(4) by adding at the end thereof the following new subsection:

"(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

"(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.".

PAYMENTS

SEC. 107. Section 7 of the Act is amended—

(1) by striking out "TO STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" in subsection (a) and inserting in lieu thereof "clause (1), (2), or (3)";

(3) by striking out "and title IV" in subsection (b)(1);

(4) by inserting "and the Northern Mariana Islands" after "American Samoa," in subsection (b)(1);

(5) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in subsection (b)(2); and

(6) by adding at the end thereof the following new subsection:

"(c) From the sums available pursuant to the second sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe's allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe's additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.".

ADMINISTRATIVE COST

SEC. 108. Section 8 of the Act is amended to read as follows:

"ADMINISTRATIVE COST

"SEC. 8. A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative expenditures under such titles for any fiscal year may not exceed the greater of (1) 6 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) $60,000.".

GRANTS FOR LIBRARY SERVICE

SEC. 109. Section 101 of the Act is amended to read as follows:

"GRANTS TO STATES FOR LIBRARY SERVICES

"SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have approved basic State plans under section 6 and have submitted annual programs under section 103—

"(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

"(2) for adapting public library services to meet particular needs of individuals within the States;

"(3) for assisting libraries to serve as community information referral centers;

"(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

"(5) for strengthening State library administrative agencies; and

"(6) for strengthening major urban resource libraries.".

USES OF FEDERAL FUNDS

SEC. 110. Section 102(a)(1) of the Act is amended by inserting "assist libraries to serve as community centers for information and referral and to" after "designed to".

STATE LIBRARY SERVICE PROGRAM

SEC. 111. Section 103 of the Act is amended—

(1) by inserting after "handicapped" in clause (3) the following: "and institutionalized individuals";

(2) by redesignating clauses (4) and (5) as clauses (6) and (7), respectively, and inserting after clause (3) the following:

"(4) describe the uses of funds for programs for the elderly, which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;

"(5) describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;"; and

(3) by adding at the end thereof the following new sentence: "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.".

CONSTRUCTION: USE OF FUNDS

SEC. 112. (a) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.".

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "SEC. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-half of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.".

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) of this subsection shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.

INTERLIBRARY COOPERATION AND RESOURCE SHARING

SEC. 113. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION".

(b) Section 301 of the Act is amended—

(1) by striking out "section 6 and" and inserting in lieu thereof "section 6,"; and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304".

(c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

"SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward eventual compliance with the provisions of this section.

"(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include—

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

"(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing systems; and

"(9) a description of how the evaluations required by section 6(d) will be conducted.

"(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.".

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 114. Title IV of the Act is amended to read as follows:

"TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

"FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

"SEC. 401. (a) The Congress finds that—

"(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

"(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

"(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

"(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

"(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

"(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations.

"(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.

"USE OF FUNDS

"SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

"(1) inservice or preservice training of Indians as library personnel;

"(2) purchase of library materials;

"(3) conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

"(6) transportation to enable Indians to have access to library services;

"(7) dissemination of information about library services;

"(8) assessment of tribal library needs; and

"(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in clauses (1) through (8).

"(b) Any tribe that supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

"APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

"SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

"PLANS FOR LIBRARY SERVICES TO INDIANS

"SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

"(1) a long-range program, and

"(2) the purposes set forth in section 402(a).

"COORDINATION WITH PROGRAMS FOR INDIANS

"SEC. 405. The Secretary, with the Secretary of the Interior, shall coordinate programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.".

FOREIGN LANGUAGE MATERIALS AND LITERACY PROGRAMS

SEC. 115. The Act is further amended by adding at the end thereof the following new titles:

"TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

"GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

"SEC. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials.

"(b) Recipients of grants under this title shall be selected on a competitive basis.

"(c) No grant under this title for any fiscal year shall exceed $15,000.

"TITLE VI—LIBRARY LITERACY PROGRAMS

"STATE AND LOCAL LIBRARY GRANTS

"SEC. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

"(b) Grants to State public libraries under this title shall be for the purposes of—

"(1) coordinating and planning library literacy programs; and

"(2) making arrangements for training librarians and volunteers to carry out such programs.

"(c) Grants to local public libraries shall be for the purposes of—

"(1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;

"(2) acquisition of materials for literacy programs; and

"(3) using library facilities for such programs.

"(d) Recipients of grants under this title shall be selected on a competitive basis.

"(e) No grant under this title for any fiscal year shall exceed $25,000.".

TITLE II—HOWARD UNIVERSITY ENDOWMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Howard University Endowment Act".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) the term "endowment fund" means a fund, or a tax exempt foundation, established and maintained by Howard University for the purpose of generating income for its support, but which shall not include real estate;

(2) the term "endowment fund corpus" means an amount equal to the grants awarded under this title plus an amount equal to such grants provided by Howard University;

(3) the term "endowment fund income" means an amount equal to the total value of the endowment fund established under this title minus the endowment fund corpus;

(4) the term "Secretary" means the Secretary of Education; and

(5) the term "University" means the Howard University established by the Act of March 2, 1867.

PROGRAM AUTHORIZED

SEC. 203. (a) The Secretary is authorized to establish an endowment program, in accordance with the provisions of this title, for the purpose of establishing or increasing endowment funds, providing additional incentives to promote fundraising activities, and encouraging independence and self-sufficiency at the University.

(b)(1) From the funds appropriated pursuant to this title for endowments in any fiscal year for the University, the Secretary is authorized to make grants to Howard University. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions deemed necessary by the Secretary to assure that the purposes of this title will be achieved.

(2) The University may receive a grant under this section only if it has deposited in the endowment fund established under this title an amount equal to such grant and has adequately assured the Secretary that it will administer the endowment fund in accordance with the requirements of this title. The source of funds for this institutional match shall not include Federal funds or funds derived from an existing endowment fund.

(3) The period of any grant under this section shall not exceed twenty years, and during such period the University shall not withdraw or expend any of its endowment fund corpus. Upon the expiration of any grant period, the University may use the endowment fund corpus plus any endowment fund income for any educational purpose.

INVESTMENTS

SEC. 204. (a) The University shall invest its endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the law of the District of Columbia, such as federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

(b) The University, in investing its endowment fund corpus and income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own business affairs.

WITHDRAWALS AND EXPENDITURES

SEC. 205. (a) The University may withdraw and expend its endowment fund income to defray any expenses necessary to its operation, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No Endowment fund income or corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor entered into after January 1, 1981. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) The Secretary is authorized to permit the University to withdraw or expend more than 50 per centum of its total aggregate endowment income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(A) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(B) a life-threatening situation occasioned by a natural disaster or arson; or

(C) another unusual occurrence or exigent circumstance.

(c)(1) If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof).

(2) The University shall not withdraw or expend any endowment fund corpus. If the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to 50 per centum of the amount withdrawn or expended (representing the Federal share thereof) plus any income earned thereon.

ENFORCEMENT

SEC. 206. (a) After notice and an opportunity for a hearing, the Secretary is authorized to terminate and recover any grant awarded under this title if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 205;

(2) fails to invest its endowment fund corpus or income in accordance with the investment standards set forth in section 204; or

(3) fails to account properly to the Secretary concerning investments and expenditures of its endowment fund corpus or income.

(b) If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this Act plus any income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There is authorized to be appropriated $2,000,000 for the purposes authorized under section 203. Funds appropriated under this section shall remain available until expended.

CONFORMING AMENDMENTS

SEC. 208. Section 8 of the Act of March 2, 1867, entitled "An Act to incorporate the Howard University in the District of Columbia" (ch. 162, 14 Stat. 439, 20 U.S.C. 123, as amended by Public Law 70-634, 45 Stat., 1021 and by Public Law 79-615, 60 Stat. 871) is further amended by inserting "endowment," after "improvement,".

EFFECTIVE DATE

SEC. 209. This title shall take effect on October 1, 1984.

TITLE III—HIGHER EDUCATION PROJECTS

LIBRARY PROJECT AUTHORIZED

SEC. 301. (a) The Secretary of Education (hereafter in this title referred to as the "Secretary") is authorized to provide financial assistance, in accordance with the provisions of this section, to pay all of the cost of construction, and related expenses, for an addition to the William H. Mortensen Library at the University of Hartford located at Hartford, Connecticut, to enable the University of Hartford to house a collection of materials relating to Presidential campaigns and to American political history, known as the Presidential Americana, together with other collections.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated such sums, not to exceed $6,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

HUMAN DEVELOPMENT CENTER FACILITY AUTHORIZED

SEC. 302. (a) The Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Kansas located in Lawrence, Kansas, to pay the Federal share of the cost of construction and related costs for a human development center facility at the University of Kansas, to be used as a national research and training resource for individuals acquiring expertise in the rehabilitation, education, parent training, employment, independent living, and public policy concerns of handicapped individuals and their families, and as a treatment resource for handicapped persons and their families.

(b) No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated such sums, not to exceed $9,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

CARL VINSON INSTITUTE OF GOVERNMENT AUTHORIZED

SEC. 303. (a) In recognition of the public service of Representative Carl Vinson, in order to enhance the program of service to State and local governments in Georgia and in other States provided by the Carl Vinson Institute of Government of the University of Georgia, and in order to preserve a historic landmark that provided special education opportunities for young women in Georgia and in other States at a time when such opportunities were limited or nonexistent, the Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the State of Georgia to renovate the physical facilities of the former Lucy Cobb Institute for Girls in Athens, Georgia, for the purpose of providing a center for the Carl Vinson Institute of Government of the University of Georgia.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

(c) There are authorized to be appropriated $3,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

JOHN W. MC CORMACK INSTITUTE OF PUBLIC AFFAIRS

SEC. 304. (a) In recognition of the public service of the former Speaker of the United States House of Representatives, John W. McCormack, and of the pressing need for national centers for applied public policy research, the Secretary is authorized to provide funds in accordance with the provisions of this section to assist in the development of the John W. McCormack Institute of Public Affairs, located at the University of Massachusetts, Boston, Massachusetts.

(b) No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require in order to certify the amount of eligible funds. All such payments may be used in furtherance of the mission of the McCormack Institute, which is defined as research, instruction, and civil education related to public policy and the role of representative government in the United States.

(c)(1) Funds appropriated pursuant to this section shall be made available to the John W. McCormack Institute on or after October 1, 1984, and prior to the close of the fiscal year ending September 30, 1987.

(2) There are authorized to be appropriated such sums as may be necessary to carry out this section for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years, except that the aggregate amount so appropriated shall not exceed $3,000,000. Funds appropriated pursuant to this section shall remain available until expended.

And the House agree to the same.

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
PAUL SIMON,
PAT WILLIAMS,
RAY KOGOVSEK,
MAJOR R. OWENS,
FRANK HARRISON,
GARY L. ACKERMAN,
TIMOTHY J. PENNY,
JIM JEFFORDS,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
STEVE GUNDERSON,
RON PACKARD,

Managers on the Part of the House.

ORRIN G. HATCH,
ROBERT T. STAFFORD,
DAN QUAYLE,
JEREMIAH DENTON,
LOWELL P. WEICKER, JR.,
JOHN P. EAST,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
TOM EAGLETON,
CHRIS DODD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

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

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

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted

below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) The short title of the House bill is the "Library Services and Construction Act Amendments of 1983." The short title of the Senate amendment is the "Library Services and Construction Act Amendments of 1984." The House recedes.

(2) The House bill and the Senate amendment have identical language in the findings section, except that the Senate omits the reference to literacy training. The Senate recedes.

(3) The House bill and Senate amendment have substantially similar provisions in the purpose section. The House includes assisting Indian tribes as a primary purpose, while the Senate lists Indian trives and older Americans as groups for which library services should be improved. The Senate omits the word "physically" before handicapped. The Senate includes resource sharing and the need to keep up with rapidly changing technology as additional purposes.

The Senate recedes with an amendment that states that primary purpose of the Act is to assist Indian tribes in planning and developing library services, and to assist with public library construction and renovation, improving state and local public library services for older Americans, handicapped, institutionalized, and other disadvantaged individuals; strengthening State library administrative agencies; promoting interlibrary cooperation and resource sharing among all types of libraries; strengthening major urban resource libraries; and increasing the capacity of libraries to keep up with rapidly changing information technology.

(4) Section 3 of the House bill includes definitions of Secretary, Indian tribe and includes the Northern Mariana Islands within the coverage of the Act. The Senate Amendment contains the same definitions, includes the Northern Mariana Islands, but also includes language referring to handicapped individuals which does not appear in the House bill. The terms "hard of hearing" and "deaf" are replaced by the term "hearing impaired", and "crippled" is replaced by the phrase "orthopedically impaired". The House recedes with an amendment that adds "speech impaired" to the list of handicapping conditions.

(5) Section 12 of the House bill provides that construction funds may be used to renovate in accordance with the Architectural Barriers Act of 1968 or to accommodate new technologies or for the purchase of existing historic buildings for conversion to public libraries. The Senate amendment contains the same provision with regard to the Architectural Barriers Act in section 103. The Senate amendment does not allow for the use of funds for the purchase of existing historic buildings. The Senate recedes.

(6) The Senate amendment includes the "Office of Hawaiian natives" as an Indian tribe which the House bill does not, and the Senate Amendment defines the term "Hawaiian Native" and the House bill does not.

The House recedes with an amendment containing the following provisions:

Instead of including Native Hawaiians within the definition of Indian tribe and with the title IV programs for Indian tribes, one-fourth of the Indian set-aside is reserved for a separate grant program for Native Hawaiians.

The Secretary shall make grants from the reserved amounts to organizations primarily serving and representing Native Hawaiians that are recognized by the Governor of the State of Hawaii.

Grants shall be made on the basis of applications and plans containing the same information as is required with respect to applications and plans submitted by Indian tribes, and funds made available to Native Hawaiians shall be used for the same purposes as funds made available to Indian tribes.

(7) The House bill authorizes funding for fiscal years 1984 through 1988:

[In millions]

Title	I	II	III	V	VI	Total
Fiscal year:						
1984	$65	$50	$15	$1	$5	$136
1985	80	50	20	1	5	156
1986	85	50	25	1	5	166
1987	90	50	30	1	5	176
1988	95	50	35	1	5	186

The Senate amendment authorizes funding for fiscal years 1985–1989:

[In millions]

Title	I	II	III	Total
Fiscal year:				
1985	$75	$50	$18	$143
1986	80	50	21	151
1987	85	50	24	159
1988	90	50	27	167
1989	95	50	30	175

The House recedes with an amendment that authorizes funding for fiscal years 1985–1989:

[In millions]

Title	I	II	III	V	VI	Total
Fiscal year:						
1985	$75	$50	$20	$1	$5	$151
1986	80	50	25	1	5	161
1987	85	50	30	1	5	171
1988	90	50	35	1	5	181
1989	95	50	30			175

(8) The House bill authorizes a two percent setaside of the amount appropriated for Titles I, II, and III for Indian programs (Title IV). The Senate amendments authorizes a one percent setaside in these Titles for Indian programs. The Senate recedes.

(9) The House bill uses the term "allocated" while the Senate amendment uses the word "reallocate." The House recedes.

(10) The House bill and the Senate amendment have virtually identical provisions for providing priority to programs and projects to least-served populations except that the Senate amendment defines "least served populations" as those with limited English-speaking proficiency or handicapping conditions, and those living in urban and rural areas. The House recedes.

(11) Section 8 of the House bill requires that a State may expend funds received under Titles I and II of the Act for administrative costs, but those expenditures may not exceed 5 percent of the amount appropriated under those titles or $50,000, whichever is greater. The Senate amendment has no comparable provision.

The Senate recedes with an amendment that raises the percentage of Title I and II funds that can be expended for State administrative costs to 6 percent and the amount to $60,000, whichever is greater.

(12) The House bill and Senate amendment have virtually identical language regarding submission of State annual plans, except that the Senate amendment provides accessibility to "handicapped" where the House specifies "physically handicapped". The House recedes.

(13) The House provides funds for community information and referral centers. The Senate amendment omits the word "and." The Senate recedes with an amendment that allows federal funds to be used to assist libraries to serve as community centers for information and referral.

(14) The Senate amendment but not the House bill inserts the phrase "and institutionalized individuals" after the word "handicapped" in clause (3) of Section 103 of the Act. The House recedes.

(15) The House bill directs that the States describe how they will use funds to carry out library activities to benefit the elderly, while the Senate amendment requires that the States describe how the funds will be used to make library services more accessible to the elderly and to the handicapped in Section 103. The House recedes with an amendment that clarifies that while a description of the activities to be undertaken is required, the list of possible activities to be undertaken is merely illustrative.

(16) The House bill and the Senate amendment have similar provisions concerning construction funding and recovery of funds, except that the House bill limits the federal share of any project to one-half of total cost and the Senate amendment limits the federal share to one-third. The Senate recedes.

(17) Both the House bill and the Senate amendment amend Section 202(b) of the Library Services and Construction Act (LSCA) to require a limit on the percentage of Federal funds available for Title II construction projects. While this provision appears to conflict with Section 7 of LSCA which establishes a matching requirement for States receiving Title II funding, the two provisions do not conflict because they address different situations. The provision in current law determines how much money a State must provide in order to receive Title II funding from the Federal government. The amendment to Section 202(b) mandates what percentage of Federal dollars may be used by the recipient of a grant from the State.

For example, if State X is required by current law to provide a 40 percent match to receive funds under Title II, it would have the same requirement under the new language. However, under existing legislation, when the State reallocates Title II funds to individual projects, there is no requirement that the project must provide a share of the funding. The amendment will require that each project must be funded with at least 50 percent non-Federal funds. It is important to note that there is no limitation on the amount of State funds which go into Title II LSCA that may be used for individual construction projects.

The rationale for this requirement is that it will allow Federal funding to go further in financing construction projects and will hopefully encourage private sector involvement in raising construction funds for libraries. The Senate recedes.

(18) Section 12(c) of the House bill gives priority in purchasing buildings to the acquisition of unused public school facilities where it is economically feasible. The Senate amendment has no comparable provision. The House recedes. However, the

Conferees recommend that priority be given, when economically feasible, to the acquisition and conversion of historic buildings and unused public school buildings for use as libraries.

(19) The House bill specifies that the State plan be "directed toward eventual compliance with the provisions of this section." The Senate amendment does not specify "eventual compliance." The Senate recedes.

(20) The House bill mandates what the states shall include in their long-range plans. The Senate uses the permissive language "may include". The House recedes.

(21) Section 15 of the House bill provides that the Secretary will carry out a discretionary program for making grants available to state and local public libraries for the acquisition of foreign language materials. No grant can exceed $15,000. The Senate amendment contains no comparable provisions. The Senate recedes.

(22) Section 15 of the House bill amends the Library Services and Construction Act by adding a new Title VI which requires the Secretary to carry out a discretionary program for making grants to state and local public libraries for the purpose of supporting literacy programs. No grant can exceed $25,000. There is no comparable Senate provision. The Senate recedes. The Conferees recommend that applicants for funding show that the proposed project is not in conflict with the State plan required under the Act, and demonstrate evidence of cooperation and coordination with other service providers as appropriate, including State adult education officials or their local representatives.

(23) The Senate amendment authorizes $2 million in funds to provide matching grants to Howard University's endowment fund. The purpose of this provision is to encourage Howard University's self-sufficiency through increased fund raising activities. The period of any grant shall not exceed 20 years, during which time the University may not spend the principal. The House bill contains no comparable provision. The House recedes. The Conferees specifically intend that the University use up to $2 million of the sums appropriated annually under the Act of March 2, 1867 for endowment building purposes as provided in Title II.

(24) The Senate amendment authorizes $4.6 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Assessment for Educational Progress. The House bill contains no comparable section. The Senate recedes.

(25) The Senate amendment authorizes $9.3 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Center for Education Statistics. The House bill contains no comparable provision. The Senate recedes.

(26) The Senate amendment adds a new Title IV, "Higher Education Construction Projects." The House recedes with an amendment that strikes the word "Construction" from the title.

(27) The Senate amendment authorizes $6.5 million to construct an addition to the William H. Mortenson Library at the University of Hartford in order to house a collection of materials relating to Presidential campaigns and American history. There is no comparable House provision. The House recedes.

(28) The Senate amendment authorizes $9 million to construct a human development facility at the University of Kansas. The House bill has no comparable provision. The House recedes.

(29) The Senate amendment authorizes $3.5 million for the Carl Vinson Institute of Government at the University of Georgia. The House bill has no comparable provision. The House recedes.

(30) The House bill provides for a $3 million authorization for the three year period FY 1985 to FY 1987 for the John W. McCormack Institute of Public Affairs at the University of Massachusetts. The Senate amendment contains no such provision. The Senate recedes.

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
IKE ANDREWS,
PAUL SIMON,
PAT WILLIAMS,
RAY KOGOVSEK,
MAJOR R. OWENS,
FRANK HARRISON,
GARY L. ACKERMAN,
TIMOTHY J. PENNY,
JIM JEFFORDS,
TOM COLEMAN,
TOM PETRI,
MARGE ROUKEMA,
STEVE GUNDERSON,
RON PACKARD,
Managers on the Part of the House.

ORRIN G. HATCH,
ROBERT T. STAFFORD,
DAN QUAYLE,
JEREMIAH DENTON,
LOWELL P. WEICKER, JR.,
JOHN P. EAST,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
TOM EAGLETON,
CHRIS DODD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5603, DEVELOPMENTAL DISABILITIES ACT OF 1984

Mr. WAXMAN submitted the following conference report and statement on the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act:

CONFERENCE REPORT (H. REPT. NO. 98-1074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Developmental Disabilities Act of 1984".

SEC. 2. Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended to read as follows:

"TITLE I—PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Developmental Disabilities Assistance and Bill of Rights Act'.

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds that—

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) individuals with disabilities occurring during their developmental period are more vulnerable and less able to reach an independent level of existence than other handicapped individuals who generally have had a normal developmental period on which to draw during the rehabilitation process;

"(3) persons with developmental disabilities often require specialized lifelong services to be provided by many agencies in a coordinated manner in order to meet the persons' needs;

"(4) generic service agencies and agencies providing specialized services to disabled persons tend to overlook or exclude persons with developmental disabilities in their planning and delivery of services; and

"(5) it is in the national interest to strengthen specific programs, especially programs that reduce or eliminate the need for institutional care, to meet the needs of persons with developmental disabilities.

"(b)(1) It is the overall purpose of this title to assist States to (A) assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community, and (B) establish and operate a system which coordinates, monitors, plans, and evaluates services which ensures the protection of the legal and human rights of persons with developmental disabilities.

"(2) The specific purposes of this title are—

"(A) to assist in the provision of comprehensive services to persons with developmental disabilities, with priority to those persons whose needs are not otherwise met under the Rehabilitation Act of 1973 or other health, education, or welfare programs;

"(B) to assist States in appropriate planning activities;

"(C) to make grants to States and public and private, nonprofit agencies to establish model programs, to demonstrate innovative habilitation techniques, and to train professional and paraprofessional personnel with respect to providing services to persons with developmental disabilities;

"(D) to make grants to university affiliated facilities to assist them in administering and operating demonstration facilities for the provision of services to persons with developmental disabilities and interdisciplinary training programs for personnel needed to provide specialized services for these persons; and

"(E) to make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities.

"DEFINITIONS

"SEC. 102. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. The term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical, transportation, and recreation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a severe, chronic disability of a person which—

"(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

"(B) is manifested before the person attains age twenty-two;

"(C) is likely to continue indefinitely;

"(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

"(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

"(8) The term 'independence' means the extent to which persons with developmental disabilities exert control and choice over their own lives.

"(9) The term 'productivity' means—

"(A) engagement in income-producing work by a person with developmental disabilities which is measured through improvements in income level, employment status, or job advancement, or

"(B) engagement by a person with developmental disabilities in work which contributes to a household or community.

"(10) The term 'integration' means—

"(A) the—

"(i) use by persons with developmental disabilities of the same community resources that are used by and available to other citizens, and

"(ii) participation by persons with developmental disabilities in the same community activities in which nonhandicapped citizens participate,

together with regular contact with nonhandicapped citizens, and

"(B) the residence by persons with developmental disabilities in homes or in homelike settings which are in proximity to community resources, together with regular contact with nonhandicapped citizens in their communities.

"(11)(A) The term 'services for persons with developmental disabilities' means—

"(i) priority services; and

"(ii) any other specialized services or special adaptations of generic services for persons with developmental disabilities, including diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the person with such disability and the family of such person, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social-developmental services, transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities.

"(B) The term 'service activities' includes, with respect to a priority service or a service described in subparagraph (A)(ii)—

"(i) the provision of specialized services in the area which respond to unmet needs of persons with developmental disabilities;

"(ii) model service programs in the area;

"(iii) activities to increase the capacity of agencies to provide services in the area;

"(iv) the coordination of the provision of services in the area with the provision of other services;

"(v) outreach to individuals for the provision of services in the area;

"(vi) the training of personnel, including parents of persons with developmental disabilities, professionals, and volunteers, to provide services in the area; and

"(vii) similar activities designed to expand the use and availability of services in the area.

"(C) The term 'priority services' means alternative community living arrangement services, employment related activities, child development services, and case management services.

"(D) The term 'alternative community living arrangement services' means such services as will assist persons with developmental disabilities in developing or maintaining suitable residential arrangements in the community, including in-house services (such as personal aides and attendants and other domestic assistance and supportive services), family support services, foster care services, group living services, respite care, recreation and socialization services, and staff training, placement, and maintenance services.

"(E) The term 'employment related activities' means such services as will increase the independence, productivity, or integration of a person with developmental disabilities in work settings, including such services as employment preparation and vocational training leading to supported employment, incentive programs for employers who hire persons with developmental disabilities, services to assist transition from special education to employment, and services to assist transition from sheltered work settings to supported employment settings or competitive employment.

"(F) The term 'supported employment' means paid employment which—

"(i) is for persons with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive ongoing support to perform in a work setting;

"(ii) is conducted in a variety of settings, particularly worksites in which persons without disabilities are employed; and

"(iii) is supported by any activity needed to sustain paid work by persons with disabilities, including supervision, training, and transportation.

"(G) The term 'child development services' means such services as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services, counseling and training of parents, early identification of developmental disabilities, and diagnosis and evaluation of such developmental disabilities.

"(H) The term 'case management services' means such services to persons with developmental disabilities as will assist them in gaining access to needed social, medical, educational, and other services. Such term includes—

"(i) follow-along services which ensure, through a continuing relationship, lifelong if necessary, between an agency or provider and a person with a developmental disability and the person's immediate relatives or guardians, that the changing needs of the person and the family are recognized and appropriately met; and

"(ii) coordination services which provide to persons with developmental disabilities support, access to (and coordination of) other services, information on programs and services, and monitoring of the persons' progress.

"(12) The term 'satellite center' means a public or private nonprofit entity which—

"(A)(i) is affiliated with one or more university affiliated facilities;

"(ii) functions as a community or regional extension of such university affiliated facility or facilities in the delivery of services to persons with developmental disabilities, and their families, who reside in geographical areas where adequate services are not otherwise available; and

"(iii) may engage in the activities described in subparagraph (A), (B), or (C) of paragraph (13); or

"(B) is affiliated with one or more university affiliated facilities and which provides for at least—

"(i) interdisciplinary training for personnel concerned with the provision of direct or indirect services to persons with developmental disabilities; and

"(ii) dissemination of findings relating to the provision of services to persons with developmental disabilities.

"(13) The term 'university affiliated facility' means a public or nonprofit facility which is associated with, or is an integral part of, a college or university and which provides for at least the following activities:

"(A) Interdisciplinary training for personnel concerned with developmental disabil-

ities which is conducted at the facility and through outreach activities.

"(B) Demonstration of—

"(i) exemplary services relating to persons with developmental disabilities in settings which are integrated in the community; and

"(ii) technical assistance to generic and specialized agencies to provide services to increase the independence, productivity, and integration into the community of persons with developmental disabilities, such as the development and improvement of quality assurance mechanisms.

"(C)(i) Dissemination of findings relating to the provision of services under subparagraph (B) of this paragraph, and (ii) providing researchers and government agencies sponsoring service-related research with information on the needs for further service-related research which would provide data and information that will assist in increasing the independence, productivity, and integration into the community of persons with developmental disabilities.

"(14) The term 'Secretary' means the Secretary of Health and Human Services.

"(15) The term 'State Planning Council' means a State Planning Council established under section 124.

"FEDERAL SHARE

"SEC. 103. (a) The Federal share of all projects in a State supported by an allotment to the State under part B may not exceed 75 percent of the aggregate necessary costs of all such projects, as determined by the Secretary, except that in the case of projects located in urban or rural poverty areas, the Federal share of all such projects may not exceed 90 percent of the aggregate necessary costs of such projects, as determined by the Secretary.

"(b) The Federal share of any project to be provided through grants under part D may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project is located in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs as so determined.

"(c) The non-Federal share of the cost of any project assisted by a grant or allotment under this title may be provided in kind.

"(d) For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of a State or by a nonprofit private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be deemed to be expenditures by such State in the case of a project under part B or by a university affiliated facility or a satellite center, as the case may be, in the case of a project assisted under part D.

"RECORDS AND AUDIT

"SEC. 104. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"RECOVERY

"SEC. 105. If any facility with respect to which funds have been paid under part B or D shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization which is not a public or nonprofit private entity, or

"(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment. The Secretary, in accordance with regulations prescribed by the Secretary, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 106. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"REPORTS

"SEC. 107. (a) By January 1 of each year, the State Planning Council of each State shall prepare and transmit to the Secretary a report concerning activities carried out during the preceding fiscal year with funds paid to the State under part B for such fiscal year. Each such report shall be in a form prescribed by the Secretary by regulation and shall contain—

"(1) a description of such activities and the accomplishments resulting from such activities;

"(2) a comparison of such accomplishments with the goals, objectives, and proposed activities specified by the State in the State plan submitted under section 122 for such fiscal year; and

"(3) an accounting of the manner in which funds paid to a State under part B for a fiscal year were expended.

"(b) By January 1 of each year, each protection and advocacy system established in a State pursuant to part C shall prepare and transmit to the Secretary a report which describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year.

"(c)(1) By April 1 of each year the Secretary shall prepare and transmit to the President, the Congress, and the National Council on the Handicapped a report which describes—

"(A) the activities and accomplishments of programs supported under parts B, C, D, and E of this title; and

"(B) the progress made in States in improving the independence, productivity, and integration into the community of persons with developmental disabilities and any activities or services needed to improve such independence, productivity, and integration.

"(2) In preparing the report required by this subsection, the Secretary shall use and include information submitted to the Secretary in the reports required under subsections (a) and (b) of this section.

"RESPONSIBILITIES OF THE SECRETARY

"SEC. 108. (a) The Secretary, not later than 180 days after the date of enactment of any Act amending the provisions of this title, shall promulgate such regulations as may be required for the implementation of such amendments.

"(b) Within 90 days after the date of enactment of the Developmental Disabilities Act of 1984, the Secretary of Health and Human Services and the Secretary of Education shall establish an interagency committee composed of representatives of the Administration for Developmental Disabilities of the Department of Health and Human Services, the Office of Special Education and Rehabilitative Services of the Department of Education, the Department of Labor, and such other Federal departments and agencies as the Secretary of Health and Human Services and the Secretary of Education consider appropriate. Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for persons with developmental disabilities.

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

"SEC. 109. As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973 which govern employment (1) by State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

"RIGHTS OF THE DEVELOPMENTALLY DISABLED

"SEC. 110. Congress makes the following findings respecting the rights of persons with developmental disabilities:

"(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

"(2) The treatment, services, and habilitation for a person with developmental disabilities should be designed to maximize the developmental potential of the person and should be provided in the setting that is least restrictive of the person's personal liberty.

"(3) The Federal Government and the States both have an obligation to assure that public funds are not provided to any institutional or other residential program for persons with developmental disabilities that—

"(A) does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or

"(B) does not meet the following minimum standards:

"(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.

"(ii) Provision to such persons of appropriate and sufficient medical and dental services.

"(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.

"(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such persons.

"(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.

"(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary.

"(4) All programs for persons with developmental disabilities should meet standards which are designed to assure the most favorable possible outcome for those served, and—

"(A) in the case of residential programs serving persons in need of comprehensive health-related, habilitative, or rehabilitative services, which are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded promulgated in regulations of the Secretary on January 17, 1974 (39 Fed. Reg. pt. II), as appropriate when taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

"(B) in the case of other residential programs for persons with developmental disabilities, which assure that care is appropriate to the needs of the persons being served by such programs, assure that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and assure that the facilities under such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

"(C) in the case of nonresidential programs, which assure the care provided by such programs is appropriate to the persons served by the programs.

The rights of persons with developmental disabilities described in findings made in this section are in addition to any constitutional or other rights otherwise afforded to all persons.

"PART B—FEDERAL ASSISTANCE FOR PLANNING AND SERVICE ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"PURPOSE

"SEC. 121. The purpose of this part is to provide payments to States to plan for, and to conduct, activities which will increase and support the independence, productivity, and integration inio the community of persons with developmental disabilities.

"STATE PLANS

"SEC. 122. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services for persons with developmental disabilities must meet the following requirements:

"(1)(A) The plan must provide for the establishment of a State Planning Council, in accordance with section 124, for the assignment to the Council of personnel in such numbers and with such qualifications as the Secretary determines to be adequate to enable the Council to carry out its duties under this title, and for the identification of the personnel so assigned.

"(B) The plan must designate the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise).

"(C) The plan must provide that each State agency designated under subparagraph (B) will keep such records and afford such access thereto as the Secretary or the State Planning Council finds necessary.

"(D) The plan must provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part.

"(2) The plan must—

"(A) set out the specific objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(B) set forth the non-Federal share that will be required in carrying out each such objective and program;

"(C) describe (and provide for the review annually and revision of the description not less often than once every three years) (i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as the State conducts relating to education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health, and under such other plans as the Secretary may specify, and (ii) how funds allotted to the State in accordance with section 125 will be used to complement and augment rather than duplicate or replace services for persons with developmental disabilities who are eligible for Federal assistance under such other State programs;

"(D) for each fiscal year, assess and describe the extent and scope of the priority services being or to be provided under the plan in the fiscal year; and

"(E) establish a method for the periodic evaluation of the plan's effectiveness in meeting the objectives described in subparagraph (A).

"(3) The plan must contain or be supported by assurances satisfactory to the Secretary that—

"(A) the funds paid to the State under section 125 will be used to make a significant contribution toward strengthening services for persons with developmental disabilities through agencies in the various political subdivisions of the State;

"(B) part of such funds will be made available by the State to public or nonprofit private entities;

"(C) not more than 25 percent of such funds will be allocated to the agency or agencies designated under section 122(b)(1)(B) for the provision of services by such agency or agencies;

"(D) such funds paid to the State under section 125 will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds; and

"(E) there will be reasonable State financial participation in the cost of carrying out the State plan.

"(4)(A) The plan must provide for the examination not less often than once every three years of the provision, and the need for the provision, in the State of the four priority services.

"(B) The plan must provide for the development, not later than the second year in which funds are provided under the plan after the date of the enactment of the Developmental Disabilities Act of 1984, and the timely review and revision of, a comprehensive statewide plan to plan, financially support, coordinate, and otherwise better address, on a statewide and comprehensive basis, unmet needs in the State for the provision of services for persons with developmental disabilities as follows:

"(i)(I) Except as provided in subclause (II), the plan shall provide for the provision of at least one but not more than two priority services.

"(II) In fiscal year 1987, the plan may provide for the provision of three priority services.

"(ii) For any fiscal year after fiscal year 1986 for which the total appropriations under section 130 are at least $50,250,000, the plan shall provide for the provision of employment related activities among the priority services to be provided under the plan.

"(iii) At the option of the State, the plan may provide for the provision of one or more additional services for persons with developmental disabilities from the services described in section 102(11)(A)(ii).

"(C) Notwithstanding the requirements of subparagraph (B), upon the application of a State, the Secretary, pursuant to regulations which the Secretary shall prescribe, may permit the portion of the funds which must otherwise be expended under the State plan for service activities in a limited number of services to be expended for service activities in additional services if the Secretary determines that the expenditures of the State on service activities in the initially specified services has reasonably met the need for those services in the State in comparison to the extent to which the need for such additional services has been met in such State. Such additional areas shall, to the maximum extent feasible, be areas within the priority services.

"(D) The plan must be developed after consideration of the data collected by the State education agency under section 618(b)(3) of the Education of the Handicapped Act.

"(E)(i) The plan must provide that not less than 65 percent of the amount available to the State under section 125 will be expended for service activities in the priority services.

"(ii) The plan must provide that the remainder of the amount available to the State from allotments under section 125 (after making the expenditures required by clause (i) of this paragraph) shall be used for service activities for persons with developmental disabilities, and the planning, coordination, and administration of, and the advocacy for, the provision of such services.

"(F) The plan must provide that special financial and technical assistance shall be given to agencies or entities providing services for persons with developmental disabilities who are residents of geographical areas designated as urban or rural poverty areas.

"(5)(A)(i) The plan must provide that services furnished, and the facilities in which they are furnished, under the plan for persons with developmental disabilities will be in accordance with standards prescribed by the Secretary in regulations.

"(ii) The plan must provide satisfactory assurances that buildings used in connection with the delivery of services assisted under the plan will meet standards adopted pursuant to the Act of August 12, 1968

(known as the Architectural Barriers Act of 1968).

"(B) The plan must provide that services are provided in an individualized manner consistent with the requirements of section 123 (relating to habilitation plans).

"(C) The plan must contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

"(D) The plan must provide assurances that the State has undertaken affirmative steps to assure the participation in programs under this title of individuals generally representative of the population of the State, with particular attention to the participation of members of minority groups.

"(E) The plan must provide assurances that the State will provide the State Planning Council with a copy of each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State within 30 days after the completion of each such report or plan.

"(6)(A) The plan must provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 and other appropriate voluntary organizations, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

"(B) The plan must provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions under the plan to provide alternative community living arrangement services, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

"(7) The plan also must contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the State plan approved under this section; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for the total expenditures for such purpose by all of the State agencies designated under subsection (b)(1)(B) for the administration or supervision of the administration of the State plan. Payments under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from the State sources for such year for administration of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the previous fiscal year.

"HABILITATION PLANS

"SEC. 123. (a) The Secretary shall require as a condition to a State's receiving an allotment under this part that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under this part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

"(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

"(1) The plan shall be in writing.

"(2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established, (B) such person, and (C) where appropriate, such person's parents or guardian or other representative.

"(3) The plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such goals should include the increase or support of independence, productivity, and integration into the community for the person. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.

"(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

"(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

"(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

"STATE PLANNING COUNCILS

"SEC. 124. (a)(1) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities. The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor of each State shall make appropriate provisions for the rotation of membership on the Council of that State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, and the State agency that administers funds provided under title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated facility or satellite center in the State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services to persons with developmental disabilities in that State.

"(2) At least one-half of the membership of each such Council shall consist of persons who—

"(A) are persons with developmental disabilities or parents or guardians of such persons, or

"(B) are immediate relatives or guardians of persons with mentally impairing developmental disabilities,

who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity.

"(3) Of the members of the Council described in paragraph (2)—

"(A) at least one-third shall be persons with developmental disabilities, and

"(B)(i) at least one-third shall be individuals described in subparagraph (B) of paragraph (2), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.

"(b) Each State Planning Council shall—

"(1) develop jointly with the State agency or agencies designated under section 122(b)(1)(B) the State plan required by this part, including the specification of services under section 122(b)(4)(B);

"(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

"(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

"(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

"STATE ALLOTMENTS

"SEC. 125. (a)(1) For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 130 among the States on the basis of—

"(A) the population,

"(B) the extent of need for services for persons with developmental disabilities, and

"(C) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 122 for the provision under such plans of services for persons with developmental disabilities.

"(2) Adjustments in the amounts of State allotments based on subparagraphs (A), (B), and (C) of paragraph (1) may be made not more often than annually. The Secretary shall notify States of any adjustment made not less than six months before the beginning of the fiscal year in which such adjustment is to take effect.

"(3)(A) Except as provided in paragraph (4), for any fiscal year the allotment under paragraph (1)—

"(i) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than $100,000, and

"(ii) to any other State may not be less than the greater of $250,000, or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending September 30, 1984.

"(B) Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to each State pursuant to subparagraph (A) in any fiscal year exceeds the total amount appropriated under section 130 for such fiscal year, the amount to be allotted to a State for such fiscal year shall be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such subparagraph as the total amount appropriated under section 130 for such fiscal year bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such subparagraph.

"(4) In any case in which amounts appropriated under section 130 for a fiscal year exceed $47,000,000, the allotment under paragraph (1) for such fiscal year—

"(A) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than $160,000; and

"(B) to each of the several States, Puerto Rico, or the District of Columbia, may not be less than $300,000.

"(5) In determining, for purposes of paragraph (1)(B), the extent of need in any State for services for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services described, pursuant to section 122(b)(2)(C), in the State plan of the State.

"(b) Whenever the State plan approved in accordance with section 122 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of the State plan. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of the State plan will receive proportionate benefit from the combination.

"(c) Whenever the State plan approved in accordance with section 122 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

"(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as the Secretary may fix (but not earlier than thirty days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES

"SEC. 126. From each State's allotments for a fiscal year under section 125, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

"WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION AND SERVICES

"SEC. 127. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Planning Council and the appropriate State agency designated pursuant to section 122(b)(1) finds that—

"(1) there is a failure to comply substantially with any of the provisions required by section 122 to be included in the State plan; or

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State Council and agency or agencies that further payments will not be made to the State under section 125 (or, in the discretion of the Secretary, that further payments will not be made to the State under section 125 for activities in which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payment to the State under section 125, or shall limit further payment under section 125 to such State to activities in which there is no such failure.

"NONDUPLICATION

"SEC. 128. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 122, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 125, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"APPEALS BY STATES

"SEC. 129. If any State is dissatisfied with the Secretary's action under section 122(c) or section 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside the order of the Secretary. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of the fact and may modify the previous action of the Secretary, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 130. For allotments under section 125, there are authorized to be appropriated $50,250,000 for fiscal year 1985, $53,400,000 for fiscal year 1986, and $56,500,000 for fiscal year 1987.

"PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

"PURPOSE

"SEC. 141. It is the purpose of this part to provide for allotments to support a system in each State to protect the legal and human rights of persons with developmental disabilities in accordance with section 142.

"SYSTEM REQUIRED

"SEC. 142. (a) In order for a State to receive an allotment under part B—

"(1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities;

"(2) such system must—

"(A) have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State and to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities;

"(B) not be administered by the State Planning Council;

"(C) be independent of any agency which provides treatment, services, or habilitation

to persons with developmental disabilities; and

"(D) except as provided in subsection (b), be able to obtain access to the records of a person with developmental disabilities who resides in a facility for persons with developmental disabilities if—

"(i) a complaint has been received by the system from or on behalf of such person; and

"(ii) such person does not have a legal guardian or the State or the designee of the State is the legal guardian of such person;

"(3) the State must provide assurances to the Secretary that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds;

"(4) the State must provide assurances to the Secretary that such system will be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in the State within 30 days after the completion of each such report or plan; and

"(5) the State must provide assurances satisfactory to the Secretary that the agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless notice has been given of the intention to make such redesignation to persons with developmental disabilities or their representatives.

"(b) Prior to October 1, 1986, the provisions of paragraph (2)(D) of subsection (a) shall not apply to any State in which the laws of the State prohibit the system required under such subsection from obtaining access to the records of a person with developmental disabilities under the conditions described in such paragraph.

"(c)(1) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the amounts appropriated under section 143. Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under the first sentence of subsection (a)(1) and subsection (d) of section 125, except that in any case in which—

"(A) the total amount appropriated under section 143 for a fiscal year is at least $11,000,000—

"(i) the allotment of each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for such fiscal year shall not be less than $80,000; and

"(ii) the allotment to each of the several States, Puerto Rico, and the District of Columbia for such fiscal year shall not be less than $150,000; or

"(B) the total amount appropriated under section 143 for a fiscal year is less than $11,000,000, the allotment to each State (other than Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) shall not be less than $50,000.

"(2) A State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under subsection (a).

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts of the allotments to be made in accordance with such paragraph for any fiscal year exceeds the total of the amounts appropriated for such allotments under section 143, the amount of a State's allotment for such fiscal year shall bear the same ratio to the amount otherwise determined under such paragraph as the total of the amounts appropriated for that year under section 143 bears to the aggregate amount required to make an allotment to each of the States in accordance with paragraph (1).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 143. For allotments under section 142, there are authorized to be appropriated $13,750,000 for fiscal year 1985, $14,600,000 for fiscal year 1986, and $15,500,000 for fiscal year 1987. The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this section.

"PART D—UNIVERSITY AFFILIATED FACILITIES

"PURPOSE

"SEC. 151. The purpose of this part is to provide for grants to university affiliated facilities to assist in the provision of interdisciplinary training, the conduct of service demonstration programs, and the dissemination of information which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"GRANT AUTHORITY

"SEC. 152. (a) From appropriations under section 154, the Secretary shall make grants to university affiliated facilities to assist in the administration and operation of the activities described in section 102(13).

"(b) The Secretary may make one or more grants to a university affiliated facility receiving a grant under subsection (a) to support one or more of the following activities:

"(1) Conducting—

"(A) a study of the feasibility of establishing a university affiliated facility or a satellite center in an area not served by a university affiliated facility, including an assessment of the needs of the area for such a facility or center; or

"(B) a study of the ways in which such university affiliated facility, singly or jointly with other university affiliated facilities which have received a grant under subsection (a), can assist in establishing one or more satellite centers which would be located in areas not served by a university affiliated facility.

A study under subparagraph (A) or subparagraph (B) shall be carried out in consultation with the State Planning Council for the State in which the university affiliated facility conducting the study is located and the State Planning Council for the State in which the university affiliated facility or satellite center would be established.

"(2) Provision of service-related training to parents of persons with developmental disabilities, professionals, volunteers, or other personnel to enable such parents, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities.

"(3) Conducting an applied research program designed to produce more efficient and effective methods (A) for the delivery of services to persons with developmental disabilities, and (B) for the training of professionals, paraprofessionals, and parents who provide these services.

The amount of a grant under paragraph (1) may not exceed $25,000.

"(c) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. A satellite center which receives a grant under this section may engage in the activities described in subparagraph (A), (B), or (C) of section 102(13).

"(d)(1) The Secretary may not make a grant under subsection (c) for the fiscal year ending on September 30, 1985, to a satellite center which has not received a grant under such subsection or section 121(c) (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) of this section has established the feasibility of establishing or operating such center, except that such study shall not be required to contain an assessment of the need for such center in the area in which such center will be located; or

"(B) a study assisted under section 121(b)(1) (as in effect prior to October 1, 1984) has established the feasibility of establishing or operating such center.

"(2) The Secretary may not make a grant under subsection (a) or subsection (c) for a fiscal year beginning after September 30, 1985, to a university affiliated facility or a satellite center which has not received a grant under this section or section 121 (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) has been conducted with respect to such facility or center by a university affiliated facility; and

"(B) such study has established the feasibility of establishing or operating such facility or center.

"APPLICATIONS

"SEC. 153. (a) Not later than six months after the date of the enactment of the Developmental Disabilities Act of 1984, the Secretary shall establish by regulation standards for university affiliated facilities. Such standards shall reflect the special needs of persons with developmental disabilities who are of various ages, and shall include performance standards relating to each of the activities described in section 102(13).

"(b) No grants may be made under section 152 unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that—

"(1) the making of the grant will (A) not result in any decrease in the use of State, local, and other non-Federal funds for services for persons with developmental disabilities and for training of persons to provide such services, which funds would (except for such grant) be made available to the applicant, and (B) be used to supplement and, to the extent practicable, increase the level of such funds;

"(2)(A) the applicant's facility is in full compliance with the standards established under subsection (a), or

"(B)(i) the applicant is making substantial progress toward bringing the facility into compliance with such standards, and (ii) the facility will, not later than three years after the date of approval of the initial application or the date standards are promulgated under subsection (a), whichever is later, fully comply with such standards; and

"(3) the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

"(c) The Secretary shall establish such a process for the review of applications for grants under section 152 as will ensure, to the maximum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's facility reviews the application.

"(d)(1) If the total amount appropriated under section 154 for a fiscal year is at least $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $175,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

"(2) If the total amount appropriated under section 154 is less than $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $150,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 154. For the purpose of making grants under section 152, there are authorized to be appropriated $9,000,000 for fiscal year 1985, $9,600,000 for fiscal year 1986, and $10,100,000 for fiscal year 1987.

"PART E—SPECIAL PROJECT GRANTS

"PURPOSE

"SEC. 161. The purpose of this part is to provide for grants for demonstration projects to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"GRANT AUTHORITY

"SEC. 162. (a) The Secretary may make grants to public or nonprofit private entities for—

"(1) demonstration projects—

"(A) which are conducted in more than one State,

"(B) which involve the participation of two or more Federal departments or agencies, or

"(C) which are otherwise of national significance,

and which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including Native Americans, Native Hawaiians, and other underserved groups); and

"(2) technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving protection and advocacy services relating to the State protection and advocacy system described in section 142.

Projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (1) may be included as projects for which grants are authorized under such paragraph.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless each State in which the applicant's project will be conducted has a State plan approved under section 122, and unless the application provides assurances that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under projects assisted under this part will be protected consistent with section 110 (relating to the rights of the developmentally disabled). The Secretary shall provide to the State Planning Council for each State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments on the application.

"(c) Payments under grants under subsection (a) may be made in advance or by way of reimbursement and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) shall be determined by the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 163. To carry out this part, there are authorized to be appropriated $2,700,000 for fiscal year 1985, $2,800,000 for fiscal year 1986, and $3,100,000 for fiscal year 1987.".

STUDY ON INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

SEC. 3. (a) Within six months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report containing—

(1) recommendations for improving services for mentally retarded persons and persons with developmental disabilities provided under an approved State plan under title XIX of the Social Security Act so that the manner in which such services are provided will increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities;

(2) recommendations for services provided for mentally retarded persons and persons with developmental disabilities under waivers granted under section 1915(c) of the Social Security Act so that the manner in which such services are provided can be improved to increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities; and

(3) comments by each of the officials specified in clauses (2) through (4) of subsection (b) on the recommendations included in the report pursuant to paragraph (1), including comments concerning the effect of such recommendations, if implemented, on programs carried out by such officials.

(b) The Secretary, in preparing the report required by subsection (a), shall consult with—

(1) the Administrator of the Health Care Financing Administration of the Department of Health and Human Services (or the designee of the Administrator);

(2) the Commissioner of the Administration for Developmental Disabilities of the Department of Health and Human Services (or the designee of the Commissioner);

(3) the Chairman of the National Council on the Handicapped (or the designee of the Chairman); and

(4) the Assistant Secretary of Education for Special Education and Rehabilitative Services (or the designee of the Assistant Secretary).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

JOHN D. DINGELL
HENRY A. WAXMAN,
JAMES H. SCHEUER,
JAMES T. BROYHILL,
EDWARD L. MADIGAN,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

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

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

The House bill provides for an extension of the authorities of the Alcohol, Drug Abuse, and Mental Health Block Grant.

The Senate amendment contain no comparable provision.

The House recedes.

REORGANIZATION OF THE ACT

The Senate amendments would reorganize the current Act into 5 parts.

Part A: General Provision

Part B: Federal Assistance for Planning and Service Activities for Persons with Developmental Disabilities

Part C: Protection and Advocacy of Individual Rights

Part D: University Affiliated Facilities

Part E: Special Project Grants

The House bill retains the current organizational structure of the Act.

The House recedes.

TITLE

The Senate amendments' title is "To revise and extend programs for persons with developmental disabilities."

The short title of the Senate amendments is "The Developmental Disabilities Act of 1984".

The House bill's title is "To amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the

Developmental Disabilities Assistance and Bill of Rights Act".

The House recedes.

PART A: GENERAL PROVISIONS

The Senate amendments would add that the purpose of this title is to help assure that persons with developmental disabilities achieve their maximum potential through increased independence, productivity and integration into the community.

The House bill contains no comparable provision.

The House recedes. The Conferees note the terms "independence, productivity, and integration" are used here as goals of the program and are not meant to be used as limitations of programs or of individual eligibility. A program for persons who may not be independent or income-producing or integrated into the community is an eligible grantee as long as such program assures care, treatment and other services and has the goal of increasing or supporting independence, integration and productivity.

The Senate amendments would define "independence" to mean the extent to which persons with developmental disabilities exert control over their own lives.

The House contains no comparable provision.

The House recedes.

The Senate amendments would define "productivity" to include engagement in income-producing work or work which contributes to a household or community.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would define "integration" to include the use of community resources that are used by nonhandicapped citizens and the residence in homes or homelike settings which are near community resources and which include contact with nonhandicapped persons.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would authorize (1) services to promote and coordinate activities to prevent developmental disabilities and (2) nonvocational social development services.

The House bill would also authorize preventive activities.

The House recedes.

The Senate amendments would amend the term service activities to include "the provision of specialized services in the area which responds to unmet needs of persons with developmental disabilities".

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would amend "priority services" to mean alternative community living arrangement services, employment related activities and child development services. Case management services are included in the definition of these three terms.

The House bill contains no comparable provision.

The House recedes with an amendment deleting case management services as part of each priority services area and adding case management as a fourth priority area.

The Senate amendments would define "supported employment" to mean paid employment for persons for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive, ongoing support in a work setting, including settings in which nonhandicapped persons are employed. The support includes any activity needed to sustain paid work including supervision, training and transportation.

The House bill contains no comparable provision.

The House recedes.

The Senate amendments would expand "satellite center" to allow such centers to include all functions of university affiliated facilities.

The House bill would amend "satellite center" to include a public or nonprofit entity affiliated with or an integral part of a college or university which provides at least interdisciplinary training and dissemination of findings.

Both provisions are accepted.

The Senate amendments would expand the definition of "university affiliated facility" to include facilities that provides at least the following activities: interdisciplinary training conducted at the facility and through outreach activities; exemplary services in community settings; and technical assistance and dissemination of findings to increase independence, productivity and community integration of persons with developmental disabilities.

The House bill contains no such provision.

The House recedes.

The Senate amendments would amend current law to allow the Federal share of the State grant projects to be 75 percent of the aggregate cost of such projects, except in poverty areas where the Federal share may be 90 percent of such aggregate cost.

The House bill contains no such provision.

The House recedes with an amendment which replaces "shall be" to "may not exceed". It is the intent of the Conferees that 25 percent of the support of projects under parts B and D be provided from non-Federal sources unless the projects are located in an urban or rural poverty area, in which case 10 percent of the support should be provided from non-Federal sources. It is not the intent of the Conferees that States or grantees be required by the Secretary to supply more than these levels from non-Federal sources, although if States or grantees wish to "over-match" they are clearly free to do so.

The Senate amendments would require State planning councils to submit an annual report to the Secretary concerning activities under the State grant program. Such report shall include a description of the program's activities and accomplishments, a comparison of accomplishments and goals and objectives, an accounting of the use of State grant funds, a specification of funds allotted to various types of agencies, and attendance at State planning council meetings.

The House bill would require the Secretary to make an annual report to the Congress on State activities and to make such reports available to States and the general public.

The House recedes with an amendment. The Conferees recommend that the Secretary prescribe the form of the annual State report. The Conferees recommend that the following information be included:

(1) the total amount of Federal funds for the fiscal year paid to the State for the State grant program;

(2) the total amount of the non-Federal share for projects funded by the State grant program during the fiscal year;

(3) the total amount of Federal funds and the total amount of non-Federal funds obligated to carry out the State grant program during the fiscal year;

(4) the total amount of Federal funds and the total amount of non-Federal funds expended to carry out the State grant program during the fiscal year;

(5) the total amount of Federal funds provided under the State grant program which were not obligated or expended during the fiscal year;

(6) the total amount of Federal funds expended for travel by council members during the fiscal year;

(7) a specification of the amount and proportion of Federal funds paid to the State for the State grant program for the fiscal year which were allocated to—

(A) State agencies;

(B) Local governments and local government agencies;

(C) nonprofit private agencies; and

(8) a description of the extent to which the individuals who actually attended meetings of the State Planning Council during the fiscal year reflect the requirements for membership on such Council.

The Senate amendments would require the protection and advocacy systems to submit an annual report to the Secretary which describes its activities and accomplishments.

The House bill contains no such provision.

The House recedes with an amendment which requires that the annual report also include information about expenditures made during the preceding fiscal year.

The Senate amendments would require the Secretary to submit to the President, the Congress, and the National Council on the Handicapped an annual report on the programs authorized under the Act, progress made and services needed to improve the independence, productivity and integration into the community of persons with developmental disabilities. In addition, the Secretary would submit a report on the States' manpower and training assessments.

The House bill contains no such provision.

The House recedes with an amendment which deletes the requirement for a report on the States' manpower and training assessments.

The Senate amendments would require the Secretaries of HHS and Education to establish an interagency committee composed of representatives of the Administration on Developmental Disabilities, the Office of Special Education and Rehabilitative Services and other Federal departments as appropriate to plan and coordinate Federal activities for persons with developmental disabilities.

The House bill contains no such provision.

The House recedes with an amendment which includes the Department of Labor as a member of the interagency committee.

PART B: FEDERAL ASSISTANCE FOR PLANNING AND SERVICE ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

The Senate amendments would require that the State not consolidate the State plan with any other State plan and not substitute any other plan for the required State plan unless the State Planning Council and the State administering agency consent in writing to such consolidation or substitution.

The House bill contains no such provision.

The Senate recedes. The Conferees would like to underscore the unique and critical role of the Developmental Disabilities State Plan. Since this plan is the document developed by the council to shape the State implementation of the Developmental Disabilities program, the Conferees believe it

would be inappropriate to consolidate or substitute such a plan with other State plans unless the Council has final review of the plan, without subsequent additions, deletions, or revisions. It is the view of Conferees that any consolidation without such final review is an unauthorized infringement of the planning function of the State council under current law and under the proposed legislation.

The Senate amendments would require that the State plan provide that each designated State agency make reports and maintain access to records as needed by the Secretary of each State planning council.

The House bill would require each State to submit annual reports.

The House recedes with an amendment which deletes the requirement for the State agency to make reports to the Secretary and the State planning council from time to time. The provision regarding access to State records by the Secretary and the councils is retained.

The Senate amendments would add a requirement that not more than 25 percent of State grant funds be allocated to the designated State agency for the provision of services by such agency.

The House bill contains no such provision.

The House recedes.

The Senate amendments would amend the priority services areas so that employment related activities must be specified as a priority in the State plan and in addition either community living arrangement services or child development services must be specified.

The House bill contains no similar provision.

The House recedes with an amendment which would add case management as a priority service (as in current law) and which requires employment-related activities to be provided as a priority service after fiscal year 1986 only if appropriations equal or exceed the level of $50.25 million. The Conferees note that the mandatory employment-related activities service carries with it no minimum allocation of funds by the States. The Conferees do not intend for the mandatory nature of the provision of the employment-related activities service to diminish a State's ability to provide its other designated services. If a State elects to devote a substantial portion of the State allotment to the employment-related activities service, clearly it is free to do so. Indeed, a State may elect to devote its entire allotment to the employment-related activities service, if it chooses. The Conferees do not, however, intend to force a State to displace other services which it is now providing or has elected to provide. The Conferees would like to clarify that "employment-related activities" may be chosen as a priority prior to fiscal year 1987 if a State so decides.

The Conferees intend that the new employment activities priority be complementary to other programs and services aimed at preparing developmentally disabled individuals for productive activity and work. Eligible developmentally disabled individuals should receive appropriate training and other services under the State vocational rehabilitation program. The new employment-related activities priority is not intended to undermine any mandate for services to eligible developmentally disabled persons under vocational rehabilitation, independent living or other training programs.

The Senate amendments would amend the priority services areas so that when the appropriation for the State grant program exceeds $60,000,000 States may choose all three priority services.

The House bill contains no such provision.

The House recedes with an amendment which allows States to choose three priorities, beginning in fiscal year 1987.

The Senate amendments would require that the long-term habilitation goals set forth in the habilitation plan include the increase of support of independence, productivity and integration into the community for the developmentally disabled person.

The House bill contains no such provision.

The House recedes. The Conferees note that "independence, productivity and integration" are meant to serve as ideal goals and are not meant to act as limitations of programs or individual eligibility.

The Senate amendments would require that each State planning council at all times include in its membership representatives of the State agencies administering funds provided under the Rehabilitation Act of 1973, the Education of the Handicapped Act, and the Medicaid program (title XIX of the Social Security Act). In addition, the protection and advocacy system and each University Affiliated Facility or Satellite center in the States is to be represented on the State planning council.

The House bill contains no such provision.

The House recedes. The Conferees do not intend that each interest enumerated necessarily be represented by a different individual. One council member may fulfill two or more requirements for membership (e.g., one person may represent both a university affiliated facility and a higher education training facility).

The Senate amendments would require that the Secretary not revise the basis on which allotments are made more than once every three years. When revisions are to be made, the Secretary is to provide written notice of the change to States at least six months prior to the date of submission of the State plan.

The House bill would require that adjustments in the amounts of State allotments be made annually and that States be notified six months before the beginning of the fiscal year.

The Senate recedes with an amendment which states that the adjustments in allotments may (rather than "shall") be made no more frequently than annually.

The Senate amendments would require that a State's allotment not be less than the amount received in FY 1984.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would set the minimum allotment for the territories at $135,000 if the total appropriation exceeds $45,000,000.

The House bill would set the minimum allotment for the territories at $200,000 if the appropriation exceeds $47,000,000 or at $100,000 if appropriation do not exceed $47,000,000.

The House recedes with an amendment which establishes $160,000 as the minimum allotment for territories when appropriation reach $47,000,000. When the appropriation is less than $47,000,000 the minimum allotment for territories shall be $100,000.

The Senate amendments would set the minimum allotment for the States at $300,000 if the total appropriations exceed $45,000,000.

The House bill would set the minimum allotment for the States at $350,000 or the amount received in FY 1983 if the appropriations exceed $47,000,000; or at $250,000 if appropriations do not eceed $47,000,000.

The House recedes with an amendment which establishes $47,000,000 as the appropriation level at which $300,000 would become the new minimum. When the appropriation is less than $47,000,000 the minimum allotment shall be $250,000.

The Senate amendments and the House bill would authorize the following amounts for the States grant program.

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	54.5	46.0
1986	58.3	48.8
1987	62.4	52.0
1988		55.0

The House recedes with an amendment which authorizes state grants at the following levels:

Fiscal year:	*Millions*
1985	$50.25
1986	53.4
1987	56.5

PART C: PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

The Senate amendments would provide that the protection and advocacy systems have the authority to provide information and referral services.

The House bill contains no such provision.

The House recedes. The Conferees note, however, that it is not their intention that the provision of information and referral services divert significant resources from the ongoing responsibilities of protection and advocacy agencies.

The Senate amendments would require that the protection and advocacy system have access to the records of developmentally disabled persons living in residential facilities if a complaint has been received on behalf of such person and if such person does not have a legal guardian or if the State is the legal guardian. Prior to Oct. 1, 1986, this access provision does not apply to any State in which State law prohibits such access.

The House bill contains no such provision.

The House recedes with an amendment which deletes the phrase "who receives services under this title". The Conferees intend for all developmentally disabled persons who reside in facilities for developmentally disabled persons to be eligible for services from the protection and advocacy system.

The Senate amendments would require that States provide protection and advocacy systems a copy of each annual survey report and plan of corrections made with respect to any intermediate care facility for the mentally retarded within 30 days of completion of such report and plan.

The House bill contains no such provision.

The House recedes.

The Senate amendments would require that States submit to the Secretary a report describing the protection and advocacy system and the expenditures of such system within 90 days after the end of each fiscal year.

The House bill contains no such provision.

The Senate recedes. The Conferees note that such a report is already required in section 107 of the bill.

The Senate amendments would provide that States not redesignate the administer-

ing agency for the protection and advocacy system unless the State determines that good cause exist to warrant such redesignation. If a State determines that good cause exists, the State must give public notice of its intent and give persons with developmental disabilities or their representatives an opportunity to comment on such proposed redesignation.

The House bill includes a similar provision.

The Senate recedes.

The Senate amendments would provide that a State not receive an allotment that is less that the allotment received in FY 1984.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would provide that territories receive not less that $60,000 and States receive not less than $100,000 for protection and advocacy systems when the total appropriations exceed $9,500,000.

The House bill would provide that territories receive not less than $100,000 if the total appropriations exceed $10,000,000 in any fiscal year. If the appropriations are less than $10,000,000, the allotment to territories would not be less than $50,000. If total appropriations exceed $10,000,000 the State allotment would not be less than $150,000 or the amount received in FY 1983. If the appropriations are less than $10,000,000 the State allotment would not be less than $50,000.

The Senate recedes with an amendment which establishes $150,000 for States as a minimum and $80,000 for territories as a minimum when appropriations equal or exceed $11,000,000. When the appropriations are less than $11,000,000 the minimum allotment shall be $50,000 for States.

The Senate amendments and House bill would authorize the following amounts for the protection and advocacy system:

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	15.0	12.5
1986	16.1	15.0
1987	17.2	17.5
1988		20.0

The House recedes with an amendment which authorizes the following figures:

Fiscal year:	*Millions*
1985	13.75
1986	14.6
1987	15.5

PART D: UNIVERSITY AFFILIATED FACILITIES

The Senate amendments would authorize grants for studies of the feasibility of establishing new university affiliated facilities as well as satellite centers. A needs assessment is included as part of the feasibility study.

The House bill contains no such provision.

The House recedes.

The Senate amendments would authorize the university affiliated facilities to provide service-related training to parents of persons with developmental disabilities, professionals volunteers or personnel who provide services to increase or maintain the independence, productivity and integration into the community of persons with developmental disabilities.

The House bill contains no such provision.

The House recedes. The Conferees wish to emphasize that UAF's have an important responsibility to extend their research, training and service efforts to include adult and elderly developmentally disabled persons who are increasing in numbers and whose needs are largely unmet today. UAF training programs must reach out to professionals in those disciplines which provide generic services to adult and elderly developmentally disabled persons.

The Senate amendments would authorize satellite centers to engage in the same activities in which university affiliated facilities may engage.

The House bill contains no such provision.

The House recedes.

The Senate amendments would prohibit the Secretary from making a grant to a new university affiliated facility or satellite center after Sept. 30, 1985, unless a feasibility study has been conducted and the need for such a facility has been documented.

The House bill contains no such provision.

The House recedes.

The Senate amendments would authorize the Secretary to spend funds in excess of $7,800,000 in the following order of priority: to establish new satellite centers and university affiliated facilities; to make grants to existing satellite centers that have the capacity to become university affiliated facilities; to make grants to existing university affiliated facilities and satellite centers.

The House bill contains no such provision.

The Senate recedes.

The Senate amendments would require that applications for funds under this part include assurances that the human rights of all persons with developmental disabilities who are receiving services under the project will be protected according to the rights included under section 110 of this Act.

The House bill contains no such provision.

The House recedes.

The House bill would establish a $200,000 minimum allotment for university affiliated facilities.

The Senate amendments retain current law.

The Senate recedes with an amendment which would establish $8,500,000 as the appropriation level at which the minimum allocation for a university affiliated facility would be $175,000 when appropriations are less than $8,500,000 the State minimum shall be $150,000.

The Senate amendments and the House bill would authorize the following amounts for university affiliated facilities:

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	9.4	8.0
1986	10.0	8.5
1987	10.8	9.0
1988		9.5

The House recedes with an amendment which authorize amounts at the following levels:

Fiscal year:	*Millions*
1985	$9
1986	9.6
1987	10.1

PART E: SPECIAL PROJECT GRANTS

The Senate amendments would give special emphasis to special projects that expand or improve services to Native Americans and Native Hawaiians.

The House bill contains no such provision.

The House recedes with an amendment specifying that emphasis is to go to all underserved groups, including Native Americans and Native Hawaiians.

The Senate amendments would require that applications for funds under this part include assurances that the human rights of all persons with developmental disabilities who are receiving services under the project will be protected according to the rights included under section 110 of this Act.

The House bill contains no such provision.

The House recedes.

The Senate amendments would prohibit the Secretary from consolidating the authority to make grants under this section with any other authority to make grants which the Secretary has under any other law.

The House bill contains no such provision.

The Senate recedes.

The Conferees emphasize that funds appropriated under Special Projects may not be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this part.

The Senate amendments would add a provision requiring the Secretary to prepare and submit to Congress a report containing recommendations for improving services for mentally retarded and developmentally disabled persons under an approved State plan under title XIX of the Social Security Act. The report is to be completed within 6 months of enactment of the 1984 Act. The report and recommendations are to address improvements in services that will increase the independence, productivity and integration into the community of mentally retarded persons and persons with developmental disabilities. The report is to include recommendations regarding the waiver program under which persons are served in small, community settings. (Section 1915(c) of the Social Security Act.)

The House bill contains no such provision.

The House recedes with an amendment. The Conferees direct the Secretary to adequately fund this study. The Conferees would like to underscore the importance of this report for improving services for developmentally disabled and mentally retarded persons under Title XIX. The Conferees direct the Secretary to consider the recent findings of the Senate Subcommittee on the Handicapped concerning Title XIX services for developmentally disabled and mentally retarded persons.

The Senate amendments would provide that not more than $75,000 of the amount appropriated under this part for FY 1985 be used to conduct a study.

The House bill contains no such provision.

The Senate recedes. The Conferees, however, expect the Secretary to devote adequate funding to the study from the discretionary funds.

The Senate amendments and the House bill would authorize the following amounts for special projects.

[In millions of dollars]

	Senate	House
Fiscal year:		
1985	3.2	2.7
1986	3.7	2.9
1987	4.0	3.1
1988		3.3

The House recedes with an amendment which authorizes funding at the following levels:

Fiscal year:	*Millions*
1985	2.7
1986	2.8
1987	3.1

The Senate amendments would provide that this Act take effect on Oct. 1, 1984, except for sections 108(b), 153(a) and 163 which shall take effect on the date of enactment.

The House bill contains no such provision.

The Senate recedes.

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES H. SCHEUER,
JAMES T. BROYHILL,
EDWARD R. MADIGAN,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
Managers on the Part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read, and without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, September 21, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation. These resolutions approve five watershed projects of the Soil Conservation Service in accordance with the provisions of Public Law 566, Eighty-third Congress.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

□ 1850

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. DOWNEY].

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

There was no objection.

FAREWELL TO COMMISSIONER BOWIE KUHN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, the great national pastime, baseball, is losing its crown prince this week.

Bowie Kuhn, who, as a result of nearly 16 years of exceptional service as Commissioner of Baseball, has earned the title "Mr. Integrity" will be stepping down on September 30.

He will be missed.

He will be missed for a whole variety of the right reasons, but most of all because he presided over one of the sport's most difficult periods and did so with distinction, with fairness and with firmness.

Things didn't always go the way Commissioner Kuhn wanted, but then again those of us who know and love baseball realize no one ever bats a thousand over the long haul.

As a devoted fan, I've got my share of beefs with the Commissioner's decisions over the years, most notably his nonintervention and back-turning on the American League's cavalier handling of the case of umpires Al Salerno and Bill Valentine as the decades of the 1960's came to a close.

But we should all acknowledge that the best of the Hall of Famers occasionally made an error.

The important thing for us to recall is not the infrequent missteps of Commissioner Kuhn, but rather the almost always giant forward strides in the best interests of the game.

In the history of baseball, he has been one of the very best in terms of having a positive influence. There is no doubt in my mind that someday in the not too distant future, Bowie Kuhn will reside in my district, enshrined—and deservedly so—in the sanctuary of greats: The National Baseball Hall of Fame and Museum in magnificent Cooperstown, NY.

Baseball has never been better. There have never been more fans, more money earned for participants at all levels, a greater number of employees and a more favorable atmosphere than there exists today.

This is all the direct result of the able leadership of the influential Mr. Kuhn.

There have been great threats and challenges to baseball, threats and challenges almost commonplace in today's society. Drugs and gambling interest come to mind.

Bowie Kuhn seemed to look upon these not as threats and challenges as much as they were opportunities, opportunities to preserve the basic integrity of the game. And that he did.

Indeed, Mr. Speaker, as Commissioner, Bowie Kuhn was more than Mr. Baseball, he was Mr. Integrity.

He will be missed.

My hope is that those who follow will be up to the high standards set by this fine and decent human being.

TODAY'S VOTE ON CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACK] is recognized for 5 minutes.

Mr. MACK. Mr. Speaker, I merely wnated to take this opportunity at this point to, I guess, recap some of the day's activities. We started early in the afternoon with a vote on the previous question to decide whether the President's crime package would come to the floor of the House for a vote. If some of you will think back over this past year I think that you will recognize that in January we began the process of coming to the floor of the House and asking unanimous consent that certain legislation be brought to the floor of the House for a vote. When we asked for that unanimous consent someone would stand up and object, and this went on for several days until it became obvious that the requirement of having to stand up and object to our bringing legislation to the floor of the House was going to be embarrassing to those individuals who did so. So the rules of the House were changed so that no longer were we allowed to ask for unanimous consent.

To be specific, one of the questions that we raised as we came out on the floor was we said, "Mr. Speaker, we ask unanimous consent to bring the crime package, the President's crime package to the floor of the House." Again and again an objection was heard.

But we did not, we did not stop when the rules were changed. We came out and said if it were not for the fact that the rules were changed we would be here asking unanimous consent to bring the crime package to the floor of the House and we told everyone that we had received approval from our leadership and in essence asked for approval from the leadership of the majority.

You know there was this silence that took place on the floor which became very obvious that we were not going to receive approval, and we kept making the point over and over and over again that if we could just get the crime package to the floor of the House, a portion of the American agenda, that in fact if would be approved because there was such strong support throughout the country for this particular issue.

Today we finally accomplished that. It took two votes today to finally accomplish it. But later on this afternoon, just a few minutes ago, we saw, because the body heard clearly that

this was a vote either yes or no for the President's crime package.

Mr. WALKER. Mr. Speaker, will the gentleman yield,

Mr. MACK. I will be glad to yield.

Mr. WALKER. Is it not a fact that what we saw today was an example of what we have seen repeated over and over again on the House floor? If the majority party believes they can hide behind procedures, if they believe that what they can do is refer something to a committee so that it never sees the light of day, or then can hide behind some procedural vote here on the floor, they in fact will use those procedures in a way to delay action on those things that they know have great popular support. But once you get them out where the people really have an impact, where it is very obvious how someone is voting up or down on what the people really want, they then will always switch on the principle, and that will be put aside that they have just to justify their procedural attempts, and many of them will come over and vote for the things that they know are popular with the people.

So what we have really seen enacted on the House floor today, and in a few short hours, is exactly the problem with this House, where a leadership bottles up issues of great popularity in the country using procedural techniques but when we can finally find some means to bring that issue directly to the floor, then the leadership gets abandoned.

The question I think for the American people is whether or not they should not in this election year abandon that leadership altogether and make certain we have a new leadership in the new Congress that will not use procedures against the American people.

I thank the gentleman for yielding.

Mr. MACK. I think that the point the gentleman raises is right on target because really what we saw here today was an abandonment of that leadership and that the message probably ought to be delivered back home that they have abandoned that leadership, just like they appear to be abandoning the leadership of Walter Mondale. It seems like they are running like crazy to get away from him.

Mr. HUNTER. Will the gentleman yield?

Mr. MACK. I am happy to yield to the gentleman.

Mr. HUNTER. Speaking of leadership, and I thank the gentleman for yielding, I can recall the many days when the gentleman who is in the well stood before the House and asked, and said that he had received permission from his side of the aisle to bring up the legislation that is in question, the President's crime package that passed out of the other body, I think 91 to 1, and asked for permission from the other side to bring it up and was met with silence.

I see also the gentleman from Indiana [Mr. BURTON] who many times stood before the House and made the same request, as well as the gentleman from Florida [Mr. BILIRAKIS] who is to be commended for standing before the House many times and making that request.

Also I see the gentleman from Michigan [Mr. SILJANDER] and, of course, our friend, the gentleman from Pennsylvania, sometimes referred to as WIDE ANGLE WALKER, as well as the gentleman from Wisconsin [Mr. ROTH] and even our celebrated whip, the gentleman from Mississippi [Mr. LOTT] who has stood before the House many times and asked to bring up this part of America's agenda.

□ 1900

I think these gentlemen should be commended and this is the fruits of their work, finally getting this resolution passed.

Mr. MACK. I thank the gentlemen for his comments.

Mr. Speaker, I yield back what time I may have left.

THE PRESIDENT'S CRIME PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I simply want to make the point, to pick up what the gentleman from Florida [Mr. MACK] had been saying, that there were two votes today which I think should teach the American people and the American news media everything they need to understand about what has been happening in this House of Representatives for a number of years, but particularly this year. We have been making the case all year that there is an agenda that belongs to the American people, that that agenda includes the constitutional amendment to require a balanced budget; it involves an omnibus crime bill to stop crime and drug trafficking; that it has a number of very important, very specific issues. We have been saying correctly, I think, and the press would concede that the liberal Democratic leadership has been bottling up that agenda, that they have been stopping the American people from having their vote. But today, in 1 day, in a matter of hours we have a specific example of how average, everyday Democratic incumbents help the liberal Democratic leadership strangle legislation and then try to hide behind procedural matters.

When initially under the leadership of Mr. MICHEL and Mr. LOTT we tried to bring up a motion that would defeat the previous question, which is a procedural motion, which every Member of this House understood would lead to the passage of the omnibus crime bill, only 27 Democrats joined 147 Republicans in trying to pass the omnibus crime bill.

In other words when it was a little bit off-center and it was not totally obvious and there was a way to hide behind procedure, only 27 Democrats went out of their way to try to help the American people bring their agenda to the floor.

When, a few hours later, there was a straight up-or-down vote from which they could not hide, when it was obvious that it was a straight vote on the omnibus crime bill, suddenly 88 Democrats decided they had better vote with the American people.

In other words there were 61 more Democrats who, when they could not hide, decided maybe they had better be with the American people and not with the liberal Democratic leadership of the House.

Now in some ways, Mr. Speaker, it seems to me it is those 61 Democrats who have the most to answer for because it does seem reasonable to charge, as someone said to me awhile ago on the floor of the House, that the real answer to why the liberal Democratic leadership gets away with strangling legislation and bottling up legislation is that the key swing incumbent Democrats, when they can get away with it, help the liberal Democratic leadership kill bills that the American people want, and when they cannot get away with it they suddenly show up and say "I am with you, I am with you."

But today for 61 of those Democrats the question has to be: "Where were you the first time? Why on the very same day would you switch your vote? Why would you in the morning be strangling and bottling up a bill and just a few hours later when you cannot hide, suddenly decide you favor that bill? And what do you hope to explain to the news media and the people back home? Why did that bill improve dramatically in quality in a matter of less than 4 hours?"

Now in that sense, I would suggest that the frustration every conservative, every Republican, every person trying to represent the American people's agenda faces is that very bright, very articulate men and women go back home and basically try to deceive the folks back home, basically say, "I am really with you but you do not understand because it is really quite complicated."

Well, it is not complicated at all.

Early today on a straightforward motion to defeat the previous question we gave this House a chance to bring up the crime bill. We lost.

We lost because it was not quite clear and compelling and overpower-

ing that they had to vote with the American people.

Later in the day we brought up a more effective, more straightforward technique and we won because they could not find anything to hide behind.

And the difference is the 61 liberal Democrats and moderate Democrats who voted with the liberal Democratic leadership to kill the bill early and then voted to bring up the American people's agenda when they could not hide.

And I think the lesson for the American people has to be, Mr. Speaker, that if we are going to bring up the American people's agenda in 1985, if we are going to be able to bring up bills to stop crime and drugs, to require a constitutional amendment to balance the budget, to do the things on welfare reform, to do the things on spousal IRA to help women who stay at home with their children, to do all the things we want to do, then we have to have a change in the leadership and we have to have a change in the kind of Congressmen and Congresswomen who vote one way and 4 hours later would change and vote another way.

I thank the Speaker.

DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, early this morning the conferees completed action on the fiscal year 1985 Defense authorization bill. The compromise included modification of the restriction on antisatellite [ASAT] weapon testing approved by the House earlier this summer. My colleagues may recall that the House approved an amendment authored by myself, and my colleague Representative LAWRENCE COUGHLIN and others prohibiting the testing of the U.S. ASAT weapon against an object in space as long as the Soviet Union did not resume testing of its ASAT weapon. The purpose of the amendment was to establish a mutual test moratorium in order to enhance the chances of initiating ASAT arms control negotiations.

Mr. Speaker, I have taken this time to express my dissatisfaction with the compromise agreed upon by the Defense authorization conferees. Although I had the privilege of being named a special conferee to the Defense conference committee, I have not signed the conference report because I do not endorse the ASAT compromise. This compromise allows the Department of Defense to conduct two successful tests of the ASAT weapon. This is virtually a license for the Department of Defense to conduct as many tests as it pleases. This is absolutely contrary to the spirit of mutual restraint which I sought to establish by my amendment in order to enhance the prospects for arms control negotiations.

Finally, the Congress may not even have the opportunity to review the Presidential certification requirements provided by the amendment before testing begins. The compromise requires that only 15 calendar days elapse following certification by the President that he is endeavoring to negotiate with the Soviet Union before the first test against an object in space is allowed. The original Senate language required that 30 legislative days elapse before testing could begin.

Mr. Speaker, this summer I solicited the opinions of a number of experts on the subject of a mutual ASAT test moratorium. Although this was by no means a scientific poll, I think my colleagues will be interested in the views expressed in the responses I received. These letters confirm my view that a test moratorium is a critical ingredient to progress on ASAT negotiations. I include excerpts from these letters for the RECORD below:

William Colby, Former Director, Central Intelligence Agency:

"I thoroughly endorse your proposal that we refrain from testing our ASAT against objects in space so long as the Soviet Union does not resume its tests."

Hugh D. Dewitt, Staff Physicist, Lawrence Livermore National Laboratory:

"I am strongly in favor of a moratorium on ASAT testing and negotiations toward a treaty that will stop ASAT deployment."

Sidney Drell, Deputy Director, Stanford Linear Accelerator Center; consultant to the Senate Select Committee on Intelligence and to the National Security Council:

"I support a moratorium on ASAT tests as a way of starting the process and working toward more comprehensive negotiations while we still have time and before "the cat is out of the bag" on further weaponization of space."

Raymond L. Gartoff, Member, SALT I Delegation; former Deputy Director, Bureau of Politico-Military Affairs, Department of State; Senior Fellow, Brookings Institution:

"I strongly agree that it would be in the security interest of the United States to ban ASATs, and, as an immediate step, to refrain from testing ASATs so long as the Soviet Union does so. Such a reciprocal restraint would be unilaterally verifiable. A more formally agreed mutual verifiable moratorium could follow, as the first step in negotiation of a formal ASAT ban (preferably) or limitation. I hope the House mutual moratorium measure will be accepted by the Conference Committee and the Congress."

Richard L. Garwin, IBM Fellow, Thomas J. Watson Research Center; Member, President's Science Advisory Committee (1962-65, 1969-72); Member, Defense Science Board (1966-1969):

"I thoroughly support . . . a mutual [ASAT] moratorium, which would require simply a commitment by the President to accept the ASAT moratorium offered August, 1983, by General Secretary Andropov, and restated 6/29/84 by General Secretary Chernenko. . . . I firmly support the wisdom of amending the Defense Authorization Bill to prevent our testing ASATs against objects in space, as long as the Soviet Union does not resume testing."

Carl Kaysen, Deputy Assistant for National Security Affairs, Kennedy Administration:

"I share your views that it is in the U.S. national interest and a positive contribution to our national security to observe such a [ASAT] mutual moratorium and to begin serious negotiations with the Soviet Union for a verifiable prohibition of such tests as soon as possible . . . even if there are political obstacles to negotiations, our capacity to monitor Soviet tests of anti-satellite weapons is such as to justify our refraining from such tests so long as the Soviets do so."

Henry W. Kendall, Professor of Physics, Massachusetts Institute of Technology; Chairman, Union of Concerned Scientists

"I fully supprt a U.S.-Soviet moratorium on the testing of ASATs against objects in space. Having studied this issue in depth, I firmly believe that an ASAT test moratorium would serve as one of the most important initiatives that could be taken by the United States and the Soviet Union at this time to enhance the prospects of arms control and to foster an improvement in U.S.-Soviet relations."

Franklin Long, Professor of Chemistry Emeritus, Cornell University; former Associate Director, ACDA; former Member, President's Science Advisory Committee:

"I think that a test moratorium and similar moratoria are most useful when they are done as part of a longer range plan, in this case to try to negotiate a treaty. The fact that the Soviets did announce such a test moratorium makes it easy for the U.S. to walk up to the possibility of a moratorium quite straightforwardly, since they already know the Soviet position."

Carson Mark, former Head, Theoretical Division, Los Alamos National Laboratory:

"Briefly, and without reservation, I strongly favor a mutual moratorium as against continued testing pending favorable outcome of "good faith" efforts to begin negotiations."

Wolfgang K. H. Panofsky, Director, Stanford Linear Accelerator Center; former member, General Advisory Committee, U.S. Arms Control and Disarmament Agency (ACDA):

"I support * * * a mutually agreed, open-ended moratorium forbidding the testing and deployment of ASAT components and systems unless the other side engages in such activities first. I believe such a measure would have merit in forestalling test and deployments which might overtake diplomatic efforts aimed at securing an ASAT treaty."

Carl Sagan, Professor of Astronomy and Space Sciences and Director, Laboratory for Planetary Studies, Cornell University:

I am very much in agreement with your view that a mutual ASAT test moratorium is important * * *"

Pete Scoville, President, Arms Control Association; formerly Assistant Director ACDA: former deputy director for research CIA:

"Our future security and economic interest lie in a mutual halt on all ASAT tests . . . Now is the time for reciprocal national restraint and for serious negotiations to stop this new space race before the opportunity is irretrievably lost. There is no more important goal than a comprehensive ban

on the testing and deployment of all space weaponry."

Jeremy J. Stone, Director, Federation of American Scientists:

"It seems to us [Federation of American Scientists] that an ASAT test moratorium is probably a necessary and a sufficient condition for successful ASAT negotiations. . . . All in all, the case for a moratorium has, perhaps, never been stronger from the point of view of U.S. national interest."

Kosta Tsipis, Professor of Physics and Co-Director Program in Science & Technology for International Security, Massachusetts Institute of Technology; Member, Board of Directors, Council for a Livable World:

"I think it [an ASAT test moratorium] is a timely and measured step that will maintain open the option of negotiating a ban on testing and deployment of ASAT weapons."

Frank Von Hippel, Professor, Public Policy & International Affairs, Princeton University; Chairman, Federation of American Scientists:

"I am very much in favor of verifiable mutual moratoria on the testing of new destabilizing weaponry. It is my belief that ASAT weapons are destabilizing and that a moratorium on their testing against targets in space would be adequately verifiable."

Paul Warnke, Former Director, ACDA; chief U.S. negotiator, SALT II; U.S. negotiator, 1978 U.S.-Soviet ASAT talks; former Assistant Secretary of Defense for International Security Affairs:

"I find it impossible to understand how the development of sophisticated ASAT systems would be anything other than detrimental to our national security. . . . As your letter points out, a test moratorium would both improve the negotiating climate and be, in itself, a valuable *de facto* agreement . . . I am convinced that a reciprocal moratorium is needed to prevent the taking of irrevocable steps to proceed with ASAT development. If such steps are not prevented, we, and our decendents, will look back bitterly at a lost opportunity."

John Steinbruner, Director, Brookings Institution:

"I agree with your judgment that a treaty banning further development of antisatellite weapons is in the security interests of the United States and that restraint on testing of the U.S. system is an important, even necessary providing an informal substitute in the meantime."●

COMMERCE DEPARTMENT ISSUANCE OF EXPORT LICENSES QUESTIONED

Mr. BURTON of Indiana. Mr. Speaker, I think we have a great President in Ronald Reagan, and I think his administration has done an outstanding job. However, Mr. Speaker, there is one area that has really concerned me this past week and I think it needs to be brought to the attention of the President and to the people of this country.

That is in the area of the Commerce Department; the Commerce Department has approved export licenses for some purposes that I think should be questioned very severely by the American people.

Earlier this year I read in the New York Times, Washington Post, and other Newspapers where the Du Pont Corp. had produced materials which were sold to a company in West Germany that was using these materials to produce bulletproof vests and this company in West Germany was then selling these bulletproof vests to the Syrians who at that time were, although in fact they were an enemy of the United States, not officially an enemy of the United States. We were in effect selling bulletproof vests to the Syrians. Mr. GREEN of New York was one of the people who led the charge to stop that sale and it was stopped, due in part to the efforts of Mr. GREEN and others of us in this Chamber who worked very hard to make sure the Commerce Department relented and the administration was made aware of this.

Now this last week, in fact just a couple of days ago, I read in an Indianapolis newspaper the following article: "The Commerce Department has approved the sale of millions of dollars worth of equipment and spare parts to Iran's military in the last year—even after Iranian-backed terrorists were suspected of the 1983 bombings of the U.S. Embassy and Marine Corps barracks in Beirut." Bear this fact in mind, this is an enemy of the United States of America, the Ayatollah Khomeini has in effect declared war on us and the free governments of this world. He took hostages at the American Embassy in Iran.

The Shiite Muslim sect, a religious sect that has claimed responsibility for the bombings in Beirut and in Kuwait and the terrorist bombing of our Marine Corps barracks in Beirut, were all tied directly to the Ayatollah Khomeini, or indirectly.

So we know where the power that is directing these terrorist attacks is coming from. The fact of the matter is, though, that our Commerce Department continues to approve export licenses that is selling equipment to Iran, an avowed enemy of the United States of America.

Mr. Speaker, I wrote a letter to the Secretary of Commerce which I am going to be sending tomorrow to him and to the President of the United States, and I would like to read that to the Members of this body and to the people of this country:

DEAR MR. SECRETARY: Earlier this year, I was appalled to learn that the Department of Commerce had approved export licenses for sale of material to be used in bulletproof vests destined for sale to Syria. This license was issued at a time when Syrians were killing U.S. Marines in Lebanon. Fortunately, when this matter was brought to light, President Reagan cancelled the license and I had hoped we had learned a lesson from this mistake.

Sadly, it appears we have not learned. This week, it was revealed that the Department of Commerce has approved sale of weapons to Iran, a country governed by a committed enemy of this country. Mr. Secretary, I find it unbelievable, unacceptable and, frankly, downright stupid that this country would supply military supplies and equipment to Iran, whose leaders have publicly claimed credit for one bombing and murder of U.S. citizens at our Embassy in Beirut and are suspected of masterminding the recent second bombing and murder.

When I checked into this matter this week, I was told the sale was approved because Iran was not "officially" listed as an enemy of the United States. Not "officially" listed? Mr. Secretary, how can the country which allowed Americans to be held hostage for more than a year be considered anything else?

Mr. Secretary, as a member of the Government Operations Committee, I feel you owe both Congress and the American people an explanation as to why this atrocity and serious breach of common sense has been allowed to happen. What will it take to stop this foolhardy practice, Mr. Secretary? Will Congress be forced to approve every export license in advance? Will we have to take over the watchdog role because your agency is failing to do so? I am prepared to introduce legislation to do exactly that unless the Department of Commerce can prove to Congress and the American people that it can tell our friends from our enemies.

Yours truly,

DAN BURTON.

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FAIR INTEREST RATES FOR SELLER FINANCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, no provision of the Deficit Reduction Act of 1984 has raised as much concern as the section dealing with imputed interest rates on loans associated with seller-financed property transactions. While the administration, in proposing this measure, claimed that it would gain significant revenues for the Treasury and stop a significant abuse of the Tax Code, it is clear that the measure not only goes far beyond preventing a perceived abuse but also will have little, if any, positive revenue impact.

First, the measure, even with the technical changes contained in House Concurrent Resolution 328, affects so many property transactions that it obviously goes far beyond mere abuses. It affects all residential properties that are not principal residences, all small businesses and commercial and investment property, and many family farms and principal residences.

Second, the provisions of the bill are so stringent that it does not merely affect those transactions—it will virtually prevent a large number from taking place. The required interest rates are so far above reasonable market seller-financed rates and even above beginning average rates on commercial adjustable rate mortgages that seller financing will not be a viable option for these transactions. It seems to me that the Treasury will lose at least as much in revenues from the ab-

sence of those legitimate transactions as it gains from the reduction of abusive transactions. This measure goes far beyond anything that a majority of this Congress intended, and it is incumbent upon us to make significant changes before we adjourn.

Mr. Speaker, I am well aware that other measures have already been introduced to make changes in this legislation. Indeed, one such bill would repeal it altogether. While there are strong arguments in favor of total repeal, I do not think it is a practical alternative with so little time left in this session of Congress. I also believe we set a bad precedent when we enact tax legislation 1 month and completely repeal it the next.

While repeal may not be a viable option, that does not mean we cannot make significant changes. For that reason, I am introducing legislation today that eliminates the worst aspects of the measure without repealing it entirely. I believe that my bill represents a reasonable approach to the issue, and I hope my colleagues will consider supporting it.

The most basic thing my bill does is to reduce considerably the required minimum interest rate on affected loans and the imputed rate for transactions which do not meet that standard. The Deficit Reduction Act sets those rates at 110 and 120 percent, respectively of Treasury notes of equivalent duration. My bill sets those rates at 80 percent and 110 percent of the same Treasury notes. It does so for both section 483 and section 1274 of the Tax Code.

My bill also makes changes in the exceptions that were established by House Concurrent Resolution 328. Rather than setting a $250,000 exemption only for principal residences, my bill provides such an exemption for all residential property. In addition, it provides a $1 million exemption for farm property and $1 million exemption for commercial and investment property, including multiunit housing.

In addition, my bill eliminates the "cliff effect," contained in the Deficit Reduction Act, which places an entire loan in jeopardy even if the sale price goes $1 over these exemption limits. My bill would establish a blended rate for such loans, applying the pre-1984 rules to the extent of the exemption limit and the new rates to that portion above the limit.

Finally, my bill addresses a serious problem regarding loan assumptions. It states that these provisions "shall not apply to any debt instrument by reason of an assumption of such instrument." The intent of this provision is twofold: First, no loan becomes subject to these provisions when it is assumed if it was not subject to them prior to the assumption. Second, no loan is to be made exempt from these provisions merely on account of its being assumed. In short, an assumption is to have no impact, in and of itself, on whether a transaction is affected by these provisions.

Mr. Speaker, I know there is not a great deal of time left for the 98th Congress. But I think we have an obligation, when we make an obvious mistake, to correct it as soon as possible. I think we should make the changes I have outlined, and I hope my bill will have the support of my colleagues.

Following is the text of my bill:

H.R. 6306

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

SECTION 1. REDUCTION IN RATES FOR DETERMINING WHETHER THERE IS, AND THE AMOUNT OF, UNSTATED INTEREST.

(a) TESTING RATE.—Subparagraph (B) of section 483(c)(1) of the Internal Revenue Code of 1954 (defining payments to which section 483 applies) is amended by striking out "110 percent" and inserting in lieu therof "80 percent".

(b) IMPUTED RATE.—The last sentence of subsection (b) of section 483 of such Code (defining total unstated interest) is amended by striking out "120 percent" and inserting in lieu thereof "110 percent".

(c) COORDINATION WITH SECTION 483(e).—Paragraph (1) of section 483(e) of such Code is amended to read as follows:

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rates under subsections (b) and (c)(1)(B) shall be the lesser of—

"(A) the discount rates determined under such subsections without regard to this subsection, or

"(B) the discount rates determined under subsections (b) and (c)(1), respectively, of this section as it was in effect before the amendments made by the Tax Reform Act of 1984."

(d) COORDINATION WITH SECTION 1274.—Subparagraph (B) of section 1274(b)(2) (relating to the imputed interest rate) is amended by striking out "120 percent" and inserting in lieu thereof "110 percent" and subparagraph (3) of section 1274(c) (relating to the testing interest rate) is amended by striking out "110 percent" and inserting in lieu thereof "80 percent."

SEC. 2. EXCEPTIONS FOR RESIDENTIAL, FARM, AND BUSINESS PROPERTY.

(a) ALL RESIDENTIAL PROPERTY EXCLUDED.—Subparagraph (A) of section 483(e)(2) of the Internal Revenue Code of 1954 (relating to sales or exchanges to which section 483(e) applies) is amended by striking out "his principal residence (within the meaning of section 1034)" and inserting in lieu thereof "any residential property".

(b) PRE-1984 RATES TO APPLY TO BUSINESS REAL PROPERTY, ETC.—Paragraph (2) of section 483(e) of such Code is amended by striking out "and" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(C) to any sale or exchange of real property—

"(i) used in a trade or business, or

"(ii) held for the production of income."

(c) AMOUNTS OF PROPERTY ELIGIBLE FOR PRE-1984 RATES, ETC.—Paragraph (3) of section 483(e) of such Code (relating to limitation) is amended to read as follows:

"(3) LIMITATION.—Paragraph (1) shall apply to any sale or exchange of—

"(A) any property described in paragraph (2)(A) (and not described in paragraph (2)(C)) only to the extent the purchase price of such property does not exceed $250,000,

"(B) any land described in paragraph (2)(B) only to the extent the purchase price of such land does not exceed $1,000,000, and

"(C) any property described in paragraph (2)(C) only to the extent the purchase price of such property does not exceed $1,000,000.

For purposes of the preceding sentence, the purchase price of any property shall be determined without regard to this section."

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 1274(c)(4) of such Code (relating to exceptions to determination of issue price in the case of certain debt instruments issued for property) is amended to read as follows:

"(B) SALES OF RESIDENTIAL PROPERTY.—Any debt instrument arising from the sale or exchange by an individual of residential property."

(2) Paragraph (4) of section 1274(c) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) CERTAIN BUSINESS REAL PROPERTY, ETC.—

"(i) IN GENERAL.—Any debt instrument arising from a sale or exchange of any real property—

"(I) used in a trade or business, or

"(II) held for the production of income.

"(ii) $1,000,000 LIMITATION.—Clause (i) shall apply only to the extent that the sales price does not exceed $1,000,000. For purposes of the preceding sentence, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange."

(3)(A) The first sentence of clause (ii) of section 1274(c)(4)(A) of such Code is amended to read as follows: "Clause (i) shall apply only to the extent that the sales price does not exceed $1,000,000."

(B) The heading of subparagraph (A) of section 1274(c)(4) of such Code is amended by striking out "SALES FOR LESS THAN $1,000,000 OF FARMS" and inserting in lieu thereof "SALES OF FARMS TO THE EXTENT OF $1,000,000".

SEC. 3. CLARIFICATION THAT 1984 AMENDMENTS NOT TO APPLY TO ASSUMPTIONS OF PRE-EFFECTIVE DATE LOANS.

Notwithstanding any other provision of law, sections 1274 and 483 of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1984, shall not apply to any debt instrument by reason of an assumption of such instrument.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.●

A TRIBUTE TO HON. AUGUSTUS F. HAWKINS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota [Mr. FRENZEL] is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, I will not detain the House over long. Unfortunately, there were no 1-minute

speeches allowed today. So I will indulge this evening in what I should have said a long time ago in a 1-minute speech.

I have really been remiss in not sharing with the House my pride in the election of the distinguished gentleman from California [Mr. HAWKINS] to the chairmanship of the Education and Labor Committee and my very deep regret that he has been obliged to leave the Committee on House Administration.

GUS HAWKINS has managed the affairs of that committee and of this House very well during his tenure there. His success has been due mainly, in my judgment, to his straight forward style of leadership. All Members and staff were treated with the same courtesy and professionalism by GUS HAWKINS. Sometimes there were disagreements, but there never were secrets. And, invariably, the job was completed successfully.

I want to thank GUS HAWKINS publicly for his cooperation and for his friendship. I have profound philosophical disagreements with the gentleman from California, but no Member has given me more cordial and gentlemanly cooperation since I came to Congress than GUS HAWKINS.

I will miss him personally very sorely and I wish him continued success as chairman of the Education and Labor Committee.

SCHOOLBUS SAFETY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 5 minutes.

● Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation that will require the installation of seatbelts in schoolbuses after August 1, 1986.

The need for this bill is obvious. Twenty million children ride schoolbuses each year. The U.S. Department of Transportation tells us that motor vehicle accidents are the No. 1 killer of children age 14 and under in this country. The National Safety Council tells us that in the 1977-78 school year, 60,000 accidents occurred in which 90 pupils lost their lives and 7,500 were injured. Evidence also indicates that many injuries were not reported. There is no question that seatbelts would decrease the likelihood of death and injury.

Under this proposal, States would be required to install seatbelts and to inspect the schoolbuses annually to ensure the safety of the young people riding in them. If the States do not institute such a program, Federal education funds would be withheld.

It is ironic that we require seatbelts to be installed in all passenger automobiles. Our cars even remind us with buzzers of the importance of buckling up. Yet, we have never made that same requirement of the vehicles that transport millions of our children each day. My bill would correct this to save our kids.●

RULE REQUESTED ON H.R. 6012, SENTENCING REVISION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I would like to inform my colleagues that as chairman of the Committee on the Judiciary, yesterday I wrote the chairman of the Rules Committee requesting a rule on the bill H.R. 6012, the Sentencing Revision Act of 1984, which may preclude the offering of certain germane amendments.●

MIDAIR COLLISIONS AND NEAR-MISSES—WHAT IS THE CAUSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, in recent months the number of airplane collisions and near misses have become a prevalent, if not frequent occurrence. A month ago, 17 persons were killed in a midair collision in San Luis Obispo, CA, and in early August a jetliner with 146 people aboard narrowly missed colliding with a small plane over northern Virginia. In the last week, two other breathtaking near misses occurred. Air safety gives the strong impression of being in trouble. The skies are not always friendly.

Today, I am introducing a joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of these accidents, and present its findings to the Speaker of the House and the President of the Senate within 60 days.

The United States has always had a tradition of safe and efficient air travel, yet these collisions and reported near-misses continue to persist. In 1984 there have already been 103 reported airplane accidents, which have fatally or seriously injured nearly 100 people. These figures do not even account for the increasing number of reported "near misses." I do not feel that these are isolated incidents. These figures are too high—something is wrong.

The problems and complexities involved in our Nation's air control system are so great that it is difficult to identify the factor or combination of factors that may be contributing to these collisions and near misses. Are our airports simply too crowded? Is there a need for additional radar and warning equipment in small planes? Are there inadequacies in the computer equipment used in the control towers, or are the existing regulations and requirements associated with small planes being enforced? These are only a few of the questions that need to be answered, and need be answered soon, before we are faced with an air disaster even more devastating than those in recent months.

While I do not know what the answers to this problem are, I think that the time has come to ask the questions. The continued safety of the passengers, pilots, and communities over which these aircrafts fly is at stake.●

FIRED AIR CONTROLLERS SHOULD BE RETURNED TO THEIR JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I am sure you and many of our colleagues have experienced unnecessary delays, as I have, during travel on commercial airlines. Delays of one-half hour or 45 minutes are not uncommon.

Blame is being placed on the airline companies because of so-called overscheduling of takeoffs and landings. However, I think a closer look will reveal that the primary reason is due to the lack of sufficient numbers of qualified air traffic controllers. This shortfall has not only resulted in wasted time for thousands of air travelers, but it has also contributed to a very serious safety problem in domestic air travel.

As thousands of former air traffic controllers continue to search for employment, the Federal Aviation Administration recently announced that it will hire 1,400 new controllers, none of whom will be from the ranks of those fired by President Reagan. Even with the new controllers, our ATC system will still be 2,000 controllers short of what it was prior to the President's firing of striking PATCO controllers 3 years ago. This dangerous situation could easily have been avoided had the President directed the FAA to resolve the issues which caused the controllers to walk out. Instead, he chose to ignore the legitimate concerns PATCO raised and instead, fired all of the strikers. As a result, he has subjected each and every air traveler to extremely dangerous flying conditions.

Restrictive air traffic control procedures, a shortage of experienced air traffic controllers and higher air traffic, have all contributed to massive delays in air travel. Unfortunately, the most important aspect of this situation is also on the upswing—air safety, or the lack of it. Incidents of near

misses and problems with inexperienced air traffic controllers are on the rise.

Mr. Speaker, it's time to put an end to this situation before we are faced with the loss of hundreds of innocent lives. We have hundreds of qualified air traffic controllers who could reduce not only the delays in scheduled flights, but also the serious safety problems currently plaguing U.S. air travel.

It's time Mr. Speaker—that we seriously consider bringing back those fired air traffic controllers before one of those near misses turns into a tragic collision.

LEGISLATION ON BEHALF OF OSAGE INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, after a year and a half of negotiating with the Osage Tribal Council, today I am introducing legislation on behalf of the Osage Indian Tribe of Oklahoma.

The bill makes technical corrections to various acts relating to the Osage Tribe of Indians. In 1978, there were a number of technical corrections made on their behalf and this bill further refines and clarifies those earlier amendments. The major thrust of the 1978 amendments was designed to keep the Osage headrights, that is the interest from their mineral rights, from passing out of Osage control when a non-Indian spouse has been the recipient of headright interest after the Osage spouse's death.

Since 1906, there has been separate legislation to protect the Osage Indians' vast mineral resources, and I ask my colleagues for support in continuing in safeguarding their rights. This legislation will ensure that the oil and gas resources do not pass out of Osage hands.

While there is little time left for action in this Congress, it is possible that the Interior and Insular Affairs Committee, under the able leadership of Chairman UDALL, could move expeditiously on this bill, and one other Osage-related bill I've introduced, prior to adjournment. If not, I plan to reintroduce these same bills early in the 99th Congress and will press for prompt consideration.

Thank you, Mr. Speaker.●

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GREEN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order tonight.

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

There was no objection.

Mr. GREEN. Mr. Speaker, it is with a great sense of urgency that I have joined with my New York colleague, Mr. DOWNEY, with the gentleman from California [Mr. WAXMAN], and the gentleman from Iowa [Mr. LEACH] in requesting time for a special order on Soviet Jewry. Tomorrow is the beginning of Rosh Hashana, one of the holiest days in Judaism. Yet for the 2½ million Jews of the Soviet Union, the world's third largest Jewish population, there will be no celebrating. For them, the New Year will undoubtedly find them trapped in a country where government-sanctioned anti-Semitism and denials of basic human rights are a way of life.

This week, Soviet Foreign Minister Gromyko will be in Washington to meet with President Reagan and Secretary of State Shultz. It is a meeting that I personally welcome and hope will be only the first of many such meetings. But any such encounter between our two countries must include a discussion of the plight of Soviet Jewry; for in the Soviet Union today there are at least 400,000 Jews who are refused the right to emigrate to the land of their people, who are denied the opportunity to learn the language of that people, and who are subject to arrest for teaching that language. I call this cultural genocide, and we cannot neglect an opportunity to speak out against it or we are as culpable as the perpetrators of it.

● Mr. DOWNEY of New York. Mr. Speaker, my colleague and friend BILL GREEN and I have arranged this special order today to send a very clear and simple message to the Soviet Union. We have not forgotten the 2½ million Soviet Jews trapped beneath the Soviets iron fist of oppression.

This week, Soviet Foreign Minister Gromyko will be in Washington to meet with the President and Secretary of State. They will discuss the big issues affecting our relationship with the Soviets such as arms control. Perhaps Secretary Gromyko will pursue the Soviet need for more American grain. Indeed, a feature article by Bob Kaiser in this past Sunday's Washington Post highlighted the difficulties the Soviets are having in delivering basic services. The article reported that the gains the Soviets hoped to achieve in their society following the replacement of Krushchev have not materialized. The fabric of Soviet society is being stretched. Perhaps that accounts for the shocking rise in Government-sanctioned anti-Semitism.

In fact, anti-Semitic stories have become daily features in Soviet newspapers. Arrests have been stepped up—four Hebrew teachers have been picked up in the last 6 weeks. Needless to say, the emigration figures for Soviet Jews have tragically fallen to a total of 652 for the first 8 months of the year.

Why are the Soviets laying their troubles on the backs of Jews?

In August of 1983 I visted with several refuseniks in an apartment in Leningrad. During the visit with these men and women, whose only wish is to follow the traditions of their forefathers in peace and freedom, I was struck by their unwavering commitment to their cause. In a gray land of lies and propaganda, these individuals continue to stand out in vibrant contrast. Amidst their dreary circumstances, their inner strength shines brightly. All of the members of the delegation were struck by their amazing optimism and resilience despite the harsh facts of their existence.

It is clear that the Soviets are laying the burden of their misfortunes on the backs of Soviet Jews. We know the truth of the refusenik's struggle. I have seen it in an apartment in Leningrad. But the Soviet officials acknowledge this truth as well. They have demonstrated their fear of the truth in their powerful silencing of Soviet Jews.

I say to Foreign Minister Gromyko: We are watching and we want significant improvements in their treatment of all ethnic minorities. I point out to the President that the issue of human rights should be put on the table with the Soviets. As the Soviet Government is further strained and the quality of Soviet life continues to decline, the Soviets will need more American grain to feed their citizens. The Soviets must know now, that this Nation will not tolerate the gross violations of human rights that the Soviets have perpetrated against Soviet Jews.

The Soviets may be ignoring the truth of the refuseniks' struggle, but we in the Congress will continue to demonstrate our commitment to the truth by raising our collective voice in outrage.●

● Mr. WAXMAN. Mr. Speaker, in less than a month Jews around the world will cap the holiday season with the joyous celebration of Simchat Torah. In no place is this holiday observed more poignantly than the streets around the few remaining open synagogues in the Soviet Union. Young people with little knowledge of their heritage come to express solidarity with Jews everywhere and to show that they have not given up hope for both emigration to Israel and improvement in human rights in the U.S.S.R.

A detached observer would see little cause for Soviet Jews to rejoice. Per-

mission for emigration to the West has come to a virtual standstill. Government-sponsored anti-Zionist committees have created an atmosphere of anti-Semitism not seen since the Stalinist era.

The human spirit defies detached logical analysis. On our trips to the Soviet Union my wife Janet and I always have been astounded at the ability of Soviet Jews to acknowledge all the negative aspects of their present circumstances and yet to find grounds for hope. The grounds from hope come not from Soviet policy or international affairs but from the same infinite source of spiritual strength which has brought Jews through inquisitions, pogroms, and even the Holocaust.

While Soviet Foreign Minister Andrei A. Gromyko is in the United States I hope those officials of our Government who meet with him will candidly communicate to him the concern of Members of Congress and the American people, not only with the plight of the 2½ million Jews of the Soviet Union, but with a host of related human rights issues.

It is imperative that Mr. Gromyko and others in the Soviet elite come to understand the inextricable intertwining of human rights, trade, and arms control. Our countries can accomplish much if we move on all three fronts simultaneously.

I share with Andrei Sakharov the conviction that we will either make progress on a wide range of issues or we will make no progress at all. Nothing less than the fate of our species on this planet is at stake.●

At this time, Mr. Speaker, I would be pleased to yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I am pleased to join my colleagues Mr. GREEN, Mr. DOWNEY, and Mr. WAXMAN in sponsoring this special order today on behalf of Soviet Jewry.

It is most appropriate, on the occasion of the visit to the United States of the Soviet Foreign Minister, Mr. Gromyko, for the Members of this body to draw special attention to the tragic plight facing the Jewish community in the Soviet Union. Foreign policy is much more than an agenda of global security issues; it is also a concern for individual liberty and human dignity. It is crucial in America's pursuit of the former that in the talks with Mr. Gromyko this week administration representatives not lose sight of the latter.

The human rights situation confronting the Jewish community in the Soviet Union represents an enormous challenge and, far too often, a temptation to despair. Emigration levels are scandalously low and anti-Semitic activity alarmingly on the rise. An intensified pattern of Soviet repression and persecution is unmistakable. Soviet obligations under a variety of international human rights instruments have been cast aside.

As the President meets this week with Mr. Gromyko, it would be my hope that he would convey to the Soviet Foreign Minister the deeply held concerns of the American people and their representatives in this body concerning the plight of Soviet Jewry. A change in the human rights behavior of the Soviet authorities would be welcomed and interpreted in this country as a sign of genuine interest in reaching for new common ground with the United States on a whole range of bilateral issues.

To those members of the Jewish community in the Soviet Union—half a world away from us as we speak here today—we once again express our support and moral solidarity. I remember vividly the conversations I had with a number of refuseniks during a visit to the Soviet Union in 1983. It was impossible not to be struck by their courage. Their protest in the face of potential, and in many cases actual, retribution in a totalitarian society is proof that indeed man is stronger than the state and faith is stronger than man.

Mr. Speaker, it is important for the United States as the world's leading advocate and defender of basic human rights, to work harder than ever to mobilize international opinion and activate our friends and allies to join with us in protesting human rights violations by Soviet authorities against the Jewish community in that country.

Finally, I think it should be stressed that Soviet Jewry issues, especially emigration, are directly linked to détente. The harsher our overall strategic relations, the harder Soviet authorities seem to crack down on dissidents and crank up on anti-Semitism. Thus, the new position that the President has articulated this week at the United Nations has important ramifications for the subject at hand. It should be welcomed by all concerned Americans.

We invite Soviet authorities to join us in making a new beginning possible between our peoples.

Thank you.

□ 1920

Mr. GREEN. I thank the gentleman from Iowa.

Mr. Speaker, I am delighted to yield to my colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, my colleagues, I am both pleased and disappointed to be participating in today's special order on behalf of Soviet Jewry.

I am pleased, first of all, that I have the right to speak out against injustice. As an American, this right—this freedom to act on my beliefs and convictions—is something I usually take for granted in both my public and personal lives. It is only at times like this—when we pause to call attention to those who are denied this right—that I fully appreciate how blessed I am to live in a free country in which the rights of the individual are so highly valued.

Second, I am pleased to have this opportunity to join with my colleagues in the House of Representatives in a truly humanitarian effort. Because we have the right to voice our convictions, I believe we also have a responsibility to make our voices heard on behalf of those who do not have that right. If there is but one way we can help the Soviet Jews who are denied the freedoms we cherish, it is by marshalling the strength of public opinion behind their just cause.

We know that the leadership of the Soviet Union is sensitive to international public opinion and can be influenced by the actions of the American Congress. Soviet Foreign Minister Andrei Gromyko's visit to Washington this week to meet with President Reagan and Secretary of State Shultz provides us with a most appropriate chance to reiterate our strong opposition to Soviet policy with regard to the Soviet Jewish population. Perhaps the Student Coalition for Soviet Jewry put it best when they gave us this mandate: "Thou shalt not stand idly by."

So, I am pleased that I have both the right and the opportunity to speak out against Soviet anti-Semitism. This is an issue of great concern to me, to my constituents, and to all Americans and I hope our message will not fall on deaf ears.

My disappointment in today's special order comes, of course, from the fact that it is necessary at all. What a tragedy it is that the Soviet Union not only allows anti-Semitism to exist in Soviet society, but, indeed, officially sanctions this religious and cultural discrimination.

In 1979, emigration of Jews from the Soviet Union reached a peak of 4,000 per month. In 1983, only 1,314 Jews received permission to leave. This drastic decrease in Jewish emigration has been paralleled by equally ominous increases in the harassment and arrest of Jewish citizens who seek to emigrate or to practice their religion and heritage. The creation of the spurious Anti-Zionist Committee of the Soviet Public is a particularly distasteful development. Attempts by the committee and the Soviet press to legitimize ludicrous claims about the lack of hopeful Jewish emigrants waiting to leave the Soviet Union are a frightening indication of the depth of official Soviet anti-Semitism.

While general facts and figures such as this are alarming, the sorrowful plight of Soviet Jewry becomes most real when we look at the experiences

of individuals and families. One Soviet refusenik in which I have a particular interest is David Goldfarb of Moscow, whom I have adopted. Mr. Goldfarb first applied to emigrate to Israel in 1979. His son, Alexandr, had been allowed to emigrate in 1975, after a long and arduous battle with Soviet authorities, but David, his wife Cecilia and their daughter Olga and her family have been denied permission to be reunited with their son and brother.

Like so many other Soviet Jews, David Goldfarb's visa request was denied on the grounds that his departure from the Soviet Union was considered undesirable for state reasons. What is unique and alarming, however, is that this reasoning suggests that the Soviet Union considers the entire area of molecular genetics to be a matter of state security. At the time of his initial emigration request, Mr. Goldfarb was head of the Laboratory of Molecular Genetics of Bacteria and Bacteriophages of the U.S.S.R. Academy of Sciences, and was involved in gene cloning research. None of his work involved military matters and he did not have a security clearance, yet his knowledge is considered to be important to the security of the state. My letters to Mr. Goldfarb have thus far gone unanswered.

Harassment, repression, alienation, separation from family—these are the trappings of life for Jews in the Soviet Union. We are as removed from a life of repression as Soviet Jews are from a life of freedom. We cannot keep silent, then, when we have the ability to speak out and be heard on their behalf.

So, I say to Mr. Chernenko, to Mr. Gromyko and to all Soviet leaders, that the United States and her people do care about those you have chosen to persecute and will not keep silent in our opposition. We urge you to abide by the agreements your country has signed and to let a sense of humanity guide your emigration policies. We implore you to let Soviet Jews and all Soviet citizens live and worship as they so choose.

Mr. GREEN. I thank the gentleman from Florida for that very moving statement.

Mr. Speaker, I yield to my colleague on the Appropriations Committee, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to participate in today's special order to call attention to the plight of Soviet Jews.

I would like to commend my colleagues, the gentleman from New York [Mr. GREEN] and the gentleman from Iowa [Mr. LEACH] for holding this special order and the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Michigan [Mr. SIKJANDER] for their participation in it and for the ongoing efforts of all to assist persecuted Jews in the Soviet Union.

As my colleagues are aware, Soviet authorities have effectively clamped down on Jewish immigration. While monthly levels of immigration in the late 1970's reached a level of 4,000 individuals, last month only 83 Jews left the U.S.S.R. There has been a corresponding increase in harassment and persecution of members of the Jewish faith. Documented cases of official anti-Semitism are rising and the widespread campaign for so-called law and order has resulted in a disproportionate number of Jewish arrests.

Members of the congressional human rights caucus, which I am privileged to cochair with my distinguished colleague from California [Mr. LANTOS] and which each of the Members speaking today are members of, work each day for those anywhere in the world whose human rights are abused. Thousands of those whom we work to protect are Soviet Jews.

Recently I have become personally involved with special advocacy efforts to assist four Soviet Jews who have been denied the right to emigrate. Their cases are all too typical of what is unfortunately happening to Jews in the Soviet Union today. After applying for exit visas, each of these men were arrested as a result of their practicing Judaism, despite the fact that Soviet law guarantees religious and cultural rights.

Yakov Levin of Odessa has been subjected to KGB harassment several times in the past as a result of his application for an exit visa and for his participation in Jewish religious ceremonies. Last month he was arrested after a KGB search of his apartment revealed six questionable items. The worst of these items, in the eyes of the KGB, was a Jewish calendar. It appears that the KGB search, and his arrest, were in response to Levin's plans to be married in a traditional Jewish wedding ceremony. In the past Soviet authorities have been very successful in discouraging Jews in Odessa from participating in this type of religious ceremonies. Levin's wedding would have been Odessa's first ceremony of this kind in many years.

Last month also witnessed the arrests of two Hebrew teachers in Moscow. Despite guarantees of national and cultural rights of self-expression, it is virtually impossible to teach or study Hebrew. Authorities will go to great lengths to crush the underground network of Hebrew teachers. Last month Aleksandr Kholmiansky, a Hebrew teacher, was arrested in Estonia and charged with "hooliganism." On August 30, weeks after his arrest, his parents' Moscow apartment was searched and it has been alleged by reliable sources, that a gun, a German automatic, was planted and then "discovered" by the KGB agents searching the home.

Juli Edelshtein, also of Moscow, has been subject to KGB fabrications as well. In a recent search of his apartment, which was almost identical in nature to the Kholmiansky search, the Soviets allege that narcotics were discovered, and as a result, Edelshtein is currently under arrest.

The last of these cases, and perhaps the most pressing, concerns Yakov Gorodetsky of Leningrad, who is a leader of the repatriation movement. This movement, which is relatively young in the Soviet Union, has become extremely popular among refuseniks. Rather than requesting permission to emigrate because of family ties abroad, the participants in this movement claim that as Jews they are already Israeli citizens and must be accorded the right to be repatriated to their homeland. It appears that as a result of his association with this movement, Gorodetsky was arrested last month. He was sentenced to 60 days of state labor which requires that 20 percent of his salary must be contributed back to the state to help the national economy. In early September he was fired from this position. And most recently, he claims he was called to a district militia headquarters in Leningrad and told that if he did not cease his attempts to advocate on his belief, a gun might be found in his apartment.

Mr. Speaker, I want to point out that these four men are not being persecuted because they are criminals. In fact, these men are well-respected leaders in the Jewish community. They are simply victims of a strategy by Soviet authorities to deny them their fundamental freedoms. Unfortunately, the cases that I have described are only a small sampling of the persecution and harassment facing Jews in the Soviet Union who choose to exercise their right to emigrate by requesting an exit visa, or choose to exercise their right of religious freedom and observe the Jewish faith.

Later this week President Reagan and Soviet Foreign Minister Andrei Gromyko will meet and discuss issues of concern to both the United States and the Soviet Union. I have joined with many of my colleagues in urging the President to place the issue of the persecution of Soviet Jews high on his agenda of issues to be discussed with Mr. Gromyko. I am hopeful that this meeting will signal a new era of improved relations between our two countries. However, I believe that this can only happen if the Soviets begin to change their policy of disrespect for the rights of Soviet Jews.

Mr. Speaker, it is extremely important that we in the Congress continue to speak out on behalf of Soviet Jews. We must cry out for justice for Yakov

Levin, Aleksandr Kholmiansky, Juli Edelshtein, and Yakov Gorodetsky who have been unjustly arrested. On Wednesday night Jews around the world will begin to usher in a new year, Rosh Hashanah. We all hope that the new year will bring to them and to all oppressed people of this world peace and freedom. We of the congressional human rights caucus will continue to work each day toward that end.

□ 1930

Mr. GREEN. I thank my colleague from Illinois, and I yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for taking out his time to outline what many of us consider a very, very serious human rights dilemma. To highlight what has happened, I think it is important to take note that a resolution introduced condemning the Soviet Union for the disallowance of Soviet Jewish emigration has passed the House, has recently passed the Senate, and is now simply awaiting unanimous consent requests for minor corrections the Senate made to the House version.

This Congress has taken action, and I am very honored to be the sponsor of that resolution that has passed the House and now the Senate. I hope this week, before the week's end, that the chairman of the Foreign Affairs Committee, Mr. FASCELL, will bring those issues up, minor differences between the House and Senate versions, and allow President Reagan's opportunity for signature on that resolution.

This is a very important issue; it touches the hearts of many of us, both Jewish and Christian, Republican and Democrat. It has no theological or ideological barriers. The barriers really are just between humanity and inhumanity, and the issue is dealing fairly with people all over the world.

I thank the gentleman very much for his special order and for yielding to me.

Mr. GREEN. I thank the gentleman for his important role in this cause.

Mr. Speaker, I received a New Year's message yesterday which was cabled to the Greater New York Conference on Soviet Jewry from a group of 51 refuseniks from Moscow, Leningrad, Riga, and Odessa. I would like to share that message with the Members:

You have the good fortune to live in a free land. We do not. We are Jews who want to be repatriated to Israel from the USSR. We appeal to you—remember your brothers and sisters. For years, for decades, we have been trying to realize our indisputable right to live with our people in the Jewish land. A growing wave of official anti-Semitic propaganda, a ban on the repatriation of Jews, the enforced cutting off of contacts with the aim of complete isolation, demonstrative arrests, searches, repression of Jewish activists—these are the facts of daily life of those who want to be repatriated to Israel.

We appeal to all our brothers and sisters, to Sephardim and Ashkenazim, to young and old, to those learned in the Torah and to people who are not yet well-versed in it; the time has come for decisive actions in defense of the Jews of the USSR, and our future depends to a large extent on you. Let each person realize his responsibility before a misfortune occurs. Let each person understand how much depends upon him personally, upon his heart, upon his hands. Yes, the gates of our exodus are closed today. Yes, many of our brothers are languishing in prison today, but we are convinced that a time will come tomorrow when we will be in Israel. If it is the will of the Almighty, this moment will come for all of us. If you will remember us every day, and help us in our struggle every hour, then this moment will come for all of us. If each of you will increase your efforts in order to save our lives, then this moment will come. If we unite in solidarity, then the walls will come tumbling down.

It closes with "Happy New Year" and the traditional greeting "Next year in Jerusalem."

It is an invocation that will continue to haunt us all. We must indeed "realize our responsibility" before a misfortune occurs. We must continue to raise this issue in our letters to Soviet and American officials, in our speeches on the floor, and in our meetings with Soviet officials. I thank my colleagues who are joining with me today in one small but important step toward meeting this charge.

● Mr. PEPPER. Mr. Speaker, on the solemn and serious occasion of the upcoming meeting between our President and one of the highest officials of the highly armed superpower, the Soviet Union, I would like to take this opportunity to join in a special order on behalf of Soviet Jewry and the fundamental rationale of a policy of human rights, to which the Soviet Union has publicly committed herself at several times in various forums of international legality not least by formal treaty.

I would like to submit at this point and commend to the attention of our colleagues' remarks recently made by me in a similar context:

Mr. Speaker, I would like to use this short time today to call to your attention and that of our distinguished colleagues a subject that needs to be known and understood by every person in this nation who appreciates the blessings of liberty and opportunity which we Americans share to a wide extent.

This topic involves another country, a sometimes threatening and powerful adversary, herself suspicious of the motives of countries around her, and brutally mistrustful of its own citizens whom it treats with despotic carelessness and oppressive direction without sufficient respect as human beings.

Excessive power can lead to excesses of judgement, wasteful thinking and disrespect of the small, sincere aspirations of the average citizen. This compounds inefficiency and creates a demoralizing backlash of popular resentment—a danger to that nation and to the world which is affected by such a country's excesses and instability.

One of the worst excesses of the Soviet Union is the way in which it treats the aspirations of its Jewish minority who are first made to feel unappreciated and then mistreated when they apply to leave in peace to cut their losses and start afresh in a country wanting them as people, willing to give them nothing more than the opportunity to be free and use their energies for the benefit of the society in which they live.

This sort of poor judgement affects all of us because it shows the strains of a maladapted society in a particularly inhumane and noticeable way.

A particular case I have personally followed out of the thousands that are reported to us every year, involves an individual named Abba Taratuta and his family who live in Moscow.

His wife studied English and worked as a translator of scientific articles published in the West. Abba worked as a mathematician and expert in radio astronomy, when both resigned their positions and applied for an emigrant visa in May of 1973. After three months they were refused on grounds of possessing secret information valuable to the government. Since then they have been forced to subsist on low-paying jobs, without prospects and subject to frequent personal harassment.

Their son, Mischa, was drafted into the Soviet Army in November of 1981 and served two years, which may mean that he will know sensitive information preventing him from leaving with his family, when they are finally permitted to go.

Abba Taratuta's wife, Ida, was forbidden from visiting the public library when she was unemployed, their apartment has been searched, and they were coerced into leaving Moscow during the Olympics of 1980 to avoid any possible contact with Western newsmen or visitors from other countries.

In June of 1976, three years after he applied, Abba was informed that he could not receive a visa for at least ten years. Does this mean he will not be allowed to leave until June of 1986, or perhaps even later? He was not told when he would be permitted to leave. It may be never. Meanwhile, their lives grow less and less tolerable under this continuing pressure from the government of the Soviet Union.

He is not alone. The stories appear as petty and needless exercise of official power by a group of men who exercise power for its own sake and cannot tolerate any opposition to their authority, even in the form of peaceful emigration. They deserve our contacts and concern about their cruelty.●

● Mr. BOLAND. Mr. Speaker, I am pleased to participate with my colleagues in this special order on behalf of the plight of Soviet Jews.

Today we are recognizing the more than 400,000 Jews who seek their moral and legal right to leave the Soviet Union in search of religious freedom and the ability to study their culture and history. Day in and day out the Government of the Soviet Union denies the rights of Jews and others to practice their faith, and subjects them to physical and psychological harassment, beatings, imprisonment, confinement in mental institutions, and the separation of family members. In addition, severe restrictions are maintained on Jewish emigration. Such treatment flagrantly

violates international obligations set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. This behavior must not go unchallenged by those governments and societies which do honor their obligations to respect human rights under those documents.

The emigration figures give a detailed picture of the plight of Soviet Jews. In 1979, the Soviet Government permitted more than 50,000 Jews to emigrate, compared to only 1,300 in 1983. The 1983 figure represents less than half the 1982 figure and the lowest level since the late sixties. So far this year, 652 Soviet Jews have emigrated. The ability of Soviet Jews to leave the Soviet Union has all but ended, leaving thousands confined against their will and confronted by a society that is becoming increasingly anti-Semitic.

America has long been a symbol of freedom for the oppressed peoples of the world. It is important that we continue to utilize every possible means to focus attention and concern on the violations of human rights. I join with my collegues in calling upon officials of the Soviet Government to abide by international human rights agreements which recognize the basic rights of human beings, and to remove the impediments to the free exercise of those rights by those of the Jewish faith in their country.●

● Mr. YATES. Mr. Speaker, anti-Semitism in the Soviet Union is not a recent development but last year, beginning with the formation of an Anti-Zionist Committee, the Soviet Government embarked on a campaign of officially sanctionized anti-Semitism. The media, which operates as an organ of the Soviet state, is now openly anti-Semitic, arrests of religiously active Jews have been increased, and the right of Jews to emigrate now exists as little more than a legalistic formality in that country.

This truly disturbing situation is an affront to the consciences of free men and women everywhere. There are some 2½ million Jews in the Soviet Union and when an official campaign of anti-Semitism is combined with a severe and increasingly restrictive emigration policy, the plight of Soviet Jews becomes a progressively serious matter.

Today, as I join with many of my colleagues in condemning the Soviets for their behavior, I feel a sense of real urgency. Many of us have spoken out on this issue before and we will continue to pursue this cause. Our numbers are growing, both in this country and in legislative bodies in other countries.

In the 1930's, a holocaust occurred because governments and private citizens ignored what was happening in Germany. The world has changed in 50 years, and the leaders of the Soviet Union must understand that in 1984 the world community will not ignore or tolerate the systematic oppression of Soviet Jewry.

The issue is fundamental. The Soviet Union must stop what it is doing. There is nothing that it can gain by repressing its Jewish citizens.●

● Mr. FISH. Mr. Speaker, once again, Members of this body come to the floor to speak out for religious freedom, for the right of free emigration, for basic human rights.

Many times we have come to speak out for freedom, hoping that our voices will be heard, but with the knowledge that the situation for Jews in the Soviet Union only gets worse. In recent months, officially sanctioned anti-Semitism has become commonplace in the media. Arrests of Hebrew teachers have greatly increased and the declining emigration figures from January through August of this year—only 652—all bear out the increasing hardships meted out to the Jewish population of the Soviet Union.

And so we speak out, because silence is complicity. We speak out to let other peoples of the world know that suppression, terror, and institutionalized anti-Semitism will never be tolerated. We speak out to keep faith with our unfortunate brethern in the Soviet Union, to let them know that they are not and will not be forgotten.

Today marks an auspicious beginning; President Reagan and Secretary of State Shultz will be meeting this week with Soviet Foreign Minister Gromyko. I know that this issue will be raised by the Secretary. We are sending a clear message to Foreign Minister Gromyko that the issue of human rights for oppressed peoples in the Soviet Union is of paramount importance to us.

This week marks another beginning. The evening of September 26 is the beginning of Rosh Hashanah, the start of the Jewish new year. As Jews all over the world celebrate the coming of the new year, we hope that the leaders of the Soviet Union will also look upon this as a time for renewal, for contemplation and reflection, and an opportunity to begin again, to allow the 2½ million Soviet Jews to practice their religion as their conscience dictates. To allow them and other oppressed peoples to leave the Soviet Union and make lives for themselves elsewhere in free lands.

We hope that our voices here today have some effect on the official Soviet Union policy. We hope today's efforts are not futile, but we know with certainty that today's efforts are not our last. As long as the Soviet Union continues to oppress its people, we will continue to raise our voices and keep the world's spotlight on their persecution.●

● Mr. LEVINE of California. Mr. Speaker, as cochairman of the 98th congressional class for Soviet Jewry, I am pleased to join in this special order on behalf of Soviet Jewry.

Mr. Speaker, on Friday, President Reagan will meet here in Washington with Soviet Foreign Minister Andrei Gromyko. During that meeting they will talk about many important issues. We are gathered here this afternoon to tell President Reagan that one of those important subjects should be U.S. concern for the plight of Soviet Jewry.

The past 13 years have not been easy one for Soviet Jews, for the Soviet Government makes life difficult in many ways. The lifeline to virtually all facets of Jewish culture has been nearly severed as Soviet authorities conduct an ongoing campaign to prevent a meaningful rebirth of Jewish language and culture.

The teaching of Hewbrew, the only language which has always been commonly shared by all Jews, is not recognized by Soviet authorities as a legitimate profession, and cannot be taught or studied by Jews. To dramatize this fact, four Soviet Jewish Hebrew teachers were recently arrested.

There are no Jewish communal or social organizations, nor are there Jewish schools of any kind. The freedom to practice religion is strictly controlled, and teaching religion, including Judaism to people under 18 is illegal.

There are no seminaries to train rabbis, and while in 1926 there were 1,000 synagogues in the Soviet Union, today there are only around 50. It is not uncommon to find one of these synagogues closed or barricaded by the KGB to prevent entry.

The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance exams. Under the late Yuriy Andropov, the plight of Soviet Jews worsened considerably. New measures were introduced to make even more difficult the already arduous process of applying to emigrate. Emigration applicants continue to be subjected to oppressive measures such as dismissal from employment or, in some cases, even imprisonment.

Laws were changed to further punish those trying to emigrate, and there was a crackdown on Jewish culture. Of extreme concern is the massive propaganda effort against Jews which includes the creation, last April, of the Anti-Zionist Committee of the Soviet Public, and the publication of the virulently antisemitic book, "The Class Essence of Zionism."

The most significant sign of worsening treatment was the drastic decrease in emigration from a high of 51,320 in 1979 to a low of 1,314 in 1983. Only 652

Jews have been allowed to emigrate so far in 1984, and the total for this year is expected to be under 1,000. Yet the number of Soviet Jew applying for emigration visas has not diminished.

As if this litany were not enough, Soviet authorities have now taken steps to further isolate Soviet Jews from their heritage and culture and from the West.

New, stricter laws have been laid down affecting travelers, who can no longer ride in a car with a Soviet citizen, and who cannot sleep in their houses.

Soviet authorities have instituted a policy on nondelivery of mail to Soviet Jews, a situation important enough to have been brought up at the Universal Postal Conference in Germany this past summer. The significance of this policy is that Soviet Jews may no longer receive their all-important invitations to leave the Soviet Union, which is the first step in the emigration process.

These are significant, additional steps in the cultural genocide of Soviet Jews being carried out by Soviet authorities.

In short, Mr. Speaker, Soviet authorities are denying Soviet Jews their basic human rights—the right to maintain their own religion and culture, and the right to leave a country that is denying them their heritage. Soviet Jews are denied the rights guaranteed to other national minorities and religious groups by the Soviet Constitution.

Unable to live according to their historic traditions, hundreds of thousands of Soviet Jews in recent years have requested the right to leave the Soviet Union. The right of any individual to leave any country, including one's own, is an internationally recognized human right upheld by the Helsinki Final Act and other international agreements ratified—and disregarded—by the Soviet Union.

Secretary of State Shultz has said that he has emphasized human rights matters, including those of Soviet Jews, in his meetings with Soviet Foreign Minister Gromyko. We take this opportunity to call upon President Reagan to do so as well in his meeting with Mr. Gromyko on Friday. The Soviet Union's increasingly harsh policy against Soviet Jewry is of great concern to me. It is a cause of great sadness. I join my colleagues in urging President Reagan to bring to the attention of Mr. Gromyko both his concern and ours. We must never be silent in the face of the suffering of humanity. We urge President Reagan not to let this opportunity slip by.

I thank my distinguished colleagues for arranging this timely special order, and for giving me the opportunity to participate. Let us hope the President is listening.●

● Mr. MAVROULES. Mr. Speaker, I commend my colleagues, Mr. GREEN and Mr. DOWNEY of New York, for organizing this special order. Never can there be too many words spoken or too much action taken on behalf of human rights. Today, we have gathered to speak out for a human rights tragedy that involves over 2 million people, over 2 million Soviet citizens oppressed because of their Jewish faith.

Lately we have heard nothing but discouraging statistics—652 Soviet Jews allowed to emigrate from the Soviet Union in 8 months, and hundreds of thousands of applications submitted. And, we hear tales of mistreatment—more and more refuseniks losing their jobs, separated from their loved ones, and persecuted for no apparent wrong doing.

We must not and will not remain silent to this injustice.

To the courageous Jewish citizens of the Soviet Union, and to the cases I have been personally involved with, I say hear us now and do not lose hope.

And to the Soviet Union, I say let this be the last time that we gather in this Chamber with such a tragic number of refusenick cases on our minds. Remember the Helsinki Final Act that you agreed to not long ago.

Again, I commend my colleagues for giving us this opportunity. Let our concern be voiced, and the fight to liberate Soviet Jewry will be won.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in calling the world's attention to the plight of Jews living in the Soviet Union, and to denounce the Communists for their outrageous human rights violations.

In recent months, harassment of Jews who desire only to practice their religion has escalated, and the persecution of Jews who wish to emigrate to Israel has intensified. Arrests and officially sanctioned antisemitism have increased and emigration has fallen off significantly.

Because the President is meeting with Soviet Foreign Minister Andrei Gromyko this month, I was glad to join with my colleagues in the House of Representatives in contacting President Reagan to urge that human rights violations against Soviet Jews be protested, and that a reversal in the drop in emigration be a top priority in his discussions in order that a strong message may be sent to the Soviets that such conduct cannot continue if relations between our two countries are to improve. The text of the letter follows:

SEPTEMBER 19, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations betwen our countries.

Mr. Speaker, thousands of Soviet Jews must daily face the tyranny and oppression under Communist rule, and the persecution of Jews seeking to leave the country has been severe. Emigration from the Soviet Union has dropped off during the last 10 years from a high point of 51,320 in 1979 to 1,314 in 1983. At the present rate, emigration of Jews from the Soviet Union in 1984, is predicted to fall below 1,000, and at this point in the RECORD, I would like to share with my colleagues a listing of Soviet Jewry emigration from 1965 to 1983 which demonstrates that the Communists have truly shut the gates. The figures follow:

Jewish emigration from the U.S.S.R.

1965–June 1967	4,498
Oct. 1968–1970	4,235
1971	13,022
1972	31,681
1973	34,733
1974	20,628
1975	13,221
1976	14,261
1977	16,736
1978	28,864
1979	51,320
1980	21,471
1981	9,447
1982	2,688
1983	1,314

We in Congress must do everything in our power to pressure the Soviets to allow Jews to practice their religion and to emigrate from the Soviet Union without the fear of reprisal. We must protest the Communists reprehensible conduct in the strongest possible terms, and we must make it clear that their actions violate international obligations, which that country has agreed to abide by as a signator of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act.

Let us continue to urge that Soviet Jews who wish to practice their religion and emigrate to Israel be allowed to do so, and let us make our position known to the Soviet Union at every possible opportunity, with the goal that human rights violations against Jews cease.●

● Mr. LEVIN of Michigan. Mr. Speaker, two events occur this week: President Reagan and Soviet Foreign Minister Gromyko meet to discuss United States-Soviet relations and Jews around the world congregate to celebrate the beginning of the Jewish New Year. These two events provide further occasion to remember the continuing plight of Jews in the Soviet Union. I want to join by colleagues in speaking out on behalf of Soviet Jews and sending a message to Minister Gromyko that we in Congress continue to view the fate of Soviet Jews as a critical issue.

We are all too acutely aware of the sufferings of Soviet Jews who, year after year, have been denied permission to emigrate. We know that immigration has slowed to a mere trickle from its 1979 peak, with only 662 emigrants leaving the Soviet Union between January and August of this year. Mail to Soviet Jews from abroad continues to be intercepted. Further, there has been an increase in the officially sanctioned policy of anti-Semitism in the Soviet Union. The press prints articles which are openly anti-Semitic. Jews, including four teachers of Hebrew, have been arrested. Not only are Soviet Jews forbidden to emigrate, they must remain trapped in what is an increasingly hostile environment.

I would like to draw special attention to a family denied the right to emigrate, Abe Stolar, his wife Gita, and son Mikhail. In 1974 they received exit permits to emigrate to Israel. However, immediately before boarding the plane, the family was detained on the pretext that Mrs. Stolar's work in a chemical laboratory 7 years before had exposed her to government secrets. Since then, their repeated applications to leave have been refused.

Unfortunately, as we all know, this tragic situation is all too common. Thousands of Soviet Jews like the Stolars wait, enduring uncertainty, harassment, and loss of their jobs. We need to let them know that their patience and suffering is recognized, and we need to let the Government of the Soviet Union know that we renew our commitment to support Soviet Jews in their quest for religious and cultural freedom.●

● Mr. BROWN of Colorado. Mr. Speaker, tomorrow marks the beginning of the Jewish New Year, Rosh Hashanah.

I have written to President Reagan to ask that he address the problem of human rights and Soviet emigration policy during his historic meeting this week with Soviet Foreign Minister Andrei Gromyko.

Recent reports indicate an increased campaign by Soviet officials to stamp out Jewish culture, religion, and education in the Soviet Union. This summer, three Hebrew teachers, Aleksandr Khomiansky, Yakov Levin, and Yakov Gorodetsky were arrested on fabricated charges. Another prominent refusenik, Zakhar Zunshine, has disappeared after the Soviets rejected his appeal. We remain uncertain about the condition of Andrei Sakharov, while his wife, Elena Bonner, has been denied permission to emigrate for medical treatment.

These are just some of the examples of the stepped up program of intimidation and harrassment of Jews in the Soviet Union. Attempts to escape this desparate lifestyle are being frustrated by a further tightening of emigration procedures. In 1979, 51,320 applications by Jewish people for exist visas were approved by Soviet authorities. However, over the past 4 years, the Soviets have increasingly clamped down on Jewish emigration. This year to date, with an estimated 300,000 applications pending, only 652 Jewish people have been granted permission to leave Russia. If the rate of Jewish emigration continues at this level, it will be the lowest since emigration began 20 years ago.

I am hopeful that President Reagan's meeting with Mr. Gromyko may bring about a policy change for the Soviet Jewish people, and will continue to voice my objections about the injustices that they experience.●

● Mr. HUGHES. Mr. Speaker, we in the Congress are privileged among Americans, in that we are uniquely able to help others—those who live in our home districts, in cities and towns around the country, and in countries around the world benefit from just laws and the assistance which our Constitution allows the Congress to furnish.

However, there is one group of people—Jews in the Soviet Union—that seems to be almost out of our reach; indeed, these unfortunate people seem to be out of reach of almost everyone who would come to their assistance. The Soviet Government has placed a force field of silence and isolation around this group of citizens—relatives, friends, and people throughout the world who are concerned over the treatment and conditions of Jews in the Soviet Union are unable to provide even rudimentary assistance.

The scurrilous campaign of harassment being conducted by the Soviet regime against Soviet Jews brings only the deepest shame and condemnation upon the perpetrators. Over the past 5 years, the rate of Soviet Jewish emigration has declined precipitously, plummeting from a monthly average of approximately 4,000 in 1979 to less than 82 today, and harassment of Jews seeking to leave the Soviet Union has increased markedly in recent months. In addition, the fate of prisoners of conscience and the many hundreds of long-term refuseniks—those Soviet Jews who have been waiting to leave for more than 5 years—remains in question.

Along with a number of my colleagues, I wrote to the President recently, requesting that he discuss the issue of Soviet Jewry in his upcoming meeting with Soviet Foreign Minister Gromyko, and indicate our country's steadfast commitment to the fundamental human rights of the 2 million Jews in the Soviet Union.

By speaking out here today, and again at every opportunity, we try to bring a modicum of relief to Jews in the Soviet Union. Only by our unceasing efforts may we hope to someday bring true relief to these deserving people.●

● Mr. McKINNEY. Mr. Speaker, the treatment of Jews in the Soviet Union is appalling. With the end of the Jewish year upon us, I feel compelled once again to draw attention to those persons suffering in the Soviet Union as a result of their desire for religious freedom.

Soviet Jews have persistently been denied rights guaranteed other national minorities and religious groups by Soviet law. Jewish cultural efforts are being attacked with a new and frightening vengeance. Most synagogues and all Jewish schools have been closed. Teaching Hebrew is banned. Books and sacred artifacts are confiscated and destroyed. Jewish cemeteries are desecrated. The Soviet press tries to incite hatred through anti-Jewish propaganda. Jews increasingly experience discrimination in education, employment, and social life. In short, Soviet Jews are deliberately and systematically being stripped of their culture and of their very identity.

The horrifying conditions and terrible treatment of the Jewish people in the Soviet Union leaves them no alternative but to seek exit from their homeland in the hopes of finding a place to live according to their historic traditions. The right of an individual to leave any country, including one's own, is an internationally recognized human right upheld by the Helsinki Final Act—(1975)—but the doors of emigration have been virtually closed for the Jews. Hundreds of thousands of Jews in recent years have requested the right to leave the Soviet Union, but less than 1,000 will escape Soviet persecution this year, in contrast to the 51,320 permitted to leave at the height of emigration in 1979.

Those who have repeatedly been refused permission to emigrate to Israel, the refuseniks, suffer even more persecution. Authorities frequently interrogate refuseniks, interfere with their mail and telephone service, and threaten them with physical abuse, conscription into military service, or imprisonment. Prison conditions are harsh, and Jewish prisoners often are

persecuted by prison inmates and administrators. Refuseniks are charged with "crimes" such as parasitism—being out of work after having been fired: owning anti-Soviet materials—Hebrew prayer books; and hooliganism—demanding rights guaranteed by Soviet and international law. All they really want to do is escape persecution and get out of the country.

It is my hope that the Members of this body, as well as the public at large, will take heed of the gross violations of human rights and will continue to draw national attention to the refuseniks languishing in the Soviet Union. Let us bring in the Jewish New Year by giving promise to those less fortunate than we. The dire situation of Jews in the Soviet Union demands urgent action and protest while there is still time.●

● Mr. BIAGGI. Mr. Speaker, at this time I would like to join my colleagues in this special order on behalf of Soviet Jewry. I feel that this special order is of critical significance in light of the fact that Soviet Foreign Minister Gromyko will be in Washington this week to meet with the President and Secretary of State. This special order will send a clear message to the Soviet leadership that the plight of Soviet Jews is a foremost concern of the Congress and the American people.

Mr. Speaker, as we gather here today to express our deep concern over the situation in the Soviet Union regarding the treatment of Soviet Jews, we must emphasize the disturbing fact that this situation has grown worse in recent years. In 1983, Soviet Jewish emigration reached its lowest level in modern history. From January to August of this year the emigration figure stood at a dismal 652. This grim development serves to tragically underline the fact that some 2½ million Soviet Jews remain trapped in the Soviet Union. Although the plight of Soviet Jewry has never been good, recent developments indicate that the situation is rapidly deteriorating and the Soviet Government is routinely and callously violating basic human rights.

The year 1983 also marked the Soviet Government's formation of an anti-Zionist committee which has intensified what was already a vicious anti-Semitic campaign. Most recently the KGB has stepped up a campaign apparently targeted against Soviet Jews who teach Hebrew. Since July 25, 1984, four Hebrew teachers have been arrested by the KGB on trumped up charges. These four men have been harrassed, their homes unjustly searched, and have been illegally detained. This is but one example of a situation that unfortunately is growing worse. The number of refuseniks and prisoners of conscience continues to grow. Soviet Jews who openly petition the Government to emigrate become open targets for harassment, denial of job opportunities, unwarranted searches and detainment, and, in some cases, imprisonment.

The fact is that the Soviet Government is blatantly disregarding even the most basic human rights. Furthermore, they are in violation of the Helsinki Accords of 1975. Their treatment of Soviet Jews is but one example of the Soviet Government's many violations of basic human rights. It is a government that routinely oppresses it people and one that denies so many different peoples of their freedom and right to self determination.

The right to worship freely and practice one's religion without persecution of harassment is one that we here in the United States hold dear. It is a basic human right—one that should be accorded to every individual. Yet, the Soviet Government continues to harass, persecute, detain, arrest, and oppress the 2½ million Jews who remain trapped in the Soviet Union. The list of those Jews who have stood up and spoken out for their rights and for their people is a long one. It is sad to note that a majority of those brave people have either been arrested, lost their jobs, harassed, or detained by the Soviet authorities. The relative few who have managed to emigrate tell a tragic story about the plight of their comrades left behind. This tragic plight is exemplified by the struggle of those like Anatoly Shcharansky who continue to be oppressed and persecuted.

Despite the dangers and risks involved, many Soviet Jews continue to request permission to emigrate, for they would rather risk persecution and imprisonment than continue to live in a country that denies them the basic right to worship freely. As one who has continually expressed outrage and concern over the imprisonment of Soviet Jews who request permission to emigrate, I fully support the efforts of many groups throughout the world to get these Soviet Jews freed. Recognizing the dismal situation so many Soviet Jews are in I have supported all efforts to alleviate the suffering of these people.

In August of this year I introduced legislation, H.R. 6092, to cut the price of postage in half on parcels of food, clothing, and medicine sent from the United States to Poland and the Soviet Union. Mr. Speaker, the situation for the 2.5 million Jews living in the Soviet Union is distressing. Clearly, we should do everything possible to encourage people in the United States to send food, clothing, and medicine to the Soviet Union because those items of subsistence are desperately needed. As many of my colleagues are aware, many Soviet Jews who apply to emigrate are routinely dismissed from their jobs and must rely on others for basic consumer goods. These packages serve as a vital lifeline to many Soviet Jews.

Efforts such as this to help alleviate the suffering and misery of Soviet Jews must be combined with an ongoing and vigorous effort to speak out on behalf of all Soviet Jews. The Soviet Government has been openly violating the basic human rights of its Jewish population. To remain silent in the face of such gross and blatant violations would be an even greater crime against humanity.

It is my sincere hope that this demonstration of support for Soviet Jewry will send a clear message to the Soviet leadership that the American people will never remain silent in the face of such abhorrent human rights violations. By abiding by the pledges and promises it made in the Helsinki accords of 1975, the Soviet Union could open up a new era of understanding between East and West. At a time when intenational tensions are high, the release of the many Soviet Jews held in Soviet prisons and the relaxation of strict emigration policies for Soviet Jews would do much to pave the way for this new era. Such actions would also restore to many Soviet Jews the dignity, self-respect, and honor that has for so long been denied them.●

● Mr. OTTINGER. Mr. Speaker, this is a week of hope and prayer for millions of Jews all over the world. The new year presents a fresh start, a chance to do better, to work harder and accomplish more. In the Soviet Union, there is much room for improvement. Soviet Jews cannot celebrate Rosh Hashanah without fear of persecution and harassment. As they strive to maintian their faith and pass it on hopefully to a new generation, their way of life is threatened by an intolerant and intransigent government. For the past half decade of new years, Soviet Jews have fought a dramatic deterioration of their rights and freedoms. It is time this tide was reversed.

Soviet Foreign Minister Andrei Gromyko meets this same week with President Reagan, the first such meeting in almost 4 years. There is hope in this meeting, a hope that has not been possible during the silent standoff between the United States and the Soviet Union. For the first time, there is a chance for diplomatic dialog. President Reagan has long stated that alleviating the deplorable situation of Jews in the Soviet Union is a priority of his administration in their dealings with the Russians. Here is his chance to prove it.

What better gift could we give the millions of Soviet Jews at this new year than to seek an end to the curtailment of Soviet Jewish emigration? We have documentation of thousands

of individuals and families that have made at least the first step toward securing permission to emigrate. Mr. Gromyko must not be allowed merely to reassert that all those wishing to leave have gone. President Reagan should be armed with a list of some of these families when he meets with the foreign minister, and he should demand to know why at the end of this August, only 652 Soviet Jews had been allowed to leave. At that rate, fewer than 1,000 people will emigrate in 1984; one-fiftieth the number from just 5 years ago.

The leaders of the Soviet Union have accused the United States of intransigence on issues to which we have formally agreed to act, such as arms control. Now they have an opportunity to prove their own willingness to act upon signed commitments to basic human rights. The Helsinki Final Act guarantees individuals the right to emigrate in order to practice their religion freely. The Soviet Union has not upheld this right for Jews. Indeed, it has imprisoned those who spoke out for their freedom, condoned the distribution of anti-Semitic propaganda and disrupted Jewish education. If our countries are to pursue contructive dialog, there must be good faith on both sides: The Soviet Union could start tomorrow by releasing Soviet Jews imprisoned for their beliefs and granting emigration to the many thousands who have waited so long.

I join my colleagues today in calling on President Reagan to convey to Mr. Gromyko our outrage at the treatment of Soviet Jews and our desire for an end to this appalling state of affairs. Let this be a joyous new year for Jews in the Soviet Union. As the poet William Morris wrote in 1884, "Then more than one in a thousand in the days that are yet to come, shall have some hope of the morrow, some joy of the ancient home."●

● Ms. KAPTUR. Mr. Speaker, I am pleased to be participating in this particularly timely special order on behalf of Soviet Jewry. Tomorrow evening marks the beginning of the Jewish New Year, one of the holiest days in Judaism, which Soviet Jews are unable to freely celebrate. This week also marks the first time since President Reagan assumed office almost 4 years ago, that he will meet with Soviet Foreign Minister Gromyko. My colleagues and I who are speaking out today, believe that in this meeting, the President should convey our deep concern over the persecution of Soviet Jews.

This is a critical time for Soviet Jews. Last year, only 1,314 Jews were permitted to leave the country—the lowest annual figure since emigration began more than a decade ago. Statistics for the first several months of 1984 indicate that the Soviets have virtually halted Jewish emigration, and those unable to leave are subject to a continuing anti-Semitic campaign. I believe that this crisis has sparked a renewed sense of urgency in Americans to act on behalf of Jews in the Soviet Union.

The issues of emigration and human rights must remain high on the agenda in all relevant forums. The rapidly deteriorating situation of Soviet Jews may only end if leaders of the free world speak out on their behalf at every opportunity. I urge President Reagan to seize the opportunity this week in his meeting with Foreign Minister Gromyko, to impress upon this Soviet official, that the United States cannot and will not ignore the Soviet treatment of its Jewish minority.●

● Mr. DWYER of New Jersey. Mr. Speaker, I wish to commend my colleagues for calling my attention to this special order. It is of paramount importance that we once again call attention to the plight of Soviet Jewry.

Today, the situation for Soviet Jewry is a tragic one. This year, only 652 Jews have been permitted to leave, compared with 51,320 in 1979. Yet, despite this gloomy picture, the Jews of the Soviet Union remain strong and steadfast in their desire for freedom.

Let us remember the plight of those who are unable to experience the liberties we enjoy. I think it only befitting that I once again call attention to my Prisoner of Conscience. Grigory Rozenshtein, along with his wife and two sons, have been denied permission to emigrate since 1974, yet they remain firm in their commitment. Throughout the years, the family has been incarcerated because of their religious and cultural beliefs. The Soviet regime has deprived them of the most important possessions they have—their personal and political freedoms. It is indeed regrettable that the Rozenshteins must live under these oppressed conditions.

The Helsinki accord has served as a tremendous source of encouragement and inspiration to the refuseniks. Although the pleadings of these brave people have not been met, their appeals will not be silenced. To do so, however, they will need our continuing support.

We have before us the golden opportunity to bring human rights to the forefront. This week, Soviet Foreign Minister Gromyko will meet with President Reagan. As elected officials in the free world, we must insist that human rights be at the forefront of the discussion. Let us offer these people who suffer at the hands of the Soviet Government a sign of hope and continue to defend and advocate the cause of freedom.●

● Mr. WIRTH. Mr. Speaker, this week Soviet Foreign Minister Gromyko will be meeting with President Reagan and Secretary of State Shultz. It is imperative that within the context of this event we take this opportunity to urge our Government to make Soviet Jewry an issue in these discussions.

The situation within the Soviet Union for Soviet Jewry has continued to deteriorate. Emigration has been virtually eliminated and officially sanctioned anti-Semitism has been accelerated through the media. Intimidation and harassment of Jews has become the order of the day.

Despite this bleak situation we must persevere in our efforts and continue to speak out on behalf of the 2½ million Soviet Jews who remain. This is a rare opportunity, Mr. Speaker, for our leaders to discuss directly this very serious issue with the Soviet Foreign Minister. For the sake of world peace both countries must begin to break down the barriers that have been erected over the last few years. Addressing the plight of Soviet Jewry is a necessary step in that process and I urge my colleagues to appeal to the President and Foreign Minister Gromyko to make this an issue of their talks.●

● Mr. WEISS. Mr. Speaker, I commend my colleagues, Congressmen HENRY WAXMAN, THOMAS DOWNEY, JIM LEACH, and BILL GREEN, for organizing the special order on Soviet Jewry and am pleased to participate in today's event. It is important that the Congress send a clear and unambiguous message to Soviet Foreign Minister Andrei Gromyko that we remain committed to the cause of Soviet Jewry.

In light of the worsening situation of Soviet Jews, it is critical that Americans express their solidarity with the oppressed in the Soviet Union. Since 1979 Soviet Jewish emigration has dropped from 51,320 to only 650 in the first 8 months of this year. Contrary to the claims of the officially sanctioned Soviet Anti-Zionist Committee, this precipitous decline is not due to the fact that all Soviet Jews wishing to leave have already done so.

While Jewish emigration has declined, anti-Semitism in the Soviet Union is on the rise. It is manifested in print and in vicious cartoons; in television and radio broadcasts; and in the treatment of individuals in the Jewish community. Harrassment of Jews includes arrest and imprisonment, loss of jobs, and denial of medical treatment. The Kremlin also prohibits the existence of Jewish schools, denying the more than 2½ million Soviet Jews the right to a religious education.

Friday's meeting between Mr. Gromyko and President Reagan represents a hopeful sign for Soviet Jews, for as United States-Soviet relations have deteriorated in the past 4 years, so has the situation of Jews in the Soviet Union. International pressure has worked in the past to gain concessions from the Soviet Union in the

area of human rights. But much more is needed.

Recent history has shown us that the Soviets have been willing to improve human rights within their borders but only in a climate of improved relations between Moscow and Washington. Soviet Jewish emigration rapidly increased in the mid- and late-1970's, an era of détente between our two countries. However, as a result of the escalation of tensions following the Soviet invasion of Afghanistan in 1979, emigration has slowed to a mere trickle.

Accordingly, we must encourage the initiation of serious negotiations between the United States and Soviet Union in hopes that these talks could result in greater respect for the rights of Soviet Jews.●

● Mr. FRANK. Mr. Speaker, I am glad to join with my colleagues today in a special order on Soviet Jewry. The High Holidays of the Jewish calendar are approaching, and soon Soviet Foreign Minister Andrei Gromyko will meet with the President, as well as with former Vice President Mondale. It is important that we take the time now to remark upon the appaling situation which the Jews of the U.S.S.R., currently find themselves in. We are all by now familiar with the plight of Yelena Bonner, though it is impossible to know the details of her persecution. Her plight highlights the narrowminded repressiveness of the Soviet regime.

Over the past few years, this regime has taken steps to worsen the already miserable conditions of Jewish life in the Soviet Union. The massive emigration which was regarded as a hopeful sign in the seventies has slowed to a trickle. The authorities have embarked on a new anti-Semitic campaign, which brings to mind the horrifying "Doctor's trials" of the fifties.

We in the West are sickened at the inhumanity and cynicism which is revealed by the Soviet Union's policy regarding its Jewish community. The number of human rights abuses which are brought to our attention on a nearly daily basis staggers the imagination. Persecution of the Jews has become routine in the U.S.S.R.; as a result we must be on guard against letting ourselves become deadened to the plight of this beleaguered community. We must continue to let them know that their sorrow is our sorrow, their hope is our hope. We in Congress must stand as witnesses of their suffering. Today and everyday, Mr. Speaker, we join in solidarity with our spiritual brethren in the Soviet Union.●

● Mr. FROST. Mr. Speaker, today we pause in one of our ongoing series of special orders on behalf of Soviet Jewry, a special order designed to heighten public awareness of the plight of over 2 million Jewish citizens of Soviet Russia who cannot freely worship, express their religious convictions, or leave the country to settle in less hostile surroundings.

The Soviet Union's persecution of its Jewish minority is most dramatically demonstrated by its refusal to grant them exit visas. In 1979, over 51,000 Soviet Jews were permitted to emigrate. Five years later, in 1983, only 1,300 were granted exit visas and allowed to leave the Soviet Union.

A more insidious form of persecution is the government-initiated, government-encouraged policy of harassing Jews who have expressed a desire to leave the country, to study the roots of their heritage, or to practice their faith. These Jews are excoriated in the news media and often are denied the employment best suited to their skills. Some are sentenced to internal exile.

The Government of the Soviet Union is anti-Semitic, a reprehensible posture in a world which supposedly learned the lessons from the Holocaust. As Members of the U.S. Congress it is our responsibility to maintain whatever pressure is required to force the Soviets to adhere to the Helsinki accords of 1975 and to honor their obligations under the International Covenants on Human Rights. More important, it is the duty of this administration to place human rights at the top of any agenda where representatives of our Government and the Soviet Government are meeting to resolve our differences. Only by maintaining high-visibility pressure will we be successful in eradicating the senseless, inhumane treatment of the third largest surviving Jewish community in the world.●

● Mr. FAZIO. Mr. Speaker, I rise today in full support of the Jewish people in the Soviet Union. I applaud not only the courage and efforts of the 400,000 Jews trying to emmigrate, but of all the 2½ million Jews of the Soviet Union who endure daily hardships in the most hostile of environments.

Soviet Jews have come to know repression as a way of life. Emigration has dropped more than 95 percent in the past 4 years. And yet these people continue to speak out. With efforts like those of the Union of Councils for Soviet Jews, people outside of the Soviet Union are beginnig to speak out also. People are working for the freedom of emigrants from the U.S.S.R. and the release of Jewish Prisoners of Conscience. It is our duty to join these people and support their cause. We must do what we can as Members of Congress to send a clear message to the Soviets that this issue is of paramount importance to ourselves and the American people.

Finally, I hope that the upcoming meetings between Soviet Foreign Minister Gromyko and President Reagan are a sign of better communications between the two superpowers. For it is only through such open lines of communications that we can better inform the Soviet Union of our true concern for the Jews in their country. We have seen how almost 4 years of silence between the two nations has hindered the emigration of Soviet Jews. Better relations between the United States and the Soviet Union can only encourage a better and more deserving life for these oppressed people.●

● Mr. LENT. Mr. Speaker, today's special order on behalf of Soviet Jewry is very significant. Soviet Foreign Minister Gromyko is in Washington this week to meet with President Reagan. This meeting between leaders of the two superpowers demonstrates our willingness to sit down and talk realistically, constructively, about the differences between our two nations, and to work for a better understanding between the United States and the Soviet Union. I, for one, am hopeful that these talks will make real progress.

However, while we work toward that goal, we must not remain silent to the Soviets' inhumanity toward their fellow man. We must not ignore the blatant abuse of human rights and freedoms perpetrated by the Kremlin against innocent Soviet citizens. We cannot, in good conscience, turn our backs on those who suffer cruel persecution and oppression because they wish to practice their religion freely without fear in the land of their choice.

These intolerable situations exist now in the Soviet Union. While the Kremlin persists in such inhuman practices, we in the United States must protest them.

There are thousands of Soviet Jewish citizens who have been imprisoned for seeking their legal right to emigrate from Russia or for practicing their Jewish religion. Many have lost their jobs, their homes, have been separated from their families, or risked their lives because they refuse to submit to the Soviets' tactics of violence and persecution. Their names are legion: Ida Nudel, Levi Elbert, Yosef Begun, Alexander Kushnir, Yuri Tarnopolsky, and thousands more. Yet, these courageous men and women persevere and continue to defy the Kremlin's threats and harassment with a brave and valiant spirit that endures and grows stronger every day.

Organizations here in the United States, such as the Greater New York Conference for Soviet Jewry, work tirelessly to educate and activate millions of people to demonstrate their concern for the plight of Soviet Jews. Their efforts are outstanding and deserve the highest commendation. Their support and the support of Members of Congress participating here today sound a forceful protest against the Kremlin's anti-Semitic outrages.

American citizens have traveled—at great expense and often peril—to visit Jewish families in the Soviet Union. To let them know that they are not forgotten in their struggle. But the Kremlin will not let these Americans visit in peace. They have experienced some of the same harassment and persecution endured by the Soviet Jews. This is intolerable.

Recently, two Long Island women visiting Russia, leading members of Jewish organizations on Long Island, were arrested and interrogated for over 5 hours by the Soviet KGB for their visits with Soviet Jews. Such incidents prove the Kremlin will go to almost any lengths to discourage outside contact with Soviet Jews to keep the world from learning the truth about their tragic situation. As one of the women, Blanche Narby, my constituent, noted: "We are their lifeline. We are their only contact with the outside world, and if they are not afraid of the repercussions, we should not be."

I urge our President today to pursue talks with Mr. Gromyko and other Soviet leaders. And in those discussions demand that the Kremlin change its policies. Soviet Jews must not be forced to remain in Russia against their will; they should be free to practice and teach their culture and religion without fear of persecution. We must never relent in the battle to defend human rights and freedoms. The President must make clear to the Soviet leadership that persecution of Soviet Jews must end.●

● Mr. O'BRIEN. Mr. Speaker, as a participant in this year's Call to Conscience Vigil, I would like to bring to the attention of my colleagues the plight of a brave refusenik, Mr. Lev Blitshtein.

Like so many of his fellow refuseniks, Lev Blitshtein is no stranger to the harshness and cruelty of the Soviet regime and its calculated campaign of terror and discrimination against Soviet Jews. Lev Blitshtein and his family first made application for an emigration visa in June 1974. Their request was denied in January 1975 and Lev was subsequently dismissed from his job as foreman at the slaughter house and sausage plants for the Ministry of Meat and Dairy. Soviet authorities did not cite specific reasons for the refusal but alluded to interests of state and secrecy as prime considerations behind the decision. But the Visa Office later assured the family that it would receive a visa 1 year later. Distrustful of the Soviets' pledge and aware of similar unfulfilled promises to other refuseniks, Lev began to write letters to Soviet officials. But the only reply to his letters was a strong warning from the KGB to "stop writing or you will be repressed."

Lev later asked the Visa Office if his wife, Blumah, and his son, Boris, could apply separately from him, but this request was also denied. They told him since it was not humane to separate families, the Blitshteins should file for divorce. A divorce was granted and Blumah and her son Boris reapplied for an emigration visa which they received soon thereafter. They left the U.S.S.R. in October 1975. Lev's daughter, Galina, was also permitted to leave January 1976 and joined her mother and brother in New York.

Lev received another refusal in January 1976 and was advised to wait 1 more year before reapplying. Despite official Soviet promises to review cases every 6 months, Lev was never granted a visa. In October 1976, Lev and a friend went on a 3-day hunger strike while their respective sons supported them by staging a hunger strike outside the Aeroflot office (Russian Airlines) in New York. Lev's friend was granted permission to depart, but Lev had to remain behind. Since then, Lev's several attempts to secure a visa have been repeatedly denied. In the meantime, he looks after refusenik children and cares for the prisoners of conscience. Yet his dream of leaving the U.S.S.R. and being reunited with his wife and children in the United States still shines bright.

I would ask my colleagues to join me in praising the indomitable spirit of Lev Blitshtein and other refuseniks like him whose noble struggle for freedom, dignity, and basic human rights should serve as an inspiration to all people everywhere.●

● Ms. OAKAR. Mr. Speaker, I want to thank my colleagues, Messrs. GREEN and DOWNEY, for calling this special order today. I am pleased to participate because it is so important to bring to the attention of the Congress, the citizens of our Nation and, indeed, the world our deep concern over the plight of Soviet Jews.

As documented in statements by our colleagues, after a high point of 51,320 in 1979 in Jewish emigration from the Soviet Union, we have witnessed a dramatic and tragic 95-percent drop in exit visas in the last few years—and this trend appears to be continuing.

Not only are thousands who desire to emigrate denied the opportunity, but many are prevented from even applying for emigration. These "refuseniks" often face loss of their jobs, are exiled and even imprisoned simply because they wish to go to another country.

In addition, those Jews remaining in the Soviet Union face ever-increasing restrictions and denials of the personal freedom we, in this Nation, know and sometimes take for granted. Jews in the Soviet Union are not permitted to study their heritage, to worship without government interference, and they are not permitted to pass on their rich traditions from generation to generation.

There is a new and frightening wave of anti-Semitism in the Soviet Union. Four Hebrew teachers have been arrested in the past 6 weeks. Mail—the lifeline to the free world for Soviet Jews—is not being delivered. The harsh treatment of prisoners of conscience and the increased harassment of refuseniks further illustrate that the Soviet regime seeks to eliminate any vestige of Jewish culture within its borders.

I deplore these chilling vicious actions on the part of the Soviet Government. They are in clear violation of international agreements signed by the Soviet Union, most notably the Helsinki Accords. The Soviet Government must understand that we will not forget the cause of the Soviet Jews and will continue to press this matter of basic justice at every available opportunity. It is my sincere hope that when President Reagan meets with Soviet Foreign Minister Gromyko later this week, they will discuss this issue of paramount importance.

Mr. Speaker, I believe we must join together in calling upon the Soviet Government to abide by international human rights agreements which recognize freedom of religion, repatriation to one's homeland reunification of families, and the right to emigrate. Truly, these are basic human rights worth speaking out for again and again.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleagues, Mr. DOWNEY and Mr. GREEN, for taking out this special order on behalf of Soviet Jewry. I had hoped that the new leader of the Soviet Union, Mr. Konstantin Chernenko, would initiate a reasonable emigration policy for Sovet Jews. However, Mr. Speaker, so far he has not done so.

In 1983, only 1,314 Soviet Jews were allowed to emigrate to Israel or to other nations of their choice. By contrast, in 1979, 51,320 Soviet Jews were permitted to emigrate. Mr. Chernenko has a golden opportunity to use his transition period as the new Soviet leader to greatly upgrade the human rights record of the U.S.S.R. for the year 1984. I speak for all people who are committed to the human right to freedom of movement when I ask Mr. Chernenko not to let this opportunity pass.

Mr. Speaker, the questions are clear. What does the Soviet regime gain by detaining over 400,000 Soviet Jews who have been trying to leave the Soviet Union? How do the arrests, the human rights abuses, the closing off of mail to and from refuseniks, and the constant harassment of Soviet Jews advance any of the causes for which the Soviet Union stands?

As a member of the Congressional Human Rights Caucus, and as a human being devoted to the freedom of all people, I will keep speaking out against the repressive acts of the Soviet regime toward its Jewish population.

Mr. Speaker, I plan to continue to pressure Soviet leaders in this matter by supporting organizations such as the Union of Councils of Soviet Jews, Amnesty International, and the International Parliamentary Group. I will continue to join other Members of Congress in sending letter after letter to the Soviet leaders, asking for the release of prisoners of conscience and for the fair treatment of refuseniks, until the Soviets realize that nothing can be gained by their present practices against Soviet Jews.

I will also continue to send letters to the Soviet authorities on behalf of the refuseniks I adopted, Vladimir and Isolda Tufeld. I am committed to keeping the spotlight on the actions of the Soviet authorities as those actions affect the Tufelds' attempts to reunite with their son, Igor, in Israel. Many other Members of Congress are pursuing the same path of keeping track of Soviet actions with respect to a particular individual or family. If the Soviet leaders are going to persist in repressing Soviet Jews, we, in the United States, will at least deprive them of the luxury of doing it in secret.

Mr. Speaker, it is my hope that Soviet Foreign Minister Gromyko will take a serious view of the message that we are presenting here today, as he visits Washington, DC, this week.●

● Mr. ECKART. Mr. Speaker, I commend the gentlemen for bringing this issue to the attention of the President and Soviet Foreign Minister Gromyko.

I was very pleased that more than 80 of my House colleagues joined me in writing a letter to President Reagan, urging that he raise this issue with Mr. Gromyko.

I would like to insert that letter into the RECORD at this time:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1984.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations between our countries.

Sincerely,

Dennis E. Eckart, Peter H. Kostmayer, Gus Yatron, Edward F. Feighan, Tom Harkin, Doug Walgren, Dan Glickman, Claude Pepper, William J. Hughes, Hal Daub, Daniel L. Schaeffer, Richard L. Ottinger, Bobbi Fiedler, Norman F. Lent, Bruce A. Morrison, Thomas R. Carper, Edward J. Markey, William R. Ratchford, John E. Porter, Ken Kramer, Sander Levin.

Dante B. Fascell, Raymond J. McGrath, Clarence D. Long, Tom Lantos, Joseph M. McDade, Stephen Solarz, Thomas J. Downey, Jim Cooper, Ronald V. Dellums, James J. Howard, George Wortley, William Lehman, Tom Vandergriff, Benjamin Gilman, Frank Horton, Howard L. Berman, William J. Coyne, Hamilton Fish, Jr., Lawrence J. Smith, Walter E. Fauntroy, Robert T. Matsui.

Robert A. Roe, Bill Archer, Bill Frenzel, Nancy L. Johnson, Parren J. Mitchell, Louis Stokes, Robert J. Lagomarsino, Michael L. Synar, Bernard J. Dwyer, Robert A. Borski, Robert A. Young, Nicholas Mavroules, John F. Seiberling, Lane Evans, Ron Paul, Larry J. Hopkins, David R. Obey, Barney Frank, Patricia Schroeder, James Florio, James L. Oberstar, Andrew Jacobs, Jr., Gary Ackerman, Martin Frost, John Bryant, Edolphus Towns, Herbert H. Bateman, Stan Lundine, Les AuCoin, C. Robin Britt, Marcy Kaptur, Frank Annunzio, Silvio Conte, Mel Levine, Joseph P. Addabbo, Ted Weiss, Michael D. Barnes, Sherwood L. Boehlert, Major Owens, Jerry M. Patterson, Bill Richardson, Gerry Sikorski, Paul Simon, Henry Waxman, James Scheuer, and Charles Schumer.●

● Mr. RINALDO. Mr. Speaker, as Jews throughout the world celebrate Rosh Hashanah, the Jewish New Year this week, their brethren in the Soviet Union face increased harassment by Soviet authorities. Daily news reports bring with them information about State sanctioned anti-Semitism and the arbitrary detention of those who seek to practice their religion.

I want to bring to the attention of my colleagues the plight of Aleksandr Kholmiansky who was arrested in July and is currently being held in prison in Tallinn. Kholmiansky is a Hebrew schoolteacher who was charged by Soviet authorities with mailbox tampering. Seeking evidence to condemn him at a trial scheduled for September 25, 1984, KGB agents searched the apartment he shares with his parents and allegedly found a pistol and undeveloped film of two books, one with a Jewish subject.

I came to know of his condition through my good friend, Rabbi Charles A. Kroloff, the spiritual leader of Temple Emanu-El of Westfield, NJ. Kholmiansky served as a guide to Rabbi Kroloff during a visit he made to the Soviet Union. Kholmiansky's spirit and intellect are firmly imprinted upon his memory.

The President and the Secretary of State, George Shultz, will be meeting with Soviet Foreign Minister Gromyko this week. While recognizing the magnitude of the other issues which will be under discussion, I wrote to Secretary of State Shultz last week to ask that the issue of human rights violations in the Soviet Union be addressed. I urge all of my colleagues to join me in this effort. Unless their appalling record of human rights violations are focused upon by those of us who are fortunate to live in a free society, people like Aleksandr Kholmiansky are doomed to indefinite detention and persecution in their land of birth.●

● Mr. SOLARZ. Mr. Speaker, As I stand before my colleagues today, on the eve of Soviet Foreign Minister Andrei Gromyko's meetings with President Reagan and former Vice President Mondale, my thoughts turn to the plight of Soviet Jews and the need for both the President and Vice President Mondale to highlight the importance of this issue.

In recent months, the Soviet pattern of religious persecution of the captive Jewish community has intensified. A series of KGB searches and actions against Hebrew teachers, following Aleksandr Kholmiansky's arrest in July, indicate Soviet authorities have begun yet another campaign against Jewish culture and education.

This Soviet behavior is all the more troubling since the evening of September 26 marks the beginning of Rosh Hashanah, the Jewish New Year. The New Year should be a time of joyous celebration, learning, and optimism. For Soviet Jews, however, Rosh Hashanah will reflect none of these values. The New Year for Soviet Jews will only serve as a grim reminder of the persecution under which they are forced to live.

It is absolutely imperative, therefore, that Mr. Reagan and Mr. Mondale avail themselves of the opportunity to raise the subject of Soviet Jewry with Andrei Gromyko. It must be made clear to the Foreign Minister that the U.S.S.R.'s treatment of Soviet Jews is completely unacceptable and a matter of grave concern to the American Government. We in the United States must never be silent on this issue until the persecution stops and all of the 2.5 million Soviet Jews who wish to emigrate from the U.S.S.R. are allowed to do so.

The Soviets can not merely brush our criticisms aside by saying that the issue of Soviet Jewry is an internal affair of the Soviet Government. By

signing the Helsinki accords, the United Nations' charter, and other international agreements, the Soviets have implicitly acknowledged that human rights is a dominant value in the international community that must be respected.

The Soviet Government may continue its anti-Semitic propaganda, keep emigration from the U.S.S.R. at the lowest level ever—if the current trend continues, emigration for all of 1984 will be less than the weekly average for 1979—and step up its repression of refuseniks. But the Soviets will never still our voices. Ronald Reagan and Walter Mondale must not be silent.●

● Mr. SCHUMER. Mr. Speaker, when President Reagan meets with Soviet Foreign Minister Andrei Gromyko on Friday at the White House, the two men will certainly explore many issues, including ways to control the nuclear arms race and to ease United States-Soviet relations. These critical issues must be addressed by the leaders of both superpowers, but there is another critical issue that must not be ignored by President Reagan and Foreign Minister Gromyko and that is the plight of the many Soviet Jews who are seeking to emigrate from the Soviet Union.

In a letter to the Greater New York Conference on Soviet Jewry, President Reagan wrote: "I assure you of my commitment to do all that I can to ease the suffering of Soviet Jews and secure their human rights." If President Reagan is truly sincere about his commitment "to ease the suffering of Soviet Jews," he will raise this issue in his talks with Foreign Minister Gromyko.

It is especially important that President Reagan raise this issue with Foreign Minister Gromyko because of recent developments in the Soviet Union. For the more than 400,000 Jews trying to emigrate from the Soviet Union, the situation has never been more bleak. In the first 7 months of 1984 only 652 Jews were permitted to leave the Soviet Union; this compares with 1979 when over 50,000 Soviet Jews were allowed to emigrate. Not only has emigration been effectively halted, but the Soviet Government has also stepped up its officially sanctioned campaign of anti-Semitism in the press. Moreover, within the last month four refusenik Hebrew teachers have been arrested. This suggests that the Soviet authorities have undertaken a new campaign to eradicate Hebrew study in the Soviet Union.

As conditions for Jews within the Soviet Union continue to deteriorate, it is more important than ever that President Reagan express to Foreign Minister Gromyko the outrage of both the American people and the American Government over the worsening plight of Soviet Jews.●

● Mr. ADDABBO. Mr. Speaker, the Jewish New Year, Rosh Hashanah is upon us, and not all of the Jewish people in the world feel a sense of hope and renewed spirit. For Jews living behind the Iron Curtain, the situation is one of desperation.

As this administration has drifted further away from dialog with the Soviet Union for 4 years running, the Soviet Union has exiled a greater number of Jews that wish to emigrate. This week, as President Reagan meets with Foreign Minister Gromyko, he must remember that arms control dissension has taken its toll in many ways. Fewer Jews that ever before have been allowed to emigrate from the Soviet Union.

Mr. Mondale understands the importance of a United States-Soviet relationship. During the last year of his administration more than 50,000 Jews were allowed to emigrate. This is because Mr. Mondale was actively seeking peace with the Soviets.

The President must emphasize the importance to the Soviet Ambassador of relaxing their policy toward Soviet Jews. During the first 7 months of this year, only 652 Jews have been allowed to emigrate and increased harassment and exile of Jews has become commonplace. The plight of Dr. Andrei Sakharov and his wife, Elena Bonner, are two of the most publicized of the Soviet violations. We know there are thousands of men and women undergoing torture that never will be read about.

This administration has not spoken up for Soviet Jews during the last 4 years. Given the opportunity now, it is time. Andrei Gromyko must leave America with the understanding that the American people value religious freedom. It is our goal to see that Soviet Jews can celebrate the new year with a renewed sense of hope and the freedom to emigrate at their own will.●

● Mr. ROE. Mr. Speaker, tomorrow evening our Jewish friends and neighbors will usher in the Jewish New Year of 5745. They will gather in their synagogues and houses of worship to listen to the sounds of the shofar, the ram's horn, to renew their commitments to an ethical and just life, to ask God to forgive them for their iniquities, to recognize the role of the Almight in Jewish history, and to show their deep concerns for the survival and quality of Jewish life and the Jewish people wherever they live, in the United States, in Israel, in Latin America, in Europe, in Asia, and especially in the Soviet Union.

For these reasons, it is particularly fitting that I rise to participate in this special order on behalf of Soviet Jewry. Many, if not most of the Jews of Russia will not be able to hear the shofar nor will they be able to worship God as their brothers and sisters in the free world are able to do. The reasons are clear: the Soviet authorities are depriving the Jews of the Soviet Union of their constitutionally guaranteed right to worship in their synagogues and to listen to the shofar. The Soviet Government continues to harass and persecute the Jews of the Soviet Union, subjecting them to a cultural genocide. The government refuses to grant them exit visas, publishes vitriolic anti-Semitic literature in its press, confiscates Hebrew and Yiddish literature, arrests Jewish teachers, and, for those who have tried to emigrate, makes them lose their jobs and face the prospect of perpetual unemployment. In short, the Soviet Government is trying its hardest to permanently silence the Jews of Russia, a community of 2½ million people.

In the face of this alarming and terrible situation, I and my colleagues cannot afford to remain silent. We must raise our voices in protest and reaffirm our strong commitment to bringing closer to reality the dreams and aspirations of those Soviet Jews who want to emigrate, who want to live in Israel, who want to be able to hear a shofar and learn Hebrew. By this special order, we are voicing our abhorrence of the government-inspired anti-Semitism and our rejection of their efforts to deprive the Jews of the Soviet Union of one of those basic human rights dear to us all: freedom of religion.

Mr. Speaker, the Soviet authorities can stifle the voices of dissent in the Jewish community in Russia. They can fire them from their jobs, incarcerate them in jails, slave labor camps, and mental institutions, confiscate their Hebrew and Yiddish books, and block them from emigrating to Israel and elsewhere. Yet the Jews there have not given up, and they continue to try to observe their religion and preserve the traditions of Judaism. I salute them on these brave and valiant efforts, and fervently hope that on the New Year they will hear the shofar and will be able to greet their friends with the traditional Jewish New Year's greeting "May you be inscribed in the Book of Life with a Happy and Healthy New Year."●

● Mr. GILMAN. Mr. Speaker, I would like to commend my colleagues, the gentleman from New York, Messrs. GREEN and DOWNEY, as well as Congressman LEACH of Iowa and Mr. WAXMAN of California, for making this time available to us to update our colleagues on the serious conditions facing Soviet Jews on the eve of Foreign Minister Andrei Gromyko's arrival in the United States.

This impending visit is an extremely important one, as it is the first since Mr. Chernenko took office. It is important for us, as Members of Congress,

to take every opportunity which presents itself in order to advance the cause of the thousands of men and women whose only desire is to practice their religion freely with their family and friends. The emigration figures are so low as to be statistically nonexistent. From a high of over 51,000 in 1979, almost 1,000 a week, emigration plummeted to 652 between January and August of this year. Based on those figures we can estimate that this year's total figures will equal 1 week's emigration in 1979. So far, to date, only 1 month has produced over 100 emigrees from the Soviet Union, and that was in May. In July and in August only a mere 85 were allowed to leave.

Moreover, there has been an increase in the harassment and arrest of Hebrew teachers throughout the Soviet Union; in one 6-week period, four were arrested. The Jews of the Soviet Union are clearly undergoing a "state of siege," and it has become even more important for us to voice our concerns at this time. The Jewish New Year and the Day of Atonement are approaching. These 2 holiest days of the Jewish year will be sorry ones indeed for all those behind the Iron Curtain and its iron bars. The Soviet Union continues to thwart even the most innocent attempts at human contact, as we have learned through my investigation in the House Post Office Committee. Much of the mail to these men and women has never been delivered, or has been returned under false pretenses.

Having brought this problem to the attention of the member nations of the Universal Postal Union at their congress last summer in Hamburg, Germany, we were able to have resolutions adopted which will hopefully put an end to these practices. While it is still too soon to tell, my colleagues can be certain that we will continue to monitor this deplorable situation as well.

Overall, this has not been a good year for Soviet Jewry. Therefore, on the eve of Foreign Minister Gromyko's arrival, I join with my colleagues in the House in urging President Reagan and our Secretary of State George Shultz, to give the highest priority to this extremely important human rights issue. It concerns the very lives of hundreds of thousands of men, women, and children.●

● Mr. RATCHFORD. Mr. Speaker, I rise today to speak as part of the 1984 congressional call to conscience on behalf of Soviet Rufusenik Viktor Fulmahkt and his family. Mr. Fulmahkt and his family have applied for but been denied permission to emigrate to Israel by the Soviet authorities. This refusal is one more example of Soviet human rights violations and the failure to adhere to specific treaty obligations.

We are all aware of the difficulties facing Jews seeking to emigrate from the Soviet Union. Since 1968, 263,851 Jews have emigrated from the U.S.S.R. but some 300,000 others who have indicated an interest in doing so have not been permitted to leave. The Soviet Government's denial of visas to these 300,000 is clearly in violation of its international treaty obligations, in particular the provisions of three treaties:

First, the Universal Declaration on Human Rights (1947);

Second, the International Convention on Civil and Political Rights (1966);

Third, Basket III of the CSCE Final Act (1975).

Viktor Fulmahkt and his family are among those who have been denied the fundamental right of emigration in contravention of these treaties. Their story is not an unusual one. Mr. Fulmahkt is active in Moscow's Hebrew teaching community. His participation in the Jewish culture movement has resulted in action against him by Soviet authorities. He has been threatened with internal exile if he continues to persist in giving instruction to young Jews. Mr. Fulmahkt and his family have been subject to repeated raids on their home during which they are faced with threats of arrest, exile, and false accusations are made.

In January 1982, Mr. Fulmahkt along with a group of human rights activists sent a letter to Soviet President Leonid Brezhnev and United Nations Secretary General Javier Perez de Cuellar concerning Soviet failures to adhere to national and international laws on emigration policy. The letter made clear the special harshness with which the Soviets treat Jews who wish to emigrate.

Mr. Fulmahkt has a wife, Maya, and two daughters, Maria and Rena. Their visas are being denied on the grounds that Mrs. Fulmahkt's work was classified in 1968. They continue to seek visas and Mr. Fulmakht continues to pursue his work.

Mr. Speaker, in my view, Mr. Fulmahkt and his family stand as remarkable examples of courage and determination in the face of unremittingly hostile pressure. It is my deepest hope that one day soon they, and all those wishing to leave the Soviet Union, will be permitted to do so without hindrance.●

● Mr. RANGEL. Mr. Speaker, I rise to join my colleagues in this special order on the plight of Soviet Jewry.

Recent action against Jewish refuseniks in the Soviet Union, such as: The arrest of four Hebrew teachers within the last 6 weeks; increased anti-Semitic remarks by the Soviet news media; and the dramatic decline in the granting of emigration visas demonstrates that the Soviet Union has undertaken a major new campaign to eradicate Hebrew studies.

This situation is of great concern to the citizens of the world. For when one individual is denied the right to freely emigrate to the land of his or her choosing, we all are imprisoned. For no one can be sure of their freedom as long as one individual is denied the right to live where they choose.

The Soviets agreed to the right of free emigration when they became signatories to the Helsinki accords. Indeed in return for conformation of existing Eastern European borders, the Soviet Government agreed to a whole series of human rights when the Helsinki accords were signed. But to date, the Soviets have failed to live up to both the spirit and letter of the accords. In fact, there is considerable evidence that Soviet repression of refuseniks is significantly worse today than 10 years ago.

We are now entering a critical stage in our relationship with the Soviet Union. For the last 4 years, we have seen little if any progress on arms negotiation and in fact have amplified our areas of disagreement. Certainly, President Reagan is largely responsible for the worsening of ties between our nations.

However, the President now states that he is willing to negotiate closer relations with the Soviets. Few Americans will feel confident with negotiations if they are unsure of the Soviets willingness to abide by previous agreements entered into by the Soviets.

One way the United States and other nations would feel more confident in dealing with the Soviet Union is if the Soviets lived up to their human rights obligations as articulated in the Helsinki accords.

Thus, I encourage the Soviet Union to take a major step in renewing Western confidence in meaningful negotiations. They can do this by releasing the four Hebrew teachers and allowing them to freely emigrate to Israel along with other refuseniks who choose to leave. Such a gesture would be especially appropriate since this week marks the beginning of the Jewish New Year.●

● Mr. ACKERMAN. Mr. Speaker, today, supporters of Soviet Jewry rise to mark an extremely significant occasion. On Friday, September 28, President Reagan will conduct his first meeting with a top-ranking Soviet official since he took office in 1981. Sadly, over the past several years we have seen a steady erosion in the number of Jews allowed to emigrate from the Soviet Union. As the breach between the United States and the U.S.S.R. has widened, the decline in the number of immigrants continued in a devastating, downward spiral. In all candor, the situation today is quite dismal.

President Reagan's meeting with Foreign Minister Andrei Gromyko provides a unique opportunity to raise some very important issues that have received woefully inadequate attention over the past several years. I think we must acknowledge that the deterioration in United States-Soviet relations has had a chilling effect on the rate of emigration. It will take a significant improvement in the dialog between our countries before we will see some real progress in the sphere of arms control and human rights, two issues in which I have a particular concern.

An examination of the emigration statistics provides a stark and disturbing picture. At the height of détente between the United States and the Soviet Union, more Soviet Jews were permitted to leave than at any other time in history. In 1979, 51,320 people received permission to emigrate from the Soviet Union. This number has tragically fallen off in each subsequent year. So far this year, only 650 people have left, and the repression of the Jewish community has intensified.

Although many voices have been raised regarding the dismal human rights conditions in the Soviet Union, these calls have been met with silence by the Soviet authorities, who have been unwilling to permit the Jews to fulfill their basic right to emigrate. Instead, we have seen this government lash out with its brutal power to silence and intimidate the Jewish community. As we all know, an individual who makes the decision to leave becomes the subject of intensified harassment and discrimination. Jobs are taken away; false accusations are often made; and KGB interference in refuseniks' lives becomes routine. It is not a situation that Americans can readily understand, given the wide range of freedoms we enjoy in the United States.

For years, Soviet Jewry activists all over the world have remained faithful to their cause. Despite the adverse political circumstances, they have continued to speak out, and to focus attention on the fact that the Soviet Jews are trapped by an ugly and uncaring regime that refuses to respect the international agreements it has signed. Most important is the fact that the continuous outcry against this cruel emigration policy forces the Soviets to recognize that this issue will not fade from the scene.

On Friday, when Jews the world over celebrate the start of a new year, there is an important and significant opportunity to press the issue on Soviet Jewry. When Foreign Minister Gromyko meets with President Reagan, the Soviets must be told in the clearest terms that an improvement in United States-Soviet relations will depend on a more humane attitude toward those individuals seeking to fulfill their right to emigrate. By speaking out on the floor today, we send a clear signal that there is a united and bipartisan determination to see that the issue of Soviet Jewish emigration must be an integral part of any negotiations that take place between our countries. We cannot allow this meeting to occur without making certain that Soviet Jewry is prominent on the agenda; the refuseniks in the Soviet Union are counting on us to raise our voices, and to make the Soviets answer for their cruel and unacceptable emigration policies.●

● Mrs. BOXER. Mr. Speaker, as the President prepares to meet with Soviet Foreign Minister Andrei Gromyko this week, it is appropriate that we gather for this special order on behalf of Soviet Jewry. For as United States-Soviet relations have deteriorated in recent years, the conditions of Soviet Jews have deteriorated as well. Now that we have the opportunity to reestablish meaningful dialogue with the Soviet Government, it is important that Soviet Jews are not forgotten.

In July, Representatives FOGLIETTA, KLECZKA, LEVIN, and I met with Soviet representatives at the Soviet consulate in San Francisco. At that time we informed the Soviet officials that from our point of view, Soviet human rights violations against Jews and others are among the greatest obstacles to better relations between our two countries.

Today, Jews are being stripped of their cultural identity and are refused the right to practice their religion. I refer specifically to:

Suppression of Hebrew language instruction and Jewish study groups. Dr. Joseph Begun received a 12-year sentence for teaching Hebrew. Just this summer, three Soviet Jews—Yakov Levin of Odessa, and Alexander Kholmiansky and Yuli Edelshtein of Moscow, were arrested for teaching Hebrew.

Prohibition of Jewish cultural celebrations and religious observance. Jewish holiday celebrations and prayer sessions have been routinely disrupted by Soviet officials, with participants facing KGB interrogations and other forms of official harassment.

Increase in anti-Semitism in the official Soviet media, thinly veiled as anti-Zionism.

The obscene historical revisionism of the Holocaust, in which the Jews become not the victims, but the perpetrators of Nazi aggression.

The isolation of Soviet Jews through Soviet violations of international postal and telecommunications agreements; and, finally, the cessation of Jewish emigration, leaving tens of thousands of tragically separated families.

Soviet-Jewish emigration has been paralyzed in the past few years. Just a handful of emigrants, 1,315, received permission to leave in 1983. This year, barely a thousand will leave the U.S.S.R. Compare that to the high in 1979 when 51,320 Jews were released. Meanwhile, we know that approximately 350,000 Soviet Jews have begun the difficult process of emigration. Clearly, this situation must change.

Jews are denied exit visas for absurd and arbitrary reasons. Families are separated all too often as one member is allowed to emigrate, leaving the others behind. When emigrants have invited family members to join them in the West, Soviet officials have rejected the application for various empty reasons, such as no reason for reunification or insufficient kinship.

When my colleagues and I discussed these problems with Soviet officials, we were told that we were interfering in the internal affairs of the Soviet Union. These abuses of human rights, however, are violations of international agreements signed by our two countries. It is within no government's domain to deny basic human rights, such as freedom of movement, or of religion. These are, and will remain, the concerns of all who cherish freedom.

The situation of separated families is of particular concern, as many of our constituents are in this tragic position. Among the thousands of separated families are two who are close to home for me—Liya Orzhekhovsky, of Kiev, whose daughter lives in San Francisco, and Sofia Garina, whose husband lives in the San Francisco Bay area. I call upon President Reagan to urge Foreign Minister Gromyko to effect a dramatic increase in Soviet-Jewish emigration, and the immediate release of separated families, including Orzhekhovsky and Garina.

I have asked President Reagan to mention the name of Anatoly Shcharansky during his meeting with Foreign Minister Gromyko. Shcharansky has spent the last 8 years of his life in Soviet prisons and labor camps. Charged with espionage, Shcharansky's only crimes were his desire to join his wife in Israel, and his courageous and outspoken defense of human rights. For that reason, I have for the past 2 years nominated Anatoly Shcharansky for the Nobel Peace Prize. I call on President Reagan to insist that the Soviet Government release Shcharansky and other prisoners of conscience, and allow them to join their families outside the U.S.S.R.

Another tragic case is the well-known plight of Nobel Prize winner Andrei Sakharov and Elena Bonner. Sakharov was the first prominent Soviet citizen to call for bilateral nuclear disarmament, 30 years ago. Today, while many now follow in Sakharov's example in advocating arms control, he has disappeared from the public eye, and Bonner has been charged with slander of the Soviet

state, and exiled to 5 years in Gorky. Both are in failing health.

We must continue to shine the light of freedom on these serious human rights violations and work continually until all people are free.●

● Mr. SCHEUER, Mr. Speaker, I am pleased to have this opportunity to join so many of my colleagues as a participant in this special order on behalf of Soviet Jewry. While I am heartened by the active support demonstrated by this body today and on many previous occasions, I am also deeply saddened by the continued necessity for these special orders. The terrible plight of Jews in the Soviet Union is one of the most shameful wholesale violations of human rights in the world today.

It is truly a tragic irony that a nation with the third largest number of Jews in the world bans the publication of all Hebrew books and Bibles. Because it is not recognized by the Soviet Government as a legitimate language, Jews are not permitted to study or teach Hebrew, nor are they allowed to teach their young people anything related to their history or culture. Unlike some other religious groups in the U.S.S.R., Jews are not allowed to maintain central coordinating bodies. Jews have become the targets of increasingly harsh and virulent anti-Semitic attacks in the Soviet-controlled media, despite the Soviet Union's pledge—as a signatory of the 1975 Helsinki agreement—"to recognize and respect the freedom of an individual to profess and practice, alone or in a community, religion or belief in accordance with the dictates of their conscience."

There has also been a surge in the number of Prisoners of Conscience convicted either for actions related to their religious activities or the usual trumped-up charges of treason or espionage that are often used as excuses to isolate, banish and imprison Soviet Jews. The trials of these criminals are a cruel farce. Proper counsel is rarely, if ever, provided and verdicts are often delivered within a matter of minutes. Sentences of up to 13 years of hard labor and exile are handed down without the benefit of anything even remotely resembling a fair trial—in open defiance of the intent of the Helsinki accords "to respect the right of national minorities before the law" and to "afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms."

Perhaps even more troubling than these outrageous abuses of basic human rights is the inability of Soviet Jews to escape their living nightmare through emigration. Despite the fact than some 260,000 Jews were permitted to leave the Soviet Union over the past 10 years, emigration has been virtually halted. From an alltime high of 51,320 in 1979, the number of Jews permitted to leave the U.S.S.R. fell to just 1,315 in 1983—a decrease of 97 percent. This year, the figures are even more dismal: only 83 Jews emigrated in August, bringing the total number of Jewish citizens who have left the Soviet Union to only 652. At this rate, Soviet Jewish emigration will not even reach last year's appallingly low total.

The scheduling of today's special order is especially fortuitous in light of President Reagan'a meeting with Soviet Foreign Minister Andrei Gromyko in New York later this week; with this meeting in mind, a number of my colleagues and I wrote to President Reagan on September 11 urging him to discuss with Mr. Gromyko his Government's treatment of Jews in the Soviet Union. With your permission, Mr. Speaker, I would like to have the text of that letter inserted into the Record:

The PRESIDENT,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you to place the Soviet Jewry issue prominently on the agenda of your planned September 28 meeting with Soviet Foreign Minister Andrei Gromyko.

As you said in your statement to the Union of Councils for Soviet Jews last week, these days are tragic times for Jews in the Soviet Union. Emigration decline, human rights abuses and the systematic harassment of long-time refuseniks are problems that have grown to crisis proportions in the past few years. These issues must be part of the agenda of all relevant forums between our two nations.

Many of us who have adopted Soviet refuseniks and their families see the human face of the cultural genocide taking place in the Soviet Union today. We believe it is imperative that we reaffirm our deep commitment to the basic principles of human rights and religious freedom at this difficult time for Soviet Jews. The September 28 meeting would present a special opportunity for the United States to convey to Soviet leaders the importance of this issue to better relations between our countries.

Sincerely,

Mr. Speaker, as Members of Congress, we have a duty to take every opportunity available to us to bring to the attention of the Soviet leadership our deep concern for Soviet Jewry. This is an issue which transcends completely any political divisions here in the United States, and I am very hopeful that President Reagan will join us this week in pressing the Soviet Government to halt their repression and persecution of Jews in the U.S.S.R.●

● Mr. DUNCAN. Mr. Speaker, the oppression of the Soviet system on its Jewish citizens has been pointed out numerous times on the House floor. It is a subject which we must constantly keep before us, and before the world so that the struggle of these individuals is not forgotten.

This is the purpose of the Congressional Call to Conscience Vigil for Soviet Jews. I believe it is a keen responsibility which we cannot shirk until the persecution and harassment ends. The first step in a just consideration of the needs of Soviet Jews is permission for these people to freely practice their religion, including Hebrew language instruction, the reopening of synagogues, and an end to the confiscation of prayer books.

Rather than taking positive action to grant the basic freedoms to its Jewish citizens, the Soviet Union has escalated its harassment through the establishment of the Soviet anti-Zionist Committee, and an increase in the denial of emigration visas. It is possible that less than 1,000 Jews will be permitted to emigrate this year. Only 1,315 Soviet Jews were granted permission to emigrate last year, 50 percent less than in the previous year, and 97 percent fewer than in 1979 when 51,000 were permitted to emigrate.

A growing excuse for denying permission to emigrate is "secrecy" or "consideration of state." Using this screen of secrecy the U.S.S.R. is able to deny emigration to anyone who has served in the military for the past 10 years, and a very large number of those employed in industrial enterprises and scientific institutions.

It is for this reason that Abe Stolar, a World War II veteran who saw his family disappear into the concentration camps of Stalin's purges, has been denied permission to emigrate to Israel. In 1974, he applied to emigrate with his wife and son to Israel and in May 1975 he received permission and was granted visas to leave. They were stopped, however, as they prepared to board the plane June 19, 1975, and told that his wife, Gitta, was being denied permission to emigrate. The denial was based on the allegation that Gitta Stoler was engaged in "secret" work before she retired as a chemical engineer in 1973.

Their son, Mikhail Stolar, tried to emigrate on his own so that he would not be forced to join the military, and forfeit any chance of emigration for 10 years. His request was also denied because of his mother's "secrecy" classification.

Hiding behind the screen of secrecy the Soviet Union denies the request of a patriot and veteran who served his nation in World War II. Abe Stolar is now over 70 years old, yet he continues to seek the freedom that has escaped him in the Soviet Union. His case, and those of other refuseniks, should be a reminder to us to maintain a constant vigil.●

● Mr. BERMAN. Mr. Speaker, the arrival of Soviet Foreign Minister Andrei Gromyko makes this a critical time in Soviet-American relations. It is crucial, at this time, that the serious violations of basic human rights against Jews in the Soviet Union are brought to the attention of the world community. Jews, a cultural minority in the

U.S.S.R. are being deprived the right to learn and use Hebrew, the language of their history. The freedom to protect one's culture is a fundamental human right. Language is an intricate part of a culture and the freedom to use one's language is guaranteed under several international treaties to which the U.S.S.R. is a party.

The Universal Declaration of Human Rights, adopted 1948, (articles 18 and 27); the Economic and Social Rights Covenent, (article 1); the International Convention on Civil and Political Rights, adopted by the U.S.S.R. in 1966 (article 27); The Madrid Concluding Document of 1983; as well as the Helsinki Final Act, (basket 3: "National Minorities of Regional Cultures" and principal 7), all guarantee the rights of national minorities to protect and enjoy all aspects of their cultural heritage.

But in the Soviet Union, Jews are being arrested solely on the grounds that they are teaching the official Jewish language: Hebrew.

The persecution of Jews in the Soviet Union reaches new heights of severity every day. This past month only 83 refusenicks were allowed to emigrate from the U.S.S.R. Perhaps 1,000 Jews will be allowed to emigrate this year, resulting in the lowest emigration statistics since 1970.

The Soviets are conducting an official campaign against Jewish culture and education, especially against Hebrew teachers. In the past 2 months four leading Hebrew teachers have been arrested in the U.S.S.R.: Aleksandr Kholmiansky of Moscow arrested on July 25, 1984; Yakov Levin of Odessa arrested on August 12, 1984, 5 days before he was to be married; Yakov Gorodetsky of Leningrad was ordered, without a trial, to report for 2 months of correctional labor; and Yuli Edelstein of Moscow was arrested on September 4, 1984. Each of these citizens were charged with vague accusations such as hooliganism; their homes were searched and their teaching materials confiscated.

For the first time since he has taken office President Reagan is meeting with Soviet Foreign Minister Andrei Gromyko. I urge the President to use this rare opportunity to discuss these critical issues with the Soviets. At the dawn of a new year on the ancient Jewish calendar, we can not stand by passively as the Soviets, in total disregard for international standard of human rights, continue their campaign to destroy the richness of Jewish culture.

The international community concerned with fundamental human rights and freedoms must protect this most basic value, the right of a people to use its traditional language.●

● Mrs. JOHNSON. Mr. Speaker, I participate in today's special order on behalf of Soviet Jewry feeling frustrated and angry because there are 400,000 Jews in the Soviet Union who wish to worship in freedom and may never have the opportunity. Denied the right to practice their faith within the U.S.S.R., they are also prevented from emigrating, effectively trapping the 2½ million Soviet Jews in a country that then persecutes them because of their faith.

Col. Mendel Grinfarb is one of the many trapped by the system. The Grinfarbs have already had more than their share of heartache—during World War II, two of their three sons died of starvation. Now they remain separated from their daughters and grandchildren in Israel because the Soviet Government will not allow the colonel and his wife Betina to emigrate. At 72, the Grinfarbs only desire to live their remaining years in the homeland of their people and with their family.

Felix Kochubievsky and his wife have also been denied permission to emigrate and have been separated from their sons in Israel since 1979. After a lengthy period of imprisonment and trial, Dr. Kochubievsky is now enduring the hardships of life in a forced labor camp while his wife Valentia is suffering harassment by the KGB.

Mr. Speaker, I join with the rest of my colleagues today in protest of the inhuman and illegal treatment of the Grinfarbs and the Kochubievskys, as well as the many others in the same situation, by the Soviet Government. Refusal to reunite families and allow repatriation to a homeland violates the terms of the Helsinki accords, as well as being morally repugnant. Although Mendel Grinfarb and Felix Kochubievsky are prevented from decrying the outrages against them, we are not, and I know this body will continue to speak out until the desire to worship freely does not mean torture, imprisonment, and separation of family.●

● Mr. PATTERSON. Mr. Speaker, I rise in full support of this special order on behalf of the thousands of Soviet Jews who have been denied emigration from a country which punishes them for their religious beliefs, derides them as less than equal citizens, and denigrates their values. This is a chance to recognize and remember those who are imprisoned; for example, the four refusenik Hebrew teachers, Muscovite Aleksandr Kholmiansky, Yakov Levin, Yakov Gorodetsky, and Yuli Edelstein who were recently taken into custody. And there are the families, the family of Alexander Khozin, the family of Tashpulat and Lelia Katanov, and so many others who suffer from separation and anxiety for their loved ones who have sought permission to emigrate.

This week each of our Presidential candidates will sit down face to face with Foreign Minister Gromyko to discuss the relationship between our two nations. The issues before them cast their shadows over much of the world: The nuclear arms race, the tensions between our two countries, the military presence of the superpowers in Europe, Central America, the Middle East, and Afghanistan.

As these men seek to represent the views and concerns of the American people in their meetings with Mr. Gromyko, let them be aware that the welfare and human rights of Soviet Jews are high on the list of our priorities. We must not cease to speak out for those who have no political voice as long as we have the opportunity ourselves. We must take advantage of every forum to protest the decline in emigration—only 652 allowed to emigrate between January and August of this year—when we continue to receive disturbing reports of increases in anti-Semitic acts and well-determined efforts to destroy the Jewish culture and religious training for 2½ million Soviet Jews.

This week marks the celebration of Rosh Hashanah, the beginning of the Jewish New Year. A holy day for Jews around the world. What better time to emphasize the threat to the Jewish population in the Soviet Union.

Our two nations have an obligation to meet in the interest of protecting peace and increasing understanding when the reality of our combined military strength threatens the existence of mankind. It is hard to remember that power can be a vehicle for good when so much attention is focused on the potential for destruction. Yet by taking action we deny that any situation is hopeless, nor that any government is incapable of change. Those of us who have joined in today's special order implore Mr. Gromyko to use his power to alleviate the oppression of Soviet Jews.

I thank my colleagues, Mr. GREEN, Mr. DOWNEY, Mr. LEACH, and Mr. WAXMAN for organizing this special order.●

● Mr. MATSUI. Mr. Speaker, I rise today to highlight an issue that is of great importance to all those who believe in freedom of religious thought and human rights: Soviet Jewry. The persecution of Jews in the Soviet Union, who simply wish to be allowed to emigrate and practice their religion in peace, is a tragedy by all measures.

The emigration figures alone are enough to cause great concern. In recent years, the number of Jews who have been allowed to emigrate from the Soviet Union has been reduced to a trickle, with only 652 people receiving permission to emigrate from January through August of this year. The figure is in sharp contrast to the emigration high in 1979 of 51,320 people.

While the emigration numbers are devastating, of greater concern is the rising tide of open anti-Semitism within the press coupled with increased efforts to eliminate all Jewish cultural activities. Of particular concern is the recent arrest of four Hebrew teachers, Alexander Kholmiansky, Yakov Levin, Yuli Edelshtein, and Yakov Gorodetsky. This harassment campaign against Jewish culture and education represents a disturbing escalation in anti-Semitic activities in the Soviet Union.

Today is a particularly appropriate time to raise this issue once again. The visit of Soviet Foreign Minister Andrei Gromyko is an excellent opportunity for the leaders of this Nation to reiterate our concerns about the treatment of Soviet Jews. We must stress that the plight of Jews in the Soviet Union is a major concern for the American people and its leaders. In the interest of justice and simple human dignity, we must continue to remind the world and the Soviet leaders that the Soviet Jews will not be forgotten.●

● Mr. McGRATH. Mr. Speaker, I would like to thank my colleagues from New York for reserving this time. As the plight of Soviet Jewry becomes more desperate with each passing day, forums such as today's special order are essential. We must continue to focus attention on this ongoing deprivation and violation of human rights.

Throughout history the Jewish people have been subjected to persecution. Of late, the Soviet Union has expanded its harassing role to include government-sponsored anti-Semitism and anti-Zionism. In the past 18 months official Moscow channels have been hard at work promoting and sanctioning vicious racial attacks. A recent Soviet publication entitled the "Poison of Zionism," makes sweeping inaccurate assertions. The Jews of the world are blamed for the deterioration in East-West relations. They are also held responsible for the control and direction of the Western media and military industrial complex. These farfetched statements are compounded by completely ridiculous contentions which characterize the Mafia as under Jewish control, and state that Jewish millionaires aggregate capital "exceeds the U.S. gross national product." This publication even goes so far as to blame Jews for the Prague spring of 1968.

The Government continues to refuse the free flow of emigration. If this year's pattern continues, we will see fewer than 1,000 individuals leave the Soviet Union. This is a drastic decrease when compared to the 50,000 who were granted permission to emigrate in 1979. It is additional proof that the Soviets are in clear violation of the numerous human rights treaties which they have signed.

People around the world will be watching closely when Soviet Foreign Minister Andrei Gromyko visits Washington to meet with President Reagan. I trust longstanding U.S. policy of addressing the issue of Soviet Jewry, will be adhered to during the leaders' conversations. The lives of thousands depend upon our vigilence. I urge my colleagues to continue to press this issue so that it will not be ignored.●

● Mr. BEILENSON. Mr. Speaker, I join with my colleagues today in this special order to urge the Reagan administration and Soviet Foreign Minister Gromyko to make freedom for Soviet Jews a pivotal issue in their discussions this week. This issue which has long been important to the American public takes on additional significance at this particular time, as September 26 marks the beginning of the Jewish New Year celebration, one of the holiest times of the Jewish year.

At a time when a mere 652 Soviet Jews have been granted permission to emigrate since January, and when we receive daily reports of increased anti-Semitism in the Soviet media, it is essential that we raise our voices to ensure that Soviet Jewry be made an integral part of any renewed dialog between the United States and the Soviet Union. We must continue to insist that human rights, especially the rights of Soviet Jews, become a major theme in our dealings with the Soviets.

It is my hope that the talks this week will become a catalyst for an increase in freedom for Soviet Jews and a lessening of tensions between the United States and the Soviet Union.●

● Mrs. COLLINS. Mr. Speaker, as part of the 1984 Congressional Call to Conscience Vigil for Soviet Jewry, I would like to bring a new case of courage and persecution to the attention of my colleagues.

Alekandr Kholmiansky is currently being detained for teaching Hebrew and applying for an emigration visa. In the last 2 months, the KGB has twice framed him for crimes he has not committed. He now faces charges of anti-Soviet activities which require long terms of imprisonment. He has already lost his job as a computer scientist and now may not even be able to continue working as a janitor.

Mr. Kholmiansky's recent troubles began when he was on vacation in Estonia at the end of July. A KGB-inspired provocation on the street resulted in a 10-day jail term for hooliganism. His hotel room and the apartments of Hebrew scholars in several cities were searched and large numbers of Jewish cultural books were confiscated. He was then charged with a far more serious criminal penalty and kept in jail.

Despite this massive collection of "evidence," the KGB apparently could not make a strong case. Thus on August 28, they searched Kholmiansky's Moscow apartment and planted a German pistol, bullets, and several rolls of incriminating film. During the search, the secret police violated numerous Soviet laws and would not allow any of Alexander's family to observe them. His family and friends now fear for the worst.

I would like to express my outrage at this mockery of the law and of basic human rights. I cannot see what threat Alexander Kholmiansky and his wife pose to the Soviet state. They merely want to practice their faith without harassment. Thus, I strongly urge the Soviet Government to free Alexander and to allow the Kholmianskys to immigrate abroad.●

● Mr. ERDREICH. Mr. Speaker, I want to add my voice to those of my colleagues who are participating in this special order today to again speak out on the desperate situation of Soviet Jews who wish to emigrate. The situation is at its gravest with only 83 Soviet Jews being able to emigrate in August 1984.

With the Soviet Foreign Minister, Andrei Gromyko, in the United States for talks with our President, it is important and necessary that those talks include the human rights of those Soviet citizens who wish to emigrate.

In addition to the denial to emigrate, Soviet Jews face anti-Semitic campaigns which are officially sanctioned not to mention the added harassment of those who wish to protest the policy and are often impriscned or exiled internally.

Mr. Gromyko must know that these intolerable policies of the Soviet Union are abhorred by all of us in the free world and that if true improvement in relations between our two countries is to be achieved, the international treaty obligations to which the Soviet Union committed itself must be followed, and the human rights of all its citizens be respected.

Mr. Speaker, I call on President Reagan during his talks with Mr. Gromyko to speak out on behalf of the rights of those who wish to exercise their religious freedom, as well as their freedom to emigrate, and to cease those human rights violations that affect not only Soviet Jews but a cross-section of Soviet citizens.●

● Mr. SMITH of Florida. Mr. Speaker, today I rise to express my concern for the countless number of Jews who remain in the Soviet Union against their will and who pray for the day when they are granted permission to emigrate to the State of Israel. On the eve of Rosh Hashanah, the Jewish New Year, it is my hope that the current talks between our two nations will improve our stagnant relationship. A new dialog with the Soviets can enhance the position of Soviet refuseniks who are treated like criminals when

their only crime is yearning to practice Judaism.

As a member of the House Foreign Affairs Committee's Subcommittee on Europe and the Middle East and the 98th Congressional Class for Soviet Jewry, I have been monitoring the human rights violations in the Soviet Union and especially the mistreatment of Soviet Jews. Recently, over 100 of my colleagues joined me in signing a letter to President Konstantin Chernenko and other Soviet officials condemning the recent arrest of four refusenik Hebrew teachers. We are fearful these new actions are the beginning of an alarming, determined, stepped-up Soviet campaign to eradicate Hebrew teachers, and therefore Jewish culture, from Soviet society.

Four leading Hebrew teachers have been arrested on trumped-up charges in the last 2 months. On July 25, Muscovite Aleksandr Kholmiansky was arrested and charged with "hooliganism and possession of a weapon". Kholmiansky still remains in prison after his August 23 trial date was postponed to September 25, to allow the prosecution additional time to form its case. Yakov Levin was arrested on August 12 and charged with "defaming the Soviet state", 5 days before he was to be married. In an unprecedented move, several weeks ago, Yakov Gorodetsky of Leningrad was ordered, without a trial, to report for 2 months of "correctional labor." And, on September 4, after a search of his home, Yuli Edelstein was taken into custody for allegedly possessing a cigarette containing opium.

I find preposterous the false charges the Soviets have made against these men. My letter urges the Soviet Union to comply with all the provisions of the Helsinki Final Act, the Declaration on Human Rights, and the International Covenant on Civil and Political Rights. Also, the charges against these four men should be dropped, and they and their families should be allowed to emigrate to Israel.

It saddens me to know that the freedom we enjoy everyday, such as the freedom of speech, the freedom of religion, the freedom to be secure in our own homes without unreasonable searches and seizures, the right to due process of the law, and the right to a speedy and public trial, are not shared by all. The denial of human rights is an issue dear to Americans and all freedom loving people. As an elected official, I have encouraged stepping up the United States-Soviet dialog to maintain a constant and consistent message at every level of diplomatic negotiations so that one day these people who wish to emigrate will be free to enjoy the fundamental human rights that we enjoy.

Symbolically on Rosh Hashanah Jews ask to be "inscribed in the Book of Life for a Good Year." It is my sincere hope that this next year is a good year for Soviet Jewry.●

● Mr. NELSON of Florida. Mr. Speaker, as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I wish to call my colleagues attention to the plight of Lev Blitshtein.

Lev Blitshtein is a man bereft of his family because of Soviet repression of Jews who seek to emigrate. He has been denied the opportunity to leave the Soviet Union, not because he knows vital military secrets, but because he knows too much about canned goods and sausages.

When Lev Blitshtein and his family applied to emigrate on June 9, 1974, he was a foreman in the slaughter houses and sausage plants of the Ministry of Meat and Dairy Products. He was not given an official reason for the refusal of his request; he only was told: "You know too much about the time for storage of canned meats," and "You know how to make sausages."

This is a blatant example of the mindless quality of the repression of Soviet Jews, a case of thwarting a would-be emigrant just to thwart him, to punish a Jew for wanting to leave a country where official policy fosters and supports anti-Semitism.

Lev Blitshstein dared to complain about this refusal to allow his family to emigrate. He wrote letters to officials. For this he was struck a cruel and shameless blow. He was told his wife Blumah and his son Boris could emigrate if his wife would divorce him. He had to choose between freedom for his family and the warmth of the family circle.

He and his wife went through the divorce procedure and in October 1975 his wife and son were allowed to leave the Soviet Union. His daughter Galina was able to leave in January of 1976 and join her mother and brother.

On January 13, 1975, Lev Blitshtein received another refusal and was told that he should wait another year before reapplying. This was a violation of the Soviets' own pronouncements that they review each case every 6 months. In the years that have followed, Lev Blitshtein has been refused repeatedly.

He, of course, lost his job as soon as he filed his first application for emigration. He has supported himself as a guide to visitors to Moscow and by working in a picture laboratory.

In October of 1976, Lev Blitshtein and a a friend staged a 3-day hunger strike while their respective sons in New York supported them by holding a hunger strike outside the Aeroflot office there. Later the friend was allowed to leave, but Lev Blitshstein remains behind.

He lives for the day when he can be reunited with his wife, his son, and daughter, and to a granddaughter born to his son Boris in New York on January 23, 1981.

Mr. Speaker, this is the human tragedy of the repressive Soviet regime—a family sundered, a livelihood taken away, a man alone in a society that rejects him but will not let him depart in peace.

This congressional vigil presents an opportunity to publicize many such stories, many such human tragedies, inflicted by an unfeeling, repressive government in a sick society. I am glad to have an opportunity to take part in this essential effort on behalf of human freedom and human dignity in the face of tyranny.●

Mr. GREEN. Mr. Speaker, I want to thank all of my colleagues who have participated, both in person and by submitting statements for the RECORD, for their participation this evening.

ORDER OF BUSINESS

Mr. SILJANDER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALKER] may precede me with his special order.

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

There was no objection.

THE ISSUES THE AMERICAN PEOPLE WANT DEBATED NEVER GET DEBATED ON THE FLOOR OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, this evening I thought we would discuss a little bit what it was that went on in the House Chamber today with regard to the President's crime package, because it tends to focus on the very issue that we have been raising since the beginning of this year about the way in which this House works.

Early this year, we begin to explain that the problem was not so much that the American people were wrong on the issues, it was not even so much that the majority of this House was wrong on the issues, it was the fact that the issues that the American people want debated and the majority of this House is willing to vote, never get debated on the floor.

That there is a liberal leadership in the House of Representatives that locks up this legislation, locks it up in committee, locks it away from votes, so that in fact the American peoples' agenda never gets voted on. We have made that case with regard to balanced budgets, we have made that case with regard to line item veto, and on a number of major issues.

We made the case over and over again with regard to the crime issue.

Today, we saw in a matter of a few hours, that issue defined precisely the way we have talked about since the beginning of the year. Early in the day, we came to the floor asking that the rule be changed so that the crime package could be one of the authorization bills included in this overall countinuing resolution, this omnibus bill that we were voting on today. After all, already included in that bill were things like the Public Works Committee's authorization and a number of other things. We asked that this one major item be included as a part of that package. That at least we come out here and debate that issue here on the floor so that we would decide, as a body, whether or not to include that package.

What we got, when we asked for that procedure, was a turndown. People evidently believing that they could hide behind a procedural vote, decided specifically that they would vote not to allow the crime package to come to the House for a vote.

Now, in my mind, the responsible course of action would have been to take up the crime bill in that way. After all, you would have had actual debate on the House floor with regard to the crime package. It would have been a more extended debate then we finally got when we raised it as a recommittal motion, and it would have allowed the opposition a substitute amendment, which means that they could have effected some changes in the bill at the point of consideration.

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In other words, it was a more open, a better process. However, the House decided on that procedural vote that they would go along with their liberal leadership and that they would hide behind that procedure and not allow the crime bill to be debated, not allow the crime bill to be considered in the House.

We proceeded on with that continuing resolution and a matter of only a few hours later, in a matter of just a few hours the issue was before us again.

This time, in a motion to recommit with instructions, a motion that is available to the minority party and in this case through the offices and through the best wishes of the gentleman from Massachusetts [Mr. CONTE] he allowed that motion to recommit to be carried by the gentleman from California [Mr. LUNGREN] who has been one of the people who has worked the hardest on the crime bill.

In yielding to the gentleman from California [Mr. LUNGREN], he allowed then the recommital motion to be one with instructions that included the crime bill.

We were allowed 5 minutes of debate on either side. Mr. LUNGREN pointing out very rightly that this was the one chance we were going to have to vote on the package as such. That here was the package before us you had to vote either yes or no on the package.

No more procedural hiding. No more hiding behind the leadership's bottling up of the bill in committee. Here it was on the floor through the recommittal motion.

The gentleman from New Jersey [Mr. HUGHES] argued against the procedure, saying that we had already had some votes, that there were things hanging around here. Attempted, in my opinion, to obfuscate the issue a little bit by suggesting that for instance we had passed the justice assistance bill which, of course, is one part of the crime package that was out here.

So in arguing the justice assistance bill, we really had an argument for voting for the bill that was before us because the justice assistance package was included in the President's crime package.

But nevertheless, we came to a vote there and when the vote was flat out on the crime bill, we found that many Members of Congress decided that they were going to vote for that bill.

And sure enough, it won. It not only won by a few votes; it won overwhelmingly.

It was about a 70-vote margin that we decided to include the package in the continuing resolution.

The very decision that we decided earlier in the day we would not make when we could hide behind procedure, we decided to do when we got the flat-out vote.

What changed? Was there any real change in the substance of the package? No; exactly the same thing. It was precisely the same item that we had had before us earlier.

Was there a change in the people? No; it was exactly the same representatives of the people voting on this issue that had voted on the issue earlier in the day. What we had was a change in the manner of the vote. No longer could you hide behind procedure. You had to say yes, I am for the crime package. No; I am against the crime package and when faced with that particular vote, dozens of Members who had voted the opposite way earlier in the day decided that they were not going to face their constituents saying that they were against bringing up the crime package.

Now that tells you something about the way we operate around here. When people actually have to face up to something that looks like it might catch the ire of their constituents, then all of a sudden what they do is they run for cover. They cover themselves by voting for that which they know is popular. But if they think they can hide behind procedure. If they believe that there is some way that they can give Speaker O'NEILL their vote and not get caught at it, they do that.

And if ever there was a reason for changing the makeup of the Congress, we see it in part of what took place here today because we see people who made a conscious decision to vote one way earlier in the day when they were going to hide and they were going to help Tip O'NEILL and later on in the day, decided then there was no longer any hiding, that they were going to vote their constituents' wishes.

People ought to evaluate that record. They ought to take a look at who was who in that vote because it is important to understand that that vote is precisely the problem when it comes to dealing with things like line item veto. When it comes to dealing with things like constitutional amendments to balance the budget. When it comes to dealing with a whole host of issues around here we find the very same attitude that as long as I can hide, as long as I can allow some committee chairman to bottle up the legislation, as long as the vote that I have is a procedural vote, I will not vote the American people's wishes.

As soon as I can get away from direct responsibility, I am going to get away from direct responsibility, but give me a vote where the American people will understand precisely what it is that I am doing, then I had better vote the right way.

Well, I do not think that shows very good representation. That does not show the American people the kind of representation most believe that they need to have. I will be glad to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to raise a couple of questions. Is it true that the vote we had today on the crime package was never passed out of the committee here in Congress?

Mr. WALKER. Mr. Speaker, the gentleman is absolutely correct. The crime package that we eventually voted on was the crime package that had been reported out of the Senate by a rather substantial vote, but had never gotten to the House floor because it had been bottled up in the Committee on the Judiciary by a series of subcommittee and committee chairmen there, and ultimately by the leadership of the House that assigned the bill to that committee in the first place without requiring that the committee report it back to the House promptly.

Mr. MACK. If the gentleman will continue to yield to me. Well, we saw one of the subcommittee chairmen down here on the floor telling the Members why they should not support this piece of legislation. It is rather interesting that immediately after he concluded his remarks in essence, the

House rushed to the floor to pass this legislation. I am confused as to what is happening here in the House when these all-important committees which again, that goes back to some of the other discussions we have had, is the most important use of an individual's time around here is in the committee.

They would not even pass the legislation out when it is clear from the vote that took place today that the House was saying: We want to pass that kind of legislation.

Mr. WALKER. Mr. Speaker, I think the gentleman makes an excellent point because what it turns out is that the House is far more representative as a whole body of the American people than these committees and subcommittees.

They can do their business behind closed doors. They can use procedures to block essential legislation and you saw that played out right here on the House floor today.

Mr. MACK. Mr. Speaker, if the gentleman will continue yielding to me, what the gentleman is saying is that what it seems to be is that the liberal leadership of the House is, in fact, manipulating the rules in such a way to decide what pieces of legislation come to the floor, not really concerned with how the Members in the House really feel about it, but those who happen to be in a position where they control power, I guess there are a number of us who have been using the term around here, the arrogant abuse of power, is something that has occurred time and time again.

Mr. WALKER. Mr. Speaker, it is not only manipulation of the rules I would say, but manipulation of the process which the rules are just a part of. That is precisely what we have seen going on, is that a handful of people can use the House of Representatives and its processes in order to block not only what a majority of the Members of the body want to do, but what the vast majority of the American people want to see done.

That, to me, is the travesty of what this House has become. This was supposed to be a body that reacted very clearly to what the American people were demanding. The forefathers set it up that way and instead what we have done is that we have bound ourselves into rules that permit a few people to make decisions which are not in line with the majority wishes of the American people.

I will be glad to yield further.

Mr. MACK. Mr. Speaker, let me expand on that just a little bit more. And that is to me there is more than came out of today's vote than just the fact that we passed the President's crime package.

Mr. WALKER. So the gentleman would admit that that is a major step in the right direction?

Mr. MACK. Oh, absolutely, but the message ought to be loud and clear not just to the leadership, the liberal Democratic leadership of the House.

The message ought to be clear to every Member of the minority party that if, in fact, we are willing to get up and fight for what we believe in and again I take us back to January of this year when we came to the floor of the House and demanded or asked, rather, under unanimous consent to bring legislation here that if, in fact, we stick with it, if we are convinced that we are right and the American people are with us and that we are willing to take our fight to the American people and circumvent, if you will, the rules and the procedures of the House to try to get the message to the American people that we can win and to me that is the most exciting thing that we can say to those individuals who are running for Congress in the United States today, that when they get here that is an opportunity for them to participate in getting legislation passed even if the liberal leadership is in a position to control that.

□ 1950

Mr. WALKER. I think the gentleman makes an excellent point. It is clear from the vote today, and other votes that we have had earlier in the Congress, that the liberal leadership of this House is out of tune and out of touch with the American people. They are doing what they can to hold onto power, regardless of the consequences of that holding onto power.

If, in fact, we force these issues to a vote, we do begin to break that lock on power. In this election year, of course, the American people have an opportunity to break that lock on power completely. I would hope that they would see the opportunity to do so in some of the votes that have taken place and begin to understand who it is who are their friends in this representatives body and who it is who consistently stand against them and their issues in favor of continuing to simply wield power here.

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

Mr. WALKER. I would be glad to yield to the gentleman from Michigan, who I again would like to thank for his willingness to allow this special order to precede one that he had previously scheduled.

Mr. SILJANDER. I thank the gentleman from Pennsylvania for yielding, and it is quite a pleasure, because I think he is bringing up some very, very crucial points that many would be interested in.

The gentleman talked about the committees. The committees are run exclusively and totally by Democrats. Those Democrat chairmen and subcommittee chairmen and select committee chairmen are all appointed by the Speaker.

Mr. WALKER. The Democratic Caucus.

Mr. SILJANDER. Well, the Democratic Caucus, but it really comes down to the Democrat Speaker, and in all practical reality we know that is the final line.

The Committee on Rules determines many of the rules. So we find a committee structure which is stacked, obviously, with those who are sensitive and sympathetic to the Democrat leadership and are, as the gentleman says, clearly not representative of the American people nor are they even representative of the body here as a whole. That is clearly why, as the gentleman has also pointed out, so many issues, the balanced budget amendment, enterprise zones, and in this case a crime package, are buried in the graveyard of committees.

Mr. WALKER. Spousal IRA is another issue.

Mr. SILJANDER. Spousal IRA's. We could go on and on.

Mr. WALKER. Tax reform that the gentleman has just discussed so articulately for so many months.

Mr. SILJANDER. Tax reform, and so many issues. And that is specifically and precisely the reason why those issues are held in committee, because the leadership well knows that if those issues were ever brought to the floor, the result would be the same as it was today on the omnibus crime package—passage, successfully.

That is what the gentleman from Pennsylvania has been doing for countless months. I would really like to say to the gentleman, from one person anyway, and I am sure from many others, I want to thank him for the countless hours that he has spent not only waiting for his time but taking time to share with the American people, to share with his colleagues, the vision he has for America, the vision that he has for the American agenda, the items, the polls that we as Congressmen know when we go home by our own polls that the American people are supporting.

Interestingly enough, the phenomenon that is occurring, even with the stacked committees, the leadership appointments, the rules against us, the manipulative rules and the tactics, even with that we have still had a moderate but enthusiastic portion of successes. Today is indicative of our ability, as people who we feel try to represent at least our respective constituencies, indicative of the new mood in America, a new mood in Congress that is reflecting that mood in America.

I think it is exciting, personally. Whether one is for or against the issue, the point is, we are successfully assisting in forcing the issues to a

head and allowing the American people in an election year, or next year in an off year, to see specifically how their Congressmen and Congresswomen vote on these all-important issues that we feel are part of the American agenda.

Mr. WALKER. I thank the gentleman, and I would say to the gentleman that I appreciate his laudatory words, but I would also point out that it is not even with me as much a question of vision as it is a question of fairness and equity.

All I have really asked for in many of the remarks that I have made on this subject is that we vote on these issues. To me, it was not as important whether we won or lost on the President's crime package as the fact that we had a vote so that the American people would know where every Member of Congress stood on that issue. I personally wanted to win. I voted for it. I think it was important that it did win, but I think in terms of the process here, in terms of the procedures, it is simply that we ought to be fair, that we ought to be equitable; that these issues that are of such intense importance out in the country at least deserve a vote here. Whether the issue won or lost today, in terms of the process that was not as important as the fact that the American people can now evaluate where their Member of Congress stood on the all crucial issue of whether or not we are going to fight crime.

It seems to me that that should be true on the balanced budget amendment, on spousal IRA's, on enterprise zones, on all these things. Let us let everybody vote on them, find out where they stand, and let the American people make the evaluation in November of this year.

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

Mr. WALKER. I would be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I appreciate what the gentleman from Pennsylvania is doing today. I think there are a number of people who have reason to be proud of today's results.

I think that the gentleman from California [Mr. LUNGREN] who has led the fight to pass the omnibus crime bill in the House, who has waged a campaign all year to explain that the liberal Democrats were bottling the President's crime bill up, he certainly won a victory.

I think the Republican leader, the gentleman from Illinois [Mr. MICHEL], and the Republican whip, the gentleman from Mississippi [Mr. LOTT], engaged in gallant form in developing the correct strategy in working with their staff to put together what proved to be the winning strategy today.

I think that the work that a number of people have done, including the gentleman from Pennsylvania, at building this theme matter.

Mr. WALKER. Mr. Speaker, if I may take back my time just for a moment, let us include one other person who I think made a valiant stand on the House floor today and allowed us to set up the process by which we passed the bill, and that is the gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary, who in fact carried the amendment out here earlier in the day which the House would not permit to be offered.

He also has been a stalwart on this issue, and through his kind of leadership at the committee level we have had success, and that is why the American people probably ought to make him a committee chairman the next time around.

Mr. GINGRICH. And I think similarly, one also has to be grateful to the gentleman from Massachusetts [Mr. CONTE] who worked on the motion to recommit, and I think we also have to recognize that the gentleman from Michigan [Mr. SAWYER] who is retiring, in his rejoinder at the key moment in the debate, carried clearly the message that the Democratic leadership was, in fact, bottling up the bill and that it would not pass.

Mr. WALKER. The gentleman is absolutely correct.

Mr. GINGRICH. However, I want to make a point that I think has not been noted yet today, and that is that there was an amazing transformation of Democrats in the House of Representatives between 12:58 today, when only 27 of them were willing to vote to bring up the crime bill, and 6:17 today when 88 of them, more than three times that number, were prepared to bring up the crime bill.

Mr. WALKER. The difference there is 5 hours and 19 minutes.

Mr. GINGRICH. That is right. In 5 hours and 19 minutes the world changed. I think there is an unsung group of heroes and heroines who made that possible, and they are the Republican candidates for Congress across this country.

I think the American people need to confront the truth. The truth is that if they vote for the Democrats in November, they are going to get what they want about 3 weeks every 2 years, but there will be a brief period of panic in September and October just before the election; but that systematically, week in and week out, day in and day out, the committee chairmen, the subcommittee chairmen, the Democratic whips, the Democratic regional whips, are all going to work as a team to bottle up, to stifle, and to strangle the agenda of the American people.

But now, because President Reagan has such a massive lead over Walter Mondale, now because across this land there are Republican men and women running for Congress who are talking about these issues and raising these issues, and now because the Republican Congressional Campaign Committee has the facilities so that literally between 12:58 and 6:17, as the gentleman from Pennsylvania pointed out, in that 5 hours and 19 minutes, across America there were Republican candidates getting up saying, "If I were in the House of Representatives, I would have voted to bring up the crime bill."

□ 2000

Suddenly it began to trickle in to all these Democrats who had voted "no" at 12:58 that they could not explain that back home, that there was actually going to be a candidate back home who could tell the people of their districts what they had done and three times as many Democrats voted at 6:17 to bring up the crime bill, to pass the crime bill, indeed, as voted even to bring it up.

Mr. WALKER. Let us just clarify the point here. There was absolutely nothing different in substance in the two votes, was there?

Mr. GINGRICH. Far from that, if anything the second vote was the tougher vote, because the second vote did not vote just to bring it up. The second vote voted to pass it. It was a far harder vote, and yet faced with the fear, faced with enough realization that they would have to go back home and explain their votes, faced with the sudden realization that there would not be a procedural screen to hide behind, suddenly a considerable number of people who earlier in the day had voted to kill the crime bill decided they had better vote for it.

Mr. WALKER. Let me make one other point here. We do not suddenly have a whole bunch of people coming to the floor and voting who did not vote earlier in the day. It is exactly the same people voting, except they switched their votes over that period of 5 hours and 19 minutes, is that not the case?

Mr. GINGRICH. That is right. There were a couple extra votes in the afternoon because a few more people arrived; but basically we did not have three times as many people voting in the afternoon as we had in the morning.

The fact is that when you look at what was happening, and I think this is the key message of today's experience, not let us celebrate because we passed the omnibus crime bill; it is not that we accomplished something. It is something more fundamental about the nature of the House of Representatives. The House of Representatives under the liberal Democratic leader-

ship, with every subcommittee chairman and every committee chairman and every member of the whip as part of the leadership team has operated in a manner which basically hides from the American people issues they believe in very, very deeply, brings them up only on the schedule the leadership approves and only in the manner the leadership approves and only under the ground rules the leadership approves. Except for those rare moments late in the session when the American people scare the Democrats into voting the way they would like, when there are candidates in the field willing to give up their time and their energy to go door to door to make speeches, only then do we see the Democrats finally beginning to vote the American people's agenda.

I want to carry the gentleman from Pennsylvania back if I might over a year to place this in context. When we first began talking about these issues over a year ago, we had the faith, some called it a naive faith, that it was possible to go to the countryside, to the grassroots, to our friends back home, it was possible to lead Congress by talking with Americans. We believed that if we talked about these issues long enough, something would change.

I remember well when my good friend, the gentleman from Pennsylvania, first got up and asked unanimous consent to bring bills up and other gentlemen, such as the gentleman from Michigan and the gentleman from Florida, first got up and began to ask to bring bills up under unanimous consent, the establishment in this building thought we were crazy.

Mr. WALKER. Well, if the gentleman will recall, one of the first actions we took early this year was to try to reserve special order time for each night of the legislative session so that we could in fact communicate with the American people and they immediately gagged us on that. They refused to allow us to schedule that time in advance, even though that was a longstanding practice in the House that people could do that, so from the very outset there was an attempt to gag that kind of communication.

Mr. GINGRICH. That is right. With the help of people like the gentleman from California [Mr. LUNGREN], we began to carry the message across the country, partly in all candor through C-SPAN and these talks on the House floor, that there were bills that mattered to the American people, and one of the bills that we focused on was the omnibus crime bill which passed the Senate on a bipartisan basis by 91 to 1 and week after week and month after month we talked about this issue and gradually it began to sink in to the news media that it was real.

Now the question for the American people, it seems to me, as we come into October has to be this. Do you want to vote in November for a Democrat who has been part of the team that strangled the bills you want, or a Democrat who at best switched his or her vote in a 5-hour and 19-minute period when they suddenly realized they could not explain it? Do you want to vote to reelect someone who has the problem that they are going to come up to Washington, they are going to help out the liberal Democratic leadership, they are going to be in favor of committees that become what is called by the news media the graveyard of legislation, they are going to be in favor of bottling up bills unless they are absolutely forced by the American people to bring them out, or is it time for a change?

The fact that on these two votes today there was the amazing shift from 27 Democrats trying to bring up the crime bill to 88, an increase of 61 people in a mere 5 hours on the same bill, I think has to be a real signal that there are some people in this building who are scared of Walter Mondale, that are scared of the American people, and that the American people ought to look very, very carefully, because there are 27 Democrats who can go home and say, "Yes; I voted consistently. I really wanted to bring up the omnibus crime bill," but if they are not part of that first 27 that at 12:58 voted, then the most they can do is go home and say, "Yes; I'm scared and I didn't want you mad at me. I was more scared of you today than I was of TIP O'NEILL."

Somehow that does not strike me as a very strong base for the kind of representation we really need.

So I just want to thank the gentleman from Pennsylvania for giving us this opportunity to talk about what I think is the biggest issue in congressional elections this fall, which is how do we organize the House so that the American people's agenda has a chance to have fair committee ratios, fair staffing, a fair calendar for hearings, a fair chance to come out of committees, a fair chance on the floor, and we have proved today once again that every time the American people do not seem to be watching, their bills are going to be strangled, and every time the American people are watching carefully enough the Democrats are going to feel they have to bring them out.

I thank the gentleman for taking this special order.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I think he makes an excellent point. Indeed, the way he outlines the leadership crisis is the right one. Probably some of these liberals ought to be asked in their districts, "Who is it you are going to vote for to lead the Congress in the next session? If you go back there, are you going to allow that same liberal leadership that has delayed these bills and stalled them over the last couple years to again return to positions of power that permit that kind of stalling tactics to be used for another 2 years, or are you going to vote for a different leadership?"

The answer to that is a key one for the American people.

I also believe that it is important for the American people to understand that one of the things we hear that the liberal leadership, if reinstalled, may do next year is shut down these opportunities to communicate with the American public. There is some talk that the rules will be changed in a way in which some of the dialog that has gone on off this floor with the American people would be eliminated. That is one more attempt to put a stranglehold on the House of Representatives and keep the people from interacting with their legislative process in a manner that the gentleman from Georgia has outlined and described.

So the challenges are real. What we found out today was that we can win some battles when the American people are aroused enough. I think they need to watch carefully in the future so that we win additional battles in the days ahead and the weeks ahead.

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

RELIGION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is again recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, President Eisenhower said that:

> Without God there can be no American form of government, no American way of life. Recognition of the Supreme Being is the first, the most basic expression of Americanism. Thus the Founding Fathers of America saw it and thus with God's help it will continue to be.

That was a statement by a former President of the United States, so when we in public life talk about religion and politics and morality, it is nothing new. It is nothing new to Jerry Falwell, President Reagan, Walter Mondale, Governor Cuomo. It is nothing new to the Members in this body. Religion, politics and morality, has been around since the foundations of the Earth to a great degree, but focusing in rather than globally I would like to focus in on the United States, for recently it seems through TV and radio specials, speeches, debates, our interest in this issue as an American society and American system has certainly been highlighted.

I mentioned Governor Cuomo in his debate with Archbishop O'Connor and now Congressman HENRY HYDE re-

sponding to Cuomo's message to the Catholics near my hometown in Notre Dame University, Walter Mondale, President Reagan, all discussing it seems an issue that everyone says ought not to be an issue.

I think it is clear at the outset that it is understood that I do not advocate a state religion. I desperately and firmly oppose that notion, nor do I support a church that would be established by the state. I also firmly oppose that notion as well.

□ 2010

The truth is, said President Ronald Reagan, "Politics and religion are inseparable. And as morality's foundation is religion, religion and politics are necessarily related." That ends the quote of President Ronald Reagan speaking to a prayer breakfast in Dallas, TX.

Our history throughout, American history, that is, is clear regarding religion in politics. Again I think it is important to understand, I do not intend to advocate one position or the other; I am simply outlining what I see as a historical tracing of those in political life that have been very directly involved in politics, that at least from their point of view felt, as Ronald Reagan feels, that politics and religion are inseparable.

The early education was not done by the state but, rather, by the church. By 1776 we had a literacy rate between 70 and 90 percent, rather impressive for that year.

From the Mayflower Compact, the first American Constitution, to the Declaration of Independence, which captured the essence of human liberty by stating in our Constitution that men are endowed by their Creator with certain inalienable rights, it really set forth before the world that no state or no individual, no ideology gives man his rights; they are given from God himself, and that is why they cannot be taken away, say many historians.

James Madison wrote in the creation of our Republic that he perceived the hand of the Almighty in it all.

John Jay, the first Supreme Court Justice, warned that we must never forget the God from whom our blessings flow.

George Washington has been quoted so often, our founding father, as he is called, the first President of the United States; he said, "It is impossible to rightly govern the world without God and the Bible."

Now, I am not saying we should govern the world with God and the Bible. I am simply tracing quotes from those who have clearly shaped our history and shaped our foundations and shaped America.

George Washington also said, "Of all of the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Washington went on to say that "In vain would that man call himself a patriot who would labor to subvert these * * * firmest props and duties of men and citizens. The mere politician and the pious man ought to respect and to cherish religion and morality * * *. Let us with caution indulge the supposition that morality can be maintained without religion."

Even more recently, John Fitzgerald Kennedy said, and I quote him, "And yet the same revolutionary beliefs of which our forebears thought are still at issue around the globe, the belief that the rights of man comes not from the generosity of the state but from the hand of God."

These men that helped shape America had, as you can clearly see, very pointed opinions as relates to religion, morality, and politics, the country they helped form, the country they had their hand in.

The reason I brought up John Kennedy is because I think if is certainly apropos that we have seen Republicans and Democrats alike share their view, share their beliefs about religion, morality, and politics.

The movement to abolish slavery had its moral sources in John Wesley and William Wilberforce. The Indians are even noted in a stanza of the Battle Hymn of the Republic.

Way back in the 1800's when slavery was such an issue I am thankful that many Americans, black and white, men and women, of all races, creeds, and reigions, believed that slavery, to enslave another human being, was a moral issue that offended their religious perceptions and stood up and did something about it.

Even the modern civil rights struggle was led by churches and led by synagogues in a rejection of the policies that would deny their fellow Americans their God-given rights. The Reverend Dr. Martin Luther King never hesitated to remind America of its commitment before God to give equal rights to every man, woman, and child in this great country.

To deny any direct link between American politics and religion is not only to be ignorant of history but to deny the most fundamental aspects of the American character and integrity; and the reason it seems there is such a furor at this hour over religion, morality, and politics is because certainly we are in an election year and there is an issue that is stirring about religion and politics. At least there is an attempt to make it an issue.

The moral liberal left are crying out in horror that Jerry Falwell and his type of evangelical and fundamentalist, charismatics the likes of Pat Roberston and others dare to register voters in churches. They dare to stand up in their pulpits and encourage their constituencies to get involved in issues such as abortion, ERA, one way or the other, prayer in school.

This is to many people's perception a legitimate cry of disgust, a separation of church and state. But history is clear, whether one comes from the perspective of the left or the right, that from both views of the world there has always been the mixing of religion, moral values with political aspirations, political goals.

I mentioned slavery and I mentioned the modern civil rights movement. What about the nuclear freeze? That certainly is a political issue. We spent 42 hours on the floor of the Congress debating the pros and cons of the nuclear freeze resolution while in the midst of it all many religious groups were out supporting or opposing the nuclear freeze.

The MX missile is certainly a political specific item of voting on the floor of the Congress and in committees of Congress. Yet the Unitarian Church, the Friends Committee, and various other religious coalition type groups have made a definite stand in support of a nuclear freeze and in opposition to the MX missile.

The Catholic Bishops had a pastoral letter on the nuclear arms race. It was greeted with great enthusiasm in the media editorial columns.

Am I criticizing that? No. I am simply pointing out history and recent history of how in this case the left has been forming public opinion through religious organizations, through specific spiritual and denominational affiliations.

TIP O'NEILL, the Speaker of our House, said in the Washington Post dated April 3, 1984, and to quote our Speaker: "Those who share Christian values have a responsibility to put those values into action." The Speaker is a liberal. The Speaker is against the MX missile and for the nuclear freeze. He is being consistent with many groups, religious groups that tend to be more on the liberal side of ideology.

The Speaker also said that "America's revolutionary traditions were based on a fusion of spiritual and political values." He is right. I do not disagree with the Speaker. He is being very consistent with the liberal movement in America.

He also said, "The spiritual revolution of Christianity and political revolution that began in 1776 are alive and well." The Speaker went on to say "Both these sets of values can guide our national destiny."

"The only question is whether we are willing to act on them or not, whether we are ready to live our values as a people."

□ 2020

So we have the likes of John Kennedy, George Washington, Rev. Dr

Martin Luther King, and now our Speaker of the House, all speaking about the importance of their moral values and those that believe in a religious principle, to become informed, to become aware, to become individually involved in it. And I have no quarrel with that.

Central America, another issue; I just received a letter from a coalition of religious groups opposing the U.S. involvement in Central America.

Certainly, especially, El Salvador and with the Contras, the counter-revolutionaries in Nicaragua.

Now I may not agree with that letter but certainly that religious group has a right, on the left as they sit, to express their opinions, to express the values as they see them. And they are clearly, by sending a letter to a U.S. Congressman, attempting to influence decisions being made in Congress, in Washington.

Also there is quite a bit of storm on the left about this born-again movement. Politicians say, "Well, I'm a born-again Christian." I think there is some clarity as to the origin of that statement. It originates certainly from the Bible, John 3-3, when Jesus told Nicodemus you must be born again and again in John 3-7. But in contemporary politics it did not come from a Republican or Jerry Falwell or an evangelical candidate on the Republican side; it came, in fact, from Jimmy Carter.

Jimmy Carter was the one who brought this title "born again" to political life and enlightened so many Americans as to what it means. I do not oppose that.

But it is important to note that it is not just the political evangelical fundamentalist charismatic right which emphasizes religion in politics and the importance of being so-called born again in order to be a good candidate, but it was Jimmy Carter. And it was not the Republican Convention where a preacher stood up before the delegates and said, and I quote, "The Lord said, Jimmy Carter, to come on up and bring America back where it belongs."

Obviously that was a quote by a minister at the Democratic National Convention as they were nominating Jimmy Carter for the Presidency of the United States. That pastor has the right to feel, prophetically, that Jimmy Carter should come on up. He has the right to do that.

But is it not interesting that all of this happened not at the Republican Convention, as all the editorials wrote slamming and slurring the Republicans for all the religious overtones in their platform, all the preachers they had up on the platform talking about America and God.

"Oh, how terrible it is."

Whatever happened to the outcry with Carter? Whatever happened to the outcry on the prophecy of that minister for Jimmy Carter, "Come on up, the Lord says come on up." I do not doubt that that is what the Lord said, if that is what he feels, God bless him.

But it seems like rendering a double standard; it is all right for the left to talk about nuclear freeze, MX missile, Central America, talk about being born again, saying prophetically that the Lord "calls you to come on up." But somehow when more conservative evangelicals bring up the same issues it is "separation of church and state."

Organized secularism with the ACLU, the American Civil Liberties Union, I do not deny their right to exist and express their opinions the way they see them. Eliminating nativity scenes is what they are charged with doing, they feel, and taking "In God We Trust" off of our money. I disagree with them violently, personally, but they have a right to say it.

Whatever happened to the separation of church and state with the ACLU? The Supreme Court has ruled, after all, that secular humanism is in fact a form of religion. You do not have to be a Moslem, Jew, Christian, or Hindu in order to have a religious affiliation. One could be a secular humanist and still have a religious affiliation.

Reverend Coffin during the Vietnam war, in all the sit-ins, he was threatened with jail as a minister of the Gospel. But he did not stop his antics, his antiwar protests. But he was willing to sacrifice that.

Now while I may disagree with Reverend Coffin, we should all as Americans pay tribute to a man who is willing to give up his time and, some say, his honor in doing what he believes God has called him to do as a reverend and as a minister.

But no one ever said separation of church and state to Reverend Coffin, but they sure are talking about separation of church and state when it comes to the more conservative Christian right.

Now the World Council of Churches has sided with all types of political parties all over the world, so much so that "60 Minutes" has done specials on the World Council of Churches' participation in politics. South Africa, supporting SWAPO, and now in Nicaragua they have supported, the World Council of Churches have supported, the Marxists, Leninists, Sandinistas over the Catholic Church. Isn't that interesting? The World Council of Churches representing what some called the more liberal denominational group which certainly have a right to exist and the right to their own opinion, the same ones that are calling for the separation of church and state doctrine, calling for some on the right to cease and desist, the same ones who have been involved all over this world in political issues, in political parties, theology and ideology. And yet the finger does not seem to point back in the other direction.

Now Religious Coalition for Abortion Rights, the Catholic group recently formed, Catholics for Pro-Choice, am I against those groups? I am not any more against them as I am for the pro-life groups or the Methodists for Life or the Charismatics for Life or the Baptists for Life. They all have a right and should exist. But my concern and my deep emotion come when why should one side not advocate the separation of church and state when it is issues they agree with, but when another side of philosophy brings up an issue they disagree with, somehow the double standards flipflop and the finger is pointed at the right with the accusation that "You should not be involved because of separation of church and state."

The National Baptist Convention president, Rev. Dr. T.J. Jemison, said, and this is just recently and I would like to quote him:

The black church has always been in politics.

Jemison went on to say that his church "spent approximately $800,000 to help Reverend Jesse Jackson. We have already registered 2 million people and between now and November we will register 1 million more."

Imagine if Jerry Falwell or Pat Robertson or some other more conservative minister stood up and said "We will help Ronald Reagan, we will help raise $800,000 to help Ronald Reagan and we are going to register voters," my God, we would have editorials in most every major newspaper in the country, a flurry of criticism by the left, "separation of church and state." DC Mayor Marion Barry said at this convention:

I want a new President in the White House. There is nothing wrong with mixing this convention—

The National Baptist Convention—

with politics because the black church has been our political arm.

I am not disagreeing that that is right or wrong. I am just saying that the left has been involved, the left is involved, so much so that Jesse Jackson, candidate for President of the United States of America, has stood in pulpits across this country encouraging voter registration, encouraging participation and even, even raising money for his political campaign from the pulpit.

Now some would say that they should not do that. Others would say that that is fair. I say what is good for the goose is good for the gander. And if the same liberals are going to advocate that the right should veer away from politics, should not be interested in specific issues, the left should advocate the same for themselves.

□ 2030

Thank goodness for 1964 and the Civil Rights Act, and 1968, the Fair Housing Act. All issues that added more ministers than one could count and reverends and bishops and rabbis supporting these issues. I am happy that they passed personally. But no one ever advocated separation of church and state then.

So where did this all come from? Why do we have such a feverish debate going on? Why some say did Ronald Reagan bring up this issue. I think there needs to be clarity.

The issue really was brought up right after GERALDINE FERRARO was nominated Vice President candidate for the Democratic Party. She criticized the President of the United States' Christianity. She said, "I don't believe he is a good Christian." That is what started it all off.

If someone told you, if you were Jewish that you were not a good Jew, or you are not a good Moslem, you are not a good Christian, that would certainly and understandably create some problems with the person you are pointing the finger at.

Walter Mondale at the B'nith B'rith, said we should not have politics and religion being an issue in politics and then he went on to say how his father was a minister, went on to share all of his personal religious beliefs. We cannot have it both ways.

Now FERRARO is debating back and forth with her own church, the Catholic Church, on her position on abortion.

So we have seen the issue stirred up not so much from what Ronald Reagan or the Republicans or the religious right has said, but we see the stirring coming from the left.

It is schizophrenic for us to assume that one side can have it one way, but it is somehow wrong for the other.

I also think the concern and the phobia I call it by some on the left and what might have prompted it I do not know for sure, GERALDINE FERRARO'S comment that she is not so sure Reagan is even a Christian and all the concern about religion in politics, comes from a reality, a stark emperically based statistical reality that there is a revival in America today, a religious revival. If we took the Evangelical, the fundamentalists, the charismatics, the Catholic Church, those that consider themselves that, and the fundamentalist churches and the denominational churches and pulled the adults together, some estimate the size adult population of 60 million Americans could be in this coalition. Eighty-one percent of the American people support voluntary prayer in public schools. There is a revival, an impressive revival. It is not just a Christian revival. In the Jewish faith the most conservative and Orthodox Jewish faith, there are more and more synagogues being built and more groups being formed than probably ever before.

There is an attraction to religion. There is a new attraction to who each of us calls our God. And if I were sitting on the left, after all my historic involvement in politics and religion and morality, and I saw on the right the same tactics that I had been using successfully for years and years and years being used by the right and see the growing numbers and the growing strength, I would be a little panicky too, because the order of the day is changing. America goes through cycles. Whether this cycle will last or it will be a flash in the night remains to be seen. But there is an impressive amount of revival. Christian and religious books and music make secular book No. 1 sellers puts them to shame. They are selling in record numbers.

So, yes, the religious right are interested in issues that face America. Yes, they are interested in abortion, prayer in school, the impact of the ERA, tuition tax credits. They are interested in the defense system, in pornography. Yes, the religious left is interested in all these things, too. Yes, the Catholic Church is interested in liberation and theology. And yes, there are even Jewish organizations today that are growing at a very rapid rate emphasizing religious, cultural, moral, military, and other reasons why we should support Israel. There are Jewish groups being formed to help encourage Soviet Jewish emigration that is now all but eliminated. I was part of a special order earlier this evening on that issue.

I do not discount their right to exist. I am happy they do. I am actually happy they do. But just to point out there are religious groups in all elements of society, not just Christian, not just left or right, that are starting to see the importance of expressing their view, their values, their morals, and their politics as well.

The true reality of the situation, what it really comes down to, in my opinion, is something very basic and simple. Our church, our family, our educational system, are all part of us. It is a socialization process that we all go through from the time we are born to the time we die. Our value, our opinions, how we view the world and how we view each other are formed in us throughout our lives. This socialization process includes religion, be it Jewish, Christian, Moslem, Hindu, or the fact of no religion at all. Those are moral precepts, those are the things that we are made out of. That is our theological basis.

Should we tolerate each other is the real question I am presenting tonight. Should we and can we tolerate each other? And my answer is, we must tolerate each other and yes, certainly we should. It is about time in America that both sides, Evangelical right and the more liberal denominational left, of sorts, can sense that both of us have a view of the world that we were brought up with and we cannot, especially as Congressmen, Congresswomen, those in public life, we cannot hang our religion in the cloakroom before we enter the floor of the Congress. We are made up of moral belief systems that we have developed through, as I said, our schooling, our family, and our church. Your morals may be different than mine and that is quite all right. But do not tell me I cannot express those moral values in my job, in my work, in my family, and in my play, while you have been doing it for years and years and years. I will tolerate you if you will tolerate me. That is all that this discussion comes down to.

The accusations on both sides must stop. Tolerance must begin.

History shows, history is clear, that our country was founded on what some call the Judeo-Christian ethic. I do not discount that and I cannot because history shows it. History also shows us as we become intolerant of one another that intolerance breeds confusion in society and that confusion can breed serious turmoil.

So, I would just pray and hope that our country, both those on the religious right and the religious left, would look at history, look at issues, and come to grips with the simple term tolerance, that we can tolerate each other for our beliefs in who we are and the God that you or I happen to believe in, that certainly I have my moral opinions and values and I will use this democratic process, this democratic system that I was elected to to express those opinions and those values.

□ 2040

If it deals with nuclear holocaust, if it deals with military spending or if it deals with feeding the poor and housing the homeless, I cannot help but bring those up as part of my moral fiber and values. And if you think differently than I, I will respect your right to believe that, but I do not have to be forced to agree with you. Please tolerate me in my political and moral and religious views, as I have and should tolerate yours.

It is time for America to come together. It is time for America to become one.

THE PRESIDENT'S ADDRESS TO THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

● Mr. MICHEL. Mr. Speaker, on Monday, September 24, 1984, Presi-

dent Ronald Reagan addressed the 39th session of the United Nations General Assembly. At this point, I wish to insert in the RECORD the text of that historic address.

REMARKS OF THE PRESIDENT TO THE 39TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, SEPTEMBER 24, 1984

The PRESIDENT: Mr. President, Mr. Secretary General, distinguished Heads of State, Ministers, Representatives, and guests—first of all, I wish to congratulate President Lusaka on his election as President of the General Assembly. I wish you every success, Mr. President, in carrying out the responsibilities of this high international office.

It's an honor to be here, and I thank you for your gracious invitation. I would speak in support of the two great goals that led to the formation of this organization, the cause of peace and the cause of human dignity.

The responsibility of this Assembly, the peaceful resolution of disputes between peoples and nations, can be discharged successfully only if we recognize the great common ground upon which we all stand—our fellowship as members of the human race, our oneness as inhabitants of this planet, our place as representatives of billions of our countrymen whose fondest hope remains the end to war and to the repression of the human spirit. These are the important central realities that bind us, that permit us to dream of a future without the antagonisms of the past. Just as shadows can be seen only where there is light, so too can we overcome what is wrong only if we remember how much is right. And we will resolve what divides us only if we remember how much more unites us.

This chamber had heard enough about the problems and dangers ahead. Today, let us dare to speak of a future that is bright and hopeful and can be ours only if we seek it. I believe that future is far nearer than most of us would dare to hope.

At the start of this decade, one scholar at the Hudson Institute noted that mankind also had undergone enormous changes for the better in the past two centuries—changes which aren't always readily noticed or written about.

"Up until 200 years ago, there were relatively few people in the world," he wrote. "All human societies were poor. Disease and early death dominated most people's lives. People were ignorant and largely at the mercy of the forces of nature."

"Now," he said, "we are somewhere near the middle of a process of economic development. At the end of that process, almost no one will live in a country as poor as the richest country of the past. There will be many more people . . . living long, healthy lives with immense knowledge and more to learn than anybody has time for." They will be "able to cope with the forces of nature and almost indifferent to distance."

Well, we do live today, as the scholar suggested, in the middle of one of the most important and dramatic periods in human history—one in which all of us can serve as catalysts for an era of world peace and unimagined human freedom and dignity.

And today I would like to report to you, as distinguished and influential members of the world community, on what the United States has been attempting to do to help move the world closer to this era. On many fronts enormous progress has been made, and I think our efforts are complemented by the trend of history.

If we look closely enough, I believe we can see all the world moving toward a deeper appreciation of the value of human freedom in both its political and economic manifestations. This is partially motivated by a worldwide desire for economic growth and higher standards of living. And there's an increasing realization that economic freedom is a prelude to economic progress and growth—and is intricately and inseparably linked to political freedom.

Everywhere, people in governments are beginning to recognize that the secret of a progressive new world is to take advantage of the creativity of the human spirit; to encourage innovation and individual enterprise; to reward hard work; and to reduce barriers to the free flow of trade and information.

Our opposition to economic restrictions and trade barriers is consistent with our view of economic freedom and human progress. We believe such barriers pose a particularly dangerous threat to the developing nations, and their chance to share in world prosperity through expanded export markets. Tomorrow at the International Monetary Fund, I will address this question more fully, including America's desire for more open trading markets throughout the world.

This desire to cut down trade barriers, and our open advocacy of freedom as the engine of human progress are two of the most important ways the United States and the American people hope to assist in bringing about a world where prosperity is commonplace, conflict an aberration, and human dignity and freedom a way of life.

Let met place these steps more in context by briefly outlining the major goals of American foreign policy, and then exploring with you the practical ways we're attempting to further freedom and prevent war: By that I mean, first, how we have moved to strengthen ties with old allies and new friends; second, what we're doing to help avoid the regional conflicts that could contain the seeds of world conflagration; and third, the status of our efforts with the Soviet Union to reduce the level of arms.

Let me begin with a word about the objectives of American Foreign policy, which have been consistent since the post-war era, and which fueled the formation of the United Nations and were incorporated into the UN Charter itself.

The UN Charter states two overriding goals: "to save succeeding generations from the scourage of war, which twice in our lifetime has brought untold sorrow to mankind," and "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."

The founders of the United Nations understood full well the relationship between these two goals. And I want you to know that the government of the United States will continue to view this concern for human rights as the moral center of our foreign policy. We can never look at anyone's freedom as a bargaining chip in world politics. Our hope is for a time when all the people of the world can enjoy the blessings of personal liberty.

But I would like also to emphasize that or concern for protecting human rights is part of our concern for protecting the peace.

The answer is for all nations to fulfill the obligations they freely assumed under the Universal Declaration of Human Rights. It states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections." The Declaration also includes these rights: "to form and to join trade unions," "to own property alone as well as in association with others," "to leave any country including his own and to return to his country," and to emjoy "freedom of opinion and expression." Perhaps the most graphic example of the relationship between human rights and peace is the right of peace groups to exist and to promote their views. In fact, the treatment of peace groups may be a litmus test of government's true desire for peace.

In addition to emphasizing this tie between the advocacy of human rights and the prevention of war, the United States has taken important steps, as I mentioned earlier, to prevent world conflict. The starting point and cornerstone of our foreign policy is our alliance and partnership with our fellow democracies. For 35 years, the North Atlantic Alliance has guaranteed the peace in Europe. In both Europe and Asia, our alliances have been the vehicle for a great reconciliation among nations that had fought bitter wars in decades and centuries past. And here in the Western Hemisphere, north and south are being lifted on the tide of freedom and are joined in a common effort to foster peaceful economic development.

We're proud of our association with all those countries that share our commitment to freedom, human rights, the rule of law and international peace. Indeed, the bulwark of security that the democratic alliance provides is essential and remains essential to the maintenance of world peace. Every alliance involves burdens and obligations, but these are far less than the risks and sacrifices that will result if the peace-loving nations were divided and neglectful of their common security. The people of the United States will remain faithful to their commitments.

But the United States is also faithful to its alliances and friendships with scores of nations in the developed and developing worlds with differing political systems, cultures and traditions. The development of ties between the United States and China, a significant global event of the last dozen years, shows our willingness to improve relations with countries ideologically very different from ours.

We're ready to be the friend of any country that is a friend to us and a friend of peace. And we respect genuine nonalignment. Our own nation was born in revolution. We helped promote the process of decolonization that brought about the independence of so many members of this body. And we're proud of that history.

We're proud, too, of our role in the formation of the United Nations and our support of this body over the years. And let me again emphasize our unwavering commitment to a central principle of the United Nations system—the principle of universality, both here and in the United Nations' technical agencies around the world. If universality is ignored, if nations are expelled illegally, then the UN itself cannot be expected to succeed.

The United States welcomes diversity and peaceful competition. We do not fear the trends of history. We are not ideologically rigid. We do have principles, and we will stand by them. But we will also seek the friendship and goodwill of all, both old friends and new.

We've always sought to lend a hand to help others. From our relief efforts in Europe after World War I, to the Marshall Plan and massive foreign assistance programs after World War II. Since 1946, the United States has provided over $115 billion in economic aid to developing countries, and today, provides about one-third of the nearly $90 billion in financial resources, public and private, that flows to the developing world. And the U.S. imports about one-third of the manufactured exports of the developing world.

But any economic progress as well as any movement in the direction of greater understanding between the nations of the world are, of course, endangered by the prospect of conflict at both the global and regional level. In a few minutes, I will turn to the menace of conflict on a worldwide scale and discuss the status of negotiations between the United States and the Soviet Union. But permit me first to address the critical problem of regional conflicts, for history displays tragic evidence that it is these conflicts which can set off the sparks leading to worldwide conflagration.

In a glass display case across the hall from the Oval Office at the White House there is a gold medal—the Nobel Peace Prize won by Theodore Roosevelt for his contribution in mediating the Russo-Japanese War in 1905. It was the first such prize won by an American, and it's part of a tradition of which the American people are very proud—a tradition that is being continued today in many regions of the globe.

We're engaged, for example, in diplomacy to resolve conflicts in Southern Africa, working with the Front Line States and our partners in the Contact Group. Mozambique and South Africa have reached an historic accord on non-aggression and cooperation. South Africa and Angola have agreed on a disengagement of forces from Angola, and the groundwork has been laid for the independence of Namibia, with virtually all aspects of Security Council Resolution 435 agreed upon. Let me add that the United States considers it a moral imperative that South Africa's racial policies evolve peacefully but decisively toward a system compatible with basic norms of justice, liberty, and human dignity.

I'm pleased that American companies in South Africa, by providing equal employment opportunities, are contributing to the economic advancement of the black population. But, clearly, much more must be done.

In Central America, the United States has lent support to a diplomatic process to restore regional peace and security. We have committed substantial resources to promote economic development and social progress.

The growing success of democracy in El Salvador is the best proof that the key to peace lies in a political solution. Free elections brought into office a government dedicated to democracy, reform, economic progress and regional peace.

Regrettably, there are forces in the region eager to thwart democratic change—but these forces are now on the defensive. The tide is turning in the direction of freedom. We call upon Nicaragua, in particular, to abandon its policies of subversion and militarism, and to carry out the promises it made to the Organization of American States to establish democracy at home.

The Middle East has known more than its share of tragedy and conflict for decades, and the United States has been actively involved in peace diplomacy for just as long. We consider ourselves a full partner in the quest for peace. The record of the 11 years since the October war shows that much can be achieved through negotiations; it also shows that the road is long and hard:

Two years ago, I proposed a fresh start toward a negotiated solution to the Arab-Israeli conflict. My initiative of September 1st, 1982, contains a set of positions that can serve as a basis for a just and lasting peace. That initiative remains a realistic and workable approach, and I am committed to it as firmly as on the day I announced it. And the foundation stone of this effort remains Security Council Resolution 242, which in turn was incorporated in all its parts in the Camp David Accords.

The tragedy of Lebanon has not ended. Only last week, a despicable act of barbarism by some who are unfit to associate with humankind reminded us once again that Lebanon continues to suffer. In 1983, we helped Israel and Lebanon reach an agreement that, if implemented, could have led to the full withdrawal of Israeli forces in the context of the withdrawal of all foreign forces. This agreement was blocked, and the long agony of the Lebanese continues. Thousands of people are still kept from their homes by continues violence, and are refugees in their own country. The once flourishing economy of Lebanon is near collapse. All of Lebanon's friends should work together to help end this nightmare.

In the Gulf, the United States has supported a series of Security Council resolutions that call for an end to the war between Iran and Iraq that has meant so much death and destruction and put the world's economic well-being at risk. Our hope is that hostilities will soon end, leaving each side with its political and territorial integrity intact, so that both may devote their energies to addressing the needs of their people and a return to relationships with other states.

The lesson of experience is that negotiations work. The peace treaty between Israel and Egypt brought about the peaceful return of the Sinai, clearly showing that the negotiating process brings results when the parties commit themselves to it. The time is bound to come when the same wisdom and courage will be applied with success to reach peace between Israel and all of its Arab neighbors in a manner that assures security for all in the region, the recognition of Israel and a solution to the Palestinian problem.

In every part of the World, the United States is similarly engaged in peace diplomacy as an active player or a strong supporter.

In Southeast Asia, we have backed the efforts of ASEAN to mobilize international support for a peaceful resolution of the Cambodian problem, which must include the withdrawal of Vietnamese forces and the election of a representative government. ASEAN's success in promoting economic and political development has made a major contribution to the peace and stability of the region.

In Afghanistan, the dedicated efforts of the Secretary General and his representatives to find a diplomatic settlement have our strong support. I assure you that the United States will continue to do everything possible to find a negotiated outcome which provides the Afghan people with the right to determine their own destiny, allows the Afghan refugees to return to their own country in dignity and protects the legitimate security interests of all neighboring countries.

On the divided and tense Korean peninsula, we have strongly backed the confidence-building measures proposed by the Republic of Korea and by the UN Command at Panmunjon. These are an important first step toward peaceful reunification in the long term.

We take heart from progress by others in lessening the tensions, notably the efforts by the Federal Republic to reduce barriers between the two German states.

And the United States strongly supports the Secretary General's efforts to assist the Cypriot parties in achieving a peaceful and reunited Cyprus.

The United States has been and will always be a friend of peaceful solutions. This is no less true with respect to my country's relations with the Soviet Union.

When I appeared before you last year, I noted that we cannot count on the instinct for survival alone to protect us against war. Deterrence is necessary but not sufficient. America has repaired its strength; we have invigorated our alliances and friendships. We are ready for constructive negotiations with the Soviet Union.

We recognize that there is no sane alternative to negotiations on arms control and other issues between our two nations, which have the capacity to destroy civilization as we know it. I believe this is a view shared by virtually every country in the world and by the Soviet Union itself.

And I want to speak to you today on what the United States and the Soviet Union can accomplish together in the coming years, and the concrete steps that we need to take.

You know, as I stand here and look out from this podium, there in front of me, I can see the seat of the representative from the Soviet Union. And not far from that seat, just over to the side, is the seat of the representative from the United States. In this historic assembly hall, it's clear there's not a great distance between us. Outside this room, while there still will be clear differences, there's every reason why we should do all that is possible to shorten that distance. And that's why we're here. Isn't that what this organization is all about? (Applause.)

Last January 16th, I set out three objectives for U.S.-Soviet relations that can provide an agenda for our work over the months ahead. First, I said, we need to find ways to reduce, and eventually, to eliminate the threat and use of force in solving international disputes. Our concern over the potential for nuclear war cannot deflect us from the terrible human tragedies occurring every day in the regional conflicts I just discussed. Together, we have a particular responsibility to contribute to political solutions to these problems, rather than to exacerbate them through the provision of even more weapons.

I propose that our two countries agree to embark on periodic consultations at policy level about regional problems. We will be prepared, if the Soviets agree, to make senior exports available at regular intervals for indepth exchanges of views. I've asked Secretary Shultz to explore this with Foreign Minister Gromyko. Spheres of influence are a thing of the past. Differences between American and Soviet interests are not. The objectives of this political dialogue will be to help avoid miscalculation, reduce the potential risk of U.S.-Soviet confrontation, and help the people in areas of conflict to find peaceful solutions.

The United States and the Soviet Union have achieved agreements of historic impor-

tance on some regional issues. The Austrian State Treaty and the Berlin Accords are notable and lasting examples. Let us resolve to achieve similar agreements in the future.

Our second task must be to find ways to reduce the vast stockpiles of armaments in the world. I am committed to redoubling our negotiating efforts to achieve real results. In Geneva, a complete ban on chemical weapons; in Vienna, real reductions to lower and equal levels in Soviet and American, Warsaw Pact and NATO conventional forces; in Stockholm, concrete practical measures to enhance mutual confidence, to reduce the risk of war, and to reaffirm commitments concerning non-use of force. In the field of nuclear testing, improvements in verification essential to ensure compliance with the Threshold Test Ban and Peaceful Nuclear Explosions agreements; and in the field of non-proliferation, close cooperation to strengthen the international institutions and practices aimed at halting the spread of nuclear weapons, together with redoubled efforts to meet the legitimate expectations of all nations that the Soviet Union and the United States will substantially reduce their own nuclear arsenals.

We and the Soviets have agreed to upgrade our hotline communications facility, and our discussions of nuclear non-proliferation in recent years have been useful to both sides. We think there are other possibilities for improving communications in this area that deserve serious exploration.

I believe the proposal of the Soviet Union for opening U.S.-Soviet talks in Vienna provided an important opportunity to advance these objectives. We've been prepared to discuss a wide range of issues of concern to both sides, such as the relationship between defensive and offensive forces and what has been called the militarization of space. During the talks we would consider what measures of restraint both sides might take while negotiations proceed. However, any agreement must logically depend on our ability to get the competition in offensive arms under control and to achieve genuine stability at substantially lower levels of nuclear arms.

Our approach in all these areas will be designed to take into account concerns the Soviet Union has voiced. It will attempt to provide a basis for an historic breakthrough in arms control. I'm disappointed we were not able to open our meeting in Vienna earlier this month, on the date originally proposed by the Soviet Union. I hope we can begin these talks by the end of the year, or shortly thereafter.

The third task I set in January was to establish a better working relationship between the Soviet Union and the United States, one marked by greater cooperation and understanding. We've made some modest progress. We have reached agreements to improve our hotline, extend our 10-year economic agreement, enhance consular cooperation and explore coordination of search and rescue efforts at sea.

We've also offered to increase significantly the amount of U.S. grain for purchase by the Soviet, and to provide the Soviets a direct fishing allocation off U.S. coasts. But there's much more we could do together. I feel particularly strongly about breaking down the barriers between the peoples of the United States and the Soviet Union, and between our political, military and other leaders.

Now, all of these steps that I've mentioned, and especially the arms control negotiations, are extremely important to a step-by-step process toward peace. But let me also say that we need to extend the arms control process to build a bigger umbrella under which it can operate—a road map, if you will, showing where, during the next 20 years or so, these individual efforts can lead. This can greatly assist step-by-step negotiations and enable us to avoid having all our hopes or expectations—or expectations ride on any single set of series of negotiations. If progress is temporarily halted at one set of talks, this newly-established framework for arms control could help us take up the slack at other negotiations.

Today, to the great end of lifting the dread of nuclear war from the peoples of the Earth, I invite the leaders of the world to join in a new beginning. We need a fresh approach to reducing international tensions. History demonstrates that—beyond controversy that just as the arms competition has its root in political suspicions and anxieties, so it can be channeled in more stabilizing directions and eventually be eliminated, if those political suspicions and anxieties are addressed as well.

Toward this end, I will suggest to the Soviet Union that we institutionalize regular ministerial or cabinet-level meetings between our two countries on the whole agenda of issues before us, including the problem of needless obstacles to understanding. To take but one idea for discussion: In such talks, we could consider the exchange of outlines of five-year military plans for weapons development and our schedules of intended procurement. We would also welcome the exchange of observers at military exercises and locations. And I propose that we find a way for Soviet experts to come to the United States nuclear test site and for ours to go to theirs to measure directly the yields of tests of nuclear weapons. We should work toward having such arrangements in place by next spring. I hope that the Soviet Union will cooperate in this undertaking and reciprocate in a manner that will enable the two countries to establish the basis for verification for effective limits on underground nuclear testing.

I believe such talks could work rapidly toward developing a new climate of policy understanding, one that is essential if crises are to be avoided and real arms control is to be negotiated. Of course, summit meetings have a useful role to play. But they need to be carefully prepared, and the benefit here is that meetings at the ministerial level would provide the kind of progress that is the best preparation for higher-level talks between ourselves and the Soviet leaders.

How much progress we will make and at what pace, I cannot say. But we have a moral obligation to try and try again.

Some may dismiss such proposals and my own optimism as simplistic American idealism. And they will point to the burdens of the modern world and to history. Well, yes, if we sit down and catalog year by year, generation by generation, the famines, the plagues, the wars, the invasions mankind has endured, the list will grow so long, and the assault on humanity so terrific that it seems too much for the human spirit to bear.

But isn't this narrow and shortsighted, and not at all how we think of history? Yes, the deeds of infamy or injustice are all recorded, but what shines out from the pages of history is the daring of the dreamers and the deeds of the builders and the doers. These things make up the stories we tell and pass on to our children. They comprise the most enduring and striking fact about human history: that through the heartbreak and tragedy man has always dared to perceive the outline of human progress, the steady growth in not just the material wellbeing, but the spiritual insight of mankind.

"There have been tyrants and murderers, and for a time they can seem invincible. But in the end, they always fail.* Think on it . . . always. All through history, the way of truth and love has always won." That was the belief and the vision of Mahatma Gandhi, He described that, and it remains today a vision that is good and true.

"All is gift," is said to have been the favorite expression of another great spiritualist, a Spanish soldier who gave up the ways of war for that of love and peace. And if we're to make realities of the two great goals of the United Nations Charter—the dreams of peace and human dignity—we must take to heart these words of Ignatius Loyola; we must pause long enough to contemplate the gifts received from Him who made us: the gift of life, the gift of this world, the gift of each other.

And the gift of the present. It is this present, this time that now we must seize. I leave you with a reflection from Mahatma Gandhi, spoken with those in mind who said that the disputes and conflicts of the modern world are too great to overcome; it was spoken shortly after Gandhi's quest for independence had taken him to Britain.

"I am not conscious of a single experience throughout my three months' stay in England and Europe," he said, "that made me feel that after all East is East and West is West. On the contrary, I have been convinced more than ever that human nature is much the same, no matter under what clime it flourishes, and that if you approached people with trust and affection, you would have ten-fold trust and thousand-fold affection returned to you."

For the sake of a peaceful world, a world where human dignity and freedom is respected and enshrined, let us approach each other with ten-fold trust and thousand-fold affection. A new future awaits us. The time is here, the moment is now.

One of the founding fathers of our nation, Thomas Paine, spoke words that apply to all of us gathered here today—they apply directly to all sitting here in this room—he said, "We have it in our power to begin the world over again."

Thank you. God bless you. (Applause.)

*Fall.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 280

Mr. JONES of Oklahoma submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987:

CONFERENCE REPORT (H. REPT. No. 98-1079)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S.

Government for the fiscal years 1985, 1986, and 1987, having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of the conference. As set forth in the accompanying Joint Explanatory Statement, the conferees do propose a congressional budget incorporated in a further amendemnt for the consideration of the two Houses.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
LES ASPIN,
BILL HEFNER,
TOM DOWNEY,
MIKE LOWRY,
GEO. MILLER,
WILLIAM H. GRAY,
HOWARD WOLPE,
MARTIN FROST,
VIC FAZIO,
BILL FRENZEL,
Managers on the Part of the House.

PETE V. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
LAWTON CHILES,
ERNEST F. HOLLINGS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers of the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987, report that the conferees have been unable to agree. This is a techical disagreement, necessitated by the fact that in some instances the conference decisions include figures which (for purely technical resons) would fall outside the range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the Senate will offer a motion in the Senate to recede from the Senate amendment and concur in the House resolution with a further amendment (in the nature of a substitute) consisting of the language agreed to in the conference. Upon the adoption of such amendment in the Senate, the managers on the part of the House will offer a motion in the House to concur therein.

The managers on the part of the House and the Senate submit the following joint statement in explanation of the action agreed upon by the managers:

The substitute language which is to be offered as described above (and which should be considered the language of the concurrent resolution as recommended in the conference report for purposes of section 302(a) of the Congressional Budget Act of 1974)—hereinafter in this statement referred to as the "conference substitute"—is as follows:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1985 is hereby established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1984: $672,900,000,000.
Fiscal year 1985: $750,900,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $881,000,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1984: $0.
Fiscal year 1985: $300,000,000.
Fiscal year 1986: $100,000,000.
Fiscal year 1987: $100,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $45,400,000,000.
Fiscal year 1986: $52,000,000,000.
Fiscal year 1987: $57,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $166,200,000,000.
Fiscal year 1985: $188,700,000,000.
Fiscal year 1986: $204,500,000,000.
Fiscal year 1987: $221,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $918,900,000,000.
Fiscal year 1985: $1,021,350,000,000.
Fiscal year 1986: $1,103,800,000,000.
Fiscal year 1987: $1,200,250,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $845,600,000,000.
Fiscal year 1985: $932,050,000,000.
Fiscal year 1986: $1,003,550,000,000.
Fiscal year 1987: $1,088,600,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $172,700,000,000.
Fiscal year 1985: $181,150,000,000.
Fiscal year 1986: $192,750,000,000.
Fiscal year 1987: $207,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,575,700,000,000.
Fiscal year 1985: $1,823,800,000,000.
Fiscal year 1986: $2,090,000,000,000.
Fiscal year 1987: $2,377,600,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $2,700,000,000.
Fiscal year 1985: $248,100,000,000.
Fiscal year 1986: $266,200,000,000.
Fiscal year 1987: $287,600,000,000.

(6) The appropriate levels of total Federal Credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $38,100,000,000.
(B) New primary loan guarantee commitments, $112,100,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $40,900,000,000.
(B) New primary loan guarantee commitments, $117,150,000,000.
(C) New secondary loan guarantee commitments, $69,950,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $42,600,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $71,700,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:
(A) New budget authority, $264,150,000,000.
(B) Outlays, $230,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $292,900,000,000.
(B) Outlays, $262,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $324,700,000,000.
(B) Outlays, $288,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New Secondary loan guarantee commitments, $0.

Fiscal Year 1987:
(A) New budget authority, $359,800,000,000.
(B) Outlays, $321,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal Year 1984:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $12,300,000,000.
(c) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,650,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $9,500,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $18,750,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $11,800,000,000.

(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $12,800,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1984:
(A) New budget authority, $8,550,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $150,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $8,950,000,000.
(B) Outlays, $8,850,000,000.
(C) New direct loan obligations, $0.
(D) New pirmary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $1,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,050,000,000.
(C) New direct loan obligations, $4,800,000,000.
(D) New primary loan guarantee commitments, $50,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,850,000,000.
(C) New direct loan obligations, $5,000,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $12,250,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,050,000,000.
(C) New direct loan obligations. $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $11,450,000,000.
(D) New primary loan guarantee commitments, $5,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985.
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,400,000,000.
(C) New direct loan obligations, $13,500,000,000.
(D) New primary loan guarantee commitments, $4,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,750,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $15,850,000,000.
(C) New direct loan obligations, $14,500,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,400,000,000.
(C) New direct loan obligations, $6,150,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $6,350,000,000.
(D) New primary loan guarantee commitments, $52,250,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $54,700,000,000.
(E) New secondary loan guarantee commitments, $69,950,000,000.
Fiscal year 1987:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $6,650,000,000.
(D) New primary loan guarantee commitments, $56,900,000,000.
(E) New secondary loan guarantee commitments, $71,700,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,550,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,050,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,100,000,000.
(B) Outlays, $28,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,150,000,000.
(B) Outlays, $30,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,250,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $8,050,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee committments, $0.
Fiscal year 1987;
(A) New budget authority, $7,800,000,000.
(B) Outlays, $8,150,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984;
(A) New budget authority, $31,600,000,000.
(B) Outlays, $28,000,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985;
(A) New budget authority, $30,800,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986;
(A) New budget authority, $30,700,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987;
(A) New budget authority, $32,100,000,000.
(B) Outlays, $31,100,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984;
(A) New budget authority, $31,700,000,000.
(B) Outlays, $30,750,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985;
(A) New budget authority, $33,150,000,000.
(B) Outlays, $34,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986;
(A) New budget authority, $36,350,000,000.
(B) Outlays, $36,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987;
(A) New budget authority, $39,300,000,000.
(B) Outlays, $38,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $58,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,300,000,000.
(B) Outlays, $65,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,900,000,000.
(B) Outlays, $72,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $96,600,000,000.
(B) Outlays, $81,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $121,800,000,000.
(B) Outlays, $95,900,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $143,600,000,000.
(B) Outlays, $111,700,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $154,300,000,000.
(B) Outlays, $119,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $161,300,000,000.
(B) Outlays, $124,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,650,000,000.
(B) Outlays, $178,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,450,000,000.
(B) Outlays, $188,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,750,000,000.
(B) Outlays, $200,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $227,050,000,000.
(B) Outlays, $215,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,350,000,000.
(B) Outlays, $25,900,000,000.
(C) New direct loan obligations, $1,350,000,000.
(D) New primary loan guarantee commitments, $18,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $26,350,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $22,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,150,000,000.
(B) Outlays, $26,750,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $25,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $26,950,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,700,000,000.
(E) New secondaryloan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,150,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $6,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,350,000,000.
(B) Outlays, $6,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $6,450,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,750,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $111,100,000,000.
(B) Outlays, $111,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $133,800,000,000.
(B) Outlays, $133,800,000,000.
(C) New direct loan obligations. $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $149,750,000,000.
(B) Outlays, $149,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $167,950,000,000.
(B) Outlays, $167,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $500,000,000.
(B) Outlays, $550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$750,000,000.
(B) Outlays, −$700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,850,000,000.
(B) Outlays, $2,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,150,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$15,950,000,000.
(B) Outlays, −$15,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$33,150,000,000.
(B) Outlays, −$33,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$37,450,000,000.
(B) Outlays, −$37,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$39,200,000,000.
(B) Outlays, −$39,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GENERAL PROVISIONS

SEC. 2. (a) For fiscal year 1985, 1986, and 1987, any revenues raised by legislation enacted on or after March 15, 1984, shall only be used to reduce the Federal budget deficits for such fiscal years except to the extent that such legislation earmarks all or any part of such revenues for specific spending programs.

(b) For fiscal years 1985, 1986, and 1987, increased funding would be appropriate if authorizations are enacted for education programs, environmental protection, health research activities, and such specific low-income programs as employment initiatives for disadvantaged youth, public works jobs for community renewal, increased funding for Aid to Families with Dependent Children and the state component of the Supplemental Security Income program in order to ensure that the purchasing power of recipients is maintained, increased funding for Title XX of the Social Security Act, and an increase in the earned income tax credit, pursuant to subsection (a) above, if sufficient outlay reductions or new revenues are also enacted to ensure that the legislation is deficit neutral.

ADMINISTRATIVE SAVINGS

SEC. 3. It is the sense of the Congress that the executive branch shall achieve as much

of the $153.2 billion in savings as is feasible, but in no case less than $2 billion over fiscal year 1985 through 1987 which have been recommended by the President's Private Sector Survey on Cost Control and which can be achieved through administrative action within that branch of Government. It is further the sense of the Congress that the President should report to Congress each year, in conjunction with the annual budget submission, on the progress made in achieving the savings required by this section, and that the budget submission for fiscal year 1986 should contain information regarding such administrative savings as have already been achieved.

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 4. (a) Effective October 1, 1984, this concurrent resolution shall be deemed to be the concurrent resolution on the budget for fiscal year 1985 required to be reported under section 310(a) of the Congressional Budget Act of 1974, for the purposes of the prohibitions contained in section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1985 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1985 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SECTION 302(B) FILLING REQUIREMENT

SEC. 5. (a) It shall not be in order in the House of Representatives to consider any bill or resolution, or amendment thereto, providing—

(1) new budget authority for fiscal year 1985;

(2) new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act first effective in fiscal year 1985; or

(3) direct loan authority, primary loan guarantee authority, or secondary loan guarantee authority for fiscal year 1985;

within the jurisdiction of any committee which has received an allocation pursuant to section 302(a) of the Congressional Budget Act of discretionary budget authority or new spending authority, as described above, for such fiscal year, unless and until such committee makes the allocation or subdivisions required by section 302A(b) of the Congressional Budget Act, in connection with the most recently agreed to concurrent resolution on the budget.

(b) The prohibition contained in subsection (a) shall not apply until twenty-one days of continuous session, as defined in section 1011(5) of the Impoundment Control Act of 1974, after Congress completes action on this concurrent resolution.

EXPLANATION OF CONFERENCE SUBSTITUTE

The following tables show the functional allocations and budget aggregates included in the conference substitute. The numbers in the fiscal year 1984 column reflect revisions of the second budget resolution for fiscal year 1984. The fiscal year 1985 columns show the budget aggregates and functional allocations for the first budget resolution for fiscal year 1985. The columns for fiscal year 1986 and fiscal year 1987 show budget aggregates and functional allocations which the conferees consider appropriate for those years.

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1985

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986		Fiscal year 1987	
	Balance	Outlays	Balance	Outlays	Balance	Outlays	Balance	Outlays
FUNCTION								
050 National defense	264.15	230.40	292.90	262.90	324.70	288.70	359.80	321.30
150 International affairs	22.00	12.30	20.80	16.50	18.75	16.00	19.50	16.00
250 General science, space, & technology	8.55	8.30	8.75	8.60	8.80	8.70	8.95	8.85
270 Energy	1.10	2.45	4.20	4.05	4.00	4.05	4.00	3.85
300 Natural resources & environment	12.25	12.30	11.85	12.00	12.10	12.05	12.35	11.95
350 Agriculture	5.10	11.80	17.10	16.40	14.75	16.50	14.10	15.85
370 Commerce & housing credit	5.50	4.40	6.45	2.00	6.30	2.20	7.70	3.40
400 Transportation	29.55	24.90	30.05	27.10	30.10	28.55	31.15	30.05
450 Community & regional development	7.25	7.25	6.90	8.20	7.50	8.05	7.80	8.15
500 Education, training, employment, & Social services	31.60	28.00	30.80	29.90	30.70	30.60	32.10	31.10
550 Health	31.70	30.75	33.15	34.15	36.35	36.15	39.30	38.80
570 Medical insurance	62.80	58.60	70.30	65.35	81.90	72.65	96.60	81.60
600 Income security	121.80	95.90	143.60	111.70	154.30	119.15	161.30	124.45
650 Social security	175.65	178.90	199.45	188.75	213.75	200.85	227.05	215.30
700 Veterans benefits & services	26.35	25.90	26.65	26.35	27.15	26.75	27.60	26.95
750 Administration of Justice	6.00	5.90	6.15	6.10	6.25	6.15	6.35	6.35
800 General government	5.10	5.05	5.70	5.60	5.80	5.65	5.90	5.80
850 General purpose fiscal assistance	6.80	6.80	6.45	6.45	6.45	6.45	6.80	6.75
900 Net interest	111.10	111.10	133.80	133.80	149.75	149.75	167.95	167.95
920 Allowances	0.50	0.55	−0.75	−0.70	1.85	2.05	3.15	3.35
950 Undistributed offsetting receipts	−15.95	−15.95	−33.15	−33.15	−37.45	−37.45	−39.20	−39.20
Total spending	918.90	845.60	1,021.35	932.05	1,103.55	1,003.55	1,200.25	1,088.60
Revenues		672.90		750.90		810.80		881.00
Deficit		172.70		181.15		192.75		207.60
Debt subject to limit		1,575.70		1,823.80		2,090.00		2,377.60
Changes in revenues		0.00		−0.30		−0.10		−0.10
Changes in public debt limit		2.70		248.10		266.20		287.60

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	915.50	914.30	918.90
Outlays	853.90	855.60	845.60
Revenues	664.90	665.10	672.90
Deficit	189.00	190.50	172.70
Debt subject to limit	1,595.80	1,596.80	1,575.70
Change in revenues	1.90	2.10	0.00
Change in public debt limit	105.80	106.80	2.70
FUNCTION			
050 National defense:			
Budget authority	264.50	265.30	264.45
Outlays	234.60	237.50	230.40
150 International affairs:			
Budget authority	22.20	21.00	22.00
Outlays	12.35	12.00	12.30

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
250 General science, space and technology:			
Budget authority	8.55	8.50	8.55
Outlays	8.30	8.30	8.30
270 Energy:			
Budget authority	3.00	3.00	1.10
Outlays	3.00	3.00	2.45
300 Natural resources and environment:			
Budget authority	12.00	11.60	12.25
Outlays	12.40	12.30	12.30
350 Agriculture:			
Budget authority	4.25	4.50	5.10
Outlays	10.80	10.40	11.80
370 Commerce and housing credit:			
Budget authority	5.60	5.60	5.50
Outlays	4.05	4.00	4.40

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
400 Transportation:			
Budget authority	29.40	20.30	29.55
Outlays	25.90	25.70	24.90
450 Community and regional development:			
Budget authority	7.25	7.20	7.25
Outlays	7.25	7.70	7.25
500 Education, training, employment and social services:			
Budget authority	31.35	31.30	31.60
Outlays	28.15	28.10	28.00
550 Health:			
Budget authority	31.60	31.70	31.70
Outlays	30.80	30.90	30.75
570 Medical insurance: [1]			
Budget authority	237.90	62.50	62.80
Outlays	239.50	60.00	58.60

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
600 Income Security:			
Budget authority	118.45	118.50	121.80
Outlays	97.05	97.10	95.90
650 Social Security: [1]			
Budget authority		175.00	175.65
Outlays		179.40	178.90
700 Veterans benefits and services:			
Budget authority	26.15	26.10	26.35
Outlays	25.80	25.80	25.90
750 Administration of justice:			
Budget authority	5.95	5.90	6.00
Outlays	5.95	5.90	5.90
800 General government:			
Budget authority	5.45	5.30	5.10
Outlays	5.50	5.50	5.05
850 General purpose fiscal assistance:			
Budget authority	6.80	6.80	6.80
Outlays	6.80	6.80	6.80
900 Net interest:			
Budget authority	109.65	109.70	111.10
Outlays	109.65	109.70	111.10
920 Allowances:			
Budget authority	.65	.70	.50
Outlays	.75	.70	.55
950 Undistributed offsetting receipts:			
Budget authority	−15.20	−15.20	−15.95
Outlays	−15.20	−15.20	−15.95
Budget authority	1,002.10	1,012.70	1,021.35
Outlays	918.15	925.50	932.05
Revenues	742.70	743.80	750.90
Deficit	175.45	181.70	181.15
Debt subject to limit	1,834.20	1,844.80	1,823.80
Change in revenues	9.70	10.80	−.30
Change in public debt limit	238.40	248.00	248.10
FUNCTION			
050 National Defense:			
Budget authority	285.70	299.00	292.90
Outlays	255.90	266.00	262.90
150 International affairs:			
Budget authority	17.95	15.20	20.80
Outlays	13.45	13.00	16.50
250 General science, space and technology:			
Budget authority	8.75	8.50	8.75
Outlays	8.55	8.40	8.60
270 Energy:			
Budget authority	4.35	4.10	4.20
Outlays	3.95	3.80	4.05
300 Natural resources and environment:			
Budget authority	11.80	12.10	11.85
Outlays	11.90	12.00	12.00
350 Agriculture:			
Budget authority	14.55	15.60	17.10
Outlays	14.80	15.80	16.40
370 Commerce and housing credit:			
Budget authority	6.50	6.40	6.45
Outlays	2.60	1.60	2.00
400 Transportation:			
Budget authority	29.10	28.80	30.05
Outlays	27.05	26.90	27.10
450 Community and regional development:			
Budget authority	7.00	6.90	6.90
Outlays	8.25	8.20	8.20
500 Education, training, employment and social services:			
Budget authority	29.95	30.30	30.80
Outlays	29.95	29.30	29.90
550 Health:			
Budget authority	33.25	33.10	33.15
Outlays	34.25	33.80	34.15
570 Medical insurance: [1]			
Budget authority	270.40	71.50	70.30
Outlays	258.05	67.10	65.35
600 Income security:			
Budget authority	146.15	144.50	143.60
Outlays	114.95	113.20	111.70
650 Social Security: [1]			
Budget authority		199.80	199.45
Outlays		190.30	188.75
700 Veterans benefits and services:			
Budget authority	26.85	27.00	26.85
Outlays	25.95	26.40	26.35
750 Administration of justice:			
Budget authority	6.15	6.10	6.15
Outlays	6.10	6.00	6.10
800 General government:			
Budget authority	5.65	5.50	5.70
Outlays	5.55	5.40	5.60
850 General purpose fiscal assistance:			
Budget authority	6.65	6.50	6.45
Outlays	6.65	6.50	6.45
900 Net interest:			
Budget authority	124.50	124.90	133.80
Outlays	124.50	124.90	133.80
920 Allowances:			
Budget authority	.70	.80	−.75
Outlays	.30	.80	−.70
950 Undistributed offsetting receipts:			
Budget authority	−33.85	−33.90	−33.15
Outlays	−33.85	−33.90	−33.15

[1] *House resolution included Social Security and medicare in function 570.* The Senate resolution included medicare in function 570 and Social Security in function 650.

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	1,087.95	1,106.30	1,103.80
Outlays	984.85	998.00	1,003.55
Revenues	812.55	810.80	810.80
Deficit	172.30	187.20	192.75
Debt subject to limit	2,081.25	2,108.40	2,090.00
Change in revenues	17.65	15.90	−0.10
Change in public debt limit	247.05	263.60	266.20
FUNCTION			
050 National defense:			
Budget authority	310.00	333.70	324.70
Outlays	275.80	294.60	288.70
150 International affairs:			
Budget authority	16.85	16.30	18.75
Outlays	13.45	12.20	16.00
250 General science, space and technology:			
Budget authority	8.80	8.60	8.80
Outlays	8.70	8.50	8.70
270 Energy:			
Budget authority	4.25	4.00	4.00
Outlays	4.20	3.90	4.05
300 Natural resources and environment:			
Budget authority	12.05	12.00	12.10
Outlays	11.95	11.90	12.05
350 Agriculture:			
Budget authority	14.90	14.50	14.75
Outlays	14.75	14.40	16.50
370 Commerce and housing credit:			
Budget authority	6.55	6.30	6.30
Outlays	2.45	2.20	2.20
400 Transportation:			
Budget authority	30.20	30.00	30.10
Outlays	28.60	28.40	28.55
450 Community and regional development:			
Budget authority	7.55	7.50	7.50
Outlays	8.05	8.00	8.05
500 Education, training, employment and social services:			
Budget authority	31.10	30.30	30.70
Outlays	30.20	30.20	30.60
550 Health:			
Budget authority	36.70	36.00	36.35
Outlays	36.40	36.00	36.15
570 Medical insurance: [1]			
Budget authority	298.70	84.10	81.90
Outlays	278.30	74.10	72.65
600 Income security:			
Budget authority	156.15	155.10	154.30
Outlays	119.35	119.10	119.15
650 Social Security: [1]			
Budget authority		215.80	213.75
Outlays		202.70	200.85
700 Veterans benefits and services:			
Budget authority	27.20	27.20	27.15
Outlays	26.55	26.90	26.75
750 Administration of justice:			
Budget authority	6.25	6.20	2.25
Outlays	6.15	6.20	6.15
800 General government:			
Budget authority	5.85	5.80	5.80
Outlays	5.70	5.60	5.65
850 General purpose fiscal assistance:			
Budget authority	6.75	6.50	6.45
Outlays	6.75	6.50	6.45
900 Net interest:			
Budget authority	140.05	141.60	149.75
Outlays	140.05	141.60	149.75
920 Allowances:			
Budget authority	4.40	1.90	1.85
Outlays	3.80	2.10	2.05
950 Undistributed offsetting receipts:			
Budget authority	−36.35	−37.10	−37.45
Outlays	−36.35	−37.10	−37.45

[1] House resolution included Social Security and medicare in function 570. The Senate resolution included medicare in function 570 and Social Security in function 650.

FISCAL YEAR 1987 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference agreement
Budget authority	1,179.25	1,209.80	1,200.25
Outlays	1,067.95	1,086.30	1,088.60
Revenues	885.95	882.30	881.00
Deficit	182.00	204.00	207.60
Debt subject to limit	2,347.25	2,398.50	2,377.60
Change in revenues	22.45	18.80	−0.10
Change in public debt limit	266.00	290.10	287.60
FUNCTION			
050 National defense:			
Budget authority	336.10	372.00	359.80
Outlays	303.90	330.40	321.30
150 International affairs:			
Budget authority	17.50	17.10	19.50
Outlays	13.60	12.50	16.00
250 General science, space and technology:			
Budget authority	8.95	8.90	8.95
Outlays	8.85	8.70	8.85
270 Energy:			
Budget authority	4.10	4.00	4.00
Outlays	4.00	3.80	3.85
300 Natural resources and environment:			
Budget authority	12.30	12.30	12.35
Outlays	11.90	11.90	11.95
350 Agriculture:			
Budget authority	15.30	13.40	14.10
Outlays	15.20	13.20	15.85
370 Commerce and housing credit:			
Budget authority	8.05	7.70	7.70
Outlays	3.75	3.40	3.40
400 Transportation:			
Budget authority	31.20	31.10	31.15
Outlays	29.65	29.50	30.05
450 Community and regional development:			
Budget authority	7.80	7.80	7.80
Outlays	8.15	8.10	8.15
500 Education, training, employment and social services:			
Budget authority	32.35	31.60	32.10
Outlays	31.35	30.60	31.10
550 Health			
Budget authority	39.55	38.80	39.30
Outlays	39.05	38.30	38.80
570 Medical insurance:			
Budget authority	327.05	99.70	96.60
Outlays	302.35	83.00	81.60
600 Income security:			
Budget authority	165.70	164.60	161.30
Outlays	124.25	124.50	124.45
650 Social Security: [1]			
Budget authority	. . .	229.10	227.05
Outlays	. . .	217.10	215.30
700 Veterans benefits and services:			
Budget authority	27.45	27.80	27.60
Outlays	27.15	27.40	26.95
750 Administration of justice:			
Budget authority	6.35	6.30	6.35
Outlays	6.35	6.30	6.35
800 General government:			
Budget authority	5.95	5.90	5.90
Outlays	5.85	5.70	5.80
850 General purpose fiscal assistance:			
Budget authority	7.10	6.80	6.80
Outlays	7.05	6.80	6.75
900 Net interest:			
Budget authority	157.20	160.70	167.95
Outlays	157.20	160.70	167.95
920 Allowances:			
Budget authority	6.85	3.10	3.15
Outlays	5.95	3.30	3.35
950 Undistributed offsetting receipts:			
Budget authority	−37.60	−38.90	−39.20
Outlays	−37.60	−38.90	−39.20

[1] House resolution included Social Security and medicare in function 570. The Senate resolution included medicare in function 570 and Social security in function 650.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

The conference agreement on function 300, natural resources and environment, could accommodate the funding level for the EPA Superfund Program in P.L. 98-371, the fiscal year 1985 HUD-independent agencies appropriation bill. The budget conferees agree that the amounts provided for function 300 do not prejudice the enactment of any reauthorization of the EPA Superfund Program. Should additional funding be required for this program, Congress could

accommodate it in future budget resolutions.

FUNCTION 920:

ALLOWANCES

The totals for this function include savings based on the assumption that the administration will accept and implement some of the recommendations of the President's Private Sector Survey on Cost Control (PPSSCC).

The totals include funding for such Federal civilian employee pay raises as might eventually be granted. The managers made no assumption concerning the rate or effective date of such pay raises.

REVENUES

The House resolution provided a revenue floor of $664.90 billion in FY 1984, $742.70 billion in FY 1985, $812.55 billion in FY 1986, and $885.95 billion in FY 1987. It provided that revenues be increased by $1.9 billion in FY 1984, $9.70 billion in FY 1985, $17.65 billion in FY 1986, and $22.45 billion in FY 1987.

The Senate resolution set a revenue floor of $665.10 billion in FY 1984, $743.80 billion in FY 1985, $810.80 billion in FY 1986, and $882.30 billion in FY 1987. It provided that revenues be increased by $2.10 billion in FY 1984, $10.80 billion in FY 1985, $15.90 billion in FY 1986, and $18.80 billion in FY 1987.

The conference substitute sets a revenue floor of $672.90 billion in FY 1984, $750.90 billion in FY 1985, $810.80 billion in FY 1986, and $881.00 billion in FY 1987.

The conference substitute reflects the Deficit Reduction Act of 1984 and other revenue legislation that has been enacted since passage of the House and Senate budget resolutions, a number of technical and economic re-estimates reflecting the latest information from the Congressional Budget Office, and a small allowance for miscellaneous revenue legislation that has not yet been enacted for FY 1985, as follows:

[In billions of dollars]

	Fiscal years—			
	1984	1985	1986	1987
Current law revenues at time of passage of House and Senate budget resolutions	663.0	733.0	794.9	863.5
Technical and economic adjustments	+8.9	+7.4	−0.8	−5.2
Enacted legislation (primarily Deficit Reduction Act)	+1.0	+10.8	+16.8	+22.8
Subtotal, enacted to date	672.9	751.2	810.9	881.1
Allowance for miscellaneous revenue legislation not yet enacted		−0.3	−0.1	−0.1
Conference substitute	672.9	750.9	810.8	881.0

ECONOMIC ASSUMPTIONS

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions are the same as those used by the Congressional Budget Office in its updated economic forecast published in August 1984. Both the House and Senate—passed budget resolutions were based on economic assumptions prepared by the Congressional Budget Office in January 1984. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[In billions of dollars]

	Calendar years—			
	1984	1985	1986	1987
Gross national product:				
Current dollars	$3,683.2	$4,004.0	$4,329.4	$4,686.6
Percent change	11.5	8.7	8.1	8.3
Constant (1972) dollars	$1,646.8	$1,706.4	$1,759.3	$1,816.5
Percent change	7.3	3.6	3.1	3.3
GNP deflator (percent change, year over year)	3.9	4.9	4.9	4.8
CPI–U (percent change, year over year)	4.4	5.0	4.9	4.8
CPI–W (percent change, year over year)	3.4	5.0	4.9	4.8
Unemployment rate—Civilian (percent)	7.3	6.7	6.6	6.4
Three-month Treasury bill rate (percent)	10.0	9.7	8.9	8.9
Taxable incomes:				
Wages and salaries	$1,813.5	$1,966.9	$2,119.7	$2,289.9
Nontwage personal income	$725.2	$799.2	$868.2	$940.7
Corporate profits from current production	$289.6	$315.7	$348.5	$380.4
Memo: Gross national product, current dollars, fiscal year	$3,589.3	$3,925.9	$4,244.1	$4,595.5

CREDIT BUDGET

The House passed and Senate passed resolutions contained nonbinding credit budget targets, both aggregates and functional amounts. The tables below display the credit budget totals and functional amounts contained in the House resolution, the Senate resolution, and the conference substitute for each of the four fiscal years, 1984–1987, covered by the resolution. The credit budget is an accounting of new direct loan obligations, new primary loan guarantee commitments, and secondary loan guarantee commitments.

The credit budget contained in the conference substitute reflects the decisions of the conferees on budget authority and outlay amounts in the various functions. The credit budget amounts in the conference substitute also include adjustments to reflect enacted legislation affecting credit program activity, e.g., the Deficit Reduction Act of 1984 and the Agricultural Programs Adjustment Act of 1984; and to reflect Congressional Budget Office technical and economic reestimates contained in its August, 1984 budget update.

FISCAL YEAR 1984—REVISED CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	37.60	37.60	37.60
Total new primary loan guarantee commitments	105.15	105.20	105.55
Total new secondary loan guarantee commitments	68.25	68.30	68.25
FUNCTION			
150 International affairs:			
New direct loan obligations	9.10	9.10	9.10
New primary loan guarantee commitments	8.65	8.70	8.65
250 General science, space and technology:			
New direct loan obligations	.15	.10	.15
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.70	4.70	4.70
New primary loan guarantee commitments	.05		.05
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.20	11.20	11.45
New primary loan guarantee commitments	4.70	4.70	5.10
370 Commerce and housing credit:			
New direct loan obligations	6.15	6.20	6.15
New primary loan guarantee commitments	50.00	50.00	50.00

FISCAL YEAR 1984—REVISED CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
New secondary loan guarantee commitments	68.25	68.30	68.25
400 Transportation:			
New direct loan obligations	1.15	1.10	1.15
New primary loan guarantee commitments	.45	.50	.45
450 Community and regional development:			
New direct loan obligations	1.65	1.60	1.40
New primary loan guarantee commitments	.35	.30	.35
500 Education, training, employment, and social services:			
New direct loan obligations	.80	.80	.80
New primary loan guarantee commitments	7.40	7.40	7.40
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.20	.20	.20
600 Income security:			
New direct loan obligations	1.00	1.00	1.00
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.35	1.30	1.35
New primary loan guarantee commitments	18.65	18.70	18.65
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	37.50	36.70	38.10
Total new primary loan guarantee commitments	111.15	110.80	112.10
Total new secondary loan guarantee commitments	68.25	68.30	68.25
FUNCTION			
150 International affairs:			
New direct loan obligations	10.55	10.30	9.50
New primary loan guarantee commitments	9.25	9.30	9.30
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.80	4.70	4.70
New primary loan guarantee commitments	.05	.10	.10
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.45	11.40	13.50
New primary loan guarantee commitments	3.10	3.20	4.20
370 Commerce and housing credit:			
New direct loan obligations	6.50	6.20	6.35
New primary loan guarantee commitments	52.50	52.00	52.25
New secondary loan guarantee commitments	68.25	68.30	68.25
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.45	.50	.45
450 Community and regional development:			
New direct loan obligations	1.70	1.70	1.50
New primary loan guarantee commitments	.35	.30	.30
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.80	.80
New primary loan guarantee commitments	7.75	7.80	7.80
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05

FISCAL YEAR 1985—CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.20	1.20	1.30
New primary loan guarantee commitments	22.85	22.90	22.80
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	39.95	40.80	40.90
Total new primary loan guarantee commitments	117.40	116.70	117.15
Total new secondary loan guarantee commitments	68.25	71.60	69.95
FUNCTION			
150 International affairs:			
New direct loan obligations	11.60	12.00	11.80
New primary loan guarantee commitments	10.25	9.70	10.00
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	4.85	4.80	4.80
New primary loan guarantee commitments	.05		.05
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	12.95	13.70	14.00
New primary loan guarantee commitments	3.10	3.20	3.20
370 Commerce and housing credit:			
New direct loan obligations	6.55	6.40	6.45
New primary loan guarantee commitments	54.80	54.60	54.70
New secondary loan guarantee commitments	68.25	71.60	69.95
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.50	.50	.50
450 Community and regional development:			
New direct loan obligations	1.70	1.70	1.40
New primary loan guarantee commitments	.35	.40	.40
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.90	.90
New primary loan guarantee commitments	8.00	8.00	8.00
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	1.00	1.00	1.10
New primary loan guarantee commitments	25.50	25.50	25.40
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

FISCAL YEAR 1987—CREDIT BUDGET TARGETS

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new direct loan obligations	40.45	41.80	42.60
Total new primary loan guarantee commitments	123.15	123.30	123.30

FISCAL YEAR 1987—CREDIT BUDGET TARGETS—Continued

[In billions of dollars]

	House-passed resolution	Senate-passed resolution	Conference substitute
Total new secondary loan guarantee commitments	68.25	75.10	71.70
FUNCTION			
150 International affairs:			
New direct loan obligations	12.85	12.70	12.80
New primary loan guarantee commitments	10.60	10.20	10.40
250 General science, space and technology:			
New direct loan obligations			
New primary loan guarantee commitments			
270 Energy:			
New direct loan obligations	5.00	5.00	5.00
New primary loan guarantee commitments	.05	.10	.10
300 Natural resources and environment:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments			
350 Agriculture:			
New direct loan obligations	11.85	13.50	14.50
New primary loan guarantee commitments	3.15	3.20	3.20
370 Commerce and housing credit:			
New direct loan obligations	6.75	6.50	6.65
New primary loan guarantee commitments	56.65	57.20	56.90
New secondary loan guarantee commitments	68.25	75.10	71.70
400 Transportation:			
New direct loan obligations	.05	.10	.05
New primary loan guarantee commitments	.50	.50	.50
450 Community and regional development:			
New direct loan obligations	1.75	1.70	1.40
New primary loan guarantee commitments	.40	.40	.40
500 Education, training, employment, and social services:			
New direct loan obligations	.85	.90	.90
New primary loan guarantee commitments	8.15	8.20	8.20
550 Health:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	.15	.20	.20
600 Income security:			
New direct loan obligations	.05		.05
New primary loan guarantee commitments	14.70	14.70	14.70
700 Veterans:			
New direct loan obligations	.95	.90	.90
New primary loan guarantee commitments	28.80	28.80	28.70
850 General purpose fiscal assistance:			
New direct loan obligations	.25	.30	.25
New primary loan guarantee commitments			

General Provisions

RECONCILIATION INSTRUCTIONS

The House resolution included reconciliation instructions to eight House committees to report legislation to achieve savings in fiscal years 1985–87. The House resolution also included directions to the House Committee on Ways and Means to report legislation to increase revenues in fiscal years 1985–87. The Senate amendment did not contain reconciliation instructions.

The House conferees receded to the Senate.

House committees substantially complied with the instructions included in the House resolution in acting on H.R. 4170, the Tax Reform Act of 1984, and H.R. 5394, the Omnibus Budget Reconciliation Act of 1984. Congressional action on H.R. 4170 which, in conference, encompassed consideration of the spending reductions of H.R. 5394, has satisfied the reconciliation instructions in the House resolution.

NONDEFENSE PROGRAM FUNDING

The House resolution contained a provision whereby any revenues raised by legislation enacted after March 15, 1984 shall be used to reduce the Federal budget deficits, unless that legislation earmarks all or any part of such revenues for specific spending programs. The House resolution further stated that funding for certain specified low-income programs would be appropriate if the authorizations for such programs are enacted and if sufficient revenues or outlay reductions are also enacted to ensure that the legislation is deficit neutral. The Senate amendment contained sense of the Congress language that appropriations for fiscal year 1985 should be increased for several nondefense discretionary programs, with priority given to education programs, environmental protection and health research activities.

The Conference substitute incorporates both the language included in the House resolution and the language included in the Senate amendment.

ADMINISTRATIVE SAVINGS

The House resolution contained language expressing the sense of Congress that the Executive Branch achieve at least $2 billion dollars in savings over fiscal years 1985 through 1987 by implementing those recommendations of the President's Private Sector Survey on Cost Control (the Grace Commission) requiring administrative action within that branch of government. The House resolution also urges the President to report to Congress each year in his annual budget submission on the progress being made in achieving recommended savings.

The Senate amendment contained no such provision.

The Senate conferees receded to the House position with an amendment calling for at least $2 billion in savings and as much additional savings as the Administration deems feasible as recommended by the Commission for fiscal years 1985 through 1987. The conference agreement also urges the President to report annually on the progress being made in achieving these savings, and to include in the budget submission for fiscal year 1986 a report on those administrative savings as have already been achieved.

AUTOMATIC SECOND BUDGET RESOLUTION

Both the House resolution and the Senate amendment provided that this resolution shall be deemed the Second Concurrent Resolution on the Budget for fiscal year 1985 for purposes of section 311 of the Budget Act if Congress has not completed action on a Second Resolution by October 1, 1984. The House resolution further provided that such would be the case notwithstanding congressional action or inaction on any reconciliation requirements continued in this resolution.

The House resolution also provided that, for purposes of section 311 of the Budget Act, the automatic second budget resolution provisions shall not apply to any bill or resolution that does not exceed a committee's section 302(a) allocation of new discretionary budget authority or new entitlement authority made under the first budget resolution.

The Senate conferees receded to the House with an amendment deleting reference to Congressional action on reconciliation and making this resolution effective as the second budget resolution for FY 1985 required under section 310 of the Budget Act, as of October 1, 1984.

"PAY AS YOU GO" TRUST FUND AMENDMENT

The House resolution provided that new spending for highway, mass transit, and aviation purposes financed with trust fund

receipts shall be disregarded in determining whether or not a committee exceeds its section 302(a) allocation of new discretionary budget authority or new spending authority for the prohibition contained in the automatic second budget resolution provisions of this resolution or in making a determination of whether the aggregate spending levels have been exceeded for fiscal year 1985.

The House resolution also contained a similar exemption for new superfund financing to the extent that a new superfund financing measure contains revenue sufficient to cover such new spending, or to the extent that sufficient revenue to cover such increases is included in the superfund.

The Senate amendment contained no such provision.

The House conferees receded to the Senate.

SECTION 302(b) FILING REQUIREMENT

The House resolution provided that it shall not be in order to consider any measure that contains new budget authority, new entitlement authority, or new credit activity for fiscal year 1985 within the jurisdiction of a committee until the committee files its report as required under section 302(b) of the Budget Act. The House resolution also provided that the point of order would not apply until 21 days of continuous session after Congress completes action on this resolution.

The Senate amendment did not contain this provision.

The Senate conferees receded to the House.

DEFERRED ENROLLMENT

The Senate amendment provided that neither House may enroll legislation which exceeds a committee's 302(a) allocation of new discretionary budget authority (new budget authority in the case of the Senate) or new entitlement authority for fiscal year 1985 until Congress has adopted the Second Concurrent Resolution on the Budget for Fiscal Year 1985 or until October 1, 1984, whichever occurs first. The House resolution contained no such provision.

The Senate conferees receded to the House.

DETERMINATION OF BUDGET AUTHORITY

The Senate amendment stated that for purposes of this resolution, budget authority shall be determined on the basis applicable for fiscal year 1984. The House resolution did not contain this provision.

The Senate conferees receded to the House.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO HOUSE AND SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget Act the conference substitute makes the following allocation of budget authority and outlays among the committee of the respective Houses:

FISCAL YEAR 1984 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

House committee	Budget authority	Outlays
Appropriations	536,017	496,746
Agriculture	2,479	10,258
Armed Services	24	21
Banking, Finance, and Urban Affairs	777	618
District of Columbia	161	161
Education and Labor	58	52
Energy and Commerce	13,480	10,967
Foreign Affairs	13,446	12,960

FISCAL YEAR 1984 ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

House committee	Budget authority	Outlays
Government Operations	4,575	4,574
House Administration	49	131
Interior and Insular Affairs	1,640	1,464
Judiciary	292	275
Merchant Marine and Fisheries	631	283
Post Office and Civil Service	47,890	32,701
Public Works and Transportation	16,655	184
Science and Technology	37	63
Veterans' Affairs	1,466	1,062
Ways and Means	436,912	421,094
Unassigned to committee	−157,688	−148,015
Total	918,900	845,600

Note: Detail may not add due to rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National Defense	755	98,639	0
150 International Affairs	147	7,503	0
250 General Science, Space, and Technology	20	2,412	0
270 Energy	15	3,780	0
300 Natural Resources and Environment	22	6,202	0
350 Agriculture	0	624	0
370 Commerce and Housing Credit	0	1,120	0
400 Transportation	348	17,937	0
450 Community and Regional Development	64	6,102	0
500 Education, Training, Employment, and Social Services	8,112	23,318	0
550 Health	23,288	28,688	0
570 Social Security and Medicare	19,841	19,841	0
600 Income Security	24,328	37,133	0
650 Social Security	513	513	0
700 Veterans Benefits and Services	15,326	17,206	0
750 Administration of Justice	118	940	0
800 General Government	5,259	5,799	0
850 General Purpose Fiscal Assistance	4,567	4,568	0
920 Allowances	0	25	0
Subtotal	102,722	282,347	0
Discretionary appropriations action (assumed legislation):			
050 National Defense	289,931	162,087	0
150 International Affairs	21,374	10,098	0
250 General Science, Space, and Technology	8,725	6,183	0
270 Energy	5,629	2,077	0
300 National Resources and Environment	14,103	8,021	0
350 Agriculture	12,122	1,668	0
370 Commerce and Housing Credit	5,808	2,928	0
400 Transportation	12,139	9,624	0
450 Community and Regional Development	6,577	1,132	0
500 Education, Training, Employment, and Social Services	21,769	6,661	0
550 Health	9,858	5,705	0
570 Social Security and Medicare	−15	1,017	0
600 Income Security	25,871	19,475	0
650 Social Security	−2	3,739	0
700 Veterans Benefits and Services	10,261	8,293	0
750 Administration of Justice	6,021	5,158	0
800 General Government	5,401	4,803	0
850 General Purpose Fiscal Assistance	692	694	0
920 Allowances	148	148	0
Subtotal	456,412	259,510	0
Discretionary action by other committees (assumed entitlement legislation):			
050 National Defense	2,887	2,837	0
500 Education, training employment, and social services	40	40	0
600 Income security	354	304	0
700 Veterans benefits and services	402	368	0
920 Allowances	802	827	0
Subtotals	4,485	4,376	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Committee totals	563,619	546,234	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	273	273	0
350 Agriculture	5,076	14,205	12,570
450 Community and regional development	1	750	0
850 General purpose fiscal assistance	216	216	216
Subtotals	5,567	15,445	12,787
Committee totals	5,567	15,445	12,787
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	8,925	8,935	180
600 Income security	27,326	15,728	15,728
Subtotal	36,251	24,663	15,908
Discretionary action:			
050 National defense	49	49	1,900
Subtotal	49	49	1,900
Committee total	36,300	24,712	17,808
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−282	0
370 Commerce and housing credit	573	−2,103	0
450 Community and regional development	117	78	0
500 Education, training, employment, and social services	0	−64	0
550 Health	0	−1	0
600 Income security	22	−40	0
700 Veterans benefits and services	0	−22	0
800 General government	106	106	0
900 Net interest	19	19	0
Subtotal	837	−2,308	0
Committee total	837	−2,308	0
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
Subtotal	11	11	11
Committee total	11	11	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, Training, Employment, and Social Services	12	10	4,808
600 Income security	62	57	5,869
Subtotal	74	67	10,678
Discretionary action:			
600 Income security	0	−150	202
Subtotal	0	−150	202
Committee total	74	−83	10,880
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	13,250	13,153	0
600 Income security	598	218	218
Subtotal	13,848	13,371	218
Committee total	13,848	13,371	218
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	8	7	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Subtotal	4,575	4,574	4,567
Committee total	4,575	4,574	4,567

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	45	3	46
Subtotal	52	11	46
Committee total	52	11	46
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	332	−59	0
300 Natural resources and environment	119	85	13
450 Community and regional development	486	483	509
800 General government	1	1	0
850 General purpose fiscal assistance	729	729	119
Subtotal	1,668	1,238	641
Committee total	1,668	1,238	641
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	31	31	0
550 Health	8	−11	21,946
600 Income security	12,295	11,078	8,217
850 General purpose fiscal assistance	6	6	6
Subtotal	12,341	11,104	30,169
Discretionary action:			
300 Natural resources and environment	0	68	0
Subtotal	0	68	0
Committee total	12,341	11,172	30,169
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	52	52	0
600 Income security	13	4	4
750 Administration of justice	0	−9	118
800 General government	429	429	429
Subtotal	495	476	551
Committee total	495	476	551
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	189	208	0
370 Commerce and housing credit	48	35	0
400 Transportation	423	−43	335
850 General purpose fiscal assistance	7	7	0
Subtotal	667	206	335
Committee total	667	206	335
HOUSE POST OFFICE AND CIVIL SERVICE Committee			
Current level (enacted law):			
550 Health	0	−226	1,115
600 Income security	38,490	22,236	22,236
800 General government	11,910	11,910	0
Subtotal	50,400	33,920	23,351
Committee total	50,400	33,920	23,351
HOUSE PUBLIC WORKS AND TRANSPORTATION Committee			
Current level (enacted law):			
270 Energy	357	380	0
300 Natural resources and environment	61	61	0
400 Transportation	16,925	3	13
450 Community and regional development	5	4	0
Subtotal	17,347	449	13
Discretionary action:			
400 Transportation	713	77	0
Subtotals	713	77	0
Committee totals	18,060	526	13
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law);			
250 General science, space, and technology	5	5	0
270 Energy	18	23	0
Subtotal	23	28	0
Committee total	23	28	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Discretionary action (assumed legislation):			
700 Veterans benefits and services	1,526	1,169	16,513
Subtotal	1,526	1,169	16,513
Discretionary action:			
700 Veterans' benefits and services	0	0	402
Subtotal	0	0	402
Committee total	1,526	1,169	16,915
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	932	0	3,153
570 Social Security and medicare	76,878	70,896	70,221
600 Income security	27,283	18,700	36,689
650 Social Security	205,172	190,731	187,533
800 General government	7	7	0
850 General purpose fiscal assistance	281	278	281
900 Net interest	187,084	187,084	187,084
Subtotal	497,636	467,696	484,961
Discretionary action			
500 Education, training, employment, and social services	0	0	40
Subtotals	0	0	40
Committee totals	497,636	467,696	485,001
UNASSIGNED			
Current level (enacted law):			
050 National defense	−9,599	−9,599	0
150 International affairs	−13,971	−13,971	0
270 Energy	−2,151	−2,151	0
300 Natural resources and environment	−2,918	−2,918	0
350 Agriculture	−97	−97	0
370 Commerce and housing credit	−63	−63	0
400 Transportation	−498	−498	0
450 Community and regional development	−349	−349	0
500 Education, training, employment, and social services	−73	−73	0
550 Health	−5	−5	0
570 Social Security and medicare	−26,404	−26,404	0
600 Income security	−13,041	−13,041	0
650 Social Security	−6,233	−6,233	0
700 Veterans benefits and services	−664	−644	0
800 General government	−17,465	−17,465	0
850 General purpose fiscal assistance	−4,615	−4,615	0
900 Net interest	−53,303	−53,303	−26,371
920 Allowances	−1,700	−1,700	0
950 Undistributed offsetting receipts	−33,070	−33,070	0
Subtotal	−186,219	−186,219	−26,371
Discretionary action (assumed legislation):			
050 National defense	−49	−49	0
950 Undistributed offsetting receipts	−80	−80	0
Subtotal	−129	−129	0
Committee total	−186,348	−186,348	−26,371
Total—Current level	559,820	668,249	574,378
Total—Discretionary action	461,530	263,801	2,544
Grand total	1,021,350	932,050	576,922

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

Committees	Direct spending jurisdiciton		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	538,968	496,798		
Agriculture, Nutrition, an Forestry	2,368	10,157	9,790	116
Armed Services	24	21	16,712	16,664
Banking, Housing, and Urban Affairs	2,027	612		
Commerce, Science, and Transportation	2,798	1,301	395	422
Energy and Natural Resources	1,414	1,258	60	55
Environment and Public Works	14,418	345	6	6
Finance	444,479	428,660	52,357	50,099
Foreign Relations	13,445	12,960		
Governmental Affairs	48,059	32,869	(1)	(1)
Judiciary	291	275	70	70
Labor and Human Resources	9,019	6,695	4,502	5,357
Rules and Administration	49	133		
Small Business				
Veterans' Affairs	1,466	1,068	15,448	15,402
Select Indian Affairs	445	440		
Not allocated to committees	−160,369	−147,991		
Total, budget	918,900	845,600	99,339	88,192

[1] Less than $500,000.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1985

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	559,953	546,187		
Agriculture, Nutrition, and Forestry	5,475	15,343	8,824	127
Armed Services	36,300	24,712	178	189
Banking, Housing, and Urban Affairs	1,937	−2,314		
Commerce, Science, and Transportation	1,705	109	325	341
Energy and Natural Resources	1,373	960	63	61
Environment and Public Works	15,554	580	6	6
Finance	510,653	480,445	47,583	50,057
Foreign Relations	13,848	13,370		
Governmental Affairs	50,419	33,938	(1)	(1)
Judiciary	494	476	79	79
Labor and Human Resources	3,851	2,746	5,870	5,800
Rules and Administration	52	11		
Small Business				
Veterans' Affairs	1,526	1,175	15,681	15,707
Select Indian Affairs	486	484		
Not allocated to committees	−182,275	−186,171		
Total, budget	1,021,350	932,050	78,609	72,369

[1] Less than $500,000.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
LES ASPIN,
BILL HEFNER,

TOM DOWNEY,
MIKE LOWRY,
GEO. MILLER,
WILLIAM H. GRAY,
HOWARD WOLPE,
MARTIN FROST,
VIC FAZIO,
BILL FRENZEL,
Managers on the Part of the House.

PETE V. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
LAWTON CHILES,
ERNEST F. HOLLINGS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARRISON (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. HATCHER (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. PEPPER (at the request of Mr. WRIGHT), for today through September 29, on account of attending the 72d Conference of the Inter-Parliamentary Union.

Mr. RITTER (at the request of Mr. MICHEL), for today until 5:15 p.m., on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 60 minutes, today.
Mr. BOEHLERT, for 5 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. MACK, for 5 minutes, today.
Mr. GINGRICH, for 5 minutes, today.
Mr. WEBER, for 5 minutes, today.
Mr. LUNGREN, for 60 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today.
Mr. HORTON, for 15 minutes, today.
Mr. FRENZEL, for 5 minutes, today.
Mr. PORTER, for 5 minutes, today.
Mr. MADIGAN, for 60 minutes, today.
Mr. MICHEL, for 60 minutes, on October 1.
Mr. MICHEL, for 60 minutes, on October 2.
Mr. MADIGAN, for 60 minutes, on October 2.
Mr. MICHEL, for 60 minutes, on October 3.
Mr. MICHEL, for 60 minutes, on October 4.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. MATSUI, for 5 minutes, today.
Mr. BROWN of California, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. SMITH of Florida, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. HAYES, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. JONES of Oklahoma, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, immediately succeeding the remarks made by the gentleman from California [Mr. MILLER] on the child care amendment.

Mr. MOORE, immediately prior to the vote on the Roe amendment.

Mr. WEISS, in opposition to the Frenzel amendment, immediately before the vote on the Frenzel amendment today.

Mr. STUDDS, during the general debate on the amendment offered by Mr. BROWN of Colorado today.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GILMAN in five instances.
Mr. SOLOMON.
Mr. O'BRIEN.
Mr. GEKAS.
Mr. LAGOMARSINO.
Mr. WEBER.
Mr. MCKINNEY.
Mr. SMITH of New Jersey.
Mr. LEACH of Iowa in two instances.
Mr. DAUB.

(The following Members (at the request of Mr. HAYES) and to include extraneous matter:)

Mr. NELSON of Florida.
Mr. PEPPER in two instances.
Mr. DELLUMS.
Mr. MAZZOLI.
Mr. RODINO in two instances.
Mr. FEIGHAN in three instances.
Mr. ACKERMAN.
Mr. ROYBAL.
Mr. ROE.
Mr. EDGAR.
Mr. SCHEUER.
Mr. LEHMAN of Florida.
Mr. FUQUA.
Mr. MINISH.
Mr. GARCIA.
Mr. LANTOS.
Mr. ADDABBO in two instances.
Mr. STARK in two instances.
Mr. MCCLOSKEY.
Mr. DYMALLY.
Ms. OAKAR.
Mr. MATSUI.
Mr. RATCHFORD.
Mr. LELAND.
Mr. LIPINSKI.
Mr. HARRISON.
Mr. BONER of Tennessee.
Mr. HUBBARD.
Mr. BIAGGI.
Mr. GEJDENSON.
Mr. EVANS of Illinois.
Mr. EDWARDS of California.
Mr. SCHUMER.
Mr. SOLARZ.
Mr. COLEMAN of Texas.
Mr. PATTERSON.
Mr. BONKER.
Mr. FLORIO.
Mr. LEHMAN of California.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 310. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 139. Concurrent resolution condemning South Africa's arrests and detentions of political opponents; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1150. An act for the relief of Teodoro N. Salanga, Jr.;

H.R. 1236. An act for the relief of Andrew and Julia Lui;

H.R. 1362. An act for the relief of Joseph Karel Hasek;

H.R. 5147. An act to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983;

H.R. 5343. An act for the relief of Narciso Archila Navarrete;

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes;

H.J. Res. 392. Joint resolution to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; and

H.J. Res. 605. Joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

ADJOURNMENT

Mr. SILJANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 42 minutes p.m.), the House adjourned until to-

morrow, Wednesday, September 26, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4073. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the combat-to-support ratio of U.S. forces in Europe, pursuant to Public Law 98-94, section 1106(a); to the Committee on Armed Services.

4074. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 18-84), pursuant to AECA, section 62(a); to the Committee on Foreign Affairs.

4075. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Francis S. Ruddy, Ambassador-designate to the Republic of Equatorial Guinea, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Supplemental report on H.R. 5492 (Rept. No. 98-1029, Pt. II). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 5743 (Rept. No. 98-1071). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5790. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices; with an amendment (Rept. No. 98-1072). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 6248. A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968 to provide enhanced penalties for certain persons possessing firearms after three previous convictions for burglaries or robberies, and for other purposes (Rept. No. 98-1073). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of conference. Conference report on H.R. 5603 (Rept. No. 98-1074). Ordered to be printed.

Mr. HAWKINS: Committee of conference. Conference report on H.R. 2878 (Rept. No. 98-1075). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 4684. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; with an amendment (Rept. No. 98-1076, Pt. I). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6101. A bill to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone; with an amendment (Rept. No. 98-1077, Pt. I). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. S. 1286. A bill to establish a program to conduct research and development for improved manufacturing technologies, and for other purposes; with amendments (Rept. No. 98-1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Oklahoma: Committee of conference. Conference report on House Concurrent Resolution 280 (in disagreement) (Rept. No. 98-1079). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. PICKLE):

H.R. 6299. A bill to ensure the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 6300. A bill to require that the President transmit to the Congress, and that the congressional Budget Committees report, a balanced budget for each fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. ROSTENKOWSKI (for himself, Mr. MURTHA, Mr. REGULA, Mr. RANGEL, Mr. STARK, Mr. FORD of Tennessee, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. SHANNON, Mr. RUSSO, Mr. PEASE, Mr. HANCE, Mrs. KENNELLY, Mr. DINGELL, Mr. FAUNTROY, Mr. TRAXLER, Mr. SEIBERLING, Mr. WILLIAMS of Ohio, Mr. SMITH of New Jersey, Mr. KOLTER and Mr. MILLER of California):

H.R. 6301. A bill to provide authority for enforcing arrangements restricting the importation of carbon and alloy steel products into the United States that are entered into for purposes of implementing the President's national policy for the steel industry, and for other purposes; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 6302. A bill to delay for 1 year the application of certain restrictions contained in section 103 of the Internal Revenue Code of 1954 to obligations issued under section 11(b) of the U.S. Housing Act of 1937; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 6303. A bill to make certain technical corrections in various acts relating to the Osage Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. MICA:

H.R. 6304. A bill providing for the distribution within the United States of certain U.S. Information Agency films; to the Committee on Foreign Affairs.

By Mr. NOWAK (for himself, Mr. LAFALCE, Mr. CONABLE, and Mr. KEMP):

H.R. 6305. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 6306. A bill to amend the Internal Revenue Code of 1954 to make certain changes in the rules relating to imputing interest on certain deferred payments with respect to sales and exchanges of residential, business, and investment property; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 6307. A bill to provide for the use of safety belts by children in schoolbuses, and for other purposes; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 6308. A bill to amend the Internal Revenue Code of 1954 to provide for temporary across-the-board reductions in tax expenditures; to the Committee on Ways and Means.

H.J. Res. 650. Joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of the increasing number of mid-air collisions and near misses; to the Committee on Public Works and Transportation.

By Mr. VOLKMER (for himself and Mr. YOUNG of Missouri):

H.J. Res. 651. Joint resolution proposing an amendment to the Constitution of the United States prohibiting Federal courts from entering orders requiring the attendance of any student at a particular school; to the Committee on the Judiciary.

By Mr. HANCE:

H. Con. Res. 363. Concurrent resolution expressing the sense of the Congress that the Federal Home Loan Bank Board should delay until June 30, 1985, the effective date of its proposed regulations regarding limitations on direct investment in real estate, service corporations, and equity securities by federally insured savings and loan associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BONKER (for himself, Mr. PRITCHARD, Mr. AUCOIN, Mr. FOLEY, Mr. WEAVER, Mr. DICKS, Mr. SWIFT, Mr. ROBERT F. SMITH, Mr. CHANDLER, Mr. WYDEN, and Mr. MORRISON of Washington):

H. Res. 539. Resolution providing that the U.S. Customs Service should rescind, for a period of at least 6 months, certain amendments to its regulations relating to determinations of country of origin with respect to imports of textiles and apparel; to the Committee on Ways and Means.

By Mr. DURBIN (for himself, Mr. MADIGAN, Mr. ALBOSTA, Mr. BEDELL, Mr. BONIOR of Michigan, Mr. CARR, Mr. CHAPPIE, Mr. COATS, Mr. COLEMAN of Missouri, Mr. DANIEL B. CRANE, Mr. CROCKETT, Mr. DORGAN, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FRANKLIN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. HAMILTON, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HOPKINS, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KILDEE, Mr.

LATTA, Mr. LEACH of Iowa, Mr. MCCLOSKEY, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. ROBERTS, Mr. ROGERS, Mr. SHARP, Mr. SIMON, Mr. SKEEN, Mr. SLATTERY, Mrs. SMITH of Nebraska, Mr. STANGELAND, Mr. TALLON, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TRAXLER, Mr. VANDER JAGT, Mr. WEBER, Mr. WOLPE, Mr. ENGLISH, and Mr. WATKINS):

H. Res. 590. Resolution relating to Canadian pork imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS:

H.R. 6309. A bill for the relief of Ray M. Reed; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 6310. A bill for the relief of Al Borromeo; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 375: Mrs. BOXER.

H.R. 2568: Mr. WHEAT, Mr. KRAMER, and Mr. HILLIS.

H.R. 3218: Mr. SEIBERLING.

H.R. 3473: Mr. BIAGGI.

H.R. 4440: Mr. EVANS of Iowa and Mr. TORRES.

H.R. 4459: Mr. MCEWEN.

H.R. 4642: Mr. MARKEY.

H.R. 4684: Mr. DE LA GARZA, Mr. MOAKLEY, Mr. YOUNG of Missouri, and Mr. MCCURDY.

H.R. 4731: Mr. STARK, Ms. MIKULSKI, Mr. MRAZEK, Mr. TORRICELLI, and Mr. FOWLER.

H.R. 4805: Mr. LEVIN of Michigan, Mr. TORRICELLI, Mr. WEAVER, Mr. FOGLIETTA, Mr. SAVAGE, and Mr. RATCHFORD.

H.R. 5136: Mr. WEAVER, Mr. STUDDS, and Mr. COURTER.

H.R. 5159: Ms. OAKAR.

H.R. 5377: Mr. SILJANDER.

H.R. 5428: Mr. ANDERSON.

H.R. 5446: Mr. EMERSON, Mr. AUCOIN, Mr. WHITLEY, Mr. BORSKI, Mr. COYNE, Mr. CAMPBELL, Mr. TALLON, Mr. FOGLIETTA, Mr. CLINGER, Mr. BRITT, Mr. MCKERNAN, Mr. RATCHFORD, and Mr. NEAL.

H.R. 5784: Mr. GARCIA.

H.R. 5952: Mr. NEAL, Mr. RITTER, Mr. FLIPPO, and Mr. WILSON.

H.R. 5963: Mr. GEKAS.

H.R. 6021: Mr. ASPIN, Mr. RALPH M. HALL, and Mr. LEVITAS.

H.R. 6069: Mr. CRAIG, Mr. DANIEL B. CRANE, Mr. DANNEMEYER, and Mr. YOUNG of Florida.

H.R. 6092: Mr. DELLUMS and Mr. BARNES.

H.R. 6093: Mr. DASCHLE, Mr. GRAY, Mr. KILDEE, Mr. KRAMER, Mr. MINETA, Mr. O'BRIEN, Mr. BILIRAKIS, Mr. DAUB, Mr. MCEWEN, Mr. BRITT, Mr. D'AMOURS, Mr. WEBER, Mr. MCCURDY, Mr. DANIEL, Mr. BONER of Tennessee, Mr. GREEN, Mr. ROEMER, Mr. WORTLEY, Mr. SABO, Mr. BEREUTER, Mr. STANGELAND, Mr. IRELAND, Mr. DE LA GARZA, Mr. DICKINSON, Mr. LATTA, Mr. SCHAEFER, Mr. SHELBY, Mr. RITTER, Mr. HALL of Ohio, Mr. MOODY, Mr. SHUSTER, Mr. STUMP, Mr. WILLIAMS of Ohio, Mr. JACOBS, Mr. GEKAS, Mr. SIMON, Mr. MATSUI, Mr. HANSEN of Utah, and Mr. BATEMAN.

H.R. 6096: Mr. WEISS, Mr. EVANS of Iowa, Mr. KOSTMAYER, Mr. BOLAND, and Mr. FOGLIETTA.

H.R. 6112: Mr. LIPINSKI and Mr. PHILIP M. CRANE.

H.R. 6117: Mr. BERMAN, Mr. BOEHLERT, Mr. CHANDLER, Mr. DEWINE, Mr. FISH, Mr. KASTENMEIER, Mr. MCCOLLUM, Mr. OWENS, Mr. PRITCHARD, Mr. RICHARDSON, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SMITH of Florida, and Mr. VENTO.

H.R. 6139: Mr. BONIOR of Michigan, Mr. EDWARDS of California, Mr. MURTHA, Mr. FRENZEL, Mr. MITCHELL, Mr. RATCHFORD, Mr. REID, Mr. DASCHLE, Mr. GINGRICH, Mr. VANDER JAGT, Mrs. HOLT, Mrs. KENNELLY, Mr. DARDEN, and Mr. DANNEMEYER.

H.R. 6162: Mr. CONTE, Mr. MITCHELL, Mr. BROWN of Colorado, and Mrs. SCHROEDER.

H.R. 6172: Mr. WOLPE, Mr. LAFALCE, Mr. MINETA, Mr. DANIEL, Mr. BERMAN, Mr. WISE, Mr. SLATTERY, Mr. BURTON of California, Mr. VOLKMER, Mr. SWIFT, Mr. EDGAR, Mr. SEIBERLING, Mr. KOGOVSEK, and Mr. BARNARD.

H.R. 6207: Mr. BARNES, Mr. FOGLIETTA, Mr. YOUNG of Missouri, Mr. SMITH of Florida, Mr. AKAKA, Mr. HYDE, Mr. MITCHELL, and Mr. ROE.

H.R. 6210: Mr. SWIFT, Mr. OBERSTAR, Mr. LEHMAN of Florida, and Mr. FAUNTROY.

H.R. 6243: Mr. STENHOLM, Mr. STARK, Mr. MATSUI, Mr. HEFTEL of Hawaii, Mr. BEREUTER, Mr. FRANK, Mr. DWYER of New Jersey, Mr. WORTLEY, Mr. GONZALEZ, Mr. ROSE, Mr. OWENS, Mr. LEVINE of California, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. DELLUMS, Mr. COUGHLIN, Mr. WHITTAKER, Mr. MCCURDY, Mr. CROCKETT, Mr. BEDELL, Mr. BERMAN, and Mr. FROST.

H.J. Res. 236: Mr. MCCOLLUM, Ms. KAPTUR, Mr. CONTE, Mr. BORSKI, Mr. STARK, Mr. EDGAR, Mr. FLORIO, Mr. HOYER, Mr. HIGHTOWER, Mr. FIELDS, Mr. MAVROULES, Mr. YOUNG of Florida, and Mr. DONNELLY.

H.J. Res. 476: Mrs. KENNELLY, Mr. NOWAK, Mr. HALL of Ohio, Mr. KEMP, and Mr. ANNUNZIO.

H.J. Res. 482: Mr. WOLPE and Mr. MCCOLLUM.

H.J. Res. 528: Mr. BARNES.

H.J. Res. 535: Mr. LEVINE of California, Mr. ROE, Mr. WISE, Mr. RANGEL, Mr. REID, and Mr. LAGOMARSINO.

H.J. Res. 547: Mr. RAY, Mr. ADDABBO, Mr. SABO, Mr. CARNEY, Mr. WON PAT, Mr. MACKAY, Mr. WEAVER, Mr. EDGAR, Mr. HARRISON, Mr. OWENS, Mr. YOUNG of Missouri, Mr. OXLEY, Mr. SKEEN, Mr. HEFTEL of Hawaii, Mr. COELHO, Mr. WATKINS, Mr. WORTLEY, Mr. NIELSON of Utah, Mr. TOWNS, Mr. GUNDERSON, Mr. DICKS, Mr. HANSEN of Utah, Mr. BARNES, Mr. BEDELL, Mr. BONER of Tennessee, Mr. BREAUX, Mr. BRYANT, Mr. CHAPPIE, Mr. COURTER, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. BONIOR of Michigan, Mr. RATCHFORD, Mr. KRAMER, Ms. FIEDLER, Mr. ROGERS, Mr. ANNUNZIO, Mr. BENNETT, Mr. HARRISON, Mr. GRAY, Mr. VENTO, Mr. LIPINSKI, Mr. WAXMAN, Mr. LONG of Louisiana, Mr. REGULA, Mr. CROCKETT, Mr. PATTERSON, Mr. MURPHY, Mr. SKEEN, Mr. ROYBAL, Mr. SAVAGE, Mr. SIMON, Mr. RATCHFORD, Mr. GREGG, Mr. HEFTEL of Hawaii, Mr. JACOBS, Mrs. JOHNSON, Mr. KAZEN, Mr. REID, Mr. FISH, and Mr. GONZALEZ.

H.J. Res. 550: Mr. BATEMAN, Mr. JONES of Tennessee, Mr. BADHAM, Mr. BEREUTER, Mr. FIELDS, Mr. FRANKLIN, Mr. GINGRICH, Mr. GREGG, Mr. HILER, Mr. LOEFFLER, Mr. LUKEN, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Mr. RITTER, Mr. ROGERS, Mr. SHAW, Ms. SNOWE, Mr. WALKER, Mr. WEBER, Mr. WHITLEY, Mr. LEHMAN of Florida, Mr. MONTGOMERY, Mr. LUNDINE, Mr. STARK, Mr. CLAY, Mr. CLINGER, Mr. COOPER, Mr. SCHEUER, Mr. PICKLE, Mr. ROBERT F. SMITH, Mr. LANTOS, Mr. COYNE, Mr. JEFFORDS, Mrs. SCHNEIDER, Mr. ANDERSON, Mr. KOGOVSEK, Mr. LEVITAS, Mr. HANSEN of Utah, Mr. CONTE, Mr. OXLEY, Mr. THOMAS of California, Mr. BATES, Mr. YOUNG of Missouri, Mr. RATCHFORD, Mr. DOWDY of Mississippi, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. HOWARD, Mr. MARTIN of North Carolina, Mr. ROEMER, Mr. MCNULTY, Mr. HEFTEL of Hawaii, Mr. VOLKMER, Mr. BRITT, Mr. BENNETT, Mr. EDWARDS of Alabama, Mr. EVANS of Iowa, Mr. SPRATT, Mr. STANGELAND, Mr. YOUNG of Florida, Mr. SHUMWAY, Mr. D'AMOURS, Mr. HAMILTON, Mr. KRAMER, Mr. FASCELL, Mr. MYERS, Mr. DUNCAN, Ms. FIEDLER, Mr. MCCLOSKEY, Mr. NOWAK, Mr. SYNAR, Mr. ROYBAL, Mr. JACOBS, Mr. BOLAND, Mr. SABO, Mr. LEWIS of Florida, Mr. CHAPPIE, Mr. BEDELL, Mr. MOODY, Mr. BLILEY, Mr. PRITCHARD, Mr. SILJANDER Mr. ENGLISH, and Mr. YOUNG of Alaska.

H.J. Res. 609: Mr. GRADISON, Mr. DOWDY of Mississippi, Mr. GEJDENSON, and Ms. FIEDLER.

H.J. Res. 619: Mr. MATSUI.

H.J. Res. 631: Mrs. SCHNEIDER, Mr. MINISH, Mr. COLEMAN of Texas, Mr. GEJDENSON, Mrs. ROUKEMA, Mr. CORCORAN, Mr. ANNUNZIO, Mr. CARNEY, Mr. MCNULTY, Mr. LIPINSKI, Mr. HAWKINS, Mr. LATTA, Mr. DURBIN, Mr. ERDREICH, Mr. LIVINGSTON, Mr. MOODY, Mr. WOLF, Mr. CHAPPIE, Mr. PRICE, Mr. LEACH of Iowa, Mr. DIXON, Mr. SISISKY, Mr. STANGELAND, Mr. FOGLIETTA, Mrs. HALL of Indiana, Mr. MCCAIN, Mr. MATSUI, Mr. RODINO, Mr. MCCURDY, Mr. WYLIE, Mr. LENT, Mr. SCHEUER, Mr. WISE, Mr. TALLON, Mr. CONABLE, Mr. WEAVER, Mr. KOSTMAYER, Mr. ASPIN, Mr. MARTIN of New York, Mrs. JOHNSON, Mr. FASCELL, Mr. KOLTER, Mr. SHELBY, Mr. TAUZIN, Mr. KASTENMEIER, Mrs. COLLINS, Mr. MARKEY, Mr. LONG of Maryland, Mr. HIGHTOWER, Mr. BARTLETT, Mr. COATS, and Ms. FERRARO.

H. Con. Res. 317: Mr. GARCIA.

H. Con. Res. 341: Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. BONIOR of Michigan, Mr. OWENS, Mr. ROSE, Mr. MINISH.

H. Con. Res. 350: Mr. MCCAIN, Mr. PACKARD, Mr. RUDD, Mr. SCHAEFER, Mr. RANGEL, Mr. PORTER, Mr. FISH, and Mr. SOLARZ.

H. Con. Res. 362: Mr. DAVIS, Mr. MCCAIN, Mr. REID, Mr. RICHARDSON, and Mr. RUDD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

414. The SPEAKER presented a petition of the City Council of Boston, MA., relative to the first citizen observer in space; which was referred to the Committee on Science and Technology.

EXTENSIONS OF REMARKS

ROSH HASHANAH CELEBRATION

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 25, 1984

● Mr. WILSON. Mr. President, tomorrow at sundown Jews throughout the world will begin the observance of the Jewish New Year, 5745.

It gives me great pleasure to extend to all of my friends and constituents of the Jewish faith my sincere best wishes at the celebration of the Jewish High Holy Days beginning with Rosh Hashanah on September 26 and 27, and ending with Yom Kippur on October 5 and 6.

Rosh Hashanah, or New Year, is a day of prayer, reflection, joy, hope, and spiritual renewal for people of the Jewish faith. It is a day when family and friends gather to discuss the events of the past year.

Yom Kippur, or the Day of Atonement, is always a solemn day for the Jewish people. It is the culmination of 10 days of penitence and reflection with which the New Year begins. It is the holiest of Jewish holiday, and a day spent in prayer, worship, and fasting. It is a day when loved ones who have passed away are remembered in prayer.

During the celebration of the Jewish High Holy Days, I hope the Jewish people may enjoy peace and prosperity and renewal, wherever they may be.

As one of the U.S. Senators representing California, where so many of my friends and constituents of the Jewish faith live, I take this opportunity to extend my best wishes to all for the New Year. Good Yontif! ●

INTRODUCTION OF QUALITY CONTROL REFORM LEGISLATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. MATSUI. Mr. Speaker, I have introduced a bill, H.R. 6295, to improve the current quality control system for Aid to Families with Dependent Children [AFDC]. This measure will also affect quality control in the Supplemental Security Income [SSI] program.

The basic purpose of the quality control system is to reduce program errors and ensure that the right amount of benefits are delivered to the right people.

In the AFDC program, the quality control system is operated by State quality control staff under Federal guidelines and supervision. Errors are identified through comparison with State rules established under general Federal guidelines. The cost of operating the quality control system is carried as a regular administrative cost and is shared by the States and Federal Government, just as any other administrative expense.

The Federal Government may sanction States for errors they commit in administering AFDC. States would be required to pay the Federal cost of improperly issued benefits, as shown by quality control surveys, if they do not keep their payment error rates below specified target rates. The current target rate is 3 percent. The fiscal sanction that may be imposed is the amount of Federal funds misspent above the target error rate. However, the fiscal sanctions can be waived if the State demonstrates that it is making a good-faith effort to reduce errors.

Without question, it is prudent to require that States adhere to some form of quality control standards as a way to enhance the efficiency of our public assistance programs. To be effective, such a system must be timely, applied fairly, and be cost-effective. Our present system does not achieve these goals.

For example, under the current system, States do not receive information on errors they commit in time to be of great use to them making corrections or recoveries. Furthermore, there is insufficient coordination and cooperation between States and the Department of Health and Human Services in developing and reaching agreement on the appropriate corrective actions that should be taken in relation to the errors identified in the sample.

Another major flaw in the current system is that it penalizes those States that in previous years have made the greatest effort and the most success in reducing their error rates. For example, Alaska, with an error rate of 18.1 percent in fiscal year 1981, faces no error rate penalty, and no reduction in Federal AFDC funds. Minnesota, however, with a much lower error rate of 4.5 percent, faces a loss of $651,000 in Federal AFDC funds, and Oklahoma with a 6.6-percent error rate will lose $1.5 million.

The current system also appears to overstate the actual AFDC error rate. Questionable statistical procedures are used to develop the error rates, and States are penalized for client errors over which they have limited control. In addition, AFDC cases that are counted as errors do not always involve misspent AFDC funds. If a family member's Social Security number is not recorded in the case file or if an individual has not registered for WIN, it is counted as an error despite the fact that all other information that is relevant to the family's eligibility and monthly payment—family size, earnings and other income, assets, et cetera—is in the file and accurate. While these individuals remain eligible for AFDC, technical errors, such as those mentioned above, may cause their payment to be counted as an error.

The current system also fails to take into account economic conditions, as well as significant geographic and program differences among the States, that contribute to errors in ways largely beyond the control of the States. An unpublished HHS study shows that such outside factors as greater population density, higher crime rates, size of the local population, and size of the welfare agencies' caseloads contribute significantly to higher error rates. Despite these findings, HHS makes no effort to consider these factors when determining a State's error liability.

The next round of error penalties will be for the period of October 1981 through September 1982 (fiscal year 1982). It is likely that every State will experience an increased AFDC error rate during this recessionary period because the high levels of unemployment contributed to a much higher than normal growth and turnover in the AFDC and, particularly, the AFDC-Unemployed Parent (AFDC for two-parent families) programs. Due to the impact of the recession on State budgets, many States were forced to reduce their AFDC administrative funds, which, along with the caseload increase and higher turnover rate, resulted in higher than normal error rates.

In other words, the current quality control system will take Federal AFDC funds away from States because of an increase in errors largely caused by conditions beyond the control of the States. Furthermore, this reduction in Federal funds will come just when many of these States are beginning to

recover from the recession and are anticipating the ability to restore some of the AFDC reductions made during the recession.

I am very concerned that if changes are not made in the current quality control program, particularly the fiscal sanction provisions, it will seriously harm the AFDC program and its beneficiaries. According to administration estimates, the current sanction provisions will reduce Federal AFDC matching funds to States by $1.3 billion during the period of fiscal year 1981 through fiscal year 1989. The only way for States to absorb that amount of a reduction is to pass it on to ADFC recipients in the form of reduced or more restrictive AFDC benefits, or to cut administrative funds. New Mexico has indicated that it would have to cut the State's AFDC payment level by 16 percent in the next fiscal year and by 11 percent the following year if the quality control sanctions are imposed. Other States, like Texas, are contemplating staff cutbacks.

As I have stated above, the purpose of the quality control program is to help States improve AFDC administration and reduce AFDC errors. Its purpose is not, or should not be, to force States to cut AFDC benefits or develop more restrictive eligibility requirements. Its purpose is not to shift AFDC costs from the Federal to State budgets. Its purpose is certainly not to force States to cut back on AFDC administrative staff or otherwise reduce administrative resources which will undoubtedly result in an increase in AFDC errors in the future. This is counterproductive and the reverse of what the quality control program is supposed to accomplish.

The bill I am introducing today attempts to address these problems in the AFDC quality control program. My bill also will address a potential problem in the Federal administration of the State supplementation program [SSP] to Supplemental Security Income. Recent proposed regulations by HHS sought to eliminate the Federal Government's obligation to reimburse States for errors it makes it administering SSP. It seems only fair that the Federal Government should follow the same quality control standards it imposes on States. My legislation would retain current regulations requiring the Federal Government to take responsibility for its mistakes.

I am most pleased to note that the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation will hold a hearing on H.R. 6295 on October 3, 1984.

The major provisions of the bill include the following:

AFDC ERROR REDUCTION AND QUALITY CONTROL IMPROVEMENT ACT

(H.R. 6295)

The AFDC Error Reduction and Quality Control Improvement Act is designed to achieve four objectives:

To ensure that error rate sanctions are fair and do not result in AFDC benefit cuts or further reductions in administrative funds.

To hold States accountable for making accurate AFDC payments and impose fiscal sanctions for excessive errors.

To require that States identify and attempt to correct all errors made in administering the AFDC program but base fiscal penalties only on errors which result in misspent AFDC funds.

To establish a fair, equitable and timely AFDC quality control system by acknowledging that a State's error rate should be adjusted when socio-economic, geographic and program factors influence the error rate.

SUMMARY OF PROVISIONS

1. Establish certain minimum quality control policies and procedures in law.

A. States would be required to determine the AFDC error rate for each fiscal year. States would collect a statistically reliable sample of cases for a quality control review following a timetable established in regulations. States could, at their option, collect either 2 six-month samples or an annual sample of their AFDC caseload to develop the error rate but would be prohibited from reducing their sample size.

B. The Federal re-review, analysis, and notice to the States of the official error rate would have to occur within six months after the close of the fiscal year for which the data are collected or six months from the date a completed State sample is submitted to the Federal regional office, whichever is later. The State's official error rate for fiscal sanction purposes would be the adjusted State error rate discussed below.

C. After completing the State data collection process: (1) States would develop and submit to the HHS Secretary a corrective action plan for reducing all identified errors (including those not subject to fiscal penalties as discussed below; (2) the HHS Secretary would review and approve the plan; and (3) implementation of the corrective actions would begin. The HHS Secretary would be required to establish a timetable for these activities in regulations and monitor the corrective action process.

2. Set a new national standard for the AFDC error rate.

A. The standard tolerance level for underpayment *and* overpayment errors would be permanently set at 4 percent. Under current law, States must reach a 4 percent standard tolerance level by FY 83; this declines to 3 percent for FY 84 and thereafter. These standards currently include *only* overpayment errors, however.

3. Determine the adjusted State error rate.

A. The procedures described above would be used to obtain the raw error rate data. Subsequently, two adjustments would be made to produce the adjusted State error rate:

First, the point estimate of a State's error rate would be the lower bound of the range within which a State's true error rate falls. This statistical adjustment is necessary because the sampling procedure used in the quality control system cannot precisely estimate the actual error rate. Instead, the system identifies a range within which the actual error rate is located. Under current rules, the midpoint of the range is used even though the true rate may be lower than the midpoint.

Next, technical errors would be excluded for fiscal sanctions purposes. These are paperwork omissions which, if corrected, would not change the AFDC payment level. They include: failure to provide evidence in the file of social security numbers, assignment of rights to support cooperation in obtaining support, WIN registration, and other errors which have no fiscal impact.

4. Recognize that certain factors beyond a State's control influence the error rate by adjusting the standard tolerance level annually for each State. The standard tolerance level would be adjusted as follows:

A. Add 0.5 percent to the standard level if the State has operated an AFDC unemployed parent program during the fiscal year.

B. Add 0.1 percent to the standard level, up to a maximum of 0.5 percent, for each 20 percent increment by which the State exceeds the national average in terms of percent of total State AFDC caseload with earnings.

C. Add 0.1 percent to the standard level, up to a maximum of 0.5 percent, for each 20 percent increment by which the State exceeds the national average in terms of population density (population per square mile of land area).

D. The steps described in item 3 produce the adjusted State error rate. The steps described in item 4 produce the adjusted State tolerance level.

5. Impose fiscal sanctions on the basis of the adjusted State error rate and the adjusted State tolerence level.

A. State's fiscal sanction would be equal to the Federal portion of benefits paid above the adjusted State tolerance level using the adjusted State error rate.

B. A sanction amount would be reduced by the Federal share of overpayments collected by the State in the fiscal year to which the error rate applies.

C. The current authority for the HHS Secretary to waive sanctions to acknowledge certain circumstances would be retained and modified as follows:

(1) States could request a waiver based on the State's good faith effort to reduce errors. The HHS Secretary would review and act on the request according to a timetable specified in regulations.

(2) The regulations would also specify the criteria that would be used in assessing waiver requests and the relative importance of each factor so that States may informally assess whether a waiver request is appropriate. In reviewing the waiver request, the HHS Secretary would be required to consider the following:

(a) Factors beyond the State's control—such as disasters (fire, flood or civil disorders); strikes by State or other staff needed to determine eligibility or process changes in cases; sudden workload changes resulting from changes in Federal or State law and regulations or rapid caseload growth: and State actions which were the result of incorrect policy interpretations by a Federal official.

(b) Factor's related to agency commitment—such as demonstrated commitment by top management to the error reduction program, sufficiency and quality of operational systems which are designed to reduce errors; use of effective systems and procedures for the statistical and program analysis of quality control and related data;

and effective management and execution of the corrective action process.

(c) Other factors as appropriate—these may be identified by the Secretary in regulations or may be detailed by States in their wavier requests.

(3) States would be permitted to appeal the Secretary's decision on the waiver request described above to the HHS Grant Appeals Board and could also appeal to the courts.

D. In lieu of the waiver authority identified above, the Secretary would be required to permanently waive a sanction if the State submits a plan for the reduction of errors which includes the expenditure of additional State administrative funds equal to one-half of the sanction amount. These expenditures would be a Federally-matched administrative expense.

6. Reward States with low error rates.

A. A State would receive an incentive payment when its adjusted State error rate is below the standard tolerance level (prior to any adjustments) of 4 percent. The amount of the incentive payment would be equal to one-half of what the Federal government saves on AFDC payments because the State error rate is less than 4 percent.

7. Conduct selected studies related to error reduction and quality control.

A. The HHS Secretary would be directed to complete a study within one year of enactment which includes: a detailed analysis of the nature of client errors and the degree to which client errors can be controlled by States; standards by which to judge whether a client error could have been controlled; and an assessment of the cost-effectiveness of this type of error reduction.

B. The HHS Secretary would also be directed to study and suggest measures of AFDC performance which are broader than the current quality control system (which measures only payment accuracy) and more accurately reflect the full range of responsibilities a State has in administering the AFDC program.

8. Effective date.

A. For fiscal years 1981 and 1982, States would have the option of applying current law (the Michel amendment) or the new quality control system and standards.

B. For fiscal year 1983 and thereafter, the new quality control system and standards would apply.

H.R. 6295 also includes a quality control provision affecting the Supplemental Security Income (SSI) program. The provision would require the Federal government to continue reimbursing States for the errors it makes in administering the State Supplemental Program (SSP) in SSI. The present agreement between the Federal government and the States promulgated in regulations on March 7, 1979 would be retained.●

CHRONAR CORP. TESTIFIES ON NEW TECHNOLOGY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GILMAN. Mr. Speaker, I would like to submit for my colleagues information the text of the testimony of Dr. Zoltan Kiss, president of the Chronar Corp., which is opening a facility in my congressional district that will manufacture amorphous silicon photovoltaic panels. This relatively new solar technology has an extremely promising future as our Nation seeks to find alternatives to foreign oil and nuclear power. Accordingly, Mr. Speaker, I am inserting at this point in the RECORD Dr. Kiss' testimony, which he recently submitted before the Subcommittee on Energy Development and Applications:

TESTIMONY OF DR. ZOLTAN KISS, PRESIDENT CHRONAR CORP.

Good morning. My name is Zoltan Kiss. It is an honor to submit testimony to this subcommittee on behalf of Chronar Corporation, Princeton, New Jersey, on the complex issues confronting this nation's solar photovoltaic industry.

In my capacity as President of Chronar, I also represent the views of small business whose activities are dedicated to the success of photovoltaics (pv). In particular, our company is committed to the manufacture of amorphous silicon photovoltaic panels and products. They represent the marriage of energy and electronics technology via semiconductor electronics. Going beyond that parochial view, I will address, to the best of my knowledge, the broader issues of interest to your subcommittee:

A. State of the various pv technologies today and in the foreseeable future.

B. State of the pv industry in the United States and around the world, including comments on the market.

C. State of government policies for developing the domestic industry and for assisting exports.

First, however, I wish to offer some background on Chronar, which was founded in 1976 with an investment of $50,000. Since then, we have invested approximately $10 million in the amorphous silicon technology—$2 million was derived from government funds, $4 million from a public offering and the balance from our own operations. In contrast to many other companies in the pv industry, Chronar has not been blessed with subsidies from the petroleum or the electronics industry. It is estimated that direct investment in amorphous silicon by those two industries exceeds $200 million. On top of this, the U.S. government has contributed another $20 million.

PHOTOVOLTAIC TECHNOLOGY

The terrestrial photovoltaic industry has developed over the past decade from a mere bright idea to approximately 20 megawatts of sales worldwide in 1983. This market has been served primarily by single crystal silicon technology. In this period, the manufacturing costs of single crystal panels have fallen from more than $100 per watt in 1973 to approximately $8 per watt in 1983. Even though single crystal panels were sold under the $8 per watt price, it is certain that unless they were subsidized, those sales were made at a loss. Approximately 60 percent of that 20 megawatt market was produced in the United States. Therefore, it is not surprising that the photovoltaic industry, using single crystal silicon, has not operated at a profit.

Furthermore, it should be noted that the cost reductions forecast for single crystal silicon beyond the 1983 timeframe have not materialized, and indeed, during the last year the price of single crystal panels has leveled off and increased slightly. It should also be noted that the single crystal photovoltaic industry has benefitted substantially from the investment in material improvements over the past two decades for single crystal silicon. These investments occurred in the integrated circuit industry (on the order of $200 billion), as well as specific investments by industry and government in the single crystal photovoltaic development (on the order of $400 million.) Therefore, it must be said that cost reductions of single crystal silicon panels to the $2 per watt level quoted in the hearing charter are highly unlikely, assuming any reasonable investment. The economics of single crystal-related products such as polycrystaline silicon, silicon ribbon and others are only marginally better than those of Chakrolsky-grown silicon crystal. At the same time during the past decade, certain thin film-based photovoltaics were developed, in particular amorphous silicon, which have reached the commercialization stage. This year in Japan, for example, more than 4 megawatts of amorphous silicon will be produced and by 1985 Japan plans to produce more amorphous silicon than all other photovoltaic products. At Chronar, by the end of this year we anticipate a 1 megawatt manufacturing capacity in place, increasing to approximately 5 megawatts at plants across the United States by the end of 1985.

The state of the art in the high end of the production curve is in excess of 6 percent efficiency over an active area of 1 square foot and in excess of 5 percent in total area efficiency. At the present time, manufacturing costs for integrated amorphous silicon panels are approximately $2 per watt. At Chronar, cost reductions are underway with plans to automate the manufacturing facility and to increase the efficiency to approximately 8 percent from 6 percent. This should reduce panel manufacturing costs to under 50 cents per peak watt by 1988. An example of these panels in shown in Figure 1. The terminal manufacturing cost of 20 cents per watt of such panels at 8 percent efficiency is realistic by 1990. Those costs are also the firmly-targeted costs of the Japanese amorphous program. They are also confirmed by the experience of the solar heat reflecting glass product used in most modern skyscrapers.

Our product, basically a sheet of glass with three layers of thin film, is similar to the solar heat reflecting glass found on those modern skyscrapers. Last year in the United States, 100 million square feet of heat reflecting glass were manufactured. The manufacturing cost of this glass was around 50 cents a square foot. Now, when you factor in the efficiency of the amorphous silicon photovoltaic product at our ballpark efficiency of 5 percent, a square foot of our product will generate about 5 watts of electricity. So if one is talking about 50 cents a square foot, divide that by 5 watts, and you end up with a 10 cent per watt manufacturing cost for this type of photovoltaic panel. Truly, these cost figures represent the most significant numbers in the photovoltaic industry today.

So, in all fairness, the comments on amorphous silicon in the hearing charter are somewhat misleading. For amorphous silicon will be a cost competitive terrestrial electricity source for major power applications before the end of this decade. The stability problems raised in the hearing charter are manageable. Figure 2 indicates the results of stability data of amorphous silicon, both at Chronar and other institutions here and in Japan. In summary, products delivered after an initial 24 hour burn-in, assuming the present 5 percent efficiency of over a 20 year period, can reasonably be expected

to degrade no more than 20 percent of the initial value. Based on such data, Chronar is offering a 5 year warranty for degradation of less than 10 percent in this 5 year period.

Therefore, in determining governmental policy, it should be recognized that amorphous silicon-based photovoltaic products will be available before the end of this decade at a cost that is significantly lower than that of crytalline-based products.

STATE OF THE PHOTOVOLTAIC INDUSTRY

It is a fact that the U.S. photovoltaic industry has operated at a loss for the past years and its future is in jeopardy. When you operate at a loss, it is because you are selling a product for less than what it costs to make it. As I mentioned before, manufacturing costs for these products did not come under $8 per watt and the major photovoltaic markets will only open up at prices below that. In particular, remote power markets for irrigation, village electrification, refrigeration and others only become cost competitive at approximately $5 to $6 per watt and new add-on grid electricity becomes cost competitive at $2 to $3 per installed watt. The markets available above these prices—governmental demonstration projects, high speciality microwave repeaters and similar applications in consumer products (calculator panels that are rechargers)—become cost effective at $10 and $30 per watt. Unfortunately, governmental demonstration projects have dried up and U.S. industry has not participated in the consumer market. These are the main reasons for the industry's troubles today.

To open major markets for remote electrification and rigid-competitive electricity, manufacturing costs of the panels have to be brought down to substantially under $2 per watt. This is only possible with thin film technology. For the United States to ignore this fact, at this crucial stage of development, and to bet on single crystal silicon and other high cost materials is tantamount to surrending leadership in this strategically and economically important industry.

GOVERNMENT POLICY

Unfortunately, the U.S. government is showing signs of losing interest in this important technology now that the spectre of gasoline lines and energy shortages is receding into history. The solar industry campaigned hard to extend the tax credits for solar pv use in businesses and homes in the Tax Reform Act of 1984. The effort to extend the business and residential energy taxes beyond their current 1985 date of expiration failed in conference and was left to the uncertain fate of congressional hearing in the 99th Congress. At Chronar, we were sorely disappointed for we believe that we need the incentives of the tax credits, as well as government-supported demonstration projects and incentives to expand manufacturing capacity if we are to create a sound and viable domestic base for the solar pv industry. A base we can use to sell U.S. solar technology both in the United States and abroad. Currently, Chronar is competing mightily in the international arena. Without strong encouragement in the domestic arena, and the support afforded by the business and residential energy credits, I fear that our international effort will lose ground to that of the Japanese who have mounted an equally determined effort to sell abroad. This would be yet another example of how the United States first led in the creation of a technology only to see its commercial application be exploited by others. Beyond the energy tax credits, we would like to see a more aggressive, positive stance taken by the Export-Import Bank, OPIC and by the Department of Commerce in its foreign operations. Solar pv is no longer a high risk R&D phenomenon. It is a rapidly improving commerical technology that offers remarkable opportunities for expansion both domestically and worldwide in many varied applications. The U.S. government should be doing all in its power, consistent with its free market philosophy, to encourage U.S. preeminence in this field. The benefits are too numerous to ignore: environmental (no acid rain, no water pollution, modularity); strategic (energy self-sufficiency); and socio-economic (lower cost electricity).

Thank you. I would be pleased to answer your questions.●

EIGHTH DISTRICT COAL BURNING TECHNOLOGIES CONFERENCE

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. McCLOSKEY. Mr. Speaker, it was my privilege to host an important conference on legislative efforts being made in support of developing coal burning technologies in Evansville, IN, on August 24. Over 100 representatives of the coal producing community, small and large operators, mine workers, leaders from area chambers of commerce and local mayors spent the day hearing from a wide range of experts who spoke on the challenges and promises of coal R&D efforts.

The theme of the conference was "Coal Burning Technologies: A Congressional Perspective." Congressman PHIL SHARP, chairman of the House Energy and Commerce Subcommittee on Fossil and Synthetic Fuels, addressed the morning session. In addition, panel discussions featuring Dr. Jack Dugan of the Science and Technology Subcommittee on Energy Research and Production chaired by Congresswoman MARILYN LLOYD and Mr. Jim Zoia who is director of the Congressional Coal Group chaired by Congressman NICK RAHALL provided the meeting with an important congressional perspective of tremendous significance to the Eighth Congressional District where more than 70 percent of all of Indiana's coal is mined. Mr. Carl Bagge who is president of the National Coal Association provided the conference with a very thought provoking keynote speech on "Fear and the Future of Coal." In addition to these distinguished participants, an array of promising coal burning technologies were examined. These technologies and their importance were discussed by representatives of the Indiana Coal Council, AMAX Coal Co., Peabody Coal Co., the Indiana Limestone Institute, the United Mine Workers, the Evansville Chamber of Commerce, the American Electric Power Service Corp., General Motors Allison-Turbine, the U.S. Department of Energy's Technology Center in Morgantown, WV, the Indiana Corp. for Science and Technology, Resources and Agricultural Management, Inc. and the Atlantic Research Corp. The moderator for our conference was Prof. George Eadie of the department of mining technology at ISUE in Evansville.

Excellent presentations were provided by each and every conference participant. At this time, I would request that the paper by Dr. Dugan of the House be reprinted in the CONGRESSIONAL RECORD. Although it does not represent a formal House Science and Technology Committee policy statement, it does reflect the general sentiment of the chairmen of the principal energy subcommittees of that distinguished panel chaired by Congressman DON FUQUA.

A CONGRESSIONAL PERSPECTIVE ON COAL R&D LEGISLATION

(By Dr. John V. Dugan, Jr.)

Good morning. My aim here this morning is to provide a Congressional perspective from the specific point of view of my Subcommittee Chairman, Mrs. Marilyn Lloyd of Tennessee, as well as a general overview on coal R&D legislation from the viewpoint of our Science and Technology Committee Chairman, Don Fuqua of Florida. In the latter case, I am representing Bob Kripowicz, the Staff Director of Mr. Fuqua's Subcommittee on Energy Development and Applications, who is unable to be here today. I am the Staff Director for Mrs. Lloyd who chairs the Energy Research and Production Subcommittee, which authorizes all civilian nuclear R&D in the Department of Energy (DOE). Nevertheless, as many in the coal community know, she does not simply support nuclear energy development to the exclusion of other energy options. She is interested in a balanced energy R&D program and, due to her particularly keen interest in fossil R&D and synthetic fuels development, she has introduced coal technology legislation. Mr. Fuqua has proposed a generic authorization of $2 billion for pilot plant projects in fossil, solar, and conservation, and I shall discuss that amendment a bit later in the talk.

The national environment for coal R&D and synthetic fuels development is significantly different than that which prevailed in 1980 and 1981. The Energy Security Act was signed by President Carter in 1980 and authorized slightly more than $20 billion for commercial-scale synthetic fuel projects. At the same time, the Department of Energy was still charged with several large demonstration projects including solvent refined coal and high Btu gas technologies. Due to the relatively high cost of these demos, the DOE FY 1981 budget request was in the neighborhood of $1.75 billion. The Reagan Administration came on board and from the outset, the arch enemy of a federal role in technology development as well as the synthetic fuels program, David Stockman, set out to drastically reduce this funding. Actually, his goal was to have the federal government get out of the coal R&D business entirely. However, the Administration and the Congress have finally reached an accommodation on the level of the base

technology budget for coal R&D in the range of $300 to $400 million per year, yet there is presently a battle raging on the synthetic fuels front. As you know, the improprieties of the SFC Board members have become so notorious that the "fall out" has drastically eroded support of the synthetic fuels program. Things have degenerated to a point where the range of funding rescissions (i.e., appropriations to be withdrawn) goes from $5 billion to over $10 billion.

I hope that history will serve as a useful background. Now, let me briefly discuss the legislation proposed by my Chairman, Mrs. Lloyd. There has been a general recognition on our Science and Technology Committee, ever since the budget shocks of the first year of the Reagan Administration, that there is still some need for a federal role between the laboratory bench (or small process development unit) and the full-size plants which would be constructed by industry using proven technologies. At the same time, the Committee recognized that, under overwhelming budget pressures, it was not prudent to propose new appropriations requirements for these projects which would literally "fall between the cracks." Mrs. Lloyd who is a strong supporter of fossil R&D, and coal research in particular, concluded that ultimately the outstanding appropriations for the SFC would be lowered because of its tortured history. This spring she decided that the time was right to raise the issue of redirecting some of that SFC funding. She also recognized that in the near-term the Congress may be compelled to something about acid rain, no matter whether sufficient monitoring data is available to estimate cost benefits or not. As a result, she introduced H.R. 5593, the Clean Coal Production and Utilization Technology Demonstration Act. The Lloyd bill seeks to accelerate clean coal burning technologies toward commercialization by providing government/industry cost/sharing to build pilot plant or semi-works facilities. In the intermediate-term, the bill's goal is to reduce air pollution from coal burning powerplants and other facilities by demonstrating acid rain mitigation technologies at pilot plant scale. The longer term goal of the bill is to catalyze synthetic fuels development through technology demonstrations of more efficient, environmentally acceptable process for advanced combustion and coal conversion.

The important feature that distinguishes the Lloyd bill from other coal legislation introduced in this Congress is that the nearly $2 billion which constitutes the federal share of these demonstration projects would be transferred out of the existing appropriations for the SFC, i.e., from the Energy Security Reserve. In retrospect, the timing for introduction of such legislation appears to have been very good. The bill presently has nearly 30 co-sponsors, but the important thing is that both Houses of Congress have begun to take very seriously Mrs. Lloyd's recommendation to transfer such monies from the SFC to DOE, e.g., the Fuqua amendment is a generic authorization for the coal technology projects in H.R. 5593, as well as for solar and conservation facilities. Mrs. Lloyd understands the private sector's reluctance to assume the complete risk for proving new technologies and, thus, has concluded that it is increasingly evident that government action is not only warranted but necessary.

This is the appropriate time to discuss other coal legislation related to the Lloyd bill which has been introduced in the 98th Congress. The first, H.R. 4182, the National Coal Science, Technology and Engineering Development Program, was introduced by Rep. Nick Rahall (D-W. Va.) with Mrs. Lloyd as one of the co-sponsors. The Rahall bill seeks to encourage industry to develop new clean coal burning technologies with the assistance of the federal government. The bill designates certain candidate technologies for development and would institute a coal research program which would include methods for coal preparation and cleaning; development of ready-to-use fuels sutiable for use in equipment such as boilers and combustion engines; post-combustion cleanup technologies; and development of improved coal utilization processes which are cost competitive and meet established environmental limits. I'm sure Jim Zoia will tell us much more about Mr. Rahall's bill in the next talk.

The second bill, H.R. 5044, the Coal Science Technology and Engineering Development Program of 1984, was introduced by Rep. Doug Walgren (D-Pa.), who also chairs the Science, Research and Technology Subcommittee on the S&T Committee. This bill is similar to the Rahall bill in that it seeks to initiate a more focused and progressive coal research program. The bill authorizes a grant program to be administered by the Secretary of Energy, to encourage eligible applicants to establish proof-of-concept and develop both processes and supporting coal systems. As mentioned, these grants would be administered through the Energy Technology Centers (ETCs) and would cover only a portion of the project cost with industry paying the remaining development costs. The bill lists 13 eligible candidate near-term technologies, ten of which are also in the Rahall bill. Mrs. Lloyd's bill delineates four alternative technologies to wet scrubbers and lists seven candidates for second-generation technology demonstration. Taken together, these bills contain an exhaustive list of candidate technologies and Mrs. Lloyd's bill also encourages development of technologies for Southeastern shale recovery and underground coal gasification.

The Lloyd, Walgren and Rahall bills share the idea that recent funding restrictions in R&D budgets have virtually halted any technology demonstration work by the federal government, i.e., they recognize this "R&D gap." The major intent of these bills is to have the government provide some financial incentives to industry to encourage their participation in energy technology demonstration projects, and by doing so, to achieve a more focused coal research and development program. Both of these bills included cost-sharing provisions without the percentage being specified, i.e., the same approach as Mrs. Lloyd's bill.

In the Senate, Sen. Byrd (D-W. Va.) has introduced S. 1925, the National Coal Science Technology, and Engineering Development Act of 1983. This bill is very similar to the House bills, in particular the Walgren bill. The bill is still pending in the Research and Development Subcommittee of the Senate Committee on Energy and Natural Resources.

In terms of the prospects for passage of these various coal R&D bills, it is important to recognize that a significant program could be put in place by the Appropriations Committees without the authorizing legislation ever becoming law. It would be preferable to vote the Fuqua amendment on the House Floor, but given the strong agreement between the Committees on this matter, it may not be a strict requirement. The Interior Appropriations bill, which we expect to be enacted in September, will appropriate somewhat over $300 million for the on-going fossil R&D base technology program. However, there is a significant possibility that measurable appropriations for semi-works projects in both fossil and conservation could also be included in the Conference Report on the Interior bill. The extent of support which is perceived for the Fuqua amendment may very well determine whether the Appropriations Committee provides funding for such projects.

Let me briefly discuss the Fuqua amendment with an emphasis on coal R&D projects which would presumably account for most of the authorized funding for these energy research and development facilities. The Chairman will offer his amendment to H.R. 5244, the Science and Technology Committee DOE Civilian R&D authorization bill, which is expected to go to the Floor about mid-September. The amendment would authorize $2 billion for all nonnuclear technologies to bridge the gap between applied research and commercial-size facilities. This $2 billion would be authorized for pilot plants, semi-works and demonstration projects with no more than 50% of the total cost provided by the government and the single facility participation by the government limited to $300 million. The Administration, as you might have guessed, although it agrees that such facilities are necessary, expects industry to finance them completely. On the other hand, Chairman Fuqua and the Committee believe that the testimony received overwhelmingly supports the amendment's thrust.

I don't have the explicit language for the amendment, but it is important to understand the intent, which is to cause a new transfer of funds that would otherwise be rescinded from the Energy Security Reserve. The premise thus far is that the authorization would be triggered by a total rescission of $9 billion, but it is not clear as to how such a contingency might be explicitly addressed in the statute. The examples of fossil energy R&D facilities which might be funded in this manner are very similar to the projects spelled out in Mrs. Lloyd's bill, e.g., atmospheric and fluidized bed boilers, MHD retrofits, Integrated gasifier/fuel cell systems, coal-fired turbines, advanced coal gasification and liquefaction facilities. The primary difference between the projects mentioned in H.R. 5593 and those which are potential candidates under the Fuqua amendment is that the latter is as broad but non-specific with respect to acid rain technologies.

Chairman Lloyd's expectation is that roughly $1.5 billion of the total authorized would be ultimately appropriated for fossil R&D projects, but the amendment does not address the distribution of funding among the non-nuclear technologies. The amendment does take a different approach than Mrs. Lloyd's bill in providing a broad framework through a generic authorization within which individual projects would be appropriated with Congressional review versus line item authorizations. The amendment would leave $6.2 billion in the Energy Security Reserve, which is several billions less than what Mrs. Lloyd is comfortable with, but this reflects a commitment Mr. Fuqua and the coal program supporters made during debate on the Interior Appropriations bill.

The amendment has already elicited very constructive discussion among Members of

Congress, the DOE, the industry and the utilities regarding the policy merits of such an approach. I should stress to you that Chairman Lloyd expects that her coal community friends will express strong support for this amendment, regardless of whether our authorization bill ever reaches the House Floor. She would remind you that there will be no other opportunities for such a significant redistribution of federal appropriations to carry out the fossil technology demos which are critically needed. She does not believe that our nation's industrial and government leaders can continue to cater to Mr. Stockman's "free market" whims. She first warned industry about his misguided view of the federal role in research and development in March 1981 and she has seen nothing since that would change her mind about its limitations. She asks for you to make every effort to put the "D" back in fossil R&D through this constructive federal/industry partnership in terms of the Fuqua amendment and related coal legislation.●

THE CUBAN CHALLENGE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of Florida. Mr. Speaker, an incisive examination of Cuba has been published by the Cuban-American National Foundation, Inc. "Cuba as a Model and Challenge" was written by Kenneth N. Skoug, Jr. and contains a preface by the Honorable DANTE FASCELL, chairman of the Foreign Affairs Committee. The monograph focuses on the true nature of the Castro regime and the problems that regime poses to American interests in the Western Hemisphere.

I especially want to bring to my colleagues' attention Mr. Skoug's assessment of the Cuban challenge to our national interests. Everybody concerned with American policy toward Central America should read this analysis.

The pertinent section of the monograph follows:

THE CUBAN CHALLENGE

The revolutionary process that was successful in Cuba was applied repeatedly by Cuba to other states in the region after 1959. In the beginning expectations were simplistic, costs modest and results slim. Cuba viewed its negihbors with hostility and as proper targets for revolutionary bands. This interventionary policy, which earned Cuba few friends in the region and even strained ties to Moscow, was put in abeyance after the death of Che Guevara in Bolivia in 1967. But the revolutionary zeal of Cuba has continued as an integral part of the Cuban system. It is anchored as Article 12(c) in the Cuban Constitution. It has, in connection with Cuba's more mature relationship with the Soviet Union and its pretensions to leadership in the Third World, become a more sophisticated challenge to the rival concept of the open society in the Western Hemisphere.

Especially since the early 1970s, Cuba has moved ever more definitively into the Soviet sphere. In view of the drastic change in the terms of trade between sugar and oil, the barter relationship between Cuba and the Soviet Union has become marked by increasing Soviet subsidies and mounting Cuban economic dependency. Cuba owes the Soviet Union vast soft currency debts it cannot repay. Indeed the Soviet Union and its East European allies must supply greater subsidies, expressed in unbalanced trade accounts, to sustain Cuba's economy.

But if Cuba on the one hand has increased in cost for the Soviet Union, it also has increased in strategic value. The decade of the 70s witnessed the appearance of Cuban combat troops engaged on African battlefields. Particularly in the case of Ethiopia this Cuban presence served Soviet interests in a way which no European ally of the USSR could or would have done. Cuba's military success in Africa, at least in the short run, was in stark contrast to what had until then been a pattern of failure in Latin America. Moreover, after its lonely endorsement of the Soviet crushing of the Prague Spring in 1968, Cuba has been unfailingly supportive of Soviet foreign policy, even when this allegiance has cost Cuba respect among countries which truly are nonaligned.

At the end of the 1970s, when Cuba perceived new opportunities closer to home, two vital elements had changed from the situation prevailing in the 1960s. For one, the Soviet Union was now supportive of Cuba's renewed revolutionary activism and was also prepared to underwrite the massive build-up the Cuban armed forces which has been taking place since the end of 1980. This, together with Soviet activities in and around Cuba, has increased tensions, and would be an element in any major East-West conflict. The second factor is that Cuba has learned to differentiate its own Latin American policy objectives. In the long run, probably, Cuba envisions transformation along Marxist-Leninist lines for every state in the region, but the Cuban leadership has learned to order it short range priorities. Cuba now has the option of cultivating better diplomatic relations with the states of the region, trying thereby to stimulate a Latin American consciousness against the United States and to cultivate its own general acceptance as a normal member of the international order.

Yet, anchored by its bonds to the Soviet Union, Cuba maintains close relations with virtually every radical or revolutionary group in the region, supplying training, money, weapons and counsel and providing the nexus between the revolutionaries and the Soviet Union. At the same time it assesses the relative value of its associations with various Latin American governments and particularly the degree to which these governments can be made useful to Cuba. Cuba thus seeks to be both the Mecca for subversives and a focal point for rallying their governments against the United States.

The examples of this situation in the 1980s are many. To cite only a few:

In the case of Argentina, Cuba made haste to show its firm support of the until-then despised Galtieri regime once the battle for the Falklands began. The ideology of the Argentine military bothered the Cubans less than the chance ot be seen in the forefront of Latinity against the Anglo-Saxon. An additional reward for Cuba has been the generous trade credits which both the Argentine military regime and its civilian successor have supplied to the ailing Cuban economy.

Once the momentum of the Falklands issue was lost, Cuba, which was itself obliged in August, 1982, to ask Western creditors to reschedule part of the $3 billion dollar Cuban hard currency debt, seized upon the general financial crisis in the region to promote Cuban solidarity with other Latin American debtors. This incidentally shows again how adept Cuba is at exploiting even its own problems for political gain.

In the case of Columbia, the Cuban government admitted having trained the M-19 revolutionaries who assaulted the Turbay Ayala government, with which Havana was maintaining overtly normal diplomatic relations. More recently Cuba showed its influence in a new way. The head of the Cuban government requested that Colombian terrorists release the kidnapped brother of the President of Colombia. The terrorists heeded this request from an individual whom they apparently respect and esteem. The obvious lesson is that the voice which can stay the terrorist's hand can also permit it to strike.

The focus of Cuba's foreign policy, however, is presently on Central America. Cuba primarily wishes to see the Sandinista government in Managua consolidated as a permanent force on the American mainland, with its fundamental approach in close harmony with the Cuban system. Communist Cuba wants a Communist Nicaragua. It also would like to see the revolutionary forces in El Salvador come to power there through the process of a negotiated settlement, sharing power on a transitional basis until Lennist-style control can be established. Cuba's immediate attitude toward the other states in the region seems to be dictated primarily by how they react to the struggle in Nicaragua and in El Salvador. For example, it is largely irrelevant to the Cubans that elections take place in Guatemala. What is essential is that Guatemala stay out of the conflict at its very door or else bear the brunt of Cuban displeasure. The same policy was followed in the case of Honduras, where Cuban actions were keyed to the stand taken by Honduras towards the two conflicts on its borders. Cuba, which has trained revolutionaries from almost all countries in the hemisphere, was able to send such forces into Honduras. The invaders were defeated, but they demonstrated the same principle as applied in Colombia and elsewhere. The government which displeases Cuba, whether or not it has normal diplomatic relations with Havana, can expect armed retaliation.

Cuban officials occasionally say they favor the democratic trend in Latin America. But his putative endorsement of something which Cuba has never permitted its own people is suspect. Free elections are clearly not seen by Cuba as the answer to questions in Central America or even as a useful step forward. They are not likely to be seen as relevant in other countries once there exist concrete prospects for revolution on the Cuban pattern. Rather it appears that Cuba, if it welcomes democratic trends at all, does so only where it can envision prospects of winning from within or where the elected government supports foreign policy objectives which, at least in the short run, are consistent with Cuba's own. In either such case, however, there is no reason to believe that Cuba will suspend its close ties to revolutionary forces in any country, forces which Cuba can help to bring to power when conditions are appropriate or

which can be used as a threat to compel or to persuade.

THE UNITED STATES AND CUBA

The underlying issues between the United States and Cuba have their genesis in Cuba's revolutionary posture and its close alignment with the Soviet Union. Cuba has indicated on many occasions that neither of these pillars of Cuban policy is open to discussion. Its behavior consistently underscores this reality. It is Cuba's unique role as a linchpin between Soviet power and a Latin America in transition which introduces strategic and ideological considerations into conflicts which could otherwise be resolved or at least ameliorated on their own terms. Cuba facilitates Soviet military power on our doorstep. That is why foreign policy is at the root of our differences with Havana and why so much of our policy toward Cuba is directed toward its restraint.

In the 1970s there were good faith efforts by the United States to improve this relationship. Interests Sections were established to facilitate direct communications between the two parties. The U.S. trade and financial embargo was relaxed. Cuba released some political prisoners and permitted the return of Cuban-Americans who had left Cuba as "worms" and came back as "butterflies," pouring dollars into Cuban coffers. But this movement did not and could not touch the main thrust of Cuban policy. Having gone into Ethiopia in 1977 at Soviet behest, Cuba in succeeding years engaged itself in Nicaragua and El Salvador and exploited the seizure of power by the New Jewel Movement in Grenada. In so doing Cuba demonstrated the depth of its determination to reconstruct the Western Hemisphere along the lines of its own model.

The attitude of the United States government toward Cuba remains one of serious concern about the militarization of Cuba and about Cuba's stimulation of revolutionary violence in this hemisphere and elsewhere. After Grenada it is likely that Cuba has some better appreciation of the risks of uncontrolled violence and of the limitations of its own power and that of its allies, but there is no convincing indication that the overall thrust of Cuban foreign policy has been or will be altered. Cuba remains militant and prone to stimulate violent change.

There remains, however, a willingness on our part to resolve those problems with Cuba which Cuba may wish to resolve and for which there is a reasonable basis for mutually satisfactory solutions. One example is the problem of the Mariel Excludables who came with the Boatlift of 1980 and who are ineligible to remain in the United States for substantive reasons. We have also tried to engage Cuba in talks about problems of radio interference. In both cases we were and are prepared to deal with Cuba on the basis of equality and mutual respect and to make concessions in order to resolve problems. There are perhaps other issues of this nature where progress could be made if Cuba is so interested.

It is occasionally asked if there can be an improvement in overall U.S.-Cuban relations. Such an improvement can hardly be a goal in itself. There are some bilateral issues, relatively free of ideological content, which can be resolved. But the differences of principle between the United States and Cuba are profound. There is unfortunately no sign yet that the Cuban leadership is reconsidering its own world view, or is beginning seriously to address those issues which set it apart from a region which is striving for greater freedom and economic well-being.

Assuming that these circumstances continue, we shall continue to work with friendly nations to meet the Cuban challenge and to overcome it until that day when the constructive genius of Cuba can be turned to the commonweal of all who inhabit this hemisphere.●

SLBM THREAT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. AuCOIN. Mr. Speaker, one of the most grievous national security threats we will face by the end of the century is that of attack by accurate quick-striking Soviet submarine-launched ballistic missiles. One of the most significant advantages of the nuclear freeze is that it will prevent these missiles from gaining high accuracy.

I've run some calculations on the vulnerability of our ICBM silos to Soviet SLBM attack under freeze and no-freeze conditions. The results are dramatic; so that my colleagues can consider them, I insert them in the RECORD at this point.

U.S. ICBM WARHEADS SURVIVING SOVIET SLBM ATTACK—MID 1990'S

	Modernization		Freeze	
	Trident II quality attack	Satellite guided attack	Static freeze (no change from 1984)	Worst case (double Soviet accuracy and quadruple stationing)
Silo hardness:				
2,000 psi (present U.S.)	30	10 or less	1980	1,750
6,000 psi (present Soviet)	170	do	1990	1,810
10,000 psi	310	do	1990	1,830
20,000 psi	630	do	1995	1,910

If we choose modernization, Soviet SLBMs will so seriously threaten American ICBMs in silos half of the crucial half-hour warning time will be lost. The deterrent superiority of the freeze over modernization is here even more dramatic than with ICBMs.

The warning time would be cut even more drastically if putting maneuverable reentry vehicles or satellite guidance on DTBMs is possible. No one knows, but there do not seem to be any technologically insuperable difficulties to it. If it is possible, then even our hardened silos can be threatened by DTBMs with their six minute warning time. Modernization will let us find out whether it is possible.

In contrast, the freeze's ban on SLBM test flights and additional deployments will prevent accurate SLBMs and preserves the critical quarter hour warning time.●

A PUBLIC HOUSING SUCCESS: THE ELDERLY SAFE AT HOME PROGRAM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GARCIA. Mr. Speaker, the problems associated with public housing are often perceived as too expensive to solve, or, at worst, inherent and hopeless. Elderly residents of low-income housing are viewed as helpless, and the youth of these communities are portrayed as uncaring and destructive.

I would like to bring to the attention of the legislative community a program which sheds a different light on these perceptions. The Elderly Safe at Home Program, directed by the New York City Housing Authority, innovatively uses limited funding to provide important social services to many elderly project residents. Crime prevention, security, counseling, and other assistance crucial to the daily needs of older citizens is available within their local community. The innovation lies not in the types of services offered, but in the utilization of our most valuable resource, human cooperation, in providing these services.

The elderly residents of participating housing units actively contribute to the maintenance of their own security and the safety of their neighbors. Youth are given constructive and responsible duties, as qualified students are directly involved in geriatric care of those in need. Unique programs forge intergenerational bonds by encouraging young and old to share experiences, and the sponsoring of social gatherings and trips enable many to enjoy outings otherwise impossible.

The Elderly Safe at Home Program has received noted awards and commendations, but the deepest rewards have come from the support offered, the friendships developed, and the sense of community reinforced as a result of the holistic approach and marked dedication of the staff and local residents.

I am submitting an article for the RECORD from the Herald Statesman describing the program's attributes in whole, and hope my colleagues will be enlightened to the progress made in our most challenging task of housing the needy.

S. BRONX SENIORS MORE SECURE, THANKS TO HOUSING AUTHORITY

(By Karen DelBene)

The Elderly Safe at Home Program, an anti-crime operation established by the Housing Authority's Office for the Aging, first began serving the elderly residents of the South Bronx in 1981. Today, this program has become a way of life for more than 1,700 South Bronx seniors living in Claremont Village, Forest Houses, McKin-

ley Houses, Jackson Houses, and 372 E. 152nd St.

Under the direction of Gary D. Morgan, a social worker with the Housing Authority for 13 years, the program incorporates a large number of services which make life a little easier, happier and safer for the seniors it serves.

Through a centralized network, the program provides security and service linkages using social workers, volunteers, tenant patrols and paraprofessionals, as well as students during after-school hours.

"What makes the program work," said Morgan, "is the concern and caring of the staff for their neighbors and the larger volunteer effort on the part of the elderly."

The basics of the program include home visits, telephone checkups, anti-crime seminars, and escort services. In addition, seniors have the use of an emergency alarm system through which they can alert neighbors when something is wrong. The alarm is operated by a pullcord inside the apartment which set off a light outside the door.

Also provided is HELP (Helping Elderly Lower Pressure), where blood pressure readings are taken three times a year; SAFE (Student Assistance for the Elderly), which pairs Health Career students with an interest in geriatrics with individual seniors; and the Rape Prevention Unit, which provides rape prevention seminars and arranges for crisis counseling and referrals for victims of rape and other sexual assaults.

The program also attempts to bridge the generation gap through such programs as Intergenerational Cooperation Day that was held this year in May. The project brought together 150 seniors and students from 14 Bronx public schools for a student essay and poster contest entitled, "How I Feel About the Elderly in My Community."

The success of the program is proven, not only through the seniors it serves, but through the numerous letters of commendation it has received from leaders such as Mayor Ed Koch and District Attorney Mario Merola.

An important key to the program's success is the elderly themselves. Through the "buddy system," in which every senior speaks to another every day, the staff is able to find out about seniors who are in need of help. In addition, active seniors in each building help their neighbors with escort services, friendly visits, and a daily check to make sure everything is all right.

It is clear that the concern of the elderly for one another is what keeps them together and keeps them going. "Right now we need each other," said 70-year-old Pearl Mack, who has been with the program for a year. "If I can help in any way, I will," she said.

The most unique characteristic of the program is the senior security advisors, on call 24 hrs a day, 7 days a week. These staff members work in the office from 9 a.m. to 5 p.m. and make their home phone numbers available so that seniors can contact them at any time.

Another important element of the program is the respect that staff members have for the seniors they serve. "We have people in their late 90s still capable of independent living," said Morgan. "The wealth of the seniors' experience is respected."

The program is also an outlet for the elderly—a means of socializing, taking part in activities and doing things that would otherwise be impossible. Seniors work with arts and crafts, attend meetings, and go on trips to such events as the symphony at Lincoln Center.

"Without the program we wouldn't be able to do so many wonderful things," said Petra Ponga, a 72-year-old widow who lives alone. "I was very lonely before," she said. "I'm not lonely anymore."

Unfortunately, with all of the positive work it is doing, the Elderly Safe At Home Program is still feeling the bite of federal funds cutbacks. The staff recently lost four part-time members because the money allotted through the Community Development Block Grant just wasn't enough.

"We've been receiving $100,000 per year since the program began," said Morgan. "But the same money doesn't go as far as it did."

The loss of the four staff members is being felt by the seniors, who consider them family members. "It's like they cut something from our life," said Mrs. Ponga.●

SISTER MARIE CAROL HURLEY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, the Miami Herald recently printed an article about Sister Marie Carol Hurley and her work on behalf of the black community in Miami.

Sister Marie Carol is not only a dear friend. She is also a very valued former employee of our Washington congressional office. During the time she worked with us, she set an example of caring and commitment that inspired the entire staff. We all miss her, but we know that she left her work on Capitol Hill so that she could make still greater contributions.

Those who know Sister Marie Carol cannot fail to be touched by her. She brings a real joy to her work, and through it communicates a sense of hope for our future.

Mr. Speaker, I want to share the following article with my colleagues.

The article follows:

[From the Miami Herald, Sept. 13, 1984]

NUN'S COMMITMENT TOUCHES BLACK, HAITIAN COMMUNITIES

(By Gary Ferman)

It was while she was a teenager, exposed to the Dominican sisters and the teachings of St. Ann's Catholic School in West Palm Beach, that Sister Marie Carol Hurley decided she would spend her life helping others.

Now 65 and running the Telecommunications Department at Barry University, Hurley reclines in her office chair in room 222 with a content smile.

"Something inside me told me that this was the way to make the most of my life," she said. "I wanted a life of service and back then, the thing for a Catholic girl was to become a sister."

So for over 45 years, Hurley has served—her students, blacks, Haitians, disadvantaged youths and others.

"This woman is dynamic," Says Phyllis Saunders, who puts out Barry's official publications. "She's interested in every religion and creed. She's one of the most outstanding women I've ever known in my life."

Hurley got her bachelor's degree in English and speech at Siena Heights College, a Catholic University in Adrian, Mich. The novicia where she trained was adjacent to campus. When she graduated and became a nun, Hurley went for her master's degree at Catholic University, Washington, D.C.

She taught in Catholic schools in Detroit and Chicago before coming to Barry University, then called Barry College, in 1954.

Hurley headed the school's drama department for 20 years. But some of her most important work was performed off campus.

She spent many weekends cleaning migrant camps and creating social programs in the black community. She would teach disadvantaged youngsters songs on her ukelele and talk to them about values. She even visited Youth Hall, Dade's juvenile detention center, once a week to talk to the children there.

"The injustice to blacks always has bothered me," she said. "Back in West Palm Beach, at St. Ann's, two seats in the back of the church were reserved for blacks. Blacks lived on the other side of the railroad tracks and couldn't cross over at night."

After racial violence struck Miami in 1980, Barry President Sister Jeanne O'Laughlin approached Hurley to see if there was anything the school could do. Hurley organized an education program for black ministers.

For three years, the program has been in operation with 14 participants. The first course was speech based on the Bible, then a class on Old and New Testament scripture, a workshop on contemporary religious thought, sessions in peacemaking and conflict resolution and, this fall, an advanced speech course.

A vacation trip to Haiti last year deepened Hurley's commitment to the Haitian community.

"I cried all the way to the airport," she said. "I had seen poverty in some of our black neighborhoods. But never anything like this. So I try to help the Haitians as much as I can."

Hurley works to make sure Haitian immigrants have food and shelter and that their sponsors know where they are. She oversees more than 600 refugees, teaching some of the women to use sewing machines so they can get jobs and even holding yard sales to raise money for some of the others who can't work.

"A lot of my life has revolved around the joy I get from helping people," she said. "I have this idea that people should know they have a father who loves them and that we're all here to help. That's the most beautiful thing in creation and I feel I should use all the talent I have to make people aware."●

U.S. SCIENCE AND TECHNOLOGY DECISIONMAKING AND EXPERT REVIEW

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FUQUA. Mr. Speaker, I am placing in the CONGRESSIONAL RECORD today for the information of our colleagues two letters addressing broad issues about science policy and the more narrow issue of expert review. The first letter, dated August 10, 1984

was sent to me by G.A. Keyworth, Science Adviser to the President and Director, Office of Science and Technology Policy (OSTP); Erich Bloch, Director, National Science Foundation (NSF); Richard DeLauer, Under Secretary of Research and Engineering, Department of Defense (DOD), and Alvin W. Trivelpiece, Director, Office of Energy Research, Department of Energy (DOE). The second letter is my response to these distinguished gentlemen.

In my view, these two letters serve to frame the ongoing debate about how decisions on the priority and level of effort should be accomplished for Federal support of the U.S. science, engineering, and technology base programs. I thought it appropriate to share with this body my considered position on this issue.

THE WHITE HOUSE,
Washington, August 10, 1984.

Hon. DON FUQUA,
Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Today as never before the Nation is united in the effort to ensure success in the competitive era we face. Both the Congress and the Administration have given strong and sustained support to the U.S. science and technology base as an essential underpinning to this enterprise.

Our roles as custodians of Federal research and development programs require that we administer the Nation's monetary and human resources in the most efficient and effective manner we can. A significant concern is, of course, to avoid unnecessary expenditures during this time of a serious national deficit. Equally important is to make sure that the ongoing resurgence of the traditional American emphasis on excellence not be compromised.

Orderly execution of a science, engineering, and technology program requires that each component be carefully reviewed by experts, both for scientific excellence and for programmatic appropriateness. During the last year many members of the Congress, as well as eminent scientists, engineers, educators, and industrialists, have reaffirmed the importance of such systematic expert review, and have eschewed disruption of this important but delicate national undertaking by narrowly based political considerations.

We heartily endorse these efforts to maintain the integrity of the Nation's science, engineering, and technology program and renew our personal commitment to expert review as an essential component.

Sincerely,

G. A. KEYWORTH,
Science Advisor to the President and Director, OSTP.
ERICH BLOCH,
Director Designate, National Science Foundation.
RICHARD DELAUER,
Under Secretary of Research and Engineering, Department of Defense.
ALVIN W. TRIVELPIECE,
Director, Office of Energy Research, Department of Energy.

COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, September 17, 1984.

GEORGE A. KEYWORTH, *Director,*
Office of Science and Technology Policy, Executive Office of the President, Washington, DC.

DEAR DR. KEYWORTH: Thank you for your joint letter of August 10 in which you and your distinguished colleagues renew your commitment to expert review as an essential component of the Federal Government's science, engineering and technology programs. I certainly subscribe to this concept in all applicable cases.

It is my view that our science and technology programs must remain strong in order to further the nation's economic progress, strengthen our international competitiveness, maintain a national defense which is second to none, and of course stimulate our intellectual endeavors. As you know, the Committee on Science and Technology has, over the years and with these aims in mind, worked to support and strengthen these programs, and received the cooperation of the agencies and offices you represent in carrying out this mission. Expert review has played an important role in the nation's scientific progress.

I do wish, however, to make my view clear with regard to your comment about "narrowly-based political considerations". Whether it is the improvement of science and mathematics education, the training of new generations of scientists and engineers, the fostering of regional and national economic development, or the construction of a major scientific facility, such socially complex matters must, in my view, be considered in a broader decision-making context. It is the genius of our political system to provide for the integration of the many and diverse objectives of our people. The Members of Congress, as the most direct representatives of the people, have not only the desire but the constitutional duty to take into consideration all of those objectives.

At the level of decisions regarding an individual scientist's disciplinary research, it is clear that expert opinion must be the dominant factor. Conversely, when major expenditures for new programs and facilities or new policy directions with direct impact beyond science are before us, there can be no doubt that additional and broader factors must be taken into consideration.

The kind of close cooperation between the scientific and political communities which in past years has led to the successful integration of scientific and national goals will, I trust, continue. There will undoubtedly be specific instances when honest differences will arise. Those can and will, I know, continue to be resolved through the cooperation and accommodation which is the essence of our system.

The Science Policy Study which I and my colleagues on the Science and Technology Committee are now in the process of formulating will seek to address the issue raised in your letter. I would welcome our further discussion of this matter as we move more deeply into these questions.

Sincerely,

DON FUQUA,
Chairman.●

THE CAMPAIGN TO SAVE MARINE WORLD/AFRICA U.S.A.

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of the House a matter of great concern to me, to my constituents, and to all who are interested in the welfare of animals. Marine World/Africa U.S.A. is a special institution that has been housed in Redwood City in my congressional district for many years. It is a unique recreational and educational facility that has delighted children and adults alike. It now faces a serious dilemma.

For almost 9 years now, Don C. Reed has been responsible for almost everything: Scrubbing algae from the tank walls—with the fish present, of course, catching and restraining angry sea creatures while a veterinarian inspects them, conducting tours, and much more. Don lives in Fremont, CA, with his wife and two children. His dedication and service to Marine World is one of the reasons it has flourished.

I would like to place in the RECORD a statement of Don Reed, author of "Notes From An Underwater Zoo" and chief diver at Marine World. He explains the problem more eloquently than I could hope to do, and also gives the problem a very personal flavor.

The statement follows:

In this year of Olympic and election furor, a small but nationally significant story is going unheard. It combines the President of the United States, the mayor of San Francisco, an enormous multinational corporation, nine hundred mental and manual laborers, lions, ostriches, elephants and killer whales—and the whole giant question of corporate responsibility.

Briefly, the facts are these: Campeau Corporation, a Canadian-run multinational, owns the land development rights underneath Marine World/Africa U.S.A. They want to turn Northern California's only major wildlife entertainment, education and research center into an office complex, and that is okay. That is apparently their legal right. But the way they are doing it will kill Marine World's chance to relocate and rebuild.

On July 17 of this year, Campeau announced to the people of Marine World that we and our animals had just three months to get off the premises. But we had been led to believe we were safe here until the Fall of 1985, which additional year would give Marine World time to move. This new rush to eviction makes our chances of survival extremely slim; it will mean the end of sixteen years continuous struggle, make meaningless the hard work of thousands, and cancel the pleasure of millions—and all for lack of a little time.

I am a diver for Marine World. No great glamor job: like an underwater janitor I clean the aquarium tank windows on the inside, where the fishes live. It is my chance

to share the ocean world with folks who otherwise would never have the chance to watch a dolphin swim through beams of underwater light, get close to a killer whale, or see how sharks and people can peacefully coexist. This place is special to me and all the other men and women who labor for such amazingly low wages; a glance at our checkstubs will confirm that we are definitely not here for the money.

Mike Demetrios, President of the park, is trying to raise funds and find a new site. But he needs time. Campeau will not give us the time. They and the investors of "Marine World, Inc." are acting only in consideration of the land beneath the animals. They say publicly that Marine World Africa U.S.A. is moving to a new and better location, but neither of these two powers have a dime's worth of involvement in a new animal park. Only one individual does, and that is Mike Demetrios. He needs a year to get the financing and construction of a new Marine World underway. Campeau says no. Even though the legal permit process is barely begun for them (Frontier Village down the road lay vacant five years during this process) Campeau will not budge. Even though they cannot begin construction in the rainy season so that we are, in actuality, requesting a mere six-month extension; Campeau does not care. They appear to be quite willing to become the corporation which killed Marine World/Africa U.S.A.; only the name will continue on the new "Marine World" office complex and hotel.

How does our government feel about this? On both sides of the aisle, our elected officials are standing up. Democrat Tom Lantos, United States Congressman, called Marine World a "national resource" and is in contact with the Canadian ambassador and Mr. Robert Campeau himself, trying to secure a statesmanlike decision which will allow both the office complex and the animal park to survive. Republican State Assemblyman Robert Naylor urges Campeau to "postpone the eviction of Marine World until the new site has been completed." Mayor Diane Feinstein of San Francisco and Congresswoman Barbara Boxer have publicly come out in support of Marine World's effort to stay alive. Our San Mateo County Board of Supervisors passed a resolution supporting us, and the Council of Redwood City voted to continue negotiating with Campeau to try to gain Marine World its one-year extension.

On August 10, the White House received a letter from the Friends of Marine World (a loose association of employees and friends of the park), asking Ronald Reagan to make one phone call on our behalf, to pick up the telephone and call Mr. Robert Campeau in Canada, and ask him to reconsider. The President is the protector of this nation, and the logical man to help. In his nomination movie at Dallas, he quoted a little girl who asked him to help the animals. Here is something concrete he can do. He has not yet responded; we hope that he will. We followed up with a second letter, copies of which were also sent to prominent Republicans in touch with the President and hand-delivered another letter to President Reagan's personal aide when the President came to Cupertino. And so it was. The President is overwhelmingly busy; maybe he will still come through for us and ask Campeau to give us our year, but each day passing brings us closer to eviction and the end of Marine World/Africa U.S.A.

My question is this: Are these giant corporations (Campeau's assets: one point seven five billion dollars) so huge and powerful that they are no longer responsible to the people and country from whom they take their profits? Who is in charge here? I want to believe that America still stands for what is good and true, that might is not the final arbiter of right, and that the little person still has a chance. But here is a situation where a force from outside the country is mowing down an American dream, and our government seems helpless before it.

Marine World to me is a triumph of the free enterprise system. We played by the rules, made a profit for the owners, even at a time when almost every other theme park in America experienced severe declines in attendance. Our first years were a constant struggle; many times we nearly went under. But we fought; we worked hard; and we prevailed. For the last three years we have been solidly in the black, and we are one of Northern California's largest hirers of unskilled youth. Our educational programs are outstanding; Marine World's contribution to the community may best be judged by the Bay Area-wide outcry once our situation was understood. In just a few short weeks, a handful of employees (working on their own free time) gathered more than 50,000 signatures of support. Endorsements of civic and service groups are pouring in every day.

But barring a miracle, on October 14, 1984, Marine World/Africa U.S.A will die. The giant corporation called Campeau has hired a huge public relations firm, Burson and Marsteller, to make pretty the ugliness they intend to do. The quiet creatures of forest and sea have no voice to raise on their behalf; we must be their voice. Please think about this, and talk about it with your friends. Maybe make a phone call to a Congressperson, or the President, or write Mr. Robert Campeau himself at: Campeau Corporation Canada, 320 Bay Street, Toronto, Ontario, Canada, M5H2P.

On behalf of the animals and friends of Marine World, Thank you.●

FEDERAL AGENCY AUTO EFFICIENCY: AN AREA TO SAVE MONEY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. STARK. Mr. Speaker, I have just received a copy of the General Services Administration's August 1984 report entitled "Federal Motor Vehicle Fleet Report for Fiscal Year 1983."

Believe it or not, it is interesting reading—since it seems to show the way to saving tens of millions of dollars per year through better management of the Federal Government's large fleets of cars.

GSA is working on major management reforms such as automated centralized maintenance control centers, reduction of in-house maintenance facilities and personnel, better auto warranties. They say that all this will result in some cost savings for fiscal year 1984—which ends in 11 days.

I hope so.

Because the data on the 19 largest Federal carpool fleets shows that if all of those 19 agencies operated their autos at the same total cost per mile as the most efficient agency, the public would have saved about $67 million in fiscal 1983.

Mr. Speaker, I know there are a lot of good reasons for different agencies to have different types of cars: law enforcement agencies need a sturdy, more powerful car. The Navy may need a lot of cars when the fleet is in, but at other times have a low utilization rate, which drives up the cost per car.

Nevertheless, the data—if correct—shows that the various agencies can and should do more to lower their costs and move toward the level of efficiency of the low-cost agency.

Following is a table I have prepared from the GSA's report on total costs, including depreciation, of passenger sedans:

[Dollar amounts in thousands]

Agency	Miles traveled fiscal year 1983	Total cost fiscal year 1983	Cost if agency as efficient as lowest cost agency	Savings
USDA Animal and Plant Health Service	6,432,000	$0.852	(1)	
Customs	17,920,000	4,660	2,374	$2,292
Department of Energy	17,367,000	4,310	2,301	2,009
Army	91,569,000	26,252	12,132	14,119
Navy	11,839,000	5,953	1,568	4,385
Corps of Engineers	8,540,000	2,394	1,131	1,263
Total, 19 large fleets	955,858,000	193,660	126,651	67,009

[1] APHIS is lowest cost agency listed.

What is even more startling is the difference in the average miles per gallon among the various Federal auto fleets. For example, the Corps of Engineers cars get 20.3 miles per gallon, but the Marines get only 14.6 miles per gallon. It looks like in addition to a few good men, the Marines could use a few good cars. The TVA appears to be the most efficient agency at 24.7 miles per gallon, while Customs is at the bottom of the 19 fleets with cars getting only 14.3 miles per gallon. What is very interesting is the poor showing of the Department of Energy with an average milage efficiency of 18 miles per gallon.

The agencies are trying to improve their auto operations—but the data shows they have a long way to go. They should work faster in what is clearly a huge area of potential cost savings. ●

SANDFORD Z. PERSONS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SEIBERLING. Mr. Speaker, last week Sandford Persons, a former member of the staff of the House Doorkeeper, died unexpectedly at the age of 61. Before going on the staff of the House, Sandy was the executive director for 7 years of Members of Congress for Peace through Law, now known as the arms control and foreign policy caucus.

From the time he graduated from college until his untimely death, Sandy dedicated his life to the cause of world peace through law. Despite, or perhaps because of, his commitment to this goal at a time of growing international stress and insecurity, he always managed to display a cheerful face to the world. Even more important, he had the capacity to transmit his positive outlook and his enthusiasm to others. All of us who have been associated with him in the House will miss him.

Mr. Speaker, last Saturday a memorial service was held for Sandy in the Foreign Affairs Committee room. The committee room was full. Many came from long distances. Tributes to Sandy were given by Roy Harris, Bill Wickersham, Jimi Halstead, Nancy Delaney, Burt Hanbury, and myself. In addition, tributes were read from Senator CLAIBORNE PELL and former Representative Bradford Morse, now director of the U.N. Development Program.

The program for the memorial service contained the following quotation of Sandy's, which characterizes his life and, we may hope, will inspire the rest of us to carry on his work for a world of peace under law.

In my humble opinion, the greatest need of our world is for men and women of vision, of faith in a future world not yet visible, and of courage to dream and to move forward those dreams.

Mr. Speaker, I offer for printing in the RECORD following these remarks a precis of my remarks at the memorial service for Sandy Persons.

The remarks follow:

SANDFORD Z. PERSONS—A MAN OF PEACE, A TRIBUTE BY JOHN F. SEIBERLING

When the explosion of the first atomic bombs put a period to the end of World War II, some of us who survived that ordeal started searching for ways to make sure that it would never happen again. We came to realize that without a strong world authority to enforce peace and disarmament, a world without war was unlikely to evolve. Out of this realization grew the world federalist movement and the organization, in 1947, of United World Federalists. Sandy Persons and I were among the original members of that organization, and I first met him soon after it was formed, when I was a student at Columbia Law School and he had just finished at Yale.

After law school, I entered a law firm in New York until early 1954 and was active in the World Federalist organization there. I used to see Sandy occasionally at national conferences. Eventually, I moved back to Ohio and Sandy went to the Washington office of United World Federalists. However, he occasionally used to come out to Ohio and enlighten us as to what was going on in our Nation's Capital from the point of view of world peace through law. He was always interesting, and his own enthusiasm was contagious, so we found his visits exciting occasions.

In 1971, I moved to Washington as a Member of Congress. There I began a very close association with Sandy, who, at the same time, had become Executive Director of Members of Congress for Peace through Law. Sandy's contribution to the cause of World Peace through Law in this role was tremendous. He was a totally dedicated person, not only to the cause but to the organization. It was no accident that, during that period, Members of Congress for Peace through Law reached its zenith in terms of numbers of members. But the importance, of course, of that organization was not its numbers but in the effectiveness with which it carried on its work. It is no small tribute to Sandy that during that period of time MCPL was active and instrumental in helping mobilize the Congress to deal successfully with some of the most urgent issues of arms control and foreign policy.

Sandy also organized annual Congressional visits to the United Nations. There we met not only with the American Ambassador and his staff, for briefings and exchanges of information and ideas, but also with the Secretary General and officials of the various UN agencies. This sort of personal liaison between Congress and many of the officials at the United Nations headquarters had many useful byproducts. One byproduct was the appointment of a number of our members as special delegates to various UN conferences, such as the Law of the Sea Conference.

After Sandy left MCPL in 1978, he gave increasingly of his time to the new World Federalist Association. This opened up a new, creative stage in his career, much to the benefit of the Federalist cause. Others can tell more about that than I can but I know it was a source of considerable gratification to Sandy.

The central fact about Sandy Persons was that he gave all of his attention and all of his waking hours to a cause and an issue to which most of us give only marginal time and marginal attention, even though it is the most important issue confronting mankind. And so as we think about Sandy and the meaning of his life, as I have been doing in recent days, it sends above all a clear call to rededicate ourselves with enthusiasm and determination to the cause of peace and justice under law.

Sandy always seemed cheerful and undaunted by the odds. His was not the cheerfulness of the naive and uninformed but of someone with a human vision and a sense of history. And so, at a time when everything seems to be going the wrong way, when the rhetoric of the most powerful leaders of the most powerful nations is shrill, when the arms race has taken on a new momentum and threatens to pass the point of no return, we will do well to remember, as Sandy did, that, despite all this, there are powerful forces on our side. The most powerful force in the world is the determination of the people of our country, and indeed all countries, that they want peace and not nuclear war. Even the President of the United States is being forced by public opinion to reverse, or at least give the appearance of reversing, his rhetoric and his direction of many, many years, when next week he meets with the foreign minister of the Soviet Union and when he goes to make a speech at the United Nations.

The forces for peace in this country are focused through one of the greatest institutions that man has fashioned which was created by our Founding Fathers, the first Federalists. The institution is known as an election, and it does wonderful things, particularly in forcing the politicians to bow to the people's desires, if only occasionally.

By coincidence, the same week that saw Sandy Persons pass away also saw the passing of another great World Federalist, Max Stanley, of Iowa. I am sure that somewhere Sandy and Max are conferring even now as to what they can do to cheer us and help us in the cause for which they lived their entire lives. Sandy, we thank you, we salute you, and we pledge to continue your work to build a world of peace, justice, and freedom under law.●

RESOLVING THE PUBLIC HOUSING BOND DILEMMA

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. COYNE. Mr. Speaker, I am today introducing legislation to delay until July 1, 1985, implementation of a section of the Deficit Reduction Act of 1984 which has had an unintended, adverse effect on the construction and modernization of public housing.

What appeared to be a minor change in the law, a revision contained in this year's tax bill which brings public housing notes under the arbitrage limitations section 103(n) of the Internal Revenue Code, rather than section 11(b) of the 1937 Housing Act, as they were prior to the passage of the Deficit Reduction Act, has caused confusion at the Federal level and consternation at the local level.

At the Federal level, uncertainty as to whether nonprofit issuers of public housing notes should be restricted on the reinvestment of sale proceeds, as the Deficit Reduction Act appears to mandate, caused the Department of Housing and Urban Development to halt the sale of new notes for public housing construction and modernization, pending a clarifying ruling from the Internal Revenue Service. The agency halted a planned September sale of notes totaling $1.54 billion and was forced to borrow from the Treasury to meet existing obligations. In addition, those notes issued during July and August, dates after the June 19 effective date of the Deficit Reduction Act, now have a questionable tax-exempt status.

At the local level, failure to issue notes for new construction has caused

serious disruption of plans. In the Pittsburgh area, for example, West Mifflin Manor, a turnkey public housing development for the elderly, is nearly ready for occupancy. This 107 unit project cannot go ahead, however, because of HUD's refusal to issue a note in the amount of $5,317,000. If this note is not issued soon, the developer will face additional interest expense and the cost of the project will, of course, increase. Two more Allegheny County senior citizen high rises, located in Springdale and Penn Hills, may also be affected unless the bond problem is swiftly resolved.

HUD's inability to issue public housing bonds with confidence means the agency must borrow from the Treasury to meet existing obligations. The ironic result of this action, especially since it comes about as a result of the Deficit Reduction Act, is that it increases the Federal budget deficit. The agency has, in the past, simply paid debt service on the notes, a course which requires substantially less in public outlays. I believe this financing method is preferable to temporary borrowing from the Treasury. It is also a more worthwhile financing method than proposals by some at the Office of Management and Budget to finance public housing borrowing in the short and long term through the Federal Financing Bank. Financing public housing through the FFB, as I am sure my colleagues are aware, would require greatly increased budget authority for this function. The unlikelihood of this prospect means that construction and modernization of public housing would be crippled.

I do not believe that is the goal of this House. To address an admittedly complicated situation, the legislation I introduce today postpones the effective date of the bond coverage change until July 1, 1985. In the interim, financing would continue as it has in the past while the appropriate congressional committees devise an equitable solution to the problem.

At this point, I would like to include in the RECORD the text of the legislation:

[The material follows:]

H.R. 6302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (C) of section 103(n)(3) of the Internal Revenue Code of 1954 (relating to exception for obligations issued under section 11(b) of the United States Housing Act of 1937) is amended by striking out "issued before June 19, 1984," and inserting in lieu thereof "issued before July 1, 1985,".

(b) The amendment made by subsection (a) shall apply as if included in the amendment made by section 628(a)(3) of the Tax Reform Act of 1984.●

THE 150TH ANNIVERSARY OF THE JOURNEY TO NORTH AMERICA BY THE TRANSYLVANIAN HUNGARIAN AUTHOR, ALEXANDER FARKAS DE BOLON

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, in 1831, Count Ferenc Beldy, a reform-minded Hungarian noble from Transylvania traveled to the United States with his secretary and companion, Alexander Farkas de Bolon.

Their visit was preceded by other trips to various European cities and capitals and they arrived in the United States after a crossing of the Atlantic Ocean, which took them from July 27 to September 3.

The reform generation in Hungary during this period was looking to the United States for the ideals and practices of democracy as they were facing the autocratic regime of the Hapsburgs whose government was led by Prince Metternich. The reform generation of Count Stephen Szechenyi and Louis Kossuth were working both for an independent Hungarian Government and a democratic Hungarian regime and their natural ideological ally remained the young United States of America.

The travelers were so impressed by the qualities of the new democratic government in the United States that Alexander Farkas de Bolon wrote an enthusiastic book about his travel and findings upon his return, called "Utazas Eszakamerikaba" (Journey to North America) which was published at Kolozvar, the capital of Transylvania, in 1834, 1 year preceding de Tocqueville's work, "Democracy in America."

The work refers to the U.S. Congress, as well, praising its independence. May I quote a paragraph from this work on this issue:

The American Congress differs markedly from European parliaments in as much as no office-holder can be its member. The founders of the Constitution were keenly aware of the British Parliament, where at times legislation by the people was an illusion and in reality government officials sitting in Parliament could outvote at will the few independent members, and pass legislation proposed by the government. But the inclusion of officials is easier to avoid here than in Europe because of the absence of charters, diplomas, and old privileges, the interpretation of which only entrenched functionaries are capable. Their only diploma is the natural law for the interpretation of which only common sense is needed.

May I mention that, while the admiring references to American democracy were somehow overlooked by the Austrian censor when the first edition was published, its second edition was confiscated because of seditious material. But by that time, the Hungarian Academy of Sciences in Budapest, Hungary, awarded the grand prize to the book, and its leaders, like Count Stephen Szehenyi and also the young jounalist, Louis Kossuth, who later became the leader of the Hungarian fight for freedom of 1848, came to know about the United States through this book.

Farkas visited New York, Albany, Boston, Buffalo, Pittsburgh, Baltimore, Philadelphia, and Washington in October and November 1831. The travelers met with President Andrew Jackson and also with De Tocqueville and another French commissioner studying the American postal system.

May I again quote from his book his "Farewell to America":

As we sailed further on the great ocean and left the American shores further behind, my eyes were still riveted to the bluish mountains in the distance. An enervating sense of depression and a vague feeling of sadness filled my very being. Deeply touched with melancholy, I kept repeating with childlike pathos—God be with you, blessed land. I could not bear my eyes away from it. By now the outlines were barely visible . . . Goodbye for the last time, glorious land. Remains the eternal refuge and the defender of the rights of man! Stand there forever in stern opposition to the spirit of despotism and be an eternal inspiration to all the oppressed people of the world.

Farkas' book in Hungarian and the translations into English and German, are part of a display on Alexander Farkas de Bolon at the European Reading Room of the Library of Congress and I want to congratulate the Finnish-Ugraian Area Specialist of the Library of Congress, Dr. Elemer Bako, who is also an associate president of the American Hungarian Federation, for a job well done.

Farkas' legacy to us must be to keep the flames of democracy brightly lit in a world again filled with Communist despotism and remain the bulwark of freedom and justice for our people and a beacon to the oppressed people of the world.

At this point in the RECORD, Mr. Speaker, I would also like to insert the article in the July 5, 1984, issue of the New York Times, "Utazas Eszakamerikaban" and the article in the Library of Congress Information Bulletin of June 18, 1984, "Display Marks Anniversary of Farkas' book in America."

[From the New York Times, July 5, 1984]

"UTAZÁS ÉSZAK-AMERIKÁBAN"

The first European study of American democracy is part of a new exhibit that will be on display until September in the European Reading Room of the Library of Congress. The work, "Útazás Észak-Amerikában," or "Journey to North America," was written by a Transylvanian Hungarian, Sandor Boloni Farkas, and was published in 1834, just a year before the much better known and still

popular "Democracy in America" by the French historian and politician Alexis de Tocqueville. Mr. Farkas first visited the United States in 1831 as secretary to his friend, Count Ferenc Beldy, a Hungarian from Transylvania who was interested in political reform.

The Farkas work was filled with admiration about the political structure of the United States, and its praise for the achievements of the young nation caused the work to be suppressed by worried Austrian authorities. The work was little noted here until an English translation was published in 1977, although it has long been popular with Hungarian thinkers.

[From Library of Congress Information Bulletin, June 18, 1984]

DISPLAY MARKS ANNIVERSARY OF FARKAS' BOOK ON AMERICA

In 1834, the first European work about "the new miracle in world history," American democracy, was published by a Transylvanian Hungarian writer, Sandor Boloni Farkas (1795–1842), who had visited the United States as secretary and companion of his friend, Count Ferenc Beldy, a reform-minded Hungarian from Transylvania

For this anniversay, a display of books, portraits, and contemporary views of the American scene, has been prepared by Elemer Bako, Finno-Ugrian area specialist in the European Division. It will be on view to the public in the European Reading Room (LJG147) in the Jefferson Building, through September.

Farkas and Beldy arrived in America on September 3, 1831. The events and results of their travels through the United States and Canada were described by Farkas in a book entitled Utazas Eszak-Amerikaban published in Kolozsvar in 1834. The work became so popular in Hungary and Transylvania that a reprinting closely followed the first printing. The work's admiring statements about the democratic institutions and the achievements of the United States eventually led to its suppression and confiscation by Austrian authorities. Since an English translation of Farkas' work did not appear until 1977, few Americans knew of the first book to be published in Europe about the American political system.

Farkas' work exerted a great influence on the political leaders of Hungary. It was awarded the Grand Prize of the Hungarian Academy of Sciences, and many of the nation's reformist leaders, among them Count Stephen Szechenyi (1791–1860) and Louis Kossuth (1802–94), became admirers of the United States through reading this unusual book.

Sandor Boloni Farkas' statements about the United States resulted from discussions with many intellectual and political leaders, including Andrew Jackson, from observations of the American way of life, from the study of statistical and census reports (many of them printed in the book in Hungarian translation), and from historical essays about several American cities.●

AMERICANS STILL STRONGLY SUPPORT UNITED STATES FAMILY PLANNING ASSISTANCE ABROAD

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SOLARZ. Mr. Speaker, delegates from 149 nations attended the International Conference on Population in Mexico City last month for the purpose of updating and strengthening the World Population Plan of Action adopted at Bucharest, Romania, 10 years ago.

To the shock and surprise of many, the White House drafted a policy statement for that conference which would have reversed a long standing position on U.S. overseas population and family planning assistance—one that has been supported by five Presidents of the United States. This assistance program has been recognized as a vital element of U.S. aid to developing countries; it has been widely acclaimed as the most cost-effective program administered by the Agency for International Development. Yet the draft policy paper labeled the program as a failure.

Public outrage, generated by an outpouring of newspaper editorial criticism to the attempt to radically change U.S. population policy, resulted in the administration's withdrawal from its original statement. Compromises were needed and a more rational version, recognizing the value of U.S. population assistance, was presented at the Mexico City conference. The September 21, 1984 edition of the Journal of Commerce carried an editorial page account of what transpired by Werner Fornos, president of the Population Institute, an organization that has been in the forefront of stimulating public awareness of the global overpopulation problem.

Because of the importance of continued U.S. assistance for voluntary family planning programs, particularly in the developing world, I urge my colleagues to read Mr. Fornos timely editorial—I also urge my colleagues to join me and 40 other Members in cosponsoring House Concurrent Resolution 345, which reaffirms our commitment to a voluntary family planning.

Mr. Speaker I insert the editorial in today's CONGRESSIONAL RECORD:

[From the Journal of Commerce, Sept. 21, 1984]

POPULATION POLICY UNDERESTIMATED ELECTORATE

(By Werner Fornos)

Contemporary social critics have suggested that we live in an Age of Discardables. The epithet refers to our predeliction for throwaway bottles, disposable razors and various and sundry plastic gadgets and gismos designed to self-destruct so that consumers will go out and buy more of them.

And it may logically extend to any number of seemingly brilliant ideas and momentous decisions, the very best of which are destined to become mere footnotes in tomorrow's history books.

Perhaps inspired by this here-today-gone-tomorrow compulsion, the White House Office of Policy Development prepared a statement for the U.S. delegation to present to the International Conference on Population in Mexico City in August.

This controversial polemic raised serious questions about the possibility that the present administration was turning its back on more than 20 years of U.S. commitment toward population assistance for the developing world.

The evaluation more thoughtful observers of international relations ascribed to this misguided epistle was that it amounted to nothing more than a Reagan administration election-year ploy to evoke a Pavlovian response from far right constituents who oppose foreign aid in general and, more specifically, family planning.

As originally drafted, the new U.S. population policy was a graceless attempt to impose upon the world, especially the poor nations, views held by a myopic minority of Americans. A recurring theme of the paper was that abortions in the Third World must not be funded with U.S. Tax dollars when, in fact, our foreign assistance law has prohibited such use of our overseas aid for the past decade or so.

Nevertheless, the policy statement forged ahead and called not only for "concrete assurances" that the United Nations Fund for Population Activities was not funding abortions with U.S. funds, but also for denying U.S. funds to non-governmental organizations that spend money on abortions in poor countries, even when monies for this purpose are raised from private sources or donated by other governments.

The policymakers woefully misread U.S. public opinion. Editorials across the length and breadth of this country denounced the new policy. And a Gallup Poll made it evident that there is a solid U.S. consensus favoring overseas family planning assistance.

According to the poll, 64 percent of Americans approve of financial assistance to poor countries for reducing rates of population growth; 89 percent of those who expressed an opinion feel that the 5 percent of total U.S. foreign aid spent on family planning in poor countries is either too little or about right; and four of 10 Americans take the position that development assistance to poor countries should be contingent upon their carrying out policies to limit population growth.

Furthermore, 72 percent of those who expressed an opinion thought the U.S. government should provide family planning assistance in countries where abortion is legal (the original draft of the policy statement would have precluded population aid to these countries), and four of 10 Americans would go beyond present U.S. policy and use foreign assistance for family planning and abortions.

By the time the U.S. delegation presented the policy paper in Mexico City, the statement had been watered down significantly. Former U.S. Sen. James Buckley, who headed the U.S. delegation, gave frequent reassurances to the press covering the Mexico City conference that U.S. support for overseas family planning assistance remains high.

Mr. Buckley and M. Peter McPherson, U.S. Agency for International Development administrator, held a news conference in Mexico at which they announced that the United States was releasing $19 million in impounded funds that Congress had appropriated for the United Nations Fund for Population Activities.

They said the administration was not satisfied that UNFPA was not using U.S. funds for abortions in developing countries. UNFPA, in fact, had been giving such assurances since April, along with assurances that it does not use any other country's funds for abortions either.

The only substantive change in U.S. policy announced in Mexico City was a prohibition against non-governmental organizations that support the performance or promotion of abortions with other funds from receiving U.S. funds. There have been rumblings in Congress that this may not be a closed issue.

The administration's anti-abortion stance was reflected in a recommendation adopted by the International Conference on Population for inclusion in the World Population Plan of Action. It calls for governments to take "appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and whenever possible, provide for the humane treatment and counseling of women who have had recourse to abortion."

One would be hard put to name a single responsible organization in the population field or any government that has adopted a policy of limiting its population growth which suggests or sanctions abortion as a family planning method. Indeed abortion is widely recognized as the result of a failure to gain access, knowledge or means to modern contraceptive methods.

H.L. Mencken once said that no one ever went broke underestimating the intelligence of the American public. However, the White House policy wizards have learned, on this occasion, that it may be unwise to overestimate the apathy of the American public.

The response to their attempt to reverse more than two decades of U.S. support of population assistance for developing countries gave the new policy proposal all the buoyancy of the proverbial lead ballon. And it will be relegated to just about where it belongs: another footnote in the history of the Age of Discardables.●

DAN MARRIOTT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. BENNETT. Mr. Speaker, I join with all of my colleagues in expressing our affection for DAN MARRIOTT, who has been an outstanding Congressman here in our midst and who has decided to return to private life and his family businesses. DAN has had a down-to-earth quality about him which has endeared him to us, has made him a real leader in our midst. You can always count on him doing precisely what he feels is best for his district, his State, and our Nation. He has done it with grace and with friendship that we have treasured and always will. All of us wish him well in his new endeavors and hope he will come back often.●

THOMAS JEFFERSON AND THE EQUAL ACCESS ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONKER. Mr. Speaker, despite some shrill editorial opposition to the Equal Access Act, Congress overwhelmingly approved this measure to eliminate discrimination against student groups, including student religious groups. Recently, the legislation has enjoyed more thoughtful treatment by columnists.

In the article reprinted below, Nat Hentoff, who writes on civil liberties issues for the Village Voice, makes a critical distinction in the debate over religious expression in the public forum. He notes that the first amendment's prohibition against the establishment of State religion bars State sponsorship of religion, not the individual's right of free speech (including religious speech) and free exercise of religion.

The Equal Access Act protects the free speech rights of individual students and has a laundry list of safeguards to ensure that the State does not become a sponsor of or participant in student religious activities. I agree with the Court decisions striking down prescribed school prayer, for this constitutes State sponsored religion. But neither should the State discriminate against religious students who, on their own initiative, wish to use school facilities on the same terms as other student groups.

According to the Supreme Court, the Constitution requires a "wholesome neutrality" between church and state "that neither advances nor inhibits religion." The equal access amendment, which is patterned after the Court's 1981 Widmar against Vincent decision requiring equal access at the college level, will help to provide such neutrality by giving religious students the same right to use secondary school facilities before or after school as other student groups.

As Mr. Hentoff concludes, "with regard to student groups that have nothing to do with the state, school doors are open for all kinds of student expression, even religious. I doubt Thomas Jefferson would be offended."

[From the Village Voice, Aug. 28, 1984]

STUDENTS ALLOWED TO BE RELIGIOUS

(By Nat Hentoff)

A good many civil libertarians devoutly believe that religious speech, whether spoken or written, is too dangerous to be allowed into the public schools. They're right in terms of official prayer or organized "moments of silence." The danger in those cases is to the "establishment clause" of the First Amendment. But sometimes, these guardians of the Constitution come on like Harpo Marx honking his horn. As when, two years ago, a chapter of the Washington state ACLU threatened to sue a public school district because one of its high schools was about to put on a production of the rock opera, Jesus Christ, Superstar.

"Bethel High School," said this ACLU chapter, "is engaged in religious instruction. Such instruction has no place in a public school." So much, too, for a performance of Verdi's even more vibrant Requiem Mass.

Because of such fierce suspicion that even the merest wisp of religion sneaking through the school doors will infect multitudes, some school officials take no chances. Consider the case—now in a Minnesota federal court—of Douglas Pagitt. This young man, previously an exemplary member of the student body at Hopkins High School in Minneapolis, is a former captain of the basketball team and has a commendable academic record. Earlier in the year, Pagitt, while a senior, committed civil disobedience in his school and was suspended.

Pagitt belongs to Student Venture, a teenage division of Campus Crusade for Christ International. In February, he tried to distribute in school one of the crusade's newspapers, and he was ordered to cease and desist. Thereupon, the school reviewed its policy on such matters. It is based on a state board of education rule: "Public schools may not be used for the religious socialization of students" and therefore should not allow the distribution of religious tracts, Bibles or similar contraband. The only exceptions are religious materials that are part of academic study.

Upon deliberation, the school board decided to maintain that policy. Or, as the school's attorney neatly put it, there shall be no distribution of "any materials which are libelous, obscene, likely to disrupt the school system, or (are) religious in character." Gee, it sounds like the tumultuous days of the early Christians.

Young Pagitt, though he had never disrupted so much as a kindergarten corner in his career, decided he had to stand for principle and distribute another Christian paper even though he knew he would be suspended. He explained that principle with brisk dispatch: "In stopping me from distributing the newspapers, they broke the First Amendment three times—freedom of speech, freedom of the press and freedom of religion."

At 7:15 on April 5, before school hours, Pagitt, 6-feet-6 and a bit nervous, stood in front of the student activity office, the same place where the official school paper is routinely distributed. He handed out copies of Issues and Answers, published by Student Action for Christ. The cover story was about the basketball eminence, Dr. J., who described the effect of having asked Christ to come into his life ("I am being operated on by the greatest Doctor of all time"). Among the other articles was an illustrated lecture on how to treat and control acne (prayer was not mentioned).

On that very day, Pagitt was indeed suspended. In an instructive editorial, the Minneapolis Star and Tribune reminded Hopkins High officials that "the First Amendment limits what public schools can do on matters of religion, not what students can do—at least within the bounds of non-disruptive behavior. The distinction is the difference between upholding the First Amendment and violating it."

Or, as Abe Fortas, writing for the majority of the Supreme Court, said in 1969, public-school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The Minnesota Civil Liberties Union intends to file a friend of the court brief on behalf of Douglas Pagitt. Unlike some others in the ACLU, the Minnesota affiliate is not terrified at the prospect of youngsters on their own initiative engaging in free religious speech in a public school.

So, too, the national ACLU did not oppose the revised "equal-access" bill that became federal law on Aug. 11. This statute says that public schools may not ban student-initiated religious or political clubs from meeting in school outside class hours. Nor did the ACLU support the bill. It has forebodings that the religious freedoms of this statute may get out of hand. But the ACLU did recognize that the new law will be "of real benefit to many political and other student groups" which have gone to the ACLU for help in getting the First Amendment admitted to their schools.

So now, with regard to student groups that have nothing to do with the state, school doors are open for all kinds of student expression, even religious. I doubt Thomas Jefferson would be offended.●

DAN MARRIOTT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. UDALL. Mr. Speaker, DAN MARRIOTT has served with me for a good while on the Interior and Insular Affairs Committee, and I'm going to miss him as he leaves the House of Representatives to pursue other interests.

DAN contributed a lot to the committee. He has always been a strong part of the loyal opposition, but his opposition was always constructive and fair and he worked diligently to represent the people of his district and his State of Utah.

DAN is a dedicated and conscientious public servant who leaves some real contributions to this House. I will miss his presence here, and I wish him and his family all the best of what they seek in the future.●

CRISIS ON THE UNITED STATES-MEXICO BORDER: A CALL TO ACTION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I recently had the opportunity to participate in a Conference on United States-Mexico Border Economic Development in El Paso sponsored by the Pan American Contractors Association and Hispanic Business magazine. Of the many ideas presented, the address by Ambassador Abelardo L. Valdez stands out because of its specific plan for action in response to the economic crisis along the border. Because of the record trade deficit our country is facing and the high levels of unemployment along our southern border, Ambassador Valdez' remarks are worthy of serious consideration by this body.

The speech follows:

CRISIS ON THE UNITED STATES-MEXICO BORDER: A CALL TO ACTION

(By Ambassador Abelardo L. Valdez [1])

I. INTRODUCTION

Ladies and gentlemen; I am delighted to be with you at this very timely and important conference. The Pan American Contractors Association and Hispanic Business magazine, and especially my good friend Jesus Chavarria, are to be congratulated for their foresight and initiative in arranging this conference.

I am also honored to appear before you in the company of Congressman Ron Coleman, who has been an effective leader in the Congress in focusing congressional attention on the problems experienced on the U.S.-Mexico border.

Congressman Coleman is the author of the Congressional Resolution that would create a select U.S.-Mexico committee in the House of Representatives to study and act on the critical issues in U.S.-Mexico relations. I am indebted to him for his inclusion of a proposal I have made for a U.S.-Mexico free-trade zone along the border on the agenda for the select committee to study its feasibility.

As the Chairman of the Congressional Border Caucus, Congressman Coleman has a good deal of influence in the Congress on border issues, and I hope he will continue to gain influence in the coming years. I am honored to call him a true friend.

I am also delighted that important leaders from the business community of Mexico are present today. Their participation in this conference underlines the mutual concern we have about the present economic crisis on the border.

The U.S.-Mexican border is the focus of a major economic crisis, which has been generated by the severe recession and financial crisis Mexico has suffered since 1982. This crisis has made believers of those who thought interdependence was only a catchy phrase that applied to other parts of the world.

We have seen those cyclical crises occur in the past, but never as grave as the one that has affected businesses, communities, and individual human beings on both sides of the border during the past two years.

In that period, scores of businesses have been closed, and many others have experienced declining sales and incomes. Unemployment has increased through the border region.

On the Mexican side, communities and individuals have had to curtail their purchases of needed products, unemployment has increased, and the social fabric has been strained even more than usual.

While these indexes of misery have grown during this period, the fact is that the border communities have really been affected by a crisis of underdevelopment for many decades. Here in Texas, the border communities, especially in the Southern part of the State, have the poorest access to, and delivery of, health and education services, the highest unemployment, and the lowest levels of income. In this area is also concentrated the majority of the Hispanic-American community of Texas. There is a vast shortage of industry, transportation services, water, and the infrastructure needed to attract industry to this part of the State.

For many decades this area, of which the Rio Grande Valley is a significant part, has been the focal point of the clash between two cultures, two languages, and two countries.

Despite the importance of the Mexican-American vote in state and national elections, progress for the majority of the people of this area has come painfully slow. During the past three-and-a-half years, the Reagan Administration has done pitifully little to help the people of this region and little attention has been given to the crisis on the U.S.-Mexican border. That being the case, it behooves the people of this region to formulate their own plan of action to deal with this fundamental crisis and to open new avenues for social and economic development on the U.S. side of the border, as well as the Mexican side, for their destinies are intertwined. It will require private initiative to move both governments to establish the framework for attracting new industry and additional investment to these border lands.

The great border that links both contries is like a seamless web of economic, political, and people-to-people relationships—a web that holds both sides in a shared destiny. It is a boundary between different histories, yet similar hopes, between opportunity and frustration, between suspicion and respect on both sides, between proud and good neighbors. The border traverses a mingling of people and problems that know no neat division between one side and another. In Houston, San Antonio, Phoenix, and Los Angeles, and here in El Paso, the cultural and human ties are too interwoven to be interrupted by a line on a map. The money passing back and forth from small remittances to large investments, the families on both sides, and the whole range of interests and relationships between the two countries have already begun to blur the conventional distinction between foreign and domestic policies. In essence, our policy toward Mexico is not foreign at all: It is a policy toward ourselves.

Any plan for action must take into account this fundamental relationship.

II. LIBERALIZED TRADE INCENTIVES

In order to bring about enduring economic development, industry must be attracted to the border lands. By border lands, I mean not only the immediate border communities, but also that region which is encompassed between Monterrey and San Antonio; and which extends from Brownsville, Texas; to San Diego, California. This has been the region where historic trading and business relations have existed between the industries, communities, and municipalities of both countries.

So, What kind of incentives?

First, I believe we should build on the strong trading and business relationship between the United States and Mexico. Mexico is the third largest trading partner for the United States, and the United States is the principal trading partner for Mexico. Although there is an impressive volume of

[1] Former Chief of Protocol of The White House (1979-81); Assistant Administrator for Latin America and the Caribbean, Agency for International Development [AID] (1977-79).

trade between the two countries, I believe that it can be increased even more through liberalized trade incentives, and that would mean increased employment and business opportunities all along the border region.

Building on the strong trading relations between the United States and Mexico, I believe that one incentive needed to attract additional industry and create employment should be to liberalize trade betweeen the two countries through the elimination of tariff and nontariff barriers.

In 1981 I proposed to the United States Trade Advisory Committee that Mexico and the United States establish a free-trade zone in the border lands, extending 200 miles into each country's territory and running from Brownsville, Texas; to San Diego, California. The zone would constitute a small common market: any product grown, produced, or manufactured within the zone, on either side of the border, could move duty-free throughout the zone. After a test period, the zone could be expanded to include a greater part of each country's territory or the entirety of both countries.

Several benefits could accrue from a free-trade zone. The project would become a focal point of mutual economic cooperation between the United States and Mexico. New jobs would be created on both sides of the border for the chronically unemployed, and this could help alleviate the immigration problem. New opportunities for United States-Mexican joint ventures would develop, using the best skills, resources, and technologies to attack traditional economic stagnation. In addition to increased trade within the zone, the two countries might combine to produce goods and services that would be more competitive in the world market than they are now separately.

There are several reasons why the zone should be established at this time in the proposed location. The people who live in the border lands have had a long trade and cultural relationship. Many are bilingual and bicultural.

The successful border-industries program, begun in 1966, offers proof of the potential benefits of the proposed zone. This program permits United States firms to locate along the border and to export unfinished products to the Mexican side, duty-free, for assembly and finishing work. Upon their return to the United States for marketing, these products are charged duty only on the value-added portion resulting from the work done in Mexico.

The area covered by the proposed zone includes important industrial and agricultural centers of both countries, and provides an adequate economic base. On the Mexico side, the zone would include such cities as Monterrey, Saltillo Chihuahua, and Torreon; on the United States side, Corpus Christi, San Antonio, the Midland-Odessa area—all in Texas—Phoenix, Albuquerque, and San Diego.

If the merits of the proposed zone are accepted by both countries, I believe that substantial new industry could be attracted to, and new employment opportunities created in, the zone to produce higher-quality and less expensive products for the U.S. and Mexican markets and for export to third countries.

III. TAX INCENTIVES FOR COPRODUCTION OF EXPORTS TO THE INTERNATIONAL MARKETS

The second incentive should be designed to make full use of the capital, energy, technology, labor, and marketing resources of both countries to create a net increase in employment and economic opportunities in these border lands on both sides of the border. That incentive could be in the form of tax advantages, such as proposed for Enterprise Zones under the Kemp-Garcia bill, for those joint ventures between U.S. and Mexican firms, which would fully utilize the capital and human resources of both countries to coproduce products for export to third countries. I believe that such products would be more competitive in the international marketplace than those presently produced by each country by themselves.

The Maquiladora program, which has been in existence since 1965, is an example of a limited coproduction which has been beneficial for both countries. However, I think that a coproduction program that would go beyond the present Maquila program would be more beneficial to both countries. Coproduction, in my judgment, would produce higher-quality and lower-cost-exports not only for the U.S. and Mexican market, but the greatest benefit might be achieved from exporting such products to the international marketplace. Coproduction may well be the answer to the chronic and increasing trade deficits suffered by the United States and Mexico for the last ten years. This year, the U.S. trade deficit is expected to reach an all-time high of more than $120 billion.

Today, the Maquila program calls only on the Mexican labor force along the border, and does not promote true joint ventures between firms from both countries. It does not fully utilize all the human and financial resources on both sides of the border.

While the enterprise Zone legislation was initially designed to attract industry to depressed inner-city areas, I believe that it could be made applicable to selected areas within the border region which would be larger in scope than those initially envisaged by the legislation. The tax incentives provided by the legislation, combined with the trade incentives that would be available under my proposed free-trade zone should be very attractive reasons for industries to undertake major investments in the border region.

In so doing, both nations would achieve enduring economic development that would not only improve the economic opportunities and the quality of life for the people of the border region, but would help both nations to overcome one of their greatest problems: chronic and increasing trade deficits with the rest of the world.

IV. FINANCING FOR BORDER INVESTMENTS

A third incentive would be to provide financing for the joint ventures which could be created on both sides of the border, especially in these difficult times. Two proposals have recently been made in the U.S. Congress: Congressman Henry B. Gonzalez has proposed a U.S.-Mexico binational bank that would provide $4 billion in loan resources to help create jobs in Mexico and South Texas. The bill would create a joint U.S.-Mexican Development Bank that would receive $2 billion from the Federal Government and an equal amount from the Mexican Government. The bank, which would then make loans on both sides of the border, would operate very much like the World Bank.

Another proposal for creating the needed financial resources for investments in Mexico and the United States is that proposed by U.S. Senator Dennis DeConcini, of Arizona. During a meeting with President De la Madrid in May of this year, Senator De Concini proposed that the Governments of Mexico and the United States underwrite the establishment of an independent financial organization to draw investment capital from both countries. The new institution, which would be called the Rio Grande Foundation, would then provide loans and other forms of financial and technical support to promote the establishment of new businesses, as well as the expansion of existing companies in Mexico.

V. CONCLUSION

Increased financial resources for new investments in Mexico and the United States, particularly along the border, combined with the tax and liberalized trade incentives which I have proposed herein, would establish an investment climate attractive to investors from both Mexico and the United States. If such investments were "active" investments in industry, rather than solely "passive" investments in real estate, and designed to improve the quality and cost efficiency of products for the U.S. and Mexico market, as well as for exports of coproduced products to the international market, lasting and enduring economic development could become a reality for the people who live in these historic border lands. Then, we could say that the proximity of these two great nations is truly a blessing, and not a curse.

These incentives and the far-reaching proposals I have made today require vision and courage on the part of the business and government leaders of both nations to implement. It requires enlightened leadership from our labor community and industrial community on both sides of the border. If lasting economic development cannot be achieved on this border, then we must be prepared to suffer the consequences of inaction and to endure the hardships which have been experienced for so long by many of the people who live in this region. It is up to you and me to provide the encouragement and the leadership to move our governments and our business and labor communities toward an action plan that will deal with the economic crisis ravaging the border lands of Mexico and the United States.

If true development is to occur on either side of the border, it must be related to economic development on the other side of the border. If incentives are to be given to one nation, they must be matched in an equitable way by the other country. Interdependence requires mutual contributions to achieve mutual benefits. I hope that we can get both sides of the border to act together on this action plan.

As a native of South Texas, the future of the U.S.-Mexico border lands is of personal concern to me, for historic and emotional reasons. Much of the history of my family has occurred in this region. My hopes and my love for this land and its people are best summed up by the words of the French author Albert Camus, which were often quoted by Robert Kennedy in his campaign for the Presidency: "Some men see things as they are, and ask why; I dream of things that never were, and ask why not."●

THE PENTAGON AND ENVIRONMENTAL LAWS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HUGHES. Mr. Speaker, several weeks ago our colleague from New Jersey, JAMES J. FLORIO, learned of Defense Department plans to construct a nationwide system of hazardous waste facilities in 150 locations to serve all of the hazardous waste storage needs for all military facilities in a given region of the State or country.

In New Jersey, DOD planned to base one such site at the Lakehurst Naval Air Station in south Jersey. Without consulting State or Federal environmental officials, DOD waived normal environmental safeguards and procedures required when constructing a hazardous waste facility and solicited bids for the project anyway.

Amazing enough, the Lakehurst facility, if constructed, would sit atop the largest source of pure ground water in the State and as the Star-Ledger (NJ) points out, could lead the degradation of the sensitive environment of New Jersey's Pinelands area.

In two recent editorials, the Gloucester County Times and Philadelphia's WCAU-TV, questioned DOD's actions and concluded that if department officials had consulted with environmental officials, all this cost and fuss might have been avoided.

Mr. Speaker, I would like to commend these three news items to the attention of our colleagues. I congratulate JIM FLORIO for bringing this matter to our attention and only hope the Department of Defense will plan the remaining 149 sites without a similar disregard for conventional environmental safeguards.

The editorials follow:

FLORIO PRODS MILITARY ON WASTE SITE PLANS

(By J. Scott Orr)

WASHINGTON.—Rep. James Florio (D-1st Dist.) yesterday demanded that Defense Secretary Caspar Weinberger explain defense department plans to establish 150 hazardous waste storage sites across the country, including one at Lakehurst Naval Air Station.

In a letter to Weinberger, Florio charged that the department's action in seeking bids for the Lakehurst project should have waited at least until environmental impact assessments were complete.

He charged that the department failed to comply with environmental assessment and permit application requirements of the Resource Conservation and Recovery Act before seeking private contractors to begin construction. In addition, Florio charged, the Environmental Protection Agency (EPA) has been kept in the dark about the plans.

"I regard the apparent waiver of normal environmental safeguards and procedures with respect to this facility, in combination with the EPA's almost complete lack of knowledge as to the status of this project, to be highly irregular and entirely unjustified," Florio wrote.

He charged that the Lakehurst site is located atop the largest source of pure groundwater in the state, and could lead to the degradation of the sensitive environment of Pinelands.

After learning of the department's plans for Lakehurst, Florio said he became concerned that environmental considerations were being left out of plans at the other 149 sites.

"Considering the fact that the Lakehurst facility has been planned without prior knowledge by and consultation with the appropriate federal and state environmental agencies, I am concerned that the remaining sites are being planned with a similar disregard for applicable environmental safeguards," the letter said.

In the letter, Florio sought an explanation of the procedures used in selecting the sites and the locations of the 150 proposed sites.

The Lakehurst site, Florio said, is planned to accommodate all of the hazardous waste from military facilities in South Jersey and that its construction is expected to cost $1.6 million.

BARREN MINDS WORK AT DEFENSE DEPT.

The U.S. Defense Department, well known for wasting taxpayers' money on such things as $100 screwdrivers that go for a couple bucks at any hardware store, is at it again.

Without consulting with state or federal environmental officials, the Defense Department spent money to build a major toxic waste storage facility at the Lakehurst Naval Air Station, which is located deep in the federally and state-protected Pinelands.

It's amazing enough that no one in the Defense Department even thought about checking with any environmental officials before planning such a controversial storage site, but somehow no one in the department even knew the Pine Barrens existed, let alone that it is a protected area because it is environmentally sensitive.

That's pretty hard to swallow. The military may be somewhat isolated from society, but it still operates in the same world. The Lakehurst facility has been around for decades, and the Pinelands have existed forever. Someone from the Defense Department must have toured the facility at some time and noticed all those scrub pines and oak trees.

And while reading those stories on the Defense Department wasting money, someone in the department surely must have read some stories about protection of the Pinelands, or that we have major environmental problems with toxic waste in this nation.

Fortunately, our congressman, Rep. James J. Florio, D-1st Dist. of Pine Hill, takes more of an interest in what the Defense Department is doing than the department does about the rest of the world. He blew the whistle on the $2 million plan, which is now likely to be scrapped because of its potential threat to the environment.

The facility, which was supposed to store toxic waste from McGuire Air Fore Base, Fort Dix, and the Naval Ammunition Depot at Earle and Lakehurst, would have been built over a major underground fresh water source.

Since Florio disclosed the military plan, the state Pinelands Commission has told the Defense Department that it is unlikely the proposal would pass local scrutiny. The department was told to look elsewhere to locate the facility.

"It's fairly obvious it would be a very tough thing to do," said John Stokes, assistant director of the Pinelands Commission.

But then again, it should have been fairly obvious to the Defense Department that the Pinelands existed, and that environmental officials should have been consulted before any money was spent on the project.

Let's hope the Defense Department isn't deaf as well as being dumb.

CHANNEL 10, WCAU-TV,
Philadelphia, PA.

Broadcast: August 26, 1984, 6 P.M. News; August 27, 1984, Noon.

Subject: Pentagon & Environmental Laws.

Is the Department of Defense above the law? We don't think so. Neither does New Jersey Congressman James Florio.

The Pentagon is moving ahead with building a huge toxic-waste storage facility at Lakehurst Naval Air Station. They've begun, and they've allocated money—tax money, of course . . .

But they didn't get environmental clearance from the Environmental Protection Agency. And that's what got Rep. Florio so upset. The toxic storehouse site is sitting right on top of a major underground water source. Florio points out that the Pinelands, where the Navy toxic waste storehouse is proposed, is highly sensitive ground. It's like a sieve. And all of South Jersey drinking water could be contaminated if the Navy goes ahead with waste storage plans.

Defense Department officials have admitted they didn't know the Pinelands area plans might endanger South Jersey's water. Had the Pentagon complied with environmental laws, all this cost and fuss might have been avoided.

We urge New Jersey citizens to let Defense Secretary Weinberger know the military must obey environmental laws like the rest of us.

Presented by Stephen Cohen, Vice President & General Manager.

Your comments are always welcome.●

TRIBUTE TO HON. DAN MARRIOTT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. MAZZOLI. Mr. Speaker, DAN MARRIOTT has made a significant contribution to Congress in his 8 years as a Member of the House.

I have served with DAN on the House Small Business Committee and I have found him to be a diligent and effective member.

I know DAN has served his constituency and the State of Utah well, and I wish him much success as he pursues private interests.●

H.R. 3755, THE SOCIAL SECURITY DISABILITY REFORM AMENDMENTS OF 1984

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BIAGGI. Mr. Speaker, I rise in support of the conference committee agreement on H.R. 3755, the Social Security Disability Reform Amendments of 1984. I am proud to have been one of the early cosponsors of this bill. I commend Chairman PICKLE for his tireless efforts in developing this bill and in working with the other body to arrive at an acceptable compromise which I believe protects the interests of the disabled beneficiary.

Today the Disability Program is in a state of chaos. The events of the past 3 years have caused the public to come to distrust one of our most important Federal agencies. The Social Security Administration had been regarded as a model Government agency which compassionately, competently, and efficiently administered a comprehensive program of social insurance which protected American workers and their families against loss of income due to death, retirement, or disability. The public felt confident that Social Security would assist them and their families if they became disabled. I believe this bill will help restore order to the Disability Program and public confidence in the Social Security Administration and the thousands of SSA and State disability determination agency employees who administer the disability program.

The Select Committee on Aging has worked long and hard in bringing this legislation to a successful vote. During the 98th Congress the Committee held eight hearings in six different States plus the District of Columbia. These hearings gathered testimony which documented the need for reform.

Since 1981, when the Reagan administration ordered an acceleration of the continuing disability reviews, the benefits of 350,000 people have been terminated. Of these, 100,000 have been reinstated by SSA's internal administrative review process, and another 60,000 have been reinstated by the Federal Courts. The fact that 45 percent of the cases terminated were reinstated highlighted the need for corrective action. Therefore, bills were introduced in both Houses, in this and the past Congress, designed to protect the rights of disability beneficiaries and restore uniformity to the program.

In fiscal year 1982, 10,000 people in my home State of New York were removed from the disability rolls. This compared with 672 the previous year. In response to these harsh reviews, New York State, along with New York City and affected individuals, filed suit in Federal court successfully challenging the Social Security Administration's standards for evaluating severely mentally disabled people. The reviews also led directly to New York's filing suit against the Social Security Administration for employing improper standards in evaluating people with severe, disabling heart disease. In recognition of the need for improved standards for determining eligibility for disability benefits and for a medical improvement standard for determining continuing eligibility to these benefits, New York State was one of the first States in the Nation to place a moratorium on processing continuing disability reviews.

Though the conference report will not alleviate all of the problems which have come to light as a result of increased continuing disability reviews, it will provide for a more fair review as it will require that, in most instances, there must be medical improvement before a beneficiary can be removed from the rolls. The lack of a medical improvement standard was one of the primary causes of the problems which arose during the reviews.

The bill will also require the Secretary to:

Conduct a study on the evaluation of pain in determining whether a person is under a disability,

Consider the combined effect of all of a person's impairments in both initial cases and in continuing disability reviews,

Publish revised criteria to be used in the evaluation of mental impairments,

Initiate demonstration projects on providing face-to-face interviews for pretermination continuing disability cases and for all initial denial cases in lieu of face-to-face evidentiary hearings at reconsideration,

Continue the payment of benefits during appeal for CDR cases through the decision of the administrative law judge,

Make every effort to insure that a qualified psychiatrist or psychologist reviews the case,

Promulgate regulations regarding consultative examinations,

Make every effort to obtain necessary medical evidence from the treating physician before evaluating medical evidence from any other source,

Federalize the disability determinations if a State is not in substantial compliance with Federal law and standards.

Though the conference bill does not contain a provision regarding nonacquiescence, the conference report does state that the policy of nonacquiescence should be followed only where steps have been taken or are intended to be taken to request a review by the Supreme Court. The conferees also urge the Secretary to seek a resolution of the issue in the Supreme Court. As an attorney, I concur that the legal and constitutional issues raised by the Secretary's position on nonacquiescense can best be settled by the Supreme Court.

Though I am pleased that the medical improvement provisions of this bill will apply to all cases in the administrative pipeline and to all cases pending judicial review, I am concerned that thousands of disabled individuals, who were terminated since the reviews started, will not benefit from this bill. These are individuals who, either because of lack of information, funds, or who just were intimidated by the administrative review process, did not pursue their case but accepted the decision of the Social Security Administration that they were not disabled. I hope that someway can be found to extend the spirit of this bill to these individuals.

Today, there are over 40,000 cases pending in the Federal courts. All of these cases had to go through three layers of administrative review before they could be taken to the courts. This is a long and time-consuming and expensive process. Without the benefit continuation provisions of this legislation, these individuals would be deprived of benefits during their appeal process; however, even under this bill, benefits only continue through the administrative law judge review. I am not advocating continuing benefits beyond this level, but I do believe that Congress needs to study the administrative review process. Some way needs to be developed to simplify and expedite it.

I believe that the provisions for the consideration of multiple impairments and evaluation of pain greatly improve the disability program. This multiple impairment provision is much needed to assist those who cannot work because they suffer from many impairments; yet, do not qualify for benefits as none of their impairments by themselves meets the required level of severity.

In closing, I would like to commend all who labored so long and hard on this legislation. I believe it will restore uniformity and fairness to the disability program. As a charter member of the Select Committee on Aging, I will continue to work to assure that those who are entitled to these benefits will, in fact, receive them in order that we will continue to uphold the intent of Congress in creating the disability program. With the passing of this legislation, which has bipartisan support, we have hopefully ended the bureaucratic nightmare of thousands of disabled and elderly who have come to depend on these benefits for their very existence. It is these individuals that we should remain most concerned about—today and in the future.●

UNEMPLOYMENT IS STILL CRITICAL ISSUE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. OWENS. Mr. Speaker, unemployment remains a critical issue in this country. There are those who repeatedly say that America is back. I would like to go further and say that all of America is back at work. Unfortunately, I could not make such a statement today, and nothing is happening to make it possible tomorrow.

The overall unemployment rate for this August was 7.5 percent, while the percentage of potential workers (the noninstitutionalized population between 18 and 64 years of age) actually working was 64.9 percent. A year ago, the overall unemployment rate 9.3 percent while the percentage of potential workers who were actually working was the same. If no greater percentage of those eligible to work are working, how is it possible that the unemployment rate has dropped? The answer is simple. More of the unemployed were counted last August than this August. This improves the economic picture, but not the economy.

The unemployment figures for minority workers are more discouraging than for workers as a whole. The current rate of unemployment for whites is 6.4 percent as compared to 8.2 percent a year ago. For black workers, the current rate is 16 percent and the rate a year ago was 19.8 percent. The drop in the unemployment rate does not represent more of those eligible to work who are working. It represents a failure to count those who have been unemployed for so long that they receive no benefits and those who are trying to find work for the first time. These are the uncounted. Their pain is a private matter, carefully screened out of the public statistics.

The time has come to stop working with the statistics and start working with the unemployed. This country needs the work of all of its people and all of our people need jobs and incomes. Sweeping aside millions of people to the trash heap of unemployment may serve to create media images, but it does not help to reach our potential as a productive and just society. Unemployment remains a critical issue and Congress must find a way to aid the millions who cry out for training and jobs now.●

HUMAN RIGHTS IN THE U.S.S.R. SHOULD NOT BE IGNORED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FASCELL. Mr. Speaker, Soviet human rights violations should be an important agenda item in the upcoming talks between President Reagan and the Soviet Foreign Minister, Andrei Gromyko. Although the arms control issue holds center stage in this private meeting, the steady deterioration in the Soviet human rights performance should not be given short shrift. As the 1975 Helsinki Final Act recognized, there is an integral link between human rights and military security.

In fact, one important measure of the Soviet Union's adherence to international commitments is its implementation of the Helsinki human rights provisions. The Helsinki accords establish a point of reference not only for government-to-government relations, but also for the relationship between government and the governed.

In the first 4 years after the Helsinki accords were signed, there seemed to be a slight general improvement in Soviet human rights behavior: In 1979, Jewish emigration from the Soviet Union reached the record level of over 51,000; despite numerous arrests, unofficial human rights organizations were allowed to exist.

Coinciding with the invasion of Afghanistan, however, the Soviet Government decided on a radical change of course which took effect in 1980: Soviet emigration rates plummeted; Soviet jamming of Western radio broadcasts resumed to protect the Soviet people from news about Polish Solidarity; imprisonment of Soviet national, religious, economic, and political rights advocates soared; and harsh new Soviet laws were passed to further discourage free expression and contacts with foreigners.

Today, 48 members of the citizens' Helsinki Monitoring Groups are serving long terms in Soviet camps, prisons, and psychiatric hospitals. Prominent imprisoned Helsinki Monitors include: Yuri Orlov and Anatoly Shcharanksy (Moscow); Mykola Rudenko and Levko Lukyanenko (Ukraine); Viktoras Petkus and Balys Gajauskas (Lithuania); Robert Nazaryan (Armenia); and Merab Kostava (Georgia).

Soviet repression has not been limited to political activists. Of the estimated 10,000 Soviet prisoners of conscience, about half are religious believers. Increased repression against Evangelical Protestants, particularly reform Baptists, has been dramatic. In 1979, there were 40 Baptist prisoners; today there are almost 200. Prominent Russian Orthodox prisoners include Father Gleb Yakunin, founder of the unofficial Christian Committee. For the first time in over 10 years, in 1983 the Soviets imprisoned two Roman Catholic priests in Lithuania. Several million Ukrainian Catholics are loyal to their Soviet-outlawed church; many, such as Yosyp Terelya, are imprisoned. Soviet Jews and Muslims are also jailed for their religious activity.

Advocates of greater national and cultural rights, particularly for the non-Russian half of the Soviet population, are also subjected to harsh repression. Unofficial Hebrew teachers, such as Iosif Begun, suffer imprisonment. Ukrainians, such as writer Yuriy Badzio, comprise about 40 percent of all Soviet political prisoners. Mustafa Dzhemilev and several other leaders of the 500,000-strong Crimean Tatar who struggle to return to their Crimean homeland have spent long years in Soviet camps. Latvians, including Ints Calitis, Lithuanians and Estonians, including Mart Niklus, press for Soviet renunciation of the secret terms of the infamous Molotov-Ribbentrop Pact which consigned their three countries to the U.S.S.R.

The record is similarly bleak in the area of family reunification, which the Soviet Union pledged to facilitate under the Helsinki accords. Emigration has come to a virtual standstill for the three ethnic groups—Jews, Germans and Armenians—which had earlier been allowed to leave the Soviet Union. There are over 100 longstanding unresolved United States-Soviet family reunification cases, including those of Galina Michelson of Moscow who has sought to rejoin her husband in the United States since 1956; Lithuanians Maria Jurgutis and Petras Pakenas have repeatedly been denied exit visas to join their Lithuanian-born spouses in the United States; and Grigory Gimpelson has been trying to get permission to rejoin his wife and son in New York since 1977. Other Americans, such as Prof. Woodford McClellan of the University of Virginia, have unsuccessfully tried for many years to have their Soviet spouses join them in America.

In recent months, I have written repeatedly to President Reagan to urge that the plight of Nobel Laureate Andrei Sakharov and his courageous wife, Elena Bonner, be raised with the Soviets at every available opportunity, including the Stockholm Conference on Military Security now in session. I am happy to report that the United States finally raised the Sakharov case on September 18 in Stockholm, asserting the vital link between military security and human rights issues.

Some will say that Gromyko will flatly reject any American human rights requests. Even so, this does not lessen the American obligation to speak out for those whom the Soviets

brutally attempt to silence. If agreements with the Soviet Union are to have meaning, compliance must be insisted upon at the highest level of our Government. A foreign policy adviser to the former Vice President has said that human rights will be raised during Mondale's meeting with Gromyko. Can the President do less?●

MINORITY ENTERPRISE DEVELOPMENT WEEK CELEBRATED IN QUEENS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ACKERMAN. Mr. Speaker, I rise today to ask my colleagues in the United States House of Representatives to take this moment to recognize the vital contributions by Murtha, Gainza & Associates, Inc., on behalf of minority-owned business in Queens County, NY.

October 7-13, 1984 is National Minority Enterprise Development Week, and Murtha, Gainza & Associates of Forest Hills has many reasons to share in that celebration.

Company director T. Kevin Murtha and Associate Director Fernando Gainza are responsible for channeling millions of dollars in loans and contracts to minority entrepreneurs. Mr. Speaker, this is a magnificent accomplishment. Mr. Murtha, Mr. Gainza, and their staff at the Minority Business Development Center have made an immeasurable difference to minority businesses in Queens and as a result, have boosted the economy of the entire community. With determination and dedication, the company has creatively approached the challenge of strengthening minority firms and charting for them a path of success and prosperity.

Murtha, Gainza & Associates provides valuable assistance and technical counsel to businesses in need of capital and contracts. The staff works closely with entrepeneurs to assist them with financial management, loan proposals, marketing development, procurement contracts, business plan development, management systems, personnel management, and other facets.

Mr. Speaker, this company in Forest Hills has dedicated itself to helping minority businesses in a way that enables them to go on to help themselves. Their valuable services give these businesses the breakthrough they need to establish themselves, gain credibility, and earn trust and respect of their colleagues in the business world.

The officers and staff of Murtha, Gainza & Associates, Inc. have proven their acumen as business specialists, and their skill and noble purpose have turned the struggles of minority firms into sweet victories.

Mr. Speaker, the principle of helping others to gain their footing until they can take steady, sure steps on their own, is what this great Nation is all about. Minority members have suffered from many years of discrimination, pain and oppression. It is individuals like those at Murtha, Gainza & Associates, Inc. who begin to turn back that tide so that minority entrepeneurs are able to use their imagination and ability to achieve great successes.

The corporation is holding workshops and ceremonies during the first 2 weeks of October to celebrate Minority Enterprise Development Week and to highlight the many struggles minority businesses have overcome with the encouragement and ready aid of development centers throughout the country.

Mr. Speaker, let us take this moment to recognize the unceasing efforts of Murtha, Gainza & Associates. The company's endeavors have given real meaning to National Minority Enterprise Development Week.●

TRUMAN'S TOUGH DECISION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SOLOMON. Mr. Speaker, the name of Harry Truman has been evoked by both sides of the aisle this year, the centennial of his birth, and rightly so. President Truman was remembered in a film at the Democratic National Convention, in speeches at the Republican Convention, and in heartfelt remarks here on Capitol Hill and throughout the Nation.

Now I would like to enter into the RECORD a short essay by a veteran newspaperman who saw firsthand why Truman was destined for greatness. The article, from the Troy, NY, Times-Record, shows that Harry Truman never flinched from making the tough decisions necessary to a great Nation.

The article follows:

WHY WE DROPPED THE BOMB

(By Robert A. Fusco)

We're more than a month past the anniversary of the atomic bombing of Hiroshima, and the usual spate of letters and demonstrations. But as we approach 1985, which will mark 40 years since the bomb was dropped. I must respond, beforehand, to what I anticipate will be a deluge of letters from the "breast beaters."

It's incredible how these letter writers and demonstrators so casually revise history.

Such remarks as "Truman should have waited (before ordering the bombing) because he knew Russia was entering the war against Japan.

Russia was going to enter the war in the Pacific when it suited Russia's purpose. Read Churchill's memoirs and learn of their turn to open a second front. Go to a library and read editorials on the same topic. Russia declared war on Japan on Aug. 8, because the United States dropped the first atomic bomb on August 6.

Then these fictional historians argue the bombing was unnecessary, because the Japanese were whipped and all we had to do was be patient, allowing them time to agree to surrender terms.

If the Japanese were whipped, they didn't act the role.

Months of conventional bombing of their cities and military installations hadn't moved them. The loss of virtually all of the Pacific territory they had earlier conquered hadn't moved them.

Japan's war lords didn't sound as though they were considering capitulation, when they promised to arm the entire population to repel an American invasion.

American military leaders, including Gen. Omar Bradley, warned to expect American casualties of at least one million, with deaths up to 500,000, if a full-scale invasion became necessary.

Anyone who doubts the ability of Japan's leaders, at that time, to carry out their promise to fight to the death, with spears if necessary, need only recall the kamikaze, or the costly American victories on Saipan, Iwo Jima, etc.

I entered Hiroshima a few weeks after the bombing. I also had first-hand views of terribly flattened cities in France and Germany.

Certainly the deaths of thousands of civilians at Hiroshima and Nagasaki were terrible. So were the deaths of thousands of civilians in England and in France, and of millions in Germany and in Russia.

War really is hell; in large part because non-combatants die—they died long before the atomic bomb and not only incidentally.

After the lead waves of conventional bombers dropped their payloads in World War II, the remaining planes bombed into smoke and dust. Do we really believe they were aiming at only military targets?

The revisionists want to put the "black hat" on the United States and a President who was making a wartime decision. To the breast beaters I say, "it won't work."

In conclusion, let me recall, too, the area clergy, who annually participate in their well-publicized "services of repentance" for the bombing of Hiroshima and Nagasaki.

I wonder when was the last time they murmured a prayer for the souls of the 1,000 men whose bones are still trapped inside the Arizona?●

CHAIRMAN OF DADE SCHOOL BOARD AWARDED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PEPPER. Mr. Speaker, thank you for giving me the opportunity to call to your attention and that of our distinguished colleagues the upcoming honor to be bestowed upon one of the outstanding leaders of Dade County, FL, which encompasses my congressional district.

Paul L. Cejas, the honoree of the B'nai B'rith Foundation's coveted

Public Service Award to be bestowed upon him at a dinner on October 20, is truly one of the giants of Florida public servants, who has contributed to our youth, to our community of Dade County and to the quality of life in south Florida and the Nation.

Since he was appointed to the chairmanship of the Dade County School Board by Governor Bob Graham of Florida in March 1980, Paul has done an excellent job in difficult circumstances and with all the many attendant problems and challenges of a dynamic, growing and vigorously multiethnic community reaching out to the Nation and to the world for travel, trade and cultural exchanges.

More than just serving in his professional capacity, Paul Cejas has been deeply involved in the various levels of endeavor within the community: whether he donated his skills as an accountant to the United Way Fund of Dade County, or as chief executive officer and president of Miami Savings & Loan Co., whether he helped to develop the patterns of real estate use in Dade County, or taught business administration at Miami-Dade Community College's downtown campus, whether he studied the patterns of need among Hispanic students, helped businessmen get started, served on Dade County's School Board with the largest vote ever received by any school board candidate in Dade County's history—the list goes on and on—Paul has always given every ounce of everything he has to all he does and the people he cares so much about. He deserves this recognition as one of the truly outstanding leaders of our burgeoning south Florida community.

This noble and distinguished man—a patriot and a modern Founding Father of our continuing enterprise in democracy and progress—is worthy of all honor and I speak with pride and gratitude, I know, for our community, when I say, we thank you, Paul, for all you have done for us. May you live long in the hearts and memories of Dade County's citizens as you do now.

Blessed by his many friends and admirers, the fruits of years of such generous works and his prodigious energy, may he continue to work and live long among us and share in the radiant glow of Dade County's people's affection and gratitude.●

CALL FOR DISCUSSIONS ON SURGING IMPORTS OF CANADIAN HOGS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DURBIN. Mr. Speaker, today I join Mr. MADIGAN and 49 of my colleagues in introducing a resolution which expresses the sense of the House that the President should direct appropriate members of the administration to aggressively pursue discussions with the Canadian Government directed toward resolving the problems caused by a recent surge in imports of Canadian hogs and pork products.

In hearings before the House Agriculture Livestock Subcommittee in May, Richard Smith, Administrator of the U.S. Department of Agriculture's Foreign Agricultural Service, testified that imports of live hogs totaled only 146,000 head in 1981. But this year, shipments are expected to increase fivefold to 750,000 head. Frozen pork shipments, the traditional form of port trade between the United States and Canada, averaged 25,000 tons annually during the early 1970's. Last year, though, U.S. imports inched up to 27,000 tons, and were up another 4 percent in the first quarter of this year. The most drastic change has been in imports of fresh and chilled pork from Canada. Imports averaged 2,500 tons yearly from 1970 to 1977, but last year, they increased to 93,000 tons and had increased 33 percent in the first quarter of 1984.

The main reason for this increase is that Canadian production capacity has improved. Internal policies which offer incentives to pork producers to increase production have resulted in surpluses which are shipped to the United States. Another factor is the high value of the dollar, which makes our markets more attractive to exporters.

I introduce this measure with two goals in mind. First, if the administration takes action now to negotiate with the Canadian Government regarding the increase in hog and pork imports, we may be able to stabilize the market before the damage to U.S. producers becomes too great. Second, our response must be timely; we now have an opportunity to prevent a shift in trade which could permanently debilitate our hog markets.

Senators DIXON and BOSCHWITZ introduced a similar measure in the Senate, Senate Resolution 431, which was accepted as an amendment to H.R. 3398, which passed the Senate on September 20. I hope that introduction of this bipartisan measure in the House will indicate to the conferees on H.R. 3398 that many Members of the House would support the inclusion of this resolution in the final version of the omnibus trade and tariff bill.●

HIGH TECHNOLOGY MAGAZINE GIVES DIRECTION FOR HIGH TECHNOLOGY WEEK

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DYMALLY. Mr. Speaker, some months ago my attention was called to an editorial in High Technology magazine. The editorial concerned the need for a special week in which our students, teachers, and the Nation in general could take time to gain some understanding of the impact of technological development on our lives. I thought this suggestion by magazine editor Robert Haavind was well taken, and I introduced a bill to set aside the week of September 30 to October 6 as High Technology Week. Happily, the bill passed both Houses and was recently signed by the President. The most recent issue of High Technology magazine contains a second editorial by Mr. Haavind. This one has to do with setting the direction for activities during High Technology Week. I think the message Mr. Haavind offers us is upbeat, optimistic, and sets just the right tone for this special week. With your permission, Mr. Speaker, I would like to insert the text of Mr. Haavind's editorial in the CONGRESSIONAL RECORD.

The editorial follows:

ALL NATIONS CAN WIN THE TECHNOLOGY RACE

(By Robert Haavind)

National High Technology Week, set for September 30-October 6 will focus attention on the future of technology in the United States. This symbolic week was proposed by this magazine last October and established by Congress in July. The Special Report in this issue, set to coincide with High Technology Week, explores some of the critical technology-related issues now on the national agenda.

A core issue among them is the intense international competition for leadership in emerging technologies. Some countries, such as Japan, England, and France, have well-defined national programs to stake out claims in potentially explosive technology markets. Whether the United States should adopt such a policy is perhaps the most heated of several national debates over technology.

Unfortunately, as IBM president John F. Akers complained in a keynote speech at the recent National Computer Conference, the media tend to characterize the global technology race as a cutthroat competition. In this scenario, each nation is attempting to gain supremacy in new technologies, while at the same time imposing national policies that cut out foreign competition.

Certainly much of the competition is fierce, and some nations indulge in protectionism. Yet the world marketplace is not as warlike as some claim, and it is becoming even less so. Recognition is growing that all nations can share the benefits of emerging technologies. Cooperation promises econom-

ic synergism: By working together all parties can boost their share in the gains.

Business leaders have seen this for some time. That's why more and more cooperative technology ventures are taking shape, often between companies in different nations. And where extensive advanced research is required and available expertise is limited, as in artificial intelligence, ways are being found for companies to share costly R&D.

Governments, as well, have been working toward greater cooperation. Japan's efforts to make its market more open to competition were lauded as a new era in trade relations in a speech delivered in Tokyo this summer by Warren E. Davis, VP, of the Semiconductor Industry Assn. (The SIA had been highly critical of Japan's policies in the past.) When asked about Japanese and European competition in photovoltaics recently, Rep. Donald Fuqua (D-Fla.), chairman of the House Committee on Science and Technology, replied that these nations have a mutual stake in attaining energy independence, and thus should work together to develop and commercialize such technology.

This spirit of statesmanship and cooperation should be fostered. But at the same time, all nations must recognize that there is one sure way to lose this global contest, and that's by not playing. New technologies are becoming pervasive, changing the way we work, communicate, and manage every business, industry, and profession. Only by staying at the cutting edge of technology—in factories and offices and schools as well as in the labs—can a nation expect to remain competitive.

That's a central message of High Technology Week.●

A CHANCE TO VOTE ON THE CRIME BILL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GEKAS. Mr. Speaker, after 7 months House Members have looked at the Senate passed bipartisan crime package but have been unable to vote on it. A bill almost unanimously supported in the Senate was dissected, then allowed to gather dust while Americans waited and wondered if their elected representatives shared the same deep concerns they had about crime.

Mr. Speaker, the majority of the Members of this body do share the concerns of their constituents and if given the chance would express that concern by approving H.R. 5963.

I can imagine no reason for ignoring this bipartisan legislation. If the Judiciary Committee has been considering the bill for these 7 months, then where is it?

If it was "unwieldly" and had to be considered in pieces, as one subcommittee chairman asserted, then where are the pieces? Where are the pieces that count? Where is the sentencing reform contained in title II of H.R. 5963? Where is the bail reform of title I? Where is the workable insanity defense reform in title IV?

Mr. Speaker, the House should be given a chance to vote on this important legislation before its Members return home to account for their 2 years in Washington.●

H.R. 3755: A LONG AWAITED BILL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Ms. OAKAR. Mr. Speaker, on September 19, the House agreed to the conference report on H.R. 3755, the Social Security Disability Reform Act of 1984. The struggle to agree to and enact a bill which will assist hundreds of thousands of disabled Social Security recipients has been long in coming. Congressman JAKE PICKLE, chairman of the Social Security Subcommittee, should be proud of his tireless work in getting this, one of the most important pieces of legislation, through Congress. I join my colleagues in commending him and the other key members of the Ways and Means Committee for their outstanding work.

Every Member of this body has heard of the real horror stories from disability recipients caught in the web known as the appeals process. We have also known too well of the constituents who have been told by SSA that they no longer qualify for disability benefits, and cannot understand why their disabilities aren't severe enough to merit assistance. At least one-third of the Members in the House can attest to the manner in which his or her State has begun to self-impose a disability review program. And, we have all been frustrated by the administration's unwillingness to pursue avenues to clarify the law and the administering of the disability program.

H.R. 3755 embodies necessary changes to a system which has become dispassionate and disorganized instead of compassionate and orderly. It will standardize the medical improvement definition under the continuing disability review process. Decisions rendered by Federal courts regarding appeals will be recognized by the Social Security Administration. The issues of pain and multiple impairments are also addressed in this bill.

There is little doubt in my mind that the bill could go further in regulating the Social Security Disability Program. But, given the constraints present during the most difficult of times for the disability program and the conflicting views on how the problems should be remedied, the bill accomplishes many goals. I am hopeful that once in place, the changes in the bill will solve many serious problems, by helping thousands of disability recipients. I also hope that this body will not have to go through the laborious process of legislating changes to the disability program in the coming years because the system is treating recipients unfairly.

Again, Mr. Speaker, this bill is important to the future of the Social Security Disability Program and Chairman PICKLE should be honored by his tremendous job.●

A TRIBUTE TO VAL J. HALAMANDARIS: A FRIEND TO THE NATION'S AGED, ILL AND DESTITUTE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PEPPER. Mr. Speaker, on the occasion of his birthday, I would just like to pay tribute to a great American, a keen lawyer and investigator, and an effective voice for the Nation's underprivileged and needy: Val J. Halamandaris.

In celebrating his 42d birthday, it is appropriate to acknowledge the many contributions Val has already made to the constituencies he has chosen to serve. Over half of Val's life was spent in service to our Nation's elderly both in connection with the Senate Special Committee on Aging where he spearheaded a number of daring and productive undercover operations, but also on the House Select Committee on Aging where he exposed the country to frauds and abuses in numerous public and private programs serving older Americans. Nursing home residents found a formidable ally in Val who is a leading spokesperson on nursing home care in the United States. His book, "Too Old, Too Sick, Too Bad," which he coauthored with his former employer Senate Aging Committee Chairman Frank E. Moss, has educated many who seek to improve conditions for elderly nursing home residents and who advocate appropriate care for the institutionalized.

Today, Val's strong and effective voice can still be heard in the Halls of Congress, as a champion of home care as an alternative for unnecessary and premature institutionalization. Those affiliated with the National Association for Home Care, where Val now serves as president, are well served.

Mr. Speaker, Val Halamandaris has demonstrated a deep and lasting commitment to betterment of our country, he has done much to restore confidence in our Government and to earn the respect of this Congress and of the people of the United States.

I personally commend Val's good works and I look forward to a continuation of his outspoken support for im-

proved conditions for our Nation's underprivileged.●

THE DRUG PRICE COMPETITION ACT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DAUB. Mr. Speaker, I was encouraged when the President signed into law the Drug Price Competition Act yesterday. This measure allows a quick and effective process for the approval of generic drugs while providing incentives for large drug manufacturers to develop new and innovative products.

This carefully constructed compromise bill received strong support from a number of senior citizen organizations. It represents a significant gain for all consumers, especially senior citizens.

With the abbreviated review process, hundreds of low-cost, generic drugs will become available on the market much sooner than under the present process, without endangering the safety of the consumer. This is a welcome change for seniors since 17 percent of out-of-pocket payments made by the elderly for health care pay for needed drugs.

The Drug Price Competition Act will protect the elderly from a cost they can neither control nor afford. It could save consumers an estimated $1 billion over the next 10 years. This measure is an essential step in our continued efforts to combat the effects of escalating health care costs on our Nation's senior citizens.●

CONGRESSIONAL SALUTE TO OLYMPIAN BRUCE BAUMGARTNER OF HALEDON, NJ, WRESTLING GOLD MEDALIST, 1984 SUMMER OLYMPIC GAMES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ROE. Mr. Speaker, on Sunday, September 30, the residents of my congressional district and State of New Jersey will join with the Honorable Sam F. Sibilio, mayor, other members of the governing body, and the people of Haledon, NJ, at a parade and dinner in honor of their hometown hero of the 1984 Summer Olympics, Bruce Baumgartner, who won the gold medal in the super-heavyweight title in the freestyle wrestling event of the U.S. Summer Olympic Games on August 10, 1984. I know that you and our colleagues here in the Congress will want to join with me in expressing our heartiest congratulations to Bruce and share the pride of his wife, Linda; his mother and father, Louise and Robert Baumgartner; and his many, many friends upon this outstanding achievement of national and international renown in the gymnastic exercise and highly skilled art of wrestling.

Mr. Speaker, we are proud to boast that Bruce was born and raised in the borough of Haledon, NJ. He received his elementary and secondary education at Haledon Grammar School and Manchester High School, Haledon, and attained a bachelor of science degree in industrial arts education at Indiana State University with honors. He was 3 years on the dean's list including a perfect 4.0 GPA during one of his college years. He was a member of Kappa Delta Pi, an honor society in education; and Epsilon Pi Tau, an international honorary professional fraternity for technological education. He was named the outstanding industrial arts student as well as outstanding wrestler upon his graduation from college.

We applaud Bruce's personal commitment and many years of preparation, training, and hard work that he has devoted to achieving the highest standards of excellence in his athletic and academic endeavors—and especially his championship accomplishments in wrestling competition—providing a lasting contribution to America's preeminence in the annals of the world of sports and serving as an inspiration to all of our young people.

Bruce had compiled a 74-9 overall high school mat record and 27-1 in his senior year at Manchester High School. It is interesting to note that upon his graduation from high school, he was named the outstanding student athlete and still holds Manchester's shotput record.

He was an All-American wrestler at Indiana State. His mat record as a freshman was 20-9. During his sophomore year, he achieved a 28-3 record and was National Collegiate Athletic Association (NCAA) runnerup in the heavyweight division. In his junior year as the NCAA runnerup, he had chalked up 42 consecutive victories before losing the championship finals. In his senior year, he won a gold medal in freestyle wrestling in the unlimited weight at the World University Games in Bucharest, Romania, and is the only American to win a gold medal in wrestling at Bucharest. His outstanding 1980-81 season included victories in the Midlands Open Tournament at Northwestern, and the Northern Open at Madison, WI, and was a formidable contender in the East-West All-Star Wrestling Match.

Among his many athletic achievements, he defeated two-time Olympic and four-time world champion Soslan Audiev of Russia. He also won the U.S. Wrestling Federation Tourney and was a grand champion of the federation. He was the recipient of the most prestigious Hillman Award of Indiana State University which is presented annually to designate the university's outstanding athlete.

Bruce was honored in 1982 with a Bruce Baumgartner Day in Terre Haute, IN, as all-American wrestler at Indiana State University. He was one of five student athletes honored by the National Collegiate Athletic Association for both athletic and academic achievements.

Bruce has competed in the World Wrestling Championships, the World University Games, and won an NCAA championship. In June 1984, Haledon officials dedicated their annual Haledon Day Parade to Bruce. Immediately after the 1984 summer Olympics, Bruce joined with other American athletes in parades throughout our country and we look forward to the gala parade and celebration in his honor in his hometown of Haledon on September 30. There is so much that can be said of his many deeds and accomplishments. He has served as Oklahoma State University's assistant wrestling coach and this year will be furthering his athletic career pursuits as assistant wrestling coach at Edinboro State College, PA.

Mr. Speaker, as we reflect upon the history of our great country and the good deeds of our people who have made our representative democracy second to none among all nations throughout the world, I appreciate the opportunity to call your attention to this distinguished worldwide record of a highly personable young man and seek this national recognition of his exemplary record of achievement as an all-American wrestler. We do indeed salute an outstanding citizen, gold medalist champion, and great American athlete—Bruce Baumgartner of Haledon, NJ.●

THE ABORTION DEBATE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, in recent weeks, Mr. Speaker, a great deal of attention has been devoted to the proper relationship between religion and politics, particularly with regard to the issue of abortion. Much has been said by individuals on both sides of the debate regarding where policymakers should draw the line between their personal morality and public policy.

Last Thursday, a column appeared in the New York Times by Mr. Burke J. Balch, staff counsel for the Americans United for Life Defense Fund entitled "Abortion: A General Concern." This insightful column sheds much

needed light on this volatile debate, Mr. Speaker, and I hope my colleagues will take a few minutes to read Mr. Balch's perceptive comments.

ABORTION: A GENERAL CONCERN

(By Burke J. Balch)

CHICAGO.—The debate over the appropriate role of religion in politics is befogged by a crucial misunderstanding about the nature of abortion, which is in essence a matter of public and not merely private morality.

Governor Mario Cuomo, Representative Geraldine A. Ferraro and Senator Edward M. Kennedy maintain that they personally oppose most abortions but that they do not want to impose their morality by law. They believe abortion should be legal and that abortions for the poor should be publicly funded, and they criticize the Roman Catholic bishops' view that it is "not logically tenable" to separate "personal morality and public policy."

Yet the proper dichotomy is not, as some contend, between law and morality: most laws are grounded in moral concepts. Instead, it is between moral principles that relate to the individual conduct of one's own life, with which the law should not deal, and moral principles that relate to actions that may cause harm to others, with which the law must deal.

Senator Kennedy came close to articulating this point last week. "Issues like nuclear arms," he said, "are inherently public in nature; we must decide them together as a nation; and here, religion and religious values must appeal to our common conscience—and to the decision of Government itself . . . But this cannot mean that every moral command should be written into law—that Catholics should seek to make birth control illegal; that Orthodox Jews should seek to ban business on the Sabbath."

So far, Senator Kennedy is correct. But there is a problem in applying this principle to abortion. If the fetus is not yet a human person, abortion, like contraception, does not affect others, and religious and other moral leaders should not ask the law to interfere. However, if the fetus is a human person, then an abortion causes harm to someone other than the mother, and abortion is a matter of public morality—one about which laws may properly be advocated by religious leaders.

Since the status of the fetus is the very matter most in dispute, it begs the question to rule religious leaders out of the debate on the ground they are illicitly advocating private morality in the public sphere. In their view, they are not asking the state to impose private morality but to protect the rights of others.

Senator Kennedy, Governor Cuomo and others seem to anticipate this point, but they also make a larger claim: that when we are deeply divided about whether an issue is one of public or private morality, the state should not intervene.

But the notion that division of opinion should end rather than foster debate is an unfortunate one. For decades, we were deeply divided about whether race prejudice was a private matter, and for years the argument against civil rights laws was that Government can't legislate morality. In reply, Dr. Martin Luther King Jr. used to point out that the law cannot make one love one's neighbors, but it can—and should—keep one from lynching them. He did not hesitate to invoke the Bible in support of his position.

As Dr. King well knew, the mere existence of disagreement cannot justify politicians, religious leaders or anyone else in tolerating injustice—still less in assisting it. What would one think of a politician who was "personally opposed" to rape but objected to imposing that morality on rapists who believe that "women want it"? What if the same politician worked to provide tax funds to buy weapons for rapists unable to afford their own? Would we denounce a religious leader who cried "inconsistency"?

Mr. Cuomo, Mrs. Ferraro and Mr. Kennedy may have unusual grounds to oppose abortion, unrelated to the rights of the fetus. But if their reasoning is the same as that given by their church (as well as by other denominations and by agnostics like myself), they must believe that the fetus is a human person whom abortion unjustly destroys. There is an untenable inconsistency between that conviction and a public policy permitting and funding abortion. Religious leaders who point this out do not breach the separation of church and state. They act in the best tradition of public debate in a justice-seeking republic.●

WOMEN AND DEFENSE SPENDING—WOMEN ARE SHORTCHANGED

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, the administration's military expenditures on strategic weapons climb higher and higher, while America's women are being shortchanged on vital social services. As the demographic group most affected by our country's uncontrolled defense spending, it is imperative that women speak out as a group against the threatening tide of nuclear arms buildup. I wholeheartedly support my colleague, Representative PATRICIA SCHROEDER, and the Women's National Conference on Preventing Nuclear War, in their goal to involve women in ongoing arms debate.

It is quite obvious that the scales are tipped in favor of a massive defense budget, while at the same time they deprive women and their families of the means to live in reasonable comfort. The fiscal year 1984 defense budget of $260.9 billion is $35 billion higher than the amount this country spent for defense during fiscal year 1968, at the height of the Vietnam conflict. Yet the administration continued to cut back on such vital programs as welfare, child care, housing assistance, and employment programs.

In the last 6 years, Congress has provided over $1.1 trillion for military spending—at a time when we are not at war—yet at this point in our history 58 percent of those persons living below the poverty level are women.

In the next 4 years, Congress is proposing to spend $2 trillion on defense—yet the poverty rate is highest and is steadily climbing in single female-headed families with children.

In light of this information, I am issuing a call to arms for all women who are concerned about their future and their country's future. They must take part in the battle, not only to help promote the cause of worldwide peace, but also to insure that Federal funds are channeled into the appropriate women's domestic programs. As women compose more than half of this country's voting age population, they have the power to affect change in our defense policies, and I look forward to seeing what impact they will have on these issues in the coming months.●

AVIATION CONCERNS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mrs. VUCANOVICH. Mr. Speaker, I would like to address this body on some important aviation concerns.

As you know, I have an ongoing concern over the FAA's transition plan for flight service station closures and consolidations. In fact, had this body considered a Department of Transportation appropriations bill for fiscal year 1985, I would have offered an amendment to remove all funds for FSS closures. It continues to be my feeling that no flight service station should be closed until the FAA is prepared to provide tested automated replacement equipment, and is in compliance with the equal or better service and reporting requirements established by the Congress. The concerns which I have that are not addressed within the body of this resolution are:

First, it is not clear what funding levels will be available to the FAA for flight service station closures under this resolution. It is my strong belief that no funds should be available before the replacement automated equipment is available and tested.

Further, it is not clear how many flight service stations the FAA intends to close during fiscal year 1985 under this resolution or the locations. FAA Administrator Engen has indicated that his agency intends to reduce the planned number of FSS closures in fiscal year 1985 from the original 55 to 14. I view this as a positive development, but feel the FAA should take a step further and postpone all closures until the replacement modernized equipment is in place and tested to meet the equal or better service requirements established by the Congress.

In addition, the FAA presently has a stop work order in effect on the development of model II automated replacement equipment for the new

automated flight service stations. This body should be aware that this model II equipment is the automation equipment which the FAA has promised. It disturbs me that the FAA intends to proceed with closures when such delays and complications have not as yet been rectified.

I understand that the other body has reported an appropriations bill with significantly higher funding levels of $1.492 billion for the FAA's facilities and equipment account, but with report language requiring written congressional approval in advance of FSS closures. I feel that the Congress should continue to maintain its oversight responsibilities over the FSS transition program. Further, I believe that the Congress should agree in advance in writing to any proposed FSS closures planned by the FAA.

I address this issue today on behalf of all general aviation pilots and those concerned with the safety of the users of the Nation's airways.●

PERSECUTION OF BAHA'IS IN IRAN

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LEACH of Iowa. Mr. Speaker, the execution last month of Manuchehr Ruhi, a respected Baha'i, by the Islamic authorities of Iran, stirs within decent men and women around the world a deep rage. This latest reminder of the tragic persecution facing the Baha'is in Iran brings to mind the more than 170 Baha'is who have similarly perished since the Iranian revolution of 1979, and the 750 or so who remain in prison. Of immediate and deepest concern are the lives of 32 Baha'is, including 30 men and 2 women, who have been sentenced to death.

As expressed in the concurrent resolution adopted by the House and Senate this year (H. Con. Res. 226), the Congress of the United States holds the Government of Iran responsible for upholding the rights of the Baha'is. Religious persecution is not only an offense against human morality and decency but against international law, as codified in such instruments as the International Covenant on Civil and Political Rights. It is perhaps a sad, but appropriate coincidence that the President has just recommended to the Senate that the United States ratify the Genocide Convention which makes the intentional elimination of a religious group a crime under international law.

The abuses suffered by the Baha'is in Iran stand in stark contrast to the tolerance and respect for others which they profess. As Dr. Firuz Kazemzadeh, vice chairman of the National Spiritual Assembly of the Baha'is of the United States, said in testimony at a Senate hearing in July, the Baha'is have "committed no crimes, participated in no anti-government activities, presented no danger to the regime, yet they have been made an object of unrestrained hatred on the part of the clerical rulers and their supporters."

Mr. Speaker, I take this occasion to call on my colleagues to renew their public protests against this ongoing campaign of persecution in Iran and to call on the President to seek the widest possible cooperation from the international community in making such protests effectively heard in Teheran. I would also call on the administration to take all steps necessary to insure that this country is in all cases an available safe haven to those Baha'is who are able to flee from Iran. To do less would be to fail unconscionably our heritage and our duty.●

THE DRUG ENFORCEMENT COORDINATION ACT OF 1984

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SCHEUER. Mr. Speaker, 2 weeks ago the House passed H.R. 4028, the Drug Enforcement Coordination Act of 1984. As a senior member of the Select Committee on Narcotics Abuse and Control and as an original sponsor of H.R. 4028, I want to take this opportunity to reiterate my strong support for this important measure and state my hope that our colleagues in the Senate will act on it before the 98th Congress adjourns.

The need for this legislation is clear. On no less than three occasions over the last 10 years, in three separate examinations of the Federal drug law enforcement program, the General Accounting Office has concluded that Federal efforts to wage a war on drugs have been hampered due to the absence of a coordinating authority in the executive branch. Because the responsibility for drug law enforcement is dispersed among more than 17 Federal agencies, one might legitimately ask, "Who is in charge of our Nation's war on drugs?" Right now, unfortunately, the answer is that no one in the executive branch has the statutory authority needed to carry out this responsibility.

H.R. 4028 is designed to eliminate the chaos that currently exists in Federal drug law enforcement activities. This bill would provide a much-needed focus and direction to our national drug control efforts by establishing a director to coordinate and review the policies and goals of each of the law enforcement agencies, determine whether they are consistent with the overall enforcement program, and ensure that money and resources are allocated where they can be most effective. Creation of an Office of Drug Enforcement Coordination would also enhance congressional oversight of Federal drug interdiction efforts.

The answer that this bill provides to the question I posed earlier, Mr. Speaker, is not new. As a matter of fact, the Comprehensive Crime Act of 1982 which included a similar drug czar provision was passed by Congress and sent to President Reagan in December 1982. Unbelievably, the President vetoed that entire crime package solely on the basis of his objection to this very concept of a central, coordinating authority. As a result of the President's ill-advised veto, 2 years of legislative work on a comprehensive crime bill was thrown out the window and the bureaucratic nightmare in drug law enforcement continues to plague efforts to stem the flow of illegal narcotics into our country.

Despite the administration's adamant opposition to the creation of a White House drug czar, the President tacitly acknowledged the need for better coordination by appointing the Vice President to head a national drug-smuggling task force as well as one in south Florida.

The highly publicized success of the South Florida Task Force in lowering drug-related crime in that area actually strengthens the case for strong, central direction in the war on narcotics. The problem with the administration's approach, however, is that applying pressure in just one region only encourages drug dealers to move their operations to other areas of the country, like the Northeast. It is like using a spotlight to flush out rats: drug dealers simply scurry to another dark corner unless the entire alley is illuminated. In the same way, we need to shine a bright light on the entire problem throughout the Nation in a concerted, coordinated, and coherent antidrug campaign. I believe enactment of the Drug Enforcement Coordination Act will do that.

I am convinced, Mr. Speaker, that we can never hope to bring the drug problem under control unless we approach it in a comprehensive, systematic, and coordinated fashion. H.R. 4028 provides the framework for such an effort and should therefore be embraced by all who are really serious about combating the illegal drug trade.

Companion legislation to H.R. 4028 is pending in the Senate. I urge my colleagues on the other side of the Capitol to bring this needed bill to the floor soon and to approve it promptly. If the Senate acts soon enough, the President will have another opportunity to review this worthy initiative and,

hopefully, this time he will see the light and sign it into law.●

VIEWS ON UNITED STATES-CHINA RELATIONS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONER of Tennessee. Mr. Speaker, Mr. Fred Cloud, the executive director of the Metro Human Relations Commission, recently participated in a visit to the People's Republic of China commemorating the bicentennial of the landing of the first American ship.

In a recent news article, Mr. Cloud reflected on the 200-year old relationship with the Chinese people. I commend his remarks to my colleagues.

The article follows:

[From the Nashville Tennessean, Sept. 17, 1984]

UNITED STATES AND CHINA CAN BUILD ON 200-YEAR-OLD RELATIONSHIP

(By Fred Cloud)

With all the talk these days about the "new" relationship between the U.S. and China, it is interesting to note that the countries actually have been dealing with each other for centuries.

I was reminded of that recently when I accompanied a delegation, sponsored by the U.S.-China Peoples Friendship Association, to get an intensive look at life in China.

We visited five cities—Shanghai, Shenyang, Changchun, Yanji and Beijing—and the surrounding countryside. And the tour was climaxed by participation, as official U.S. representatives, in the bicentennial celebration in Beijing of the landing of America's first ship at Canton on Aug. 28, 1784.

Since my colleagues elected me as their spokesperson, I was privileged to be one of the two American speakers for the occasion; the other was U.S. Ambassador Arthur Hummel. Among the points I made were these:

The voyage of The Empress of China (a merchant ship financed by American businessmen) started only six months after America achieved her independence—and five years before her first president took office.

So it is fair to say that the American people have desired friendly commercial relationships with China from the very beginning of America's life as a nation. And by their gracious act of hosting the bicentennial celebration, the Chinese have indicated that they also value the long-standing commercial and cultural ties between China and the U.S.

Second, the world has changed tremendously during the past two centuries. None of the changes are more dramatic than those in transportation and communication. Earlier this summer, millions of Americans watched young men and women from China compete with thousands of other athletes from 140 nations in the Olympic Games. We were very much impressed with the skill and grace of China's youth, and were pleased that many won medals.

Our tour group was greatly pleased to fly on the same airplane with China's Olympic team from San Francisco to Shanghia on Aug. 13. Those Olympic athletes flew across the Pacific Ocean in one day, while The Empress of China required 188 days to sail from the U.S to China. How our world has shrunk in 200 years! It is now a "global village." We have instant communication worldwide, and no place on Earth is now more than two or three days by air.

This poses a great challenge to all nations: to live together in friendship and mutual helpfulness. We believe that both Americans and Chinese want to be friends, and we believe that it is in our national interest to do so.

I came back to America with some very strong impressions of China. First, there seems to be a widely-shared sense of purpose and direction among the Chinese people. Simply put, there seems to be a real dedication to lifting the level of life for all the people.

Overall goals may have been projectd by national leaders, but they seem to have been internalized in a concrete way by citizens in a variety of settings. For example, in agriculture areas there seems to be good morale and living conditions among the peasants (farmers). This is due in part to the "responsibility system."

This means that, after meeting a quota of food production, the peasants can sell in the "free markets" (like our Farmers' Market) all the rest that they produce and pocket the profits. We went into a number of farming villages, and into the homes of numerous peasants. We were frankly suprised to see there radios, TV sets, washing machines, and refrigerators. The mixed economy has obviously helped the farmers to prosper.

In industries, the "responsibility system" means that the whole assembly-line crew receives bonuses for producing more than their quota. Premier Deng seems unconcerned when persons call this kind of incentive "capitalistic." He replies with an aphorism: "I don't care whether a cat is black or white, so long as it catches mice!"

China, keenly aware that it is a "developing nation," obviously has a strong commitment to public education, from kindergarten through university. We asked about attendance and effort on the part of students and were told that parents are held responsible for attendance of their children at school. If a child skips school, the teacher visits the home to find out why; and if there is no good reason, the parents are fined.

In addition to college there are two options for working persons: "spare time university" (equivalent to our "night schools") and correspondence courses. University presidents were candid in telling us that this is necessary, in part, because of the tragic attacks on universities during the Cultural Revolution (1966-76).

Universal health care is available in China. Most workers pay about $1 a year, for which they receive health care in clinics. Doctors and dentists are trained in modern medicine; there are also large medical colleges that teach "traditional medicine," with special emphasis on the use of acupuncture and herbal medicines.

China welcomes American teachers and technology. We can build on our two-century old tradition in a positive way today. I believe our friendship, as peoples and as nations, will grow.●

TRIBUTE TO DR. LUIS LEAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend my congratulations to one of my most disinguished constituents on the occasion of the 2d Annual Santa Barbara Hispanic Achievement Council's testimonial dinner in his honor.

A distinguished and internationally renown scholar and prolific writer, Dr. Luis Leal has contributed enormously to the body knowledge in the field of Latin American, Mexican, and Chicano literary analysis. He has authored at least 14 books, served as editor for at least 20 books and anthologies, contributed to 49 additional books, published 144 articles and essays, written 11 contributions to books, prepared 55 book reviews, and delivered 156 lectures in his field.

It is noteworthy that Dr. Leal's work has not been limited solely to academia, for he has also been active within the Santa Barbara community, having served on the Education Committee of the Santa Barbara Museum of Art and is a past member of the Board of Directors of Santa Barbara's La Casa de la Raza.

Dr. Leal's tireless work on behalf of the economic, social, and educational development of Santa Barbara County to the benefit of all its citizens is evidenced by this impressive record of community service and worldly accomplishments.

Dr. Leal will continue his research as he maintains his position of senior research scholar at the Center for Chicano Studies at the University of California at Santa Barbara. I extend to Dr. Leal the best wishes of this body and our hopes for a long, enjoyable, and productive future.●

TRIBUTE TO THE SCHOOL VOLUNTEER ASSOCIATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. McKINNEY. Mr. Speaker, on September 30, 1964, Hon. Abner W. Sibal read into the RECORD the purposes and functions of a project created and run by the Junior League of Greater Bridgeport for the advancement of youth opportunity. The project, then called Youth Opportunities Unlimited [YOU], has been taken over by the city of Bridgeport and renamed the School Volunteer Association [SVA]. Today, SVA is celebrating its 20th anniversary and I welcome

this opportunity to bring to my colleagues attention their statement of recommitment:

In celebration of the twentieth anniversary of the School Volunteer Association of Bridgeport, we hereby recommit ourselves to serve Bridgeport public school children.

Since its inception as Youth Opportunities Unlimited, which was documented in the 88th CONGRESSIONAL RECORD on September 30, 1964, this organization has provided tutorial and enrichment services to many thousands of Bridgeport students. Drawing on the skills and talents of dedicated volunteers from the city and neighboring communities, SVA continues to offer a variety of programs to meet the changing needs of the school system. Each year hundreds of men and women tutor children in basic skills, motivate students to achieve career goals, bring in numerous environmental awareness and cultural programs, and provide other needed services in school offices and classrooms.

Over the years, SVA has also successfully encouraged increased participation in the schools by the business and civic communities. Together, we now reaffirm our commitment to Bridgeport students.

Mr. Speaker, this most worthwhile project has been operating successfully for 20 years because of the outstanding work of over 500 volunteers from Bridgeport and its surrounding communities, the parents of the Bridgeport schoolchildren and the local business organizations. The program combines: tutoring in reading, math, English as a second language, and writing; field trips and guest speakers dealing with enrichment of the arts; and career outlooks via trips to places of business and guest speakers in the classroom. In doing this, the students not only receive additional classroom assistance but also a well-rounded look at their community. In addition, SVA volunteers assist in libraries throughout the city of Bridgeport.

What started as a 2-year demonstration project has turned out to be one of the most flourishing and useful programs for the advancement of students in the city of Bridgeport. I congratulate and commend all those who take part in the School Volunteer Association and I recommend that my colleagues encourage such projects in their districts.●

SUPPORT FOR PRESIDENT REAGAN'S REFUSAL TO IMPOSE COPPER QUOTAS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HORTON. Mr. Speaker, President Reagan recently denied relief under the Trade Act for the domestic copper industry. His decision means that no quotas or tariffs will be imposed on imported copper.

I am a strong supporter of the President's decision and believe it to be in the best interest of our economy. Restrictions on imported copper could have triggered an import crisis in a number of sectors of our economy. In addition, it could have provided a catalyst for reciprocation in other sectors of our economy by our trading partners overseas.

The Congressional Budget Office, at the request of Budget Committee Chairman JONES, commented on the effects of tariffs or quotas on copper. I would like to submit that response, which I believe supports the President in his decision, in the CONGRESSIONAL RECORD:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 27, 1984.

HON. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your inquiry of July 26, 1984 regarding the effects on the U.S. economy of establishing a quota or tariff on imported copper as recommended in the Report to the President by the International Trade Commission (ITC). Four of the five ITC Commissioners determined that copper is ". . . being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry . . . ", and one Commissioner held that imports presented a threat of injury. The Commission, however, was more divided in its recommendations: two Commissioners recommended imposing a 5 cents per pound duty to remain in effect for five yeara; two Commissioners recommended import quotas for a five-year period; and one Commissioner found trade restrictions unlikely to relieve the copper industry's problems, and hence recommended no action.

The ITC action was prompted by a downturn in the domestic copper industry (mining, smelting, and refining). In response to a decline in U.S. consumption coupled with plentiful supplies worldwide, the U.S. producers' price for cathrode copper dropped from $1.02 per pound in 1980 to $.64 per pound in July of 1984. At the same time, copper imports turned sharply upward in 1983 and 1984. The result has been depressed conditions in the domestic industry. In 1983, for example, capacity utilization stood at 60 percent for mines, 57 perent for smelters, and 62 percent for refineries, down from 1981's peak of 89 percent, 83 percent, and 87 percent respectively. Employment losses have been concentrated in several states, particularly Arizona, Montana, New Mexico, and Utah. In June, for example, Kennecott Copper announced production cutbacks of 66 percent and sent layoff notices to 2,000 employees in Utah.

There are a variety of explanations for these difficulties. Many analysts note the costs advantages enjoyed by foreign producers, which would probably persist even with changes in such factors as U.S. environmental standards or the value of the dollar. U.S. copper producers, however, have pointed out that, as private firms, they are at a disadvantage in their access to and cost of capital because many of their foreign competitors are affiliated with national governments. These governments respond to different economic incentives than private firms and have access to loans from multilateral development agencies on terms perceived to be more favorable than those available from commercial lending institutions.

Time has precluded an independent analysis of these causal factors and their implications for the ITC recommendations. (For a more complete discussion, see *The Decline in the Competitiveness of the U.S. Copper Industry,* Congressional Research Service, forthcoming.) Nevertheless, it is possible to identify the general economic consequences of these recommendations.

MACROECONOMIC CONSEQUENCES

Because of the size of the industry, the effects of the proposed tariffs and quotas on the overall U.S. economy would be too small to estimate accurately. The general tendency, however, would be toward higher domestic copper prices and some inflationary pressures. In contrast, quotas and tariffs would have a much more noticeable impact on copper producers and consumers. These restrictions would benefit domestic copper producers (mining, smelting, and refining) by transferring income to them, principally from foreign copper producers and domestic copper fabricators (the makers of intermediate products such as wire, sheet, and tube). There would be an adverse impact on producer nations—such as Chile, Zambia, Zaire, and Peru—that rely heavily on copper revenues to repay outstanding loans and as a source of foreign exchange. Canada is also a large exporter to the United States. If U.S. copper restrictions provoked reciprocal barriers against U.S. exports, then other sectors of the economy would also be affected.

In the long run, both tariffs and quotas could be circumvented if fabricators and other consumers were to respond to the higher domestic price for refined copper by importing intermediate copper products or finished goods. Such imports would eventually moderate the inflationary pressures and the effects on the foreign copper producers unless domestic fabricators also received protection.

THE EFFECTS OF QUOTAS

The proposed quotas would limit annual imports to 375,000 short tons of refined copper and to 50,000 short tons of smelted copper—their average level during the 1978–1982 period. By contrast, 1983 imports of these forms of copper came to 560,000 short tons. The initial effect would be to increase profits and employment in the domestic mining, smelting and refining industry as U.S. prices increased and currently unused production capacity was brought on line to replace the imported copper.

The price respose to the proposed quotas would depend strongly on demand conditions. Toward the lower end of the range of estimates, one study has suggested that the quotas would raise the onshore price of refined copper some 10 percent to 15 percent above levels that would otherwise exist. (International Trade Commission: Investigation No. TA201-52 *Unwrought Copper Remedy Brief on Behalf of National Electrical Manufacturers Association,* June 18, 1984.) At the higher end of the range, the Congressional Research Service notes that strong demand could push prices into the $1.20–$1.30 per pound range (in 1981 dollars), if price increases had no impact on consumption. This would be well above the July average price of about $.64 per pound.

Because refined copper accounts for roughly half of the cost of fabricated copper products—wire, cable, sheet, and so forth—the domestic manufacturers of these inter-

mediate goods would be most strongly affected. This is because their customers—makers of final products that use copper—would have the option of importing fabricated copper from foreign sources, whose competitive position would be enhanced by the quotas. Thus, domestic copper fabricators would face reduced profits, output, and employment. Offsetting this, many copper producers also have copper fabrication affiliates, and so engage in both production and fabrication. The ITC report suggests that close to 20 percent of refined copper production is dedicated to intra-company fabrication. This may vary widely from firm to firm, but to the extent that production and fabrication are integrated, losses on the fabrication side could be moderated by gains on the production side. Further, some U.S. copper firms are affiliated with the foreign copper producers, but the net implications of this for the impact of the quotas are difficult to estimate.

The stated rationale for the quota is to provide the domestic industry a temporary respite from depressed world copper prices so it can regain competitiveness. There are, however, conflicting views on the ability of the recommended quota to accomplish this. Price increases toward the upper end of the range would clearly bring short-term relief to the domestic copper producing industry. At the same time, such prices would also provide a strong incentive for bypassing the quota through imports of fabricated copper or through the accelerated substitution of other materials for copper. Price increases toward the lower end of the range might be too small to be helpful—the breakeven for those facilities that have been shut down since 1981 has been estimated at $1.00 per pound, and the average operating cost for those facilities that remained open in 1983 was $.82 per pound. (Estimates provided by the Congressional Research Service.) If the quota (or tariff) were to be removed five years hence, the U.S. industry might be no better off than before, especially if foreign producers continued to improve their own facilities. The same pressures that lead to overproduction—the need for foreign exchange and the servicing of outstanding debt—would also provide an incentive for such improvement.

THE EFFECTS OF A TARIFF

The effects of a tariff would be similar to those of a quota, with two principal exceptions. First, the U.S. government would collect some revenues from the tariff that would be unavailable from a quota unless rights to import were auctioned off. (For example, gross import levels of 560,000 short tons per year—roughly 1983 levels—would yield about $56 million annually.) Second, a fixed quota would become increasingly costly during cyclical upturns in the demand for copper, while the effects of a tariff would diminish as prices strengthened.

The level of the proposed tariff—$.05 per pound—might be too low to change the fundamental situation of the domestic industry. International competition might lead foreign producers to bear some of the burden of the tariff. To the extent they did, the impact on copper consumers would be moderated, and the U.S. Treasury would benefit at the expense of foreign producers. The benefit to the domestic copper producing industry, however, would be proportionally reduced.

OTHER APPROACHES

It may be helpful to review the ITC recommendations in the context of other ways to assist the U.S. copper producing industry. For example, it has been suggested that production cutbacks among the copper exporting nations would raise the world price and thus benefit all copper producers rather than just those in the United States. (See, Everest Consulting Associates, Inc., An Econometric Perspective on Revenue Increases From Balancing Production Cutbacks Among CIPEC Nations, July 3, 1984.) The economic effects of negotiated cutbacks would be similar to those occurring under a quota, except that the costs would be borne by copper consumers worldwide and not principally by domestic copper fabricators.

Alternatively, direct assistance could be provided through such programs as Trade Adjustment Assistance, which was instituted by the 1974 Trade Act. These programs require firms or workers to petition the government in order to qualify for assistance. If the government finds that foreign competition is a source of injury, firms may qualify for loans or loan guarantees and workers would become eligible for extended unemployment benefits, job-search assistance, retraining, and relocation assistance. With the exception of retraining, each of these worker benefits becomes an entitlement once the workers have been certified. Some benefits are already being provided to copper workers under the trade adjustment program. The Omnibus Budget Reconciliation of 1981 significantly reduced funding for Trade Adjustment Assistance. But even with the funding levels available before 1981, it is questionable whether the loans and loan guarantees available to copper producers would be substantial enough to contribute to their improved competitiveness.

Accelerated purchases of domestic copper for the National Defense Stockpile have also been proposed. Roughly 887,000 metric tons would fill the reserve, and if purchases were stretched over a 10-year period, this would provide about $125 million per year to the industry at July 1984 prices. Most of the benefit to the industry would be from the direct payments, since any domestic price increases would provide an incentive for greater imports to the non-government market. Also, the priority of increased copper stockpiles among U.S. defense expenditures, while beyond the scope of this analysis, should be included in any serious consideration of this option.

In conclusion, the tariffs and quotas recommended by the ITC would certainly provide some relief to the domestic copper producers. But, these tariffs and quotas would also entail costs—principally to the domestic fabricators—but also, to a lesser degree, to economy as a whole. Definitive estimates of the costs and benefits to the nation of imposing tariffs or quotas on copper are beyond our capabilities, since such assessments require weighing the distributional effects on different sectors of the economy.

If I can be of further assistance, please call on me; or your staff may wish to contact Dr. David Bodde at 226-2946. An identical letter has been sent to Chairman, Sam M. Gibbons, Subcommittee on Trade of the House Ways and Means Committee.

With best wishes.

Sincerely,

ERIC HANUSHEK.

(For Rudolph G. Penner, Director).●

TALENTED TEACHERS ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GEJDENSON. Mr. Speaker, the House this year passed a piece of legislation called the Talented Teachers Act, which is a modest bill that will go a long way toward restoring the teaching profession to its once respected status. Regrettably, the Senate has not yet acted on the bill, and the congressional session is quickly drawing to a close.

I would like to commend to my colleagues a recent New York Times editorial on the Talented Teachers Act, with the hope that it will spur action on this critical issue.

[From the New York Times, Sept. 15, 1984]

TWO TESTS FOR THE SENATE—PROUD RECRUITS FOR THE SCHOOL WARS

There's no longer any doubt that public schools need to recruit and retain more bright young people as teachers. Teaching now attracts high school graduates from the bottom half of their classes, and the ablest of them leave the profession within five years. Most of the proposed remedies—dramatically increased salaries, merit pay, tougher standards—are stalled by controversy. One modest proposal in Congress, however, appears to be on the verge of realization.

The Talented Teachers Act would be directed at high school students in the top 10 percent of their classes. It would offer 10,000 scholarships of up to $5,000 a year over a four-year period. In return, the recipients would pledge to teach in public or nonprofit private schools for two years for each year of aid received. In most cases that would translate into eight years. Those who agreed to teach in poor school districts would have to remain for only four years.

The bill also offers two one-year fellowships per Congressional district of up to $20,000 to practicing teachers selected on the basis of merit. The grant could be used for study, research, travel or other professional self-improvement.

The bill would cost only $33.5 million for the first year and less than $200 million for its four-year experimental duration. In the words of Albert Shanker, president of the American Federation of Teachers, it would "send out a clear message that being a teacher is something to be proud of."

The bill recently passed the House with virtually no opposition, but now it has become entangled in procedural wrangling in the Senate Committee on Labor and Human Resources. If only it can be freed for Senate approval in the few days left in the current session, then the 98th Congress would have at least dispatched the first small unit of elite troops so desperately needed in the battle for excellence in education.●

A TRIBUTE TO JOHN HOPE, III

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EDWARDS of California. Mr. Speaker, I join with the staff of the U.S. Commission on Civil Rights and his many friends in paying tribute to John Hope, III who died on September 23, 1984.

Mr. Hope was 48 years old. His 25-year public service career encompassed concerns of local government, international development and civil rights. Early in his professional life, he worked as a management specialist with the New York City Housing Authority and Nassau County, NY. His career expanded when he joined the Africa Bureau of the Agency for International Development, in May 1965, and subsequently became Africa program Coordinator for the Peace Corps. He served as Peace Corps Country Director for Uganda from May 1969 until January 1971, when he took over direction of Peace Corps activity in the Philippines, its second-largest program.

From February 1972 until his death, he served as a senior staff member of the U.S. Commission on Civil Rights. As deputy director and director of its Office of Program and Policy Review, he was responsible for the Commission's major social science research activity. Under his direction, for example, Commission staff prepared the four-report series assessing the state of civil rights 20 years after *Brown*, a variety of reports on the progress of school desegregation throughout the United States, and an evaluation of minority political participation in the first 10 years of the Voting Rights Act that was widely used in Congressional deliberation on extension of the act in 1975. He provided the impetus for Commission research in less traditional areas, such as equal opportunity in unions, the role of minorities and women in television, and developing more adequate indicators of the socioeconomic status of women and minority men in America life.

Mr. Hope served also for 3 years as Deputy Staff Director of the Commission, responsible for its day-to-day management. In addition to his administrative responsibilities, he coordinated the agency's program activity and, during this period, played a key role in reorienting the Commission's oversight function to providing short term, policy-relevant information on Federal civil rights enforcement activity and issues to the President and Congress.

In his greatest service, however, Mr. Hope was Acting Staff Director of the Commission on Civil Rights from July 1981 until mid-August 1983, a time of budgetary retrenchment, great controversy about the makeup of the Commission, and uncertainty about the agency's continued existence. Despite this turmoil, under his leadership, the staff continued to carry out its responsibilities in a manner that permitted the Commission, for example, to provide the Congress a detailed study for its 1982 deliberations on the Voting Rights Act, conduct hearings on a range of subjects, and expand its oversight role. He was as dedicated to maintaining the Commission's integrity and independence as he was committed to achieving equal justice in our Nation.

More recently, Mr. Hope, a charter member of the senior executive service and a career civil servant, directed the Commission's regional operations, including the activities of citizen advisory committees in each State and the District of Columbia. He also served for 2 years on the Fairfax County Civil Service Commission.

Mr. Hope received his A.B. in political science from Morehouse College in Atlanta, GA, and master of public administration degree from New York University. He is survived by his wife Margaret, and three children, John, Laurel, and Janet of Reston, VA; his parents, Mr. and Mrs. John Hope II, of Washington, DC; a brother, Dr. Richard O. Hope of Indianapolis, IN; and a sister, Mrs. Linda Hope Lee, of Dallas, TX. We share in their sorrow and are comforted by the fact that we are fortunate indeed to have known John Hope III.●

DAN MARRIOTT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1984

● Mr. WOLF. Mr. Speaker, I am pleased to join with my colleagues in this special order to honor our fellow colleague, DAN MARRIOTT of Utah, as he nears the end of his service in Congress after four consecutive terms.

It has been an honor to serve in this house with DAN MARRIOTT and I have especially enjoyed our work together on the House Select Committee on Children, Youth and Families. As ranking minority member of this select committee first established in 1983, DAN has filled that position with distinction. He is deeply committed to promoting the importance of the family in our society and his committee work has reflected that concern. He also has been the chief sponsor for 8 years of "National Family Week" during Thanksgiving Week each year.

DAN MARRIOTT has been a leader and champion not only for family and children causes, but has also been a consistent supporter of responsible Federal spending. He will also leave a list of significant accomplishments from his tireless efforts on the Small Business Committee where he has worked to safeguard the interests of small business in our Nation and from his position of leadership for the minority on the Interior Committee where he has been an effective legislator in formulating responsible, bipartisan environmental policies and where he was a leader in developing and securing passage of the Utah Wilderness bill.

I salute DAN MARRIOTT as a man of principle and integrity who has served the people of this Nation and the people of the Second District of Utah effectively and admirably since 1976. He has been a valued colleague and an outstanding public servant and I wish him continued success in his future endeavors.●

DAVID A. SWEDLOW: CELEBRATING 50 YEARS IN BUSINESS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to take this opportunity to extend my congratulations to David A. Swedlow, chairman of a Garden Grove based firm, Swedlow, Inc., as he celebrated his 50th anniversary in business. Mr. Swedlow's remarkable career has spanned the history of the modern aviation industry from pre-World War II aircraft to NASA's Skylab, and his valuable contributions to business, industry and the community should be recognized.

David Swedlow has been a pioneering force in the innovative uses of acrylic in the aircraft industry. Entering business in 1934, he was one of the first to envision the application of acrylic outside of commercial products such as art objects and home furnishings. In 1940 his art designs were featured in the New York Metropolitan Museum of Modern Art's display of contemporary American industrial art.

Since that time, Swedlow, Inc. has become a leading manufacturer and provided a half century of creative work of proprietary acrylic and armor products utilized for a wide variety of military and commercial applications. The global upheavals of World War II brought changes in the aircraft industry and further involved David Swedlow in the industry. Planes requiring special fabrication and sealant techniques for acrylics were assembled and Swedlow's innovativeness once again responded to the call. Throughout the years Swedlow responded to the challenges to develop the transparencies required for aircraft.

With commercial aviation coming of age after the war, Swedlow acrylics continued to excell. Swedlow invested the company's resources and talent and earned the reputation and respect of a man who could accomplish the job. His importance in the industry was demonstrated by his products being used on nearly all major U.S. planes. Swedlow was involved in the early development of both the B-1 bomber and Skylab, solving design and fabrication challenges for acrylic windows.

In 1982 the U.S. Department of Defense presented Swedlow, Inc. with its prestigious Contractors Assessment Program Award for an exceptional record of developing quality products for the Nation's defense.

Swedlow, Inc. has been active in the community as a contributor and supporter of Children's Hospital of Orange County. Employing over 600 individuals in Orange County, Swedlow, Inc. has established itself as a valuable asset to our community, our Nation's defense, as well as maintaining the forefront of the industry. David Swedlow's commitment to advancing the state of the art through research and development will keep Swedlow, Inc. a leader in their specialized technology.●

TRIBUTE TO LUZERNE COUNTY COMMUNITY COLLEGE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HARRISON. Mr. Speaker, on Tuesday, October 30, the community college in Luzerne County, PA, will receive national recognition from the U.S. Department of Education for the excellence of its Vocational Support Program for Displaced Homemakers in Luzerne and Lackawanna counties.

The Luzerne County Community College will, on that date, receive the Secretary's Award for Outstanding Vocational Education Programs, 1 of 10 such awards to be given in the Nation.

In announcing this honor, T.H. Bell, Secretary of Education noted:

> Many excellent programs in each of the Education Department's ten regions were nominated for this award and after very careful consideration, your program was chosen as the most outstanding in Region III.

Criteria for the selection of award recipients include "hands-on" experience in shops or at worksites, cooperation with business, industry, and labor; and job placement rates.

Mr. Speaker, I know that all the Members of this body will join with me in congratulating the students, faculty, and administration of the Luzerne County Community College, in particular its president, Mr. Thomas Moran, and the director of the LCCC Displaced Homemaker Program, Ms. Maureen Ambrose, for achieving this national distinction.●

CELEBRATING MINORITY ENTERPRISE WEEK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, what's good for minority business is good for America. Minority-owned businesses are opening up new opportunities and infusing the U.S. economy with new lifeblood. These successful entrepreneurs have overcome many hurdles and truly paint the picture of the American self-made success stories.

Over the years, I have had the pleasure of working with many minority-owned businesses. The satisfaction I receive through their success is unparalleled. I know that the future of our country lies in their growth. For in America, we are constantly working to insure that every man is given the equal opportunity to succeed. For too long, minority businesses have been shortchanged. The growing success of many of these companies is an indication that we are on the way to overcoming the economic and racial barriers that have historically impeded the development of the minority business community.

There are over 600,000 minority businesses in America today. More than 60,000 of these businesses are awarded Government contracts. In my own district of southeast Queens, I have worked with men such as Lawrence Cormier, president of Technology Industries Corp. Larry just opened the first minority-owned defense plant which, in 2 years, promises to employ more than 300 people. I have seen the labors of Nat Singleton, the executive director of the Association of Minority Enterprises of New York. Nat's boundless energies have created hundreds of opportunities for minority businesses throughout the State of New York. I have seen Jim Heyliger build his business, Southeast Queens General Contracting Inc., into an important force in the community.

In my home State of New York, we believe that the achievements made by minority businesses warrant 2 weeks of recognition. You see, our State has declared the week of October 3-7, Minority Business Week. The President has issued a proclamation that October 7-13 is Minority Enterprise Development Week,

As a ranking member of the Small Business Committee, I intend to continue to press the administration into recognizing the needs of minority businesses. They must enforce small business set-aside laws. We have worked too hard to sit idle and let our gains be reversed. Proclamations make great press releases, but for the past 4 years, this administration has provided the minimum level of support for major programs intended to assist minority businesses in achieving competitive viability. It is not press releases that get the work done. It is action.

I intend to press this administration to enforce the letter and the spirit of the law. If the spirit of this proclamation truly represents a change in their direction, then I ask for their fullest cooperation in providing funds for small and minority business startups. Actions speak louder than words.

The development of minority business is critical to the well-being of our Nation. Today, as we celebrate Minority Enterprise Week, we reaffirm our commitment to helping all minority-owned businesses reach their American dream—full economic parity.●

COMMEMORATION OF WILLIAM HERMAN BEAVER

HON. FOFO I.F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SUNIA. Mr. Speaker, it is with great respect and also with sadness that I rise to commemorate the memory of one of the greatest entrepreneurs to rise to success in the territory of American Samoa who passed away last week. His name is William Herman Beaver and our territory has lost the experience and aptitude of a great business leader.

Mr. Beaver cofounded the South Pacific Traders, the first modern style department store, with his father-in-law, the late H.C. Soli'ai Penemua, in 1961. He skillfully developed a market for a clothing specialty store in Fagatogo and expanded to the biggest department store on our island today in the village of Nu'uuli.

He was born in Rockwell, NC, on April 8, 1913. After serving in the U.S. Navy, he worked for several years for the Kodak Co. in Hawaii, after which he went to Guam to serve as general manager of Town House, the largest department store in Agana. He left Guam in 1960 to open a clothing store in Honolulu. The following year, he founded the South Pacific Traders in Fagatogo, which for years has been the most popular clothing store on our island.

Through all the hard work and perserverance of owning and operating a business, Mr. Beaver found the time to dedicate to community service organizations such as the Rotary Club, the chamber of commerce, and the cancer fund. He was also a bishop in the

Church of the Latter-day Saints. His hard work and dedication serves as a fine example to be long remembered.

He is survived by his wife, Lefagaoalii Soli'ai, a daughter, grandchildren, and brothers who reside in North Carolina.●

NEW TEXTILE RULES THREATEN EXPORTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. BONKER. Mr. Speaker, recent changes in Customs regulations affecting rules of origin for textile and apparel imports have raised grave concerns within our trading community. These concerns have been especially pronounced among America's farmers. As a Representative from the State of Washington, where agricultural exports are so important to the region's economic health, I view these rule changes with great alarm. It is for this reason that I am introducing today a resolution calling for a 6-month delay in the implementation of the new rules of origin. I am pleased to note that every member of the Washington and Oregon delegations has joined me as a cosponsor of this resolution.

Public threats of retaliation in response to the August 3 action by Customs have already been issued by a number of important U.S. trading partners, most notably Hong Kong and the People's Republic of China. The new regulations have been openly criticized by all of the world's major industrialized nations. The textile committee of the General Agreement on Tariffs and Trade has found the new rules to be in violation of the multifiber arrangement and has urged the United States to revoke or postpone their implementation.

Of equal importance is the haste with which Customs issued these rule changes. Importers have roundly condemned Customs for not allowing sufficient time for comment. The possible effect these regulatory changes might have on other American industries and consumers was not thoroughly considered.

The way these new rules have been applied is just another example of how the Reagan administration has tried to have it both ways on trade. While Ronald Reagan tells the American people that he is in favor of free trade, his administration has quietly restricted imports across a wide spectrum of industries and products.

U.S. exports are finally beginning to increase after 2 devastating years of decline. These new rule changes threaten to bring this budding expansion to a screeching halt. Should the Customs Service ignore this resolution and press ahead with their rule changes, I will not hesitate to develop and introduce legislation that will force the new regulations to be revoked.

While I would prefer to see Customs rescind its new rules entirely, I am only proposing to delay implementation of the regulations for at least 6 months. This delay will allow all interested parties enough time to make their views known. It will also afford the administration and Congress an opportunity to study the potential economic and political implications of the new country of origin rules.

It is my hope that this resolution will win the broad support of the House as a means of continuing the current expansion of U.S. exports.●

ROSH HASHANAH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EVANS of Illinois. Mr. Speaker, I would like to take this opportunity to wish my Jewish colleagues a happy New Year. Unfortunately, for those Jews living in the Soviet Union who have been unable to leave, wishing is not enough. More must be done to help these people to have a happy New Year. We must not only wish but also work for their health, welfare and rights as Rosh Hashanah marks the beginning of the year 5745.

I would like to welcome Soviet Foreign Minister Gromyko to the United States. I would also like to give him a message: We have not forgotten the Jewish citizens of his nation. Their struggle will not end, nor will our efforts on their behalf, until the Jews of the Soviet Union are accorded the basic human rights to which all citizens of the world are entitled.

It is significant that President Reagan and Soviet Foreign Minister Gromyko have chosen to meet on the Jewish New Year. Mr. Gromyko's presence here indicates a willingness to discuss issues and to resolve differences that has been sadly lacking on the part of both superpowers for several years. Let us hope that their meeting will open a new phase in United States-Soviet relations, and for the Jews of the Soviet Union, a truly happy New Year.●

VINCENT DOWLING

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FEIGHAN. Mr. Speaker, for the last nine seasons, the Great Lakes Shakespeare Festival has had the benefit of the considerable skill and talent of Vincent Dowling. Now, Vincent is leaving America's north coast where he has served as the festival's producing director. He leaves to take on new responsibilities as the producing and artistic director of the PCPA Theatrefest in San Maria, CA.

Born in Dublin, Vincent is a naturalized citizen of the United States. He has staged productions of the classics throughout England, Scotland, Wales as well as in his native land. In fact, he holds the title of lifetime associate director in Dublin's famed Abbey Theatre. As a leading actor and director, his association with the Abbey lasted for over 20 years. In this country, he has directed several major resident theaters, including Trinity Square, Indiana Repertory, Meadow Brook, and Missouri Repertory.

Vincent's talents include a gift for adaptation. His works include an acting version of Chekhov's "The Cherry Orchard," an adaptation of Aristophanes' "Lysistrata," and a musical based on George Bernard Shaw's "The Shewing-Up of Blanco Posnet."

Vincent has performed at the White House three times in the last 4 years, performing excerpts from "My Lady Luck," a one-man show by James A. Brown, based on the life and works of poet Robert Service. He has taken the show on the road to Florida and New York.

As he leaves his many friends and supporters in the Greater Cleveland area, we wish him well.

His contribution to the cultural vitality of northeast Ohio has been tremendous. We appreciate the work he has done and hope for his regular return to the Great Lakes Shakespeare Festival.●

PERSONAL EXPLANATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FLORIO. Mr. Speaker, I was unable to record my vote on the Roe amendment to the continuing appropriations, fiscal year 1985 (H.J. Res. 648) because I was in conference on the Resource Conservation Recovery Act [RCRA] H.R. 2867. Had I been present, I would have voted in favor of the Roe amendment.●

SALUTE TO THE NATIONAL PROPERTY MANAGEMENT ASSOCIATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. PATTERSON. Mr. Speaker, this week the National Property Management Association is holding its annual seminar in Buena Park, CA. I would like my colleagues to join me in saluting the important contributions made by property managers to our national economy and to the efficient operation of government.

NPMA is a nonprofit organization composed of members from all sections of the country who are responsible for the management of fixed and movable assets as applies to Government contracts and company capital and expense property. The professionals in this important business contribute to out Nation's industrial strength through their efficient management of all types of assets required to make businesses function. In addition, they contribute to strengthening the Nation's defense by carefully managing 37 billion dollars' worth of Defense Department property which is in the hands of contractors and is used to manufacture defense products.

NPMA has a membership of 1,100 in 27 chapters throughout the country. Members are from both the Government sector and private industry, and include some of the Nation's largest aerospace corporations as well as many small companies. NPMA membership includes only a small segment of the individuals involved in property management throughout the country.

The purpose of the National Property Management Association is to provide a continuing forum for discussion, problem solving, standardized application of Government regulations, and design and implementation of effective, efficient property systems. The association provides educational methods, programs, materials, and opportunities which will enable members to learn and apply the principles and techniques of effective personal property and facilities management and related subjects.

At this week's seminar, the association is honored to have as its keynote speaker Ms. Mary Ann Gilleece, Deputy Under Secretary of Defense for Research and Engineering (Acquisition Management). Ms. Gilleece chairs the Defense Government Property Council, which was created in the spring of 1983 to coordinate the development and approval of effective policies for the management of Government property used by defense contractors or defense industrial facilities for research, development, test, evaluation, production, and maintenance.

Mr. Speaker, with the current emphasis on improving Government efficiency and eliminating wasteful practices, I am pleased that NPMA is available to help educate professional property managers about the latest techniques in this field. I salute this fine organization as it continues its outstanding record of service to property management practitioners.●

THERON OTHEL (SHORTY) FREEMAN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HUBBARD. Mr. Speaker, Theron Othel (Shorty) Freeman, a constituent whom I admired for many years, died September 9 at his home near Symsonia, KY, at the age of 67.

A native of Graves County, KY, Mr. Freeman was a retired employee of the parts department of the Kentucky Bureau of Highways. He was a member of Doom's Chapel Holiness Church.

Mr. Freeman was born handicapped. He was short in size. He was nicknamed "Shorty" at an early age.

"Shorty" Freeman accepted life with what God provided him. He never complained, never sought Government assistance or relief. One admirer said of him: "He fought his own way in life."

"Shorty" Freeman loved Kentucky politics and was always the unannounced campaign manager for his brother, Mayfield attorney Wayne W. Freeman, who won several campaigns for State representative, State senator, and first district railroad commissioner in western Kentucky.

Mr. Freeman is survived by his wife, Mrs. Linda Freeman; two sons, Bobby Freeman of Symsonia and Ronnie Freeman of Mayfield; two brothers, Wayne Freeman of Mayfield, and Noble Freeman of Paducah; a sister, Mrs. Maebelle Bowers of Seattle; two grandchildren and several nieces and nephews.

I extend my deepest sympathy to the Freeman family.●

TRIBUTE TO MR. AND MRS. RALPH ELSTON

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. HARRISON. Mr. Speaker, on September 8, 1984, Mr. and Mrs. Ralph Elston of Kunkle, PA, observed their 69th wedding anniversary.

Mr. and Mrs. Elston were married on September 8, 1915, in the Lutheran Methodist Church by Rev. H.M. Kelly. Mrs. Elston is the former Agnes Isaacs, daughter of the last John and Estella Kunkle Isaacs of Kunkle, PA. Mr. Elston is the son of the late Martin K. and Lana Hoyt Elston, also of Kunkle.

Prior to retirement, Mr. Elston was engaged in a career in farming.

The Elstons are the proud parents of six children, 21 grandchildren and 32 great-grandchildren. They are members of the Kunkle United Methodist Church, where Mrs. Elston is a charter member of the United Methodist Women.

Mr. Speaker, it gives me a great deal of pleasure in saluting this fine couple on the occasion of their 69th wedding anniversary.●

COMMEMORATING THE 30TH ANNIVERSARY OF THE GRACE PARK ELEMENTARY SCHOOL

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. EDGAR. Mr. Speaker, next month the Grace Park Elementary School in Swarthmore, PA, will be celebrating its 30th anniversary. I rise to note this event because Grace Park Elementary School is a very special educational institution.

Grace Park has accepted the challenges of our rapidly changing society by introducing skills programs in computer literacy and communications technology. The school will soon have a television studio as a result of an extensive community fundraising effort. Among other uses, educators at Grace Park plan to employ this facility to film the children as they progress through each grade. Their goal is the production of a living yearbook for each child.

This outstanding elementary school has not forgotten to balance these forward-looking programs with the traditional emphasis on basic skills and strong character development. The value and necessity of such training has been extensively documented and commented on in recent well-publicized reports on the state of American education. It is very important that our elementary schools keep to the pattern set by Grace Park. If our children do not become proficient in reading, writing, mathematics, and other basic skills, our communities and our Nation will lose the vigor engendered by a well-educated population.

This elementary school has also shown great enthusiasm for community projects. Last year, many of Grace Park's students participated in the "Jump Rope for Heart," learning good citizenship and raising over $2,000 for the American Heart Association in the process. Moreover, the children in the

primary grades earned $800 during a multiple sclerosis readathon. Those efforts were very notable achievements for a school with a student body of 175.

I would like to take this opportunity to extend my own best wishes and congratulations on this important anniversary to Grace Park Elementary School Principal Joseph Fleischut, to the schools' faculty, staff, students past and present, to the superintendent of the Ridley School District Dr. Herbert Pless and to Mr. W. Gordon Atherholt, the president of school directors.●

HONORING THE SISTERS OF CHARITY OF SAINT ELIZABETH OF NEW JERSEY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. MINISH. Mr. Speaker, I rise with great pleasure today to mark an important anniversary which will be coming up at the end of this week. The New Jersey Sisters of Charity of Saint Elizabeth will celebrate their 125th anniversary this Saturday, September 29.

The Sisters of Charity of Saint Elizabeth are a religious order of women with locations in 20 States in the United States, as well as the Virgin Islands, Bolivia, and Chile. I am fortunate to have one of their main locations in my congressional district in Convent Station, NJ. The New Jersey chapter is part of a group of six communities of Sisters of Charity who were founded in 1809 by Saint Elizabeth Ann Seton, in Emmitsburg, MD.

Throughout the past 125 years, the Sisters of Charity of Saint Elizabeth have been devoted patrons of people of all religions. Serving both spiritual and worldly needs, the sisters volunteer their talents and energies for many worthwhile causes.

Originally, the Sisters of Charity primarily offered assistance in the areas of education and health care. Mindful however, of the changing forces in society, the sisters have continued their dedicated service to others through a variety of programs and issues. Some of the areas in which they are involved today are: Health care for migrant workers, counseling for unwed mothers, the emotionally disturbed, and those dependent on alcohol or drugs, and advocacy for the poor and homeless, among other projects.

The Sisters of Charity of Saint Elizabeth total over 1,000 members. They operate five hospitals in three States, as well as many elementary and secondary schools. The sisters are also the life blood behind the College of Saint Elizabeth, in Convent Station, where they fill administrative and professorial positions. Another note to be proud of is that the College of Saint Elizabeth is the oldest 4 year women's colleges in New Jersey and one of the first Catholic colleges for women in the United States.

Mr. Speaker, the women of the Sisters of Charity community have a great deal to be proud of and I am very pleased to send them my warmest wishes for another 125 years of outstanding service.●

DR. DRUE GUY HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. RODINO. Mr. Speaker, as part of the Congressional Black Caucus Education Braintrust Weekend which begins on Thursday, September 27, a luncheon will be held to honor outstanding black women in education. The luncheon will pay tribute to Mary Hatwood Futrell, president of the National Education Association, and black women school superintendents from around the country.

One of the honorees at this very special event will be Drue S. Guy, superintendent of schools in East Orange, NJ. Before coming to our community in 1983, Dr. Guy had an extensive and impressive career in both education and social policy in Ohio and Wisconsin. She has made major contributions to both of these fields, and has lectured and written a great deal, particularly about the role of women in education. Throughout her career, she has continually searched for the solutions to the very complex and difficult problems we face concerning the future education. We are very fortunate to have someone of her capabilities and compassion in East Orange.

Mr. Speaker, there are few areas that deserve our concern and attention so much as education. The decisions we make now about our children's education are crucial. It is therefore extremely important that the Braintrust Network Association is working on a national basis to improve equity and excellence in education. I salute the association, and particularly our colleague from New York, Congressman MAJOR OWENS, for his leadership role in this endeavor. In addition, I offer my sincere congratulations to Dr. Drue Guy and the other outstanding honorees.●

PERSONAL EXPLANATION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. DE LA GARZA. Mr. Speaker, yesterday, the 12th item on the suspension calendar was H.R. 6163, the Federal District Court Organization Act of 1984. Unfortunately, I was not here to speak in support of the measure since among the specifics with which it deals, is a court in my district. I was in my district yesterday conducting hearings on the 1985 farm bill with particular reference to peanuts.

This bill will be of tremendous benefit to the south Texas Rio Grande Valley. Essentially what the legislation will do is create a more orderly judicial process in my area by establishing at McAllen a new division of the U.S. Southern District Court of Texas. This division would exclusively serve the judicial needs of Hidalgo and Starr Counties. As a result of this reorganization, there will be significant financial savings realized—savings approximated at this time to be about $431,000.

The greatest advantages of this legislation, however, are the subjective considerations dealing with manhour savings in the transportation of prisoners, improving the quality of justice and representation by minimizing travel for attorneys, jurors, litigants, witnesses, and clients. Other subjective factors include the improvement of relationships between enforcement agencies and local commissioners' courts which will, I am certain, result in improved jail facilities and general working relationships between Federal, State, and local officers.

Economy, security and caseload reduction are the key factors here—and these are what the Lower Rio Grande Valley is going to realize as a result of this legislation along with the improved administration of justice at the grassroots level. I thank the House for acting affirmatively and I urge the Senate to do likewise.●

TRIBUTE TO SOL AND LILLAN BRENNER

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to Sol and Lillian Brenner, from Lauderdale Lakes, FL, who recently celebrated their 55th wedding anniversary. This couple's achievements are many. Their community involvement throughout the years has

sustained their marriage. For Sol and Lillian, family was always important, but they managed to always find some time to donate to an important group, cause, or activity.

Sol founded the Senior Adult Club of the Jewish Community Center (JCC) at University Boulevard. The JCC is primarily a social activity for the community at large. At the height of the JCC activity, there were 1,100 people in the membership. He served as president from inception of the club 7 years ago and now is serving on the board.

Other activities include founding the Somerset B'nai B'rith chapter and lodge where Sol served as president. This is the largest B'nai B'rith unit in south Florida. He also serves on the board of the B'nai B'rith Levi Arthritic Hospital in Hot Springs, AR. Both Lillian and Sol are fundraisers for United Jewish Appeal and Israel Bond drives. They are active public speakers on arthritis and Yiddish storytelling. Both teach dance at the JCC and their condo complex.

Mr. Speaker, I ask that my colleagues join me in paying tribute to the Brenners who have contributed tremendously to their community. They have enriched so many lives by creating centers where people can congregate and socialize. Sol and Lillian Brenner are an excellent example of what hard work and commitment can accomplish.●

AL LARSON DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. GILMAN. Mr. Speaker, tomorrow, September 26, Orange County, NY, will be celebrating "Al Larson Day."

Tomorrow is Al's 34th anniversary as a newscaster on radio station WALL, radio 1340 on our dial.

When Al first began broadcasting the news to Orange County, Harry Truman was in the White House, Korea and Vietnam were exotic names on the map that not many of us had heard of, and a four-bedroom house in our area could be had, with 4 percent GI mortgage, for less than $10,000.

Now, 34 years and seven Presidents later, we celebrate Al Larson's becoming a fixture in Orange County. For 34 years, he exulted with us over the good news, and commiserated with us over the bad.

Al Larson has helped our region through the growing pains, and in the process, has become as much of an Orange County institution as the Goshen Historic Track and our beautiful Hudson Valley.

On this happy occasion, I ask my colleagues to join with us in saluting a great newsman, Al Larson.●

REMEMBER MART NIKLUS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. FEIGHAN. Mr. Speaker, on September 22, 1984, Mart Niklus—Estonian human rights activist and Helsinki monitor—turned 50. But there were no cakes, or music, or family celebrations to mark the occasion. September 22 was a day much like any other day for Mart—24 hours alone, in solitary confinement in the Soviet Union's infamous Christopol prison.

Mart, a man who has never shrunk from the task of defending human rights against Soviet state repression, is no stranger to jail. He was first imprisoned in 1958 and sentenced to 10 years of hard labor followed by 3 years of internal exile for sending photographs depicting conditions in Soviet-occupied Estonia to a Western journalist. From 1975-79, he was repeatedly imprisoned and harassed, and in 1980 he was refused permission to leave Estonia and live with relatives in Sweden. Subsequently, on March 19, 1980, Niklus was again imprisoned for disobeying a government official. Today, he is in the midst of another hunger strike in the Christopol prison. His mother fears that he won't survive.

Mart Niklus is a man of deep conviction, a man willing to withstand injustice so that his principles may survive. He is a shining example for all people who care about human rights, and a hero to the Estonian people. I join with all Estonians, and defenders of human rights everywhere, in demanding his immediate release from the Christopol prison.●

MR. REAGAN'S SPEECH TO THE UNITED NATIONS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ADDABBO. Mr. Speaker, last night the President of the United States addressed the 39th session of the United Nations General Assembly. His overture to the Soviet Foreign Ambassador, Andrei Gromyko, was so overwhelmingly peaceful I am compelled to take him up on his word.

In the next few weeks, I must work closely with the administration and my colleagues on the other side of the Chamber to come up with a defense budget that is strong but sound. We must reduce waste and eliminate wasteful weapons systems.

Last night, the President opened his speech by noting "America has repaired its strength." Indeed, I agree with him. Midway through his speech he noted "Any agreement must logically depend upon our ability to get the competition in offensive arms under control and to achieve genuine stability at substantially lower levels of nuclear arms."

The President's words were very wise. His genuine sincerity prompts me to request that he reevaluate one of the most dangerous and destabilizing strategic weapons in this year's budget—the MX missile. In fact, the MX will only threaten the peace that the President seeks to establish. Our ability to scrap the MX missile would clearly demonstrate that we are willing to substantially lower the level of nuclear arms and achieve stability.

My proposal would not be seen as the United States backing down to the Soviet Union. As the President said "We have it in our power to begin the world over again." My proposal is to move toward beginning it without nuclear weapons.●

NEW JERSEY'S COMMUNITY ACTION PROGRAM MARK 20TH YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. RODINO. Mr. Speaker, this year marks the 20th anniversary of the passage of the Economic Opportunity Act. When that historic legislation was signed into law, it heralded new hope for millions of Americans. That bold endeavor proved that America's greatness lies in our ability to care for all of our people.

The Community Action Programs that were spawned by that act have weathered countless trials and tribulations. In the past two decades the CAP's have matured and grown and have never given up their challenge to make our country a better place for all our citizens.

On October 13, the Community Action Program Executive Directors Association of New Jersey will mark this landmark year with an anniversary dinner dance in Newark. Twenty years of community action will be celebrated by those who have devoted their time and energy to improving the quality of life of disadvantaged people in New Jersey.

It has been my privilege to have been associated with the Community Action Programs of New Jersey. I salute those who have worked so hard to accomplish their goals, particularly Joseph Gaynor, president of CAPEDA

of New Jersey and Carol Grant, the executive director. In addition, I would like to pay tribute to Catherine Willis, gala committee chairperson; and committee members Greg Adkins, Lillian Allen, Ellen Conaway, Claudia Grant, Patricia Hunt, Helen Johnson, Carolyn McKinney, and Deborah Smith.●

MILLIE THE CHISELER

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. ALBOSTA. Mr. Speaker, I would like to bring your attention to the contributions one of my constituents has made and is continuing to make to the art world. Known to her many admirers as "Millie the Chiseler," Ms. Millie Miller has wielded her carving knife to recreate a part of Michigan's history for both native and tourist to enjoy.

Millie Miller has earned State, national, and international renown for her marvelous artwork. Few people are so gifted with chisel, patience, and vision to form the designs which bring great pleasure and pride to the people who are fortunate enough to see them.

Millie Miller's artwork includes her impression of Chief Ogemaw which serves as the official insignia of Ogemaw County, her design of the official coat of arms of the city of West Branch, her carving of President Ford—which is on display at the Gerald R. Ford Museum in Grand Rapids—as well as, many famous totem poles. Her artistry has brought joy to countless people and honored many of Michigan's most well-known citizens. She is a credit to Michigan, the Midwest, and our Nation. We should all applaud her unending efforts to create beauty throughout the country. Mr. Speaker, I am proud to have Ms. Miller as one of my constituents.●

HONORING HOSEA LEE EDWARDS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1984

● Mr. WILSON. Mr. Speaker, it is with great pleasure that I rise today to honor Hosea Lee Edwards, long a friend of the law and valuable member of both his professional and civil community, who is now retiring after 60 years as one of Texas' finest lawyers.

The late Oliver Wendell Holmes wrote: "We learn to behave as lawyers, soldiers, merchants, or whatnot by being them. Life, not the parson, teaches conduct. H.L. Edwards achieved his respected position through the dedicated efforts of a lifetime. He strove to be the best in his years as a lawyer, and is recognized as such by his peers. Others who aspire to a legal career can only benefit from looking to his example of hard work and high ideals.

He has served as both city and county attorney in his lifelong home, Nacogdoches, TX, as well as special district judge. His knowledge and talents have benefited both local businesses and individuals. He has distinguished himself as one of the great criminal lawyers of his time. As its senior member, he has been honored by the Nacogdoches County Bar Association. He is held in the highest esteem by all who know him.

It is with hope for a pleasurable retirement, and some regret at the loss of his active participation in the legal field, that I ask you to join me in congratulating His Honor, H.L. Edwards, on a remarkable career and wishing him every happiness in the years to come.●