

weakness of controls over how the government pays its bills and manages some of its accounting programs, after receiving testimony from Charles A. Bowsher, Comptroller General of the United States, and John Simonette, Associate Director, and John Cronin, Assistant Director, both of the Accounting and Financial Management Division, all of the General Accounting Office; William Gregg, Acting Commissioner, Bureau of the Public Debt, Department of the Treasury; James W. Morrison, Jr., Associate Director, Compensation Group, and Claudia Cooley, Deputy Associate Director for Compensation, both of the Office of Personnel Management; and Clyde McShan, Director, National Finance

Center (New Orleans, Louisiana), and Dean Crowther, Director, Office of Administrative Systems, both of the Department of Agriculture.

WILLIAMS INQUIRY

Select Committee on Ethics: Committee held hearings on the alleged abuse of Senate Rule XXXVIII, prohibiting the personal use of campaign funds, by former Senator Harrison A. Williams, receiving testimony from Senator Williams; and Robert J. Flynn, Hendricks and McCool, Washington, D.C.

Committee also met in closed session, but made no announcements, and recessed subject to call.

House of Representatives

Comber Action

Bills Introduced: 3 public bills, H.R. 7410-7412; 1 private bill, H.R. 7413; and 3 resolutions, H.J. Res. 632 and 633, and H. Res. 626 were introduced.

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Reports Filed: Reports were filed as follows:

Conference report on H.R. 7019, making appropriations for the Department of Transportation and related agencies (H. Rept. 97-960);

Conference report on S. 2336, to authorize appropriations for certain maritime programs of the Department of Transportation for fiscal year 1983 (H. Rept. 97-961);

S. 1964, to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,000 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System (H. Rept. 97-962);

H. Res. 626, providing for the consideration of H.J. Res. 631, making further continuing appropriations and providing for productive employment for the fiscal year 1983 (H. Rept. 97-963); and

Conference report on H.R. 5447, to extend the Commodity Exchange Act (H. Rept. 97-964).

Page H7019

Robert F. Henry Lock and Dam: House passed and cleared for the President S. 2034, to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam."

Page H9481

Robert B. Griffith Water Project: House passed and cleared for the President S. 1681, to designate the southern Nevada water project the "Robert B. Griffith Water Project."

Page H9482

Suspensions: House voted to suspend the rules and pass the following:

Communications and electronics: S. Con. Res. 130 (in lieu of H. Con. Res. 204), expressing the sense of the Congress that the advancement of science and technology in the communications and electronics industry is vital to the needs of the United States—clearing the measure;

Page H9482

Handicapped telecommunications: S. 2355, amended, to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service (passed by a yea-and-nay vote of 365 yeas to 14 nays, Roll No. 435);

Page H9482

Surplus Federal property: H.R. 1856, amended, to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use. Subsequently, this passage was vacated and S. 1444, a similar Senate-passed bill was passed in lieu.

Page H9489

IRS student interns: H.R. 6519, amended, to amend title 5, United States Code, to permit student internships at the Internal Revenue Service. Agreed to amend the title of the bill;

Page H9496

Mail order consumer protection: H.R. 7044, amended, to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries) (passed by a yea-and-nay vote of 320 yeas to 61 nays; with 1 voting "present", Roll No. 438). Agreed to amend the title of the bill.

Subsequently, this passage was vacated and S. 1407, a similar Senate-passed bill was passed in lieu, after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill;

Page H9497

Special prosecutor appointments: S. 2059, amended, to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978 (passed by a yea-and-nay vote of 347 yeas to 37 nays, Roll No. 439);

Page H9506

Capitol Historical Society taxes: H.R. 4491, amended, to exempt the United States Capitol Historical Society from certain taxes;

Page H9508

Tris-treated fabric: S. 823, amended, to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn or fiber;

Page H9517

Money and finance law revisions: H.R. 7378, to codify without substantive change recent laws related to money and finance and to improve the United States Code;

Page H9523

Transportation law revisions: H.R. 6993, amended, to revise, codify and enact without substantive change general and permanent laws related to transportation as subtitle I and chapter 31 of subtitle II of title 49, United States Code, "Transportation";

Page H9533

Clayton Antitrust Act amendments: S. 816, amended, to amend the Clayton Act to limit the circumstances under which foreign governments may sue for violations of the antitrust laws. Agreed to amend the title of the bill;

Page H9558

Deep Seabed Hard Minerals Resources Act authorization: H.R. 6120, amended, to reauthorize the Deep Seabed Hard Minerals Resources Act for fiscal years 1983, 1984, and 1985. Agreed to amend the title of the bill;

Page H9560

Outer Continental Shelf Act amendments: H.R. 5906, amended, to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to clarify provisions relating to claims, financial responsibility, and civil penalties; and

Page H9564

Indiana Wilderness: S. 2710, to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Indiana—clearing the measure for the President.

(See next issue.)

Suspensions Failed: House failed to suspend the rules and pass the following:

Teacher excellence: H.J. Res. 429, amended, to establish State commission on teacher excellence (failed by a yea-and-nay vote of 225 yeas to 153 nays, Roll No. 436, two-thirds of those present not voting in favor);

Page H9487

Critical materials: H.R. 4281, amended, to provide for a Council on Critical Materials, for development of a continuing and comprehensive national materials policy, and for programs necessary to carry out that policy (failed by a yea-and-nay vote of 215 yeas to 164 nays, Roll No. 437, two-thirds of those present not voting in favor);

Page H9490

South Nevada water projects: S. 1621, amended, to authorize the replacement of existing pump casings in southern Nevada water project pumping plants 1A and 2A (failed by a yea-and-nay vote of 67 yeas to 315 nays, Roll No. 440);

Page H9498

North American Convention tax rules: H.R. 3000, amended, to amend the Internal Revenue Code of 1954 to exempt conventions, et cetera, held on cruise ships documented under the laws of the United States from certain rules relating to foreign conventions (failed by a yea-and-nay vote of 219 yeas to 164 nays, Roll No. 441, two-thirds of those present not voting in favor); and

Page H9571

Indian claims: H.J. Res. 553, amended, to authorize Indian tribes to bring certain actions on behalf of their members with respect to certain legal claims (failed by a yea-and-nay vote of 228 yeas to 153 nays, Roll No. 442, two-thirds of those present not voting in favor).

(See next issue.)

Late Reports: Conferees received permission to have until midnight tonight to file a conferee report on H.R. 5447, to extend the Commodity Exchange Act; and

Committee on Rules received permission to have until midnight tonight to file a privileged report.

Pages H9506, H9508

Transportation Appropriations: It was made in order to consider the conference report on H.R. 7019, making appropriations for the Department of Transportation and related agencies tomorrow, or any day thereafter.

Page H9517

Supreme Court Police: House cleared for the President H.R. 6204, to provide for appointment and authority of the Supreme Court Police; by agreeing to the Senate amendment thereto.

Page H9570

Technical Corrections: House agreed to Senate amendments numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 19, 20, 21, 22, 23, 25, 28, 29, 32, and 35; agreed, with

□ 1730

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER pro tempore**. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

STATE COMMISSIONS ON TEACHER EXCELLENCE

The **SPEAKER pro tempore**. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 429, as amended.

The Clerk read the title of the joint resolution.

The **SPEAKER pro tempore**. The question is on the motion offered by the gentleman from Illinois (Mr. SIMON) that the House suspend the rules and pass the joint resolution, House Joint Resolution 429, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 153, not voting 55, as follows:

[Roll No. 4361]

YEAS—225

McKinney	Regula	Stark
Mica	Reuss	Staton
Michel	Rinaldo	Stenholm
Mikulski	Ritter	Stokes
Miller (CA)	Roberts (KS)	Stratton
Miller (OH)	Roberts (SD)	Studds
Mineta	Rodino	Swift
Minish	Roe	Synar
Mitchell (MD)	Roemer	Tauke
Mollinari	Rogers	Tauzin
Mollohan	Rose	Taylor
Montgomery	Rostenkowski	Traxler
Moore	Roth	Tribble
Morrison	Roukema	Udall
Mottl	Rouselet	Vander Jagt
Murphy	Roybal	Vento
Murtha	Russo	Volkmmer
Myers	Sabo	Walgren
Napier	Santini	Walker
Natcher	Sawyer	Wampler
Nelligan	Scheuer	Watkins
Nelson	Schneider	Waxman
Nichols	Schroeder	Weaver
Nowak	Schulze	Weber (MN)
O'Brien	Schumer	Weber (OH)
Oakar	Seiberling	Weiss
Oberstar	Sensenbrenner	White
Obey	Shamansky	Whitehurst
Otinger	Shannon	Whitley
Oxley	Sharp	Whittaker
Panetta	Shaw	Whitten
Panetta	Shelby	Williams (MT)
Panetta	Siljander	Williams (OH)
Panetta	Simon	Winn
Panetta	Skeen	Wirth
Panetta	Skelton	Wolf
Panetta	Smith (AL)	Wolpe
Panetta	Smith (IA)	Wortley
Panetta	Smith (NE)	Wright
Panetta	Smith (NJ)	Wyden
Panetta	Smith (OR)	Wyllie
Panetta	Snowe	Yates
Panetta	Snyder	Yatron
Panetta	Solomon	Young (AK)
Panetta	Spence	Young (FL)
Panetta	St Germain	Young (MO)
Panetta	Stangeland	Zablocki
Panetta		Zerferetti

NAYS—14

Badham	Dannemeyer	Robinson
Butler	Hall, Ralph	Rudd
Collins (TX)	Johnston	Shumway
Crane, Phillip	McDonald	Stump
Daniel, Dan	Paul	

NOT VOTING—54

Albosta	Evans (DE)	Martinez
Aspin	Evans (GA)	Mavroules
Atkinson	Fascell	Mitchell (NY)
Atkinson	Fowler	Moakley
Atkinson	Frost	Moffett
Atkinson	Goldwater	Moorhead
Atkinson	Green	Neal
Atkinson	Hartnett	Pursell
Atkinson	Hatcher	Rallsback
Atkinson	Holland	Rhodes
Atkinson	Ireland	Rosenthal
Atkinson	Jenkins	Savage
Atkinson	Lehman	Shuster
Atkinson	Lent	Smith (PA)
Atkinson	Lowery (CA)	Stanton
Atkinson	Lungren	Thomas
Atkinson	Marriott	Washington
Atkinson	Martin (NC)	Wilson

Mr. BUTLER and Mr. PHILIP M. CRANE changed their votes from "yea" to "nay."

So two-thirds having voted in favor thereof the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 to provide reasonable access to telephone service for persons with impaired hearing and to enable telephone companies to accommodate persons with other physical disabilities."

A motion to reconsider was laid on the table.

Addabbo	Dymally	Jacobs
Akaka	Dyson	Jeffords
Alexander	Early	Jones (NC)
Anderson	Eckart	Jones (OK)
Andrews	Edgar	Jones (TN)
Amunio	Edwards (CA)	Kastenmeier
Anthony	English	Kazen
AuCoin	Erdahl	Kennelly
Bailey (PA)	Evans (IN)	Kildee
Barnard	Fary	Kogovsek
Barnes	Fazio	LaFalce
Bedell	Ferraro	Lantos
Bennett	Findley	Leach
Bevill	Fithian	Leland
Biaggi	Filippo	Levitas
Bingham	Florio	Long (LA)
Boggs	Foglietta	Long (MD)
Boland	Foley	Lowry (WA)
Boner	Ford (MI)	Luken
Bonior	Ford (TN)	Lundine
Bonker	Frank	Madigan
Bouquard	Puqua	Markey
Bowen	Garcia	Matsui
Brinkley	Gaydos	Mattox
Brodhead	Gedjenson	Masroli
Brown (CA)	Gephardt	McCloskey
Burton, John	Gibbons	McCurdy
Burton, Phillip	Gilman	McHugh
Byron	Ginn	McKinney
Clay	Glickman	Mica
Clinger	Gonzales	Mikulski
Coelho	Gore	Miller (CA)
Collins (IL)	Gray	Mineta
Conte	Guarini	Minish
Coyne, William	Hall (IN)	Mitchell (MD)
D'Amours	Hall (OH)	Mollohan
Daschle	Hamilton	Montgomery
Davis	Hanoe	Mottl
de la Garza	Hawkins	Murphy
Deckard	Hefner	Murtha
Dellums	Hefelt	Natcher
DeNardis	Hertel	Nelligan
Derrick	Hollenbeck	Nelson
Dicks	Horton	Nichols
Dingell	Howard	Nowak
Dixon	Hoyer	O'Brien
Donnelly	Hubbard	Oakar
Dorgan	Huckaby	Oberstar
Dowdy	Hughes	Obey
Downey	Hutto	Otinger
Dwyer	Hyde	Panetta

Patman	Santini	Tauke
Patterson	Scheuer	Tauzin
Pease	Schneider	Traxler
Pepper	Schroeder	Udall
Perkins	Schumer	Vento
Petri	Seiberling	Volkmmer
Peyster	Shamansky	Walgren
Pickle	Shannon	Watkins
Porter	Sharp	Waxman
Price	Shelby	Weaver
Pritchard	Simon	Weiss
Rahall	Skéen	White
Rangel	Skelton	Whitley
Ratchford	Smith (IA)	Williams (MT)
Reuss	Smith (NJ)	Williams (OH)
Rinaldo	Snowe	Wirth
Rodino	Snyder	Wolpe
Roe	Solarz	Wright
Roemer	St Germain	Wyden
Rose	Stark	Yates
Rostenkowski	Stokes	Yatron
Roybal	Studds	Young (MO)
Russo	Swift	Zablocki
Sabo	Synar	Zerferetti

NAYS—153

Applegate	Fountain	Mollinari
Archer	Frenzel	Moore
Ashbrook	Gingrich	Morrison
Badham	Gooding	Myers
Bafalis	Gradison	Napier
Bailey (MO)	Gramm	Parris
Beard	Gregg	Pashayan
Benedict	Graham	Paul
Bereuter	Gunderson	Quillen
Bethune	Hagedorn	Regula
Breaux	Hall, Ralph	Ritter
Broomfield	Hall, Sam	Roberts (KS)
Brown (CO)	Hammerschmidt	Roberts (SD)
Brown (OH)	Hansen (ID)	Robinson
Broyhill	Hansen (UT)	Rogers
Burgener	Heckler	Roth
Butler	Hendon	Roukema
Campbell	Hightower	Rouselet
Carman	Hiler	Rudd
Cheney	Hillis	Sawyer
Clausen	Holt	Schulze
Coats	Hopkins	Sensenbrenner
Coleman	Hunter	Shaw
Collins (TX)	Jeffries	Shumway
Conable	Johnston	Siljander
Corcoran	Kemp	Smith (AL)
Coughlin	Kindness	Smith (NE)
Courter	Kramer	Smith (OR)
Coyne, James	Lagomarsino	Solomon
Craig	Latta	Spence
Crane, Daniel	Leath	Stangeland
Crane, Phillip	LeBoutillier	Staton
Daniel, Dan	Lee	Stenholm
Daniel, R. W.	Lewis	Stratton
Dannemeyer	Livingston	Stump
Daub	Loeffler	Taylor
Derwinaki	Lott	Tribble
Dorman	Lowery (CA)	Vander Jagt
Dreier	Lujan	Walker
Duncan	Maris	Wampler
Dunn	Marlenee	Weber (MN)
Edwards (AL)	Martin (IL)	Weber (OH)
Edwards (OK)	Martin (NY)	Whitehurst
Emerson	McClary	Whittaker
Erlenborn	McCollum	Whitten
Evans (IA)	McDade	Winn
Fenwick	McDonald	Wolf
Fiedler	McEwen	Wortley
Fields	McGrath	Wyllie
Fish	Miller (OH)	Young (AK)
Forsythe		Young (FL)

NOT VOTING—55

Albosta	Evans (GA)	Mitchell (NY)
Aspin	Fascell	Moakley
Atkinson	Fowler	Moffett
Bellenson	Frost	Moorhead
Blanchard	Goldwater	Neal
Bliley	Green	Oxley
Bolling	Harkin	Pursell
Brooks	Hartnett	Rallsback
Carney	Hatcher	Rhodes
Chappelle	Holland	Rosenthal
Chapple	Ireland	Savage
Chisholm	Jenkins	Shuster
Conyers	Lehman	Smith (PA)
Crockett	Lent	Stanton
Dickinson	Lungren	Thomas
Dougherty	Marriott	Washington
Emery	Martin (NC)	Wilson
Ertel	Martines	
Evans (DE)	Mavroules	

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO SCIENTIFIC AND TECHNOLOGICAL SUPERIORITY OF COMMUNICATIONS AND ELECTRONICS INDUSTRY IN THE UNITED STATES

Mr. FUQUA. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 130) expressing the sense of the Congress that the advancement of science and technology in the communications and electronics industry is vital to the needs of the United States.

The Clerk read as follows:

S. CON. RES. 130

Whereas the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Federal Communications Commission, and the Congress have long recognized the importance of scientific and technological developments in the United States in meeting its defense, industrial, and other needs;

Whereas such scientific and technological developments in the communications and electronics industry are of particular importance to the United States in meeting its defense, industrial, and other needs;

Whereas the traditional technological superiority enjoyed by the United States in the area of communications and electronics is dwindling due to the disparity in the commitment;

Whereas it is in the best interest of the United States to reverse the trend of declining United States technological superiority and to continue to lead in all areas of communications and electronics;

Whereas it is in the best interest of the United States to support the establishment of a national center dedicated to the advancement of science and technology in communications and electronics; and

Whereas such a national center would promote the interest of the public at large in such advancements in communications and electronics; tie the corporate and governmental worlds together to reach a common goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress shall take an active and leading role in making the public, and the corporate and governmental worlds aware of the importance of assuring and maintaining the scientific and technological superiority of the United States in the area of electronics and communications, and to encourage the establishment within the United States of a national center dedicated to communications and electronics.

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

The gentleman from Florida (Mr. FUQUA) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. WALKER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 130.

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

There was no objection.

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

Mr. Speaker, today we are considering Senate Concurrent Resolution 130, which expresses the sense of the Congress that the Congress shall take an active and leading role in making the public, and the corporate and governmental worlds aware of the importance of assuring and maintaining the scientific and technological superiority of the United States in the area of electronics and communications, and to encourage the establishment within the United States of a national center dedicated to communications and electronics.

My colleague, DOUG BARNARD, introduced a similar resolution (H. Con. Res. 204) which was considered by the Committee on Science and Technology in markup on August 3, 1982, and by unanimous voice vote the committee favorably reported House Concurrent Resolution 204 without amendment. On December 1, the Senate passed Senate Concurrent Resolution 130 which was referred jointly to the Committee on Energy and Commerce and the Committee on Science and Technology on December 6. Both committees support the adoption of the language proposed by the Senate in Senate Concurrent Resolution 130.

Senate Concurrent Resolution 130 is based on the views that the traditional technological superiority enjoyed by the United States in the area of communications and electronics is dwindling due to the disparity in the commitment, and that it is in the best interest of the United States to support the establishment of a national center dedicated to the advancement of science and technology in communications and electronics.

As we all know, America's international position in both science and technology is currently being challenged. The national security and the economic and social well-being of the United States will in a large measure rest on the ability of our country to remain in the forefront of the rapidly advancing communications and electronics technologies. The proposed science center could provide the assistance necessary to encourage young people to enter these important fields which are currently experiencing a shortage of qualified scientists.

This resolution does not authorize or appropriate Federal funds, but would assist the nonprofit foundation created by leaders in communications and electronics in their effort to obtain funds to build this science center. I urge my colleagues to pass Senate Concurrent Resolution 130.

The SPEAKER pro tempore (Mr. KILDEE). The Chair recognizes the gentleman from Pennsylvania (Mr. WALKER) for 20 minutes.

Mr. WALKER. Mr. Speaker, the gentleman from Florida has done an excellent job of explaining this bill. I know of no controversy. It was passed out, as the gentleman indicated, from the Committee on Science and Technology unanimously.

The minority is certainly in agreement with the gentleman that this is a policy that this Nation should pursue, and we wholly concur with the gentleman in saying that the Congress should go ahead and pass this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FUQUA) that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 130).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 204) was laid on the table.

TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2355) to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service, as amended.

The Clerk read the Senate bill, as follows:

For the way in which I would like to be pictured by the folks at home, his portrait is the prototype. Intelligence, wit, eloquence, impeccable moral standards, a stunning wife, CLAIR has it all. The Congress and candidly the whole Nation will be the losers when BURGNER strikes his last word and leaves the well for the last time. For all of us heading into the 98th Congress, it will be a gloomy day.

□ 1215

JOB CREATION EFFORTS

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

Mrs. MARTIN of Illinois. Mr. Speaker, we have all heard about the job creation effort attached to the continuing resolution. While the effort should be complimented, I do think the "nuts and bolts" of the proposal has serious problems. We should not cast a stamp of approval for an effort which will really help only a small segment of the unemployed of this Nation. We need more than political expediency.

If this Congress is serious about helping the unemployed, and I believe it is, then we should consider efforts that will help our idle workers secure gainful, meaningful employment. It is important to get our workers back to work but not jobs that will be nonexistent in just a few months.

I plan to introduce legislation that I believe goes hand in hand with the job creation efforts currently under discussion. My legislation, the Job Opportunity and Business Stimulation Act (JOBS), will allow States and hard-hit localities the flexibility to address their own particular problems in creating jobs and stimulating business. My legislation will allow States and hard-hit localities the leeway to initiate projects which will be most beneficial to the needs of their area. My legislation acknowledges differing needs not only from State to State but also from county to county within a State.

I fear the Congress may approve a job creation effort that really will not be much more than a pacifier to the voting constituencies back home. Job creation should and must be geared toward permanent, marketable employment. I urge your cosponsorship of my proposal and your help to make this effort a reality.

IS IT \$700,000 OR IS IT \$134,700
OR LESS?

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

Mr. HUBBARD. Mr. Speaker, I am a longtime admirer of the beloved late former Vice President Alben Barkley, a native of my home county and a former resident of Paducah, Ky., who rose from McCracken County judge to

be Vice President of the United States. In fact, Alben Barkley is one of my predecessors as First District U.S. Representative of Kentucky.

I am a supporter of efforts to make his Paducah home a national historic site.

Legislation was introduced in the U.S. Senate last March 24 for this purpose and allocates up to \$700,000 for the "acquisition of lands and interests therein." This bill, S. 2279, was quietly, adroitly and by voice vote passed in the U.S. Senate last Friday, December 10.

Press accounts in Kentucky yesterday indicated that a respected member of the Kentucky House delegation will push this bill through the House for passage under unanimous consent this week—possibly as early as today.

It would be unfair to my colleagues in the House if I did not point out that a fair appraisal of the real estate in question—13 acres and the Barkley homeplace—is a lot less than even \$200,000. In fact, the total 30.9 acres including the homeplace is listed for tax purposes at 100 percent valuation in the McCracken County Courthouse, Paducah, Ky., for \$134,700.

I can assure my colleagues in the House that this legislation deserves hearings and adequate consideration by the House. Incidentally, during the brief Senate action on this bill last Friday, the cost to the Federal Government—"not to exceed \$700,000 for the acquisition of lands and interests therein"—was never mentioned. Also, opposition to the cost of this legislation by the U.S. Department of the Interior and the National Park Service was never mentioned.

There has been tremendous pressure, even this morning, upon me to support this bill today in the U.S. House of Representatives.

A fair question is why, may I ask, is there such a rush?

ROBERT F. HENRY LOCK AND DAM

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2034) to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2034

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

the Jones Bluff Lock and Dam, located on the Alabama River between Lowndes and Autauga Counties, Alabama, is designated and shall hereafter be known as the "Robert F. Henry Lock and Dam".

(b) Any reference in a law, map, regulation, document, record, or other paper of the United States to that lock and dam shall be deemed to be a reference to the "Robert F. Henry Lock and Dam".

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

GENERAL LEAVE

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

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

There was no objection.

ROBERT B. GRIFFITH WATER PROJECT

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 1681) to designate the Southern Nevada water project the "Robert B. Griffith Water Project," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the southern Nevada water project, in Clark County, Nevada, shall hereafter be known and designated as the "Robert B. Griffith Water Project". Any reference in a law, map, regulation, document, record or other paper of the United States to that water project shall be held and considered to be a reference to the "Robert B. Griffith Water Project".

Mr. KAZEN. Mr. Speaker, S. 1681 changes the name of the southern Nevada project, which furnishes water for municipal and industrial purposes to the Las Vegas area, to the "Robert B. Griffith Water Project."

This simple, noncontroversial bill honors a Nevada pioneer largely through whose efforts the project was constructed. I know of no objection to the bill.

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

S. 2355

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 "Telecommunications for the Disabled Act of 1982".

Sec. 2. The Congress finds that—

(1) all persons should have available the best telephone service which is technologically and economically feasible;

(2) currently available technology is capable of providing telephone service to some individuals who, because of hearing impairments, require telephone reception by means of hearing aids with induction coils, or other inductive receptors;

(3) the lack of technical standards ensuring compatibility between hearing aids and telephones has prevented receipt of the best telephone service which is technologically and economically feasible; and

(4) adoption of technical standards is required in order to ensure compatibility between telephones and hearing aids, thereby accommodating the needs of individuals with hearing impairments.

Sec. 3. Title VI of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

TELEPHONE SERVICE FOR THE DISABLED

610. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) The Commission shall require that essential telephones provide internal means for effective use with hearing aids that are specially designed for telephone use. For purposes of this subsection, the term 'essential telephones' means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

"(c) The Commission shall establish or approve such technical standards as are required to enforce this section.

"(d) The Commission shall establish such requirements for the labeling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids.

"(e) In any rulemaking to implement the provisions of this section, the Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments. The Commission shall ensure that regulations adopted to implement this section encourage the use of currently available technology and do not discourage or impair the development of improved technology.

"(f) The Commission shall complete rulemaking actions required by this section and issue specific and detailed rules and regulations resulting therefrom within one year after the date of enactment of the Telecommunications for the Disabled Act of 1982. Thereafter the Commission shall periodically review such rules and regulations. Except for coin-operated telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment to achieve the purposes of this section.

"(g) Any common carrier or connecting carrier may provide specialized terminal equipment needed by persons whose hearing, speech, vision, or mobility is impaired. The State commission may allow the carrier to recover in its tariffs for regulated service reasonable and prudent costs not charged directly to users of such equipment.

"(h) The Commission shall delegate to each State commission the authority to en-

force within such State compliance with the specific regulations that the Commission issues under subsections (a) and (b), conditioned upon the adoption and enforcement of such regulations by the State commissions."

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

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to insert letters of support, and that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to insert in the Record letters of support, and to allow Members 5 legislative days to revise and extend their remarks.

The Telecommunications for the Disabled Act of 1982 represents a consensus approach to the need of persons with hearing impairments or other physical disabilities to have access to the telecommunications services that are vital to life in modern society. The bill has been endorsed by each of the major carriers and by representatives of the telephone manufacturing industry. It is supported by groups representing the disabled, including Easter Seals, the American Association of Retired Persons, and the Disabled American Veterans. It is a commonsense and economic approach to a problem that has vexed several Congresses. It recognizes the historic commitment of the telephone companies to accommodate the handicapped and relies on that tradition, rather than on Government subsidies and Federal regulation.

The Committee on Energy and Commerce has unanimously reported S. 2355, the Telecommunications for the Disabled Act of 1982. This legislation takes two constructive steps to insure that disabled Americans continue to have access to our telephone network. First, the bill modifies a regulation issued by the Federal Communications Commission (FCC) that would prevent State regulators from making specialized telephone equipment available to the disabled. Second, the legislation directs the FCC to establish a technical standard to insure that telephones needed by persons with impaired hearing are compatible with hearing aids.

Unless Congress acts during the special session, the FCC regulation will become effective on January 1, and

disabled Americans will no longer be able to obtain new terminal equipment under State-supervised tariffs. As the executive director of the Paralyzed Veterans of America recently wrote to me:

I want to express my gratitude for your efforts. The FCC regulation would preclude many individuals from obtaining this necessary, and often only, means of contact with other people, including vital medical and emergency personnel . . . Telephone companies would be prevented from subsidizing special and unique equipment to meet the needs of handicapped individuals . . . In certain cases, preventing their gainful employment. This decision . . . presents a great hardship and peril to many of our most catastrophically disabled citizens.

More than one-third of all Americans over 65 wear hearing aids. The legislation recognizes the difficulties that these persons encounter when they need to use noncompatible telephones. All standard Bell telephones are now compatible; AT&T, GTE, and some independent telephone companies have also retrofitted coin telephones. Nonetheless, places of business are installing increasing numbers of noncompatible telephones, generally because they are unaware that many of their customers will be unable to use them. The result is an unnecessary hardship, since at the present time new telephones can be manufactured to be compatible without any significant increase in cost.

A broad coalition has recognized the need for this legislation. The Nation's major telephone carriers have joined the North American Telephone Association in approving the Telecommunications for the Disabled Act. Representatives of the handicapped community and the medical profession (including the Disabled American Veterans and the American Association of Retired Persons) also endorse S. 2355.

Historically, the telephone industry (particularly Bell Labs) has done an outstanding job of developing technology that allows the disabled to use our telephone network. An intrusive Federal regulation should not interfere with the development of these technologies or prevent telephone carriers from making them available to the handicapped in cooperation with the State commissions. I urge your support for this consensus legislation, which is vital to America's elderly and disabled citizens.

MODIFYING THE COMPUTER RULE

After the introduction of this bill, AT&T petitioned the Commission for a temporary waiver of the computer rule, 47 CFR 64.702, which precludes a carrier from offering terminal equipment on a regulated basis. Subsequently, Mr. David Saks on behalf of the Organization for the Use of the Telephone requested that the Commission extend such a waiver to allow all telephone companies to offer specialized terminal equipment under tariff. Mr. Saks subsequently clarified

that he intended such a waiver to be permanent.

Passage of this legislation moots the pending waiver proceedings by removing specialized terminal equipment from the jurisdiction of the computer rule. The Commission will be required to adopt a permanent modification of the computer rule to allow States to tariff specialized equipment.

For years, the special needs of the disabled have not received adequate attention at the Commission. The Commission has taken no action to resolve the issues raised in Docket 78-50, opened 4 years ago to consider standards for hearing aid compatibility and to resolve problems facing the deaf. There is no evidence that the Commission gave any consideration to the needs of the disabled during the second computer inquiry, which led to the indiscriminate prohibition on the tariffing of terminal equipment.

Given such neglect, explicit legislative guidance is required. The Commission must forbear from forcing the States to deregulate any device that the disabled need in order effectively to use the Nation's telephone services. Specialized equipment now includes teletypewriters for the deaf, "hands off" equipment for quadriplegic telephone users, and artificial larynxes for persons unable to speak. It also includes optional equipment, such as speakerphones and automatic dialers, but only provided that tariffs are limited to those users who need these features in order to use telephone services effectively and independently. Automatic dialers and speakerphones could only be made available under tariff only to persons with impaired memory or mobility, not to the public at large.

In the future, the Commission may define by rule the scope of the "specialized terminal equipment" which this bill authorizes States to tariff; the Commission may attempt to enjoin tariffs that it regards as overbroad. The legislation intends a flexible reading of the term, placing primacy on the needs of the handicapped and on the desirability of making new technologies broadly available to disabled groups.

The legislation recognizes that States will not necessarily require that carriers offer terminal equipment under tariff. It recognizes that many carriers will continue their outstanding efforts of providing below-cost equipment on a deregulated basis, subsidized by charitable contributions from its shareholders. In such a case, there may be no reason for the State to prescribe tariffs for the affected equipment.¹ The bill simply states

that the Commission cannot interfere with the State's decision to tariff such equipment and to allow the recovery of reasonable and prudent costs not charged directly to the user in tariffs for regulated services.

The Commission should continue to prevent distortions in the nationwide markets for terminal equipment by precluding a State from allowing recovery of any excess over the reasonable and prudent costs of providing terminal equipment on a subsidized basis. In particular, the State may not authorize a carrier to recover in tariffs for regulated services the costs of discriminatory procurement practices. Moreover, the State may not include as expenses in any regulated rate base contributions made to an affiliated entity ostensibly to subsidize equipment, unless such entity files tariffs (or other justifications of costs) to show that the costs of such equipment exceeded the price at which it was sold by an amount not less than the contribution allowed from the rate base.

The principle of the legislation is straightforward. The Commission can only preempt a State tariff when it demonstrates one of three conditions: First, the tariff concerns equipment other than specialized terminal equipment; that is, it involves devices that are not necessary for the disabled to use generally available telecommunications services (or those services that have been specially designed for their use) effectively or without assistance. Second, the tariff makes specialized equipment which has general utility (such as speakerphones) to persons who do not require it by virtue of a physiological impairment. Third, a tariff for regulated services includes costs of providing equipment that are not "reasonable and prudent," including any claimed reduction in the price at which an unregulated affiliate offers equipment that the carrier does not demonstrate to be below the actual costs of production and distribution.

ESTABLISHING A TECHNICAL STANDARD FOR EFFECTIVE USE OF TELEPHONES WITH HEARING AIDS

The second purpose of the legislation is to insure that persons with impaired hearing have access to essential telephones that are compatible with hearing aids. Today, these citizens face a hardship that is totally unnecessary, since current technology allows new telephones to be manufactured for compatibility without any significant increase in cost. A uniform technical standard is essential to insure that these Americans can travel among the States, transact business, and seek employment without discrimination based on their disability.

Persons with impaired hearing have experienced special difficulty in obtaining telephone service offered to the public in hotels and other places of public accommodation. While traveling away from home, these persons have been unable to call their families

from certain hotel rooms, to use telephones in business meeting rooms, or even to seek emergency aid from elevators. Although the hotel industry has attempted to accommodate these guests, it was often prevented from doing so by the absence of a uniform technical standard and adequate labeling requirements. Therefore, the bill does not require that hotel owners retrofit telephones (other than emergency phones). Except with regard to emergency phones, the bill does not extend the jurisdiction of the Commission, nor does it express or imply an intention with regard to any pending or future proceeding under sections 201 and 208 of the Communications Act, or affect the tariffing obligations under those sections which the Commission recently recognized in its Competitive Carrier rulemaking.

The purpose of the bill is not to freeze technology. It does not mandate any particular method for achieving compatibility with hearing aids. Currently, magnetic induction provides a means for providing compatibility without incurring additional manufacturing costs. In the future, new technologies may make possible improved service to the ordinary user. This bill promotes efficiency by encouraging the development of those new technologies while holding the hearing-impaired user harmless from any potential degradation of hearing-aid compatible service.

□ 1230

Mr. KAZEN. Mr. Speaker, will the distinguished gentleman yield?

Mr. WIRTH. I am glad to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I am very glad to hear the explanation the gentleman has made. I have been contacted by motel and hotel people who were under the impression that this measure would make it mandatory for them to have these telephones in every single room.

Mr. WIRTH. That is not the case. That was the case in previous legislation, but it seemed to us on the committee that this was an onerous provision.

Let me add at this point that the objections of some members of the hotel and motel industry to not reflect on the general attitude or record of hotel and motel owners across our country to accommodate all their guests, including those with physical disabilities. Today, without the benefit of a uniform standard, equipment is manufactured with a variety of inductive characteristics, and it is not possible to design a hearing aid that is compatible with all of them. As a result, hotel owners often do not know whether the equipment they buy is or is not compatible. In the future, virtually all equipment will have the same magnetic characteristics and will be compatible with hearing aids. The hotel owner will know any exceptions—noncompa-

¹The bill does not "specify that offerings of specialized terminal equipment be under tariff," and it is "permissible for carriers to offer such equipment under tariff or on a deregulated basis." The State commission may direct the carrier to provide affordable specialized equipment to the handicapped; the carrier may elect to do so on an unregulated basis subsidized by the shareholders rather than on a regulated basis subsidized by the ratepayers.

tible equipment will be clearly packaged. Hotels will have the opportunity, which they generally do not have today, to choose whether they want to have compatible equipment. With comparable prices, one would expect the overwhelming majority of the hospitality industry to accommodate their guests. The requirements placed on those who choose, for some reason, to buy noncompatible systems is minimal. In the face of these minimal burdens, we have a substantial benefit to the hearing-impaired population. Over one-third of all Americans over 65 is hearing impaired. This bill assures that they will be able to phone home when they travel, to participate equally in conventions and business meetings, and to summon help if they are trapped in an elevator.

Mr. KAZEN. It certainly would be if that were to be the requirement because there are not that many people who are hotel guests in proportion to the people who do not need the telephones, so it is not necessary to have the entire industry go to this great expense of converting.

Mr. Speaker, will the gentleman go over that requirement again or explain the suggestion again?

Mr. WIRTH. Mr. Speaker, I will be glad to do that.

As far as having coin telephones be compatible, the industry is very happy with doing that. They are in the process of doing it anyway.

Mr. KAZEN. Mr. Speaker, does the gentleman refer to the manufacturing industry?

Mr. WIRTH. The manufacturers, the distributors, and the carriers.

Mr. KAZEN. All right.

Mr. WIRTH. The manufacturers are in the process of moving toward that kind of standard so that all equipment is compatible with hearing aids. The suppliers want uniformity. Since all instruments have to have a magnetic field, it makes sense to adjust telephones to have uniform strength and operation so that hearing aids can work with telephones from different manufacturers.

Let us consider the perspective of service providers, say, a hotel or motel. If you were operating a motel in downtown Dallas, the law would not apply (except to emergency phones) until you bought a new telephone system. Compatible systems are available at comparable prices, so one would expect that most hotels would simply buy compatible phones. But if, for some reason, a hotel elects a system that is not compatible, it can simply maintain a reasonable number of instruments for hearing-aid wearers to use on demand. These could be rooms reserved for the hearing impaired, or there could even be portable instruments that the hearing impaired could request. But there is no requirement that every telephone in the lobby or every room would have to have telephones that are compatible with hearing aids.

Mr. KAZEN. Mr. Speaker, what does the gentleman consider as a reasonable requirement?

Mr. WIRTH. We had a similar discussion in hearings on H.R. 5158. We encouraged the FCC to work with the industry. Working together, so that the manufacturing industry will come in, along with the motel and hotel industry, and we say that a 20-percent level could be reached in the lobbies, and that there would be 1 out of 10 rooms that would be compatible. And then the Commission would determine what was a reasonable number.

I would also point out, if I may, that this is in a transitional period. As telephones are being replaced, older hotels and motels are going to be replacing their equipment as they go along anyway, and virtually all the new equipment manufactured after this legislation would be compatible anyway. So 5 years from now or 8 years from now it is not going to be a concern. It is in the transitional phase that the FCC should give particular concern to encouraging voluntary compliance with the legislation and its purposes.

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

Mr. WIRTH. Mr. Speaker, I thank the gentleman for his questions.

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

Mr. WIRTH. I yield to the gentleman from Georgia.

Mr. McDONALD. Mr. Speaker, I appreciate the gentleman's yielding.

I was curious about one aspect of this. What is the estimated cost that would be required for hotels and motels? Can the gentleman give us a cost estimate?

Mr. WIRTH. Mr. Speaker, a great number of the motels and hotels already have this equipment available, and as to installing any kind of new hearing compatible phone, there is no greater cost now. One can go, for example, to the Bell Telephone System or its new subsidiary and find that all standard telephones are compatible. You just cannot buy a nonconforming telephone. From most other manufacturers, the cost of a hearing compatible phone is no different from the cost of a regular telephone. I am pleased to submit representative letters from manufacturers which assured us that this legislation will not increase the cost of new telephones.

TELTONE,
December 9, 1982.

HON. TIMOTHY WIRTH,
Chairman, House Telecommunications Subcommittee, Washington, D.C.

DEAR SIR: Teltone Corporation is a manufacturer of telecommunications equipment. This letter will confirm that S. 2355 presents a good solution to assure electromagnetic compatibility between the telephone and the hearing aid.

It is our opinion, as a manufacturer and supplier of related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by

legislation and with insignificant additional cost to the manufacturer.

Sincerely,

TELTONE CORPORATION,
DALE E. JOHNSON,
Vice President, Sales.

CREST INDUSTRIES, INC.,
Fuyallup, Wash., December 9, 1982.

HON. TIMOTHY WIRTH,
Chairman, House Telecommunications Subcommittee, Rayburn Building, Washington, D.C.

DEAR MR. WIRTH: As manufacturers of telephone equipment including miniature transfer keys, two-line telephones and modular hardware, this is to confirm that S. 2355 and the corresponding House Bill present a feasible and affordable solution to the problem of ensuring electromagnetic compatibility between telephone receivers and hearing aids. It is our opinion as a supplier of telephone instruments and related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by legislation and at insignificant additional cost to manufacturers.

Should you have any questions, please contact me at Crest Industries, Fuyallup, Washington, telephone 927-5922.

Sincerely,

EARL L. MASON,
Vice President, Corporate Planning.

Mr. McDONALD. Mr. Speaker, if the gentleman will yield further, I was particularly curious about the small hotels and motels. Would there be any cost to them?

Mr. WIRTH. There would be no significant costs. There is no retrofitting required under the legislation. If you have a hotel or a motel now that has no hearing compatible telephones, there is no requirement for retrofitting. All we are saying is that when new telephones are put in, the standards are there anyway and these are going to have the technical capability of handling the hearing-impaired.

So we do not say that you would have to go back and redo rooms or tear out telephones of that sort. It is all for new installations.

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

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

Mr. WIRTH. I am pleased to yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I simply want to join with the gentleman from Colorado (Mr. WIRTH), and I want to express my appreciation to him and to the subcommittee for providing leadership here in an area that is extremely important to a great many Americans. I am pleased to join in support of this legislation.

Mr. Speaker, the Telecommunications for the Disabled Act is a vital step in assuring that the handicapped members of our society have an equal opportunity to participate in the social and work opportunities in this Nation. The act requires the establishment of uniform standards to insure that essential telephones—those phones which are to be found in public facilities, workplaces, businesses, and which are to be used to summon help in case

of emergencies—are accessible to the disabled population.

The telephone companies of this country have done an admirable job in designing and providing equipment for the handicapped. The Bell System in particular has demonstrated a substantial commitment to providing the best feasible service to disabled customers. In most cases, it has been a cooperative effort between telephone companies, State utility commissions and the Federal Communications Commission to insure that the disabled have reasonable access to telephone service. In many cases, the physically impaired have been able to afford these innovations only because telephone companies have provided specialized equipment at below cost. However, a recent Federal Communications Commission decision prohibits telephone companies from subsidizing terminal equipment and requires users to pay the full cost of equipment in their homes and places of business. The effect of this ruling could be devastating to the handicapped. The Telecommunications for the Disabled Act would only insure that individuals with disabilities would have access to telephone services at affordable costs. I encourage you to support this important legislation.

Mr. WIRTH. Mr. Speaker, I thank the gentleman from Illinois.

In closing, Mr. Speaker, let me point out that this legislation is also cosponsored by the ranking minority member of the Energy and Commerce Committee, the gentleman from North Carolina (Mr. BROYHILL) and was unanimously reported out of the full committee. Our subcommittee held hearings on this issue on March 27, 1982 and February 26, 1982. Extensive hearings were also held on the Senate side, with various aspects of the industry represented.

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

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

(Mr. DANNEMEYER asked and was given permission to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, on behalf of my colleague, the gentleman from Virginia (Mr. BLLEY), a member of the subcommittee, who met with an unfortunate accident this morning and cannot be on the floor to address the House concerning this legislation, I would like to make this following statement on behalf of the gentleman relative to S. 2355.

The remarks of the gentleman from Virginia (Mr. BLLEY), are as follows:

Though I concur with the bill's purpose of insuring telephone service for the deaf and other handicapped individuals, the manner of achieving this goal poses several questions which need further consideration.

The Telecommunications Subcommittee, which has jurisdiction over S. 2355, never held a hearing or markup

session. Only one witness was heard on "related provisions" of H.R. 5158. The bill was brought before the Energy and Commerce Committee on extremely short notice during consideration of other unrelated measures.

In urging local telephone companies to continue to provide subsidized service to the handicapped, the bill would require an alteration of the FCC's "computer II" decision which was upheld by the U.S. court of appeals only last month. And it would require that the changes be made before January 1, 1983, only 3 weeks away.

S. 2355 would preempt all State regulations on the subjects covered and then ask States to bear the burden of enforcing the Federal law. The bill would regulate not only technical standards for phone equipment but require "detailed guidance as to the locations where * * * telephones must be available" in drugstores, gas stations, private clubs, workplaces, and hotels and motels.

Over 80 percent of all telephones in the United States are already hearing aid-compatible. Every coin-operated phone in the Bell and GTE systems is already in compliance. Hotel and motel operators have offered to work with organizations for the handicapped to voluntarily insure that phone service is available.

In short, this bill is a prime example of "duck fever." An attractive title hides a vast and probably unneeded new regulatory program. Affected industries and consumers deserve the courtesy of a hearing and proper legislative procedure.

Mr. BROYHILL. Mr. Speaker, I would like to make one point in order to clarify an ambiguity in this legislation. S. 2355 does not grant jurisdiction to any Government agency to require any person to manufacture "essential" telephones or to market such telephones to anyone desiring to purchase or lease an essential telephone. There is every reason to believe that the marketplace will insure that a large supply of essential telephones are manufactured and marketed. But if it does not, one can point to this bill as granting jurisdiction to any Government agency to require that such phones are either manufactured or marketed.

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

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MINETA).

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise in support of S. 2355, the Telecommunications for the Disabled Act of 1982.

Unless Congress acts now, Federal Communications Commission regulations prohibiting State regulators from making subsidized specialized telephone equipment available to the disabled will go into effect on January

1, 1983. It is vital to the very existence of the hearing impaired and disabled that they are insured access to our telephone network. Use of a telephone is not a luxury, it is a necessity. Particularly for the disabled person, access to a telephone could mean the difference between life and death.

State regulators must be allowed to set a subsidized rate for the specialized terminal equipment. The full cost of this equipment would put it out of reach of most hearing impaired and handicapped individuals.

S. 2355 would also require that all new telephones be made compatible with hearing aids. Although all Bell telephones are currently compatible with the aids, the proliferation of new telephone equipment has seen a rise in noncompatible terminals. One-third of all Americans over 65 wear hearing aids. It is imperative that these people have access to our network telephone. This bill would direct the FCC to establish a technical standard for the manufacture of compatible telephones to insure this access.

S. 2355 has the backing of the Nation's major telephone carriers, State regulators, the handicapped community, and the medical profession. I urge a "yes" vote.

Mr. CORRADA. Mr. Speaker, I rise in support of S. 2355, to amend the Federal Communication Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service.

Telephone services have become the most important means of communication in today's fast growing world. The telephone companies have been providing services to the physically disabled by selling these users special telephone equipment below cost, and the unrecovered cost of including these persons in the network are shared by all users. According to new regulation issued by the FCC, this will become effective January 1, 1983, the telephone company will be insured from subsidizing the physically disabled users to pay the full costs of the equipment.

This bill will help the many U.S. citizens with impaired hearing in Puerto Rico as well as the mainland, to have access to telephone services by requiring the Federal Communications Commission to develop regulations to assure reasonable access to the hearing impaired and other handicapped persons and allowing the State regulatory commission to permit the telephone company to recover costs of providing such equipment by spreading the costs among all users of the system.

I urge my colleagues to vote in favor of S. 2355 and thank them for their support.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 2355, as amended, the Telecommunications for the Disabled Act of 1982.

The purpose of this bill is simple: to insure that hearing-impaired and other physically disabled Americans can enjoy greater access to the telephone network in our Nation.

Every day more telephones are being installed in homes, hospitals, schools and businesses with receivers that are useless to hearing-aid users. These receivers work, and look, like any other telephone receiver, except for one important difference—they do not give off an electromagnetic signal strong enough to be picked up by the magnetic pickup or "telecoil" in many hearing aids. They are thus incompatible with hearing aids. Of the 170 million telephones in the United States today, an estimated 40 million are incompatible with hearing aids and the number is growing.

Is the problem serious? With millions of Americans—estimates run as high as 16 million—suffering impaired hearing, and with as many as 3 million of these reliant on hearing aids, the answer is "Yes."

Incompatibility of telephones with hearing aids is especially serious for the many hearing-impaired elderly who are homebound and heavily dependent upon the telephone.

The problem affects not only the hearing impaired—their family, friends, coworkers, and others who must communicate with them. With incompatible phone units such communication for personal, social, and business purposes—not to mention vital health and emergency needs—becomes impossible.

The Telecommunications for the Disabled Act recognizes and begins to address this problem by insuring that hearing impaired Americans have reasonable access to telephones that are compatible with hearing aids. It requires that all essential telephones—public and emergency phones, and telephones frequently used by the hearing impaired, for example—be made compatible with hearing aids.

Although S. 2355 does not go as far as my bill H.R. 375, in requiring that all telephones work with all hearing aids, everywhere, it does insure that the hard of hearing are not completely excluded from the communications system.

I ask my colleagues to join me in voting for S. 2355, the Telecommunications for the Disabled Act of 1982.

The Telecommunications for the Disabled Act does not require expensive retrofitting of those phones now in place.

It does not require research and testing of new, expensive technologies.

The telephone industry supports the bill and has advised the Subcommittee on Telecommunications that making telephones compatible with hearing aids will not increase the costs of new telephones. ●

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. SIMON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 429) to establish State commissions on teacher excellence, as amended.

The Clerk read as follows:

H.J. Res. 429

Whereas the education of Americans is the foundation on which the future well-being and progress of the Nation depend;

Whereas the quality of the Nation's teachers is vital to the quality of that education; and

Whereas, under the American federal system it is the responsibility of the States to regulate the certification and licensing of those teachers; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares—

(1) that the governments of the States should carefully evaluate the training and performance requirements which they specify for teachers and teacher preparation institutions to ensure the competence and encourage the excellence of their teachers;

(2) that such an evaluation by any individual State could well profit from the investigation of teacher recruitment, selection, training, certification, licensing, and retention in other States;

(3) that, in order to promote this evaluation, the States should establish commissions on teacher excellence to undertake consideration of the broad range of factors involved in the entire process by which teachers are recruited, selected and trained from admission to college and university degree programs through preparation for teaching in the current educational environment, certification, licensing, and retention, and continuing professional development; and

(4) that, in addition to the progress which could be obtained by the use of this evaluation by State and local government, the national interest in the continuous improvement of the Nation's teachers would be served if the results of these investigations were made available to the President and Congress, together with recommendations from the States on ways in which improvements in the quality of school instruction could be assisted by research, evaluation, new policy initiatives, and changes in existing Federal laws.

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

The gentleman from Illinois (Mr. SIMON) will be recognized for 20 min-

utes, and the gentleman from Illinois (Mr. ERLNBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

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

Mr. Speaker, I think we have a matter of some importance, but not a matter of great controversy. This resolution simply calls on the State governments to appoint commissions—and some of them have the commissions already—to take a look at the whole question of teacher excellence.

The subcommittee which I chair held hearings on this question. We had witnesses from the Department of Education, the National Education Association, the American Federation of Teachers, various schools of teacher education, the NIE, and others.

The reality is that in the last 8 years those entering the field of teaching, those going to our schools to prepare themselves to become teachers, have dropped 79 points in the SAT tests, more than any other profession.

Equally disconcerting, studies in the States of Wisconsin and North Carolina suggest that the ablest teachers too often are leaving the teaching profession and those of the least ability too often are staying. I should add that this Nation has many fine, dedicated teachers of whom we should be proud.

I am not suggesting that one can always measure dedication or concern for young people by tests, but the tests show clearly that we are not appealing to the ablest in our society to become teachers, and if we believe that the future of this Nation through education, and if we believe the key ingredient in that process is the teacher, then we have a problem of major proportions.

It became clear in the course of the hearings that there is nothing very specific that the Federal Government can do or ought to be doing, and that the jurisdiction is one that is left to State and local governments. There are some answers that are fairly obvious. One is pay, but it is much more complicated than that.

So after consultation with my colleagues on the subcommittee, we ended up with this resolution calling on States to examine this problem to see what they should do. They may make recommendations to the Federal Government. It involves no expenditures at the Federal level at all, and it could result in some significant progress on a problem that, frankly, we are not facing up to at this point.

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

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

(Mr. ERLNBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLNBORN. Mr. Speaker, I rise in opposition to House Joint Reso-

lution 429, which expresses the sense of Congress that States should establish commissions on teacher excellence.

Mr. Speaker, this resolution was not unanimously agreed to in the Education and Labor Committee, and several members of our committee signed report language expressing opposition to the resolution.

I oppose this resolution for two reasons. The first reason is that the resolution calls for a new layer of bureaucracy at the State level to study a problem that we all know exists. It is common knowledge that good teachers are leaving the field of teaching for more lucrative jobs in the private sector; that there is a shortage of math and science teachers; that teachers as a whole score lower on standardized tests than many other professional groups; that there is a lack of inservice training to keep teachers up to date on changes in their academic fields; and that there is a lack of incentives to keep good teachers in the classroom. In response to these problems, many States have already moved to reduce teacher "dropout" rates, to improve and increase the number of inservice training programs, and to revamp the teacher training process in teacher colleges to provide personnel better prepared to deal with the actual classroom experience. As of March this year, 23 States, including Illinois, Delaware, Texas, Maryland, Missouri, New Jersey, and Virginia, have re-evaluated their teacher training and certification requirements in an effort to improve the quality of teachers sent to the classroom.

It seems to me that the requirements of House Joint Resolution 429 are superfluous and will result in an unnecessary expense of time, effort, and money by the States.

The second reason I oppose House Joint Resolution 429 is that it presupposes that the Federal Government has or should have an active role in teacher education. The resolution calls for any reports or recommendations made by the State commissions to be forwarded to the President and the Congress for study. While teacher preparation, training, and certification is, of course, of interest to everyone—Congress included—it has always been the responsibility of the State and local units of government. I do not believe that the Federal Government should begin meddling in this area of educational policy, and I see this resolution as the first step toward Federal involvement in teacher education.

□ 1245

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

I would just like to simply respond briefly to my colleague from Illinois (Mr. ERLBORN).

First of all, he says we are creating a new layer of bureaucracy. In fact, we are just asking States to look at this problem, a problem that we are not

facing in this Nation. We could go along blithely and ignore the problem and that is basically what my colleague is suggesting that we do, but I do not think that is in the national interest.

My colleague frequently joins those who say that the Federal Government should not be getting involved in things. For that very reason he ought to be standing up here saying, "Let us pass this resolution," because this is a resolution that simply asks the States to look at the problem. It does not ask the Federal Government to do a single thing.

Let me add this to my colleague—just as sure as PAUL SIMON is standing here, if we continue to ignore this problem—and that is basically what my colleague from Illinois is suggesting—within a few years we are going to be standing here with major Federal programs to tackle this problem.

Let us see if we cannot tackle this problem at the State level and the local level and face up to it rather than simply ignoring the problem, as my colleague suggests.

I hope we pass this resoundingly.

Let me add again, as my colleague pointed out, it did pass the subcommittee and the full committee unanimously, though there are now some voices of dissent on the report.

Mr. ERLBORN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentleman for yielding and would like to ask my colleague from Illinois a question if I may.

I have heard the presentation on behalf of this proposal, House Joint Resolution 429. Although I am not privileged to serve on the Committee on Education and Labor with the gentleman from Illinois, I laud the goal of what this proposes to do.

But I am puzzled. In my State of California, for instance, we have a State board of education whose members are appointed by the Governor of our State. Their responsibility is to evaluate the curriculum for the public school system in California and make recommended changes to the legislature.

In addition to that, we have an assembly committee in the State assembly called the education committee whose responsibility it is to evaluate various matters relating to the subject of education.

Then we have a similar committee in the State senate that evaluates provisions of law relating to public education in California.

These three entities are now in existence. Assuming—maybe it is incorrect to assume—but let us assume for the purpose of this discussion that these entities are discharging their responsibilities, that is, looking out for the status of public education in California and making recommended changes. What is it that this commission that the gentleman is talking

about would do that these three entities that are in existence now are not doing?

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

Mr. DANNEMEYER. I yield to the gentleman from Illinois.

Mr. SIMON. I cannot tell the gentleman. I do not know the specifics of the California situation and cannot tell him specifically what they are or are not doing.

I will tell the gentleman that in the large majority of States, almost all of the States, we are not paying attention to this problem at all. Whether California is one of these States I do not know.

If California is doing something, then the resolution does no harm whatsoever. If California is not paying attention to this problem, then it can do no harm for this body to call the attention of the board of education in California and the legislature in California to the fact that we have a problem of major dimensions here.

Let me emphasize that this is a problem of major dimensions.

If we do not take this first step we are going to be back here in another couple of years with legislation calling for much more drastic actions because events will force us into it.

Mr. DANNEMEYER. Let me ask the gentleman from Illinois another question. I know in my State of California a public school principal may not administer corporal punishment to youngsters in a classroom except with the approval of the parent. That is not the way this Member from California believes it should be but that is the way it is today.

How is it in Illinois, the gentleman's home State? Can a principal of a public school classroom, in dealing with a youngster in the sixth grade who has dedicated his or her life to the objective of making sure that something less than decorum exists in a public classroom, can this teacher administer corporal punishment to that youngster without the approval of the parent?

Mr. SIMON. There have been court cases and I have to tell my colleague from California I am not precisely sure what the status is in the State of Illinois. But it has relatively little to do with the resolution at hand which I hope by colleague from California will join me in voting for.

Mr. DANNEMEYER. In response to the gentleman's observation, in my humble opinion I think the fundamental problem of the public school system in my State, and I do not know if this exists in other States of the Union, is that we have permitted a philosophy of permissiveness to come into our public school rooms when we tell the person in charge, the principal or the teacher, that in order to administer corporal punishment to some child that is disrupting the learning

The purpose of this bill is simple: to insure that hearing-impaired and other physically disabled Americans can enjoy greater access to the telephone network in our Nation.

Every day more telephones are being installed in homes, hospitals, schools and businesses with receivers that are useless to hearing-aid users. These receivers work, and look, like any other telephone receiver, except for one important difference—they do not give off an electromagnetic signal strong enough to be picked up by the magnetic pickup or "telecoil" in many hearing aids. They are thus incompatible with hearing aids. Of the 170 million telephones in the United States today, an estimated 40 million are incompatible with hearing aids and the number is growing.

Is the problem serious? With millions of Americans—estimates run as high as 16 million—suffering impaired hearing, and with as many as 3 million of these reliant on hearing aids, the answer is "Yes."

Incompatibility of telephone receivers with hearing aids is especially serious for the many hearing-impaired elderly who are homebound and heavily dependent upon the telephone.

The problem affects not only the hearing impaired—their family, friends, coworkers, and others who must communicate with them. With incompatible phone units such communication for personal, social, and business purposes—not to mention vital health and emergency needs—becomes impossible.

The Telecommunications for the Disabled Act recognizes and begins to address this problem by insuring that hearing impaired Americans have reasonable access to telephones that are compatible with hearing aids. It requires that all essential telephones—public and emergency phones, and telephones frequently used by the hearing impaired, for example—be made compatible with hearing aids.

Although S. 2355 does not go as far as my bill, H.R. 375, in requiring that all telephones work with all hearing aids, everywhere, it does insure that the hard of hearing are not completely excluded from the communications system.

I ask my colleagues to join me in voting for S. 2355, the Telecommunications for the Disabled Act of 1982.

The Telecommunications for the Disabled Act does not require expensive retrofitting of those phones now in place.

It does not require research and testing of new, expensive technologies.

The telephone industry supports the bill and has advised the Subcommittee on Telecommunications that making telephones compatible with hearing aids will not increase the costs of new telephones.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. SIMON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 429) to establish State commissions on teacher excellence, as amended.

The Clerk read as follows:

H.J. Res. 429

Whereas the education of Americans is the foundation on which the future well-being and progress of the Nation depend;

Whereas the quality of the Nation's teachers is vital to the quality of that education; and

Whereas, under the American federal system it is the responsibility of the States to regulate the certification and licensing of those teachers; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares—

(1) that the governments of the States should carefully evaluate the training and performance requirements which they specify for teachers and teacher preparation institutions to ensure the competence and encourage the excellence of their teachers;

(2) that such an evaluation by any individual State could well profit from the investigation of teacher recruitment, selection, training, certification, licensing, and retention in other States;

(3) that, in order to promote this evaluation, the States should establish commissions on teacher excellence to undertake consideration of the broad range of factors involved in the entire process by which teachers are recruited, selected and trained from admission to college and university degree programs through preparation for teaching in the current educational environment, certification, licensing, and retention, and continuing professional development; and

(4) that, in addition to the progress which could be obtained by the use of this evaluation by State and local government, the national interest in the continuous improvement of the Nation's teachers would be served if the results of these investigations were made available to the President and Congress, together with recommendations from the States on ways in which improvements in the quality of school instruction could be assisted by research, evaluation, new policy initiatives, and changes in existing Federal laws.

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

The gentleman from Illinois (Mr. SIMON) will be recognized for 20 min-

utes, and the gentleman from Illinois (Mr. ERLNBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

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

Mr. Speaker, I think we have a matter of some importance, but not a matter of great controversy. This resolution simply calls on the State governments to appoint commissions—and some of them have the commissions already—to take a look at the whole question of teacher excellence.

The subcommittee which I chair held hearings on this question. We had witnesses from the Department of Education, the National Education Association, the American Federation of Teachers, various schools of teacher education, the NIE, and others.

The reality is that in the last 8 years those entering the field of teaching, those going to our schools to prepare themselves to become teachers, have dropped 79 points in the SAT tests, more than any other profession.

Equally disconcerting, studies in the States of Wisconsin and North Carolina suggest that the ablest teachers too often are leaving the teaching profession and those of the least ability too often are staying. I should add that this Nation has many fine, dedicated teachers of whom we should be proud.

I am not suggesting that one can always measure dedication or concern for young people by tests, but the tests show clearly that we are not appealing to the ablest in our society to become teachers, and if we believe that we build the future of this Nation through education, and if we believe the key ingredient in that process is the teacher, then we have a problem of major proportions.

It became clear in the course of the hearings that there is nothing very specific that the Federal Government can do or ought to be doing, and that the jurisdiction is one that is left to State and local governments. There are some answers that are fairly obvious. One is pay, but it is much more complicated than that.

So after consultation with my colleagues on the subcommittee, we ended up with this resolution calling on States to examine this problem to see what they should do. They may make recommendations to the Federal Government. It involves no expenditures at the Federal level at all, and it could result in some significant progress on a problem that, frankly, we are not facing up to at this point.

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

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

(Mr. ERLNBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLNBORN. Mr. Speaker, I rise in opposition to House Joint Reso-

such released lands will not occur until the initial land management plans prepared pursuant to NFMA are revised some 10 to 15 years after their implementation, at which time NFMA specifically requires a review and consideration of all multiple uses, including wilderness.

Of course, such released lands will only be reviewed for wilderness potential if they still possess wilderness characteristics at such time as NFMA plans are revised each 10 to 15 years.

Two-unit wilderness: The proposed wilderness is actually designated in two units separated by the Tower Ridge Road. This road will remain open to the public with the wilderness units on either side. In order to allow for maintenance of the road the official wilderness boundary will be set back 100 feet north and south of the centerline of the Tower Ridge Road.

Private inholdings: The proposed wilderness contains some small private inholdings. Pursuant to section 5(c) of the Wilderness Act, these inholdings may be acquired by the Government only if the landowner concurs in the acquisition. In short, wilderness designation specifically prohibits any forced acquisition of inholdings by condemnation. Further, S. 2710 provides for adequate access to such inholdings in accordance with the provisions of section 5 of the Wilderness Act.

In conclusion, Mr. Speaker, I strongly support S. 2710 and note that the bill is endorsed by the entire Indiana delegation, Governor Orr, the Reagan administration and the environmental and other interest groups affected. I think I have explained the bill's provisions, but those wishing further details should consult the House and Senate committee reports on S. 2710. Finally, I would like to particularly commend my friend and colleague **LEX HAMILTON** for the diligent efforts he has put into resolving this controversial matter. Without his and the rest of the delegation's consistent hard work and efforts to reach a compromise, we would not be where we are today in recommending this bill for the President's signature.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Indiana (Mr. **HAMILTON**)

(Mr. **HAMILTON** asked and was given permission to revise and extend his remarks.)

Mr. **HAMILTON**. Mr. Speaker, I wish to express my appreciation to the gentleman from Ohio and the ranking minority Member for the excellent cooperation we have had throughout consideration of this bill.

Mr. Speaker, I appreciate the opportunity to support S. 2710, a bill to establish the Charles C. Deam Wilderness Area in the Hoosier National Forest in Indiana.

As you know, S. 2710 would set aside a 12,900-acre tract in south-central Indiana as a national wilderness area. Much of this area, which contains very

impressive hardwood and wildlife populations, is found in my congressional district. The bill provides that all remaining RARE II lands in the Hoosier National Forest will be released for multiple-use management by the U.S. Forest Service. Any further statewide review for wilderness designation would require an act of Congress.

Mr. Speaker, the controversy over a wilderness designation in Indiana has been a long and difficult one. However, this bill, based upon the recommendations of Indiana Governor Orr, is a good compromise enjoying widespread, bipartisan support. It was jointly introduced in the Senate by Senators **QUAYLE** and **LUGAR**; and the House version Representative **DECKARD** and I introduced has been cosponsored by the entire Indiana delegation. I would like to add to the subcommittee record at this time statements by Governor Orr, Jeffrey Stant of the Salt Creek Wilderness Coalition, Eugene Hazel of the Citizens Concerned about Nebo Ridge, James Mason of the Indiana Audubon Society, and Tim Mahoney on behalf of the Indiana Sierra Club—all endorsing S. 2710.

On August 12, The Senate Committee on Energy and Natural Resources held hearings on S. 2710, and I testified at that time. The bill was endorsed by all witnesses, including administration spokesmen. S. 2710 was approved with technical amendments by a unanimous committee vote of 17 to 0. On October 1 it passed the Senate by voice vote.

Mr. Speaker, I hope that the House will move as quickly, and that we will be able to pass this compromise during the remaining few days of this session. I have greatly appreciated the fine work and cooperation I have received from you and your subcommittee staff on this matter over the years, as well as your present willingness to act expeditiously on S. 2710.

Mr. **YOUNG** of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. **DECKARD**).

(Mr. **DECKARD** asked and was given permission to revise and extend his remarks.)

Mr. **DECKARD**. Mr. Speaker, I rise in support of S. 2710, which would establish the Charles Deam Wilderness Area in southern Indiana. This will be the only wilderness area in the State of Indiana and is the result of more than a decade of negotiation and compromise by interested parties in and out of Government. Designation of the area is supported by Indiana's Gov. Robert Orr, by environmental and business groups, and by the entire Indiana congressional delegation.

A small portion of the proposed area is located within my district, and the full 13,000-acre site is itself a small part of the Hoosier National Forest, therefore it will easily be consistent with the multiple-use aspects of the forest. Passage of this bill will not, in any way, affect the broader resource

management goals of the Hoosier National Forest.

Mr. Speaker, I would only reemphasize that this is a bipartisan, consensus bill, cosponsored by every member of the Indiana House and Senate delegation, and I urge its passage.

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

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. **SEIBERLING**) that the House suspend the rules and pass the Senate bill, S. 2710.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **SEIBERLING**. Mr. Speaker, ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 2710, just passed.

The **SPEAKER** pro tempore: Is there objection to the request of the gentleman from Ohio?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. **SEIBERLING**. Mr. Speaker, I have a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state his parliamentary inquiry.

Mr. **SEIBERLING**. Is it correct that the majority leader does not wish to take up the remaining bills on the Suspension Calendar at this time?

The **CHAIRMAN**. The Chair will ask the majority leader to make statement.

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

Mr. **SEIBERLING**. I am happy to yield.

Mr. **WRIGHT**. The gentleman is correct. We have discussed the bills that otherwise would be eligible for immediate consideration, and there are Members on the minority side who have objections to some of them and particularly objections lie at this moment.

Beyond that, the weather is said to be bad and inclement conditions in the streets reportedly getting worse. Members of the House have been invited to the White House tonight and their families are expecting to go. We think the sooner we get out of here the better off we will be tonight.

There will be opportunities, we hope, in the remainder of the week for the consideration of additional bills on the Suspension Calendar.

Mr. **SEIBERLING**. I wonder if I could inquire of the gentleman, we have one other bill which I think is relatively noncontroversial, but I would like to ask the ranking minority

member on the subcommittee if we could expeditiously dispose of S. 1965, the Paddy Creek Wilderness bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I believe the majority leader has placed it very clearly. I do not object to the bill. It is my bill.

But there was a tentative agreement that if the Indian wilderness bill was taken up and passage would take place that we would vote.

We have about 40 or 45 minutes of voting here and, in all due respect, I think it would be the correct way to accomplish this and get the vote out of the way.

Mr. SEIBERLING. I do not wish to delay matters and I thank the majority leader and yield back.

AUTHORIZING SALE OF DEFENSE MATERIALS TO U.S. COMPANIES FOR SALE TO FRIENDLY FOREIGN COUNTRIES

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6758) to authorize the sale of defense articles, defense services, and unclassified defense service publications to U.S. companies for incorporation into end items to be sold to friendly foreign countries, with Senate amendments thereto, and concur in the Senate amendment.

□ 1710

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That the Arms Export Control Act is amended by inserting after chapter 2A the following new chapter:

Chapter 2B.—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS

"SEC. 30. GENERAL AUTHORITY.—(a) Subject to the conditions specified in subsection (b) of this section, the President may, on a negotiated contract basis, under cash terms (1) sell defense articles at not less than their estimated replacement cost (or actual cost in the case of services), or (2) procure or manufacture and sell defense articles at not less than their contract or manufacturing cost to the United States Government, to any United States company for incorporation into end items (and for concurrent or follow-on support) to be sold by such a company on a direct commercial basis to a friendly foreign country or international organization pursuant to an export license or approval under section 38 of this Act. The President may also sell defense services in support of such sales of defense articles, subject to the requirements of this chapter: *Provided, however,* That such services may be performed only in the United States. The amount of reimbursement received from such sales shall be credited to the current applicable appropriation, fund, or account of the selling agency of the United States Government.

"(b) Defense articles and defense services may be sold, procured and sold, or manufactured and sold, pursuant to subsection (a) of this section only if (1) the end item to which the articles apply is to be procured for the armed forces of a friendly country or international organization, (2) the articles would be supplied to the prime contractor as government-furnished equipment or materials if the end item were being procured for the use of the United States Armed Forces, and (3) the articles and services are available only from United States Government sources or are not available to the prime contractor directly from United States commercial sources at such times as may be required to meet the prime contractor's delivery schedule.

"(c) For the purpose of this section, the terms 'defense articles' and 'defense services' mean defense article and defense services as defined in sections 47(3) and 47(4) of this Act."

SEC. 2. Sections 42(d) and 42(e) of the Arms Export Control Act are amended by striking out "and 29" wherever it appears and inserting in lieu thereof "29 and 30".

SEC. 3. Section 21(d)(1) of the Arms Export Control Act is amended by deleting the comma following "under this section" and inserting in lieu thereof "or under authority of chapter 2B."

Amend the title so as to read: "An Act to authorize the sale of defense articles to United States companies for incorporation into end items to be sold to friendly foreign countries."

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

Mr. GOODLING. Mr. Speaker, reserving the right to object—and I will not object—I just merely want to say that this is a bill that we passed unanimously here before we went home for the election. Unfortunately, the other body messed it up, and they had to come back and redo it. I strongly support the bill, and I thank the chairman for bringing it forth.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Debate has been concluded on all motions to suspend the rules.

Pursuant to the provision of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: S. 2355, House Joint Resolution 429, H.R. 4281, H.R. 7044, S. 2059, S. 1621, H.R. 3191, and House Joint Resolution 553, all by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2355, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 14, not voting 54, as follows:

(Roll No. 435)

YEAS—365

Adabbo	Dicks	Hansen (UT)
Akaka	Dingell	Harkin
Alexander	Dixon	Hawkins
Anderson	Donnelly	Heckler
Andrews	Dorgan	Hefner
Annunzio	Dornan	Hefl
Anthony	Dowdy	Hendon
Applegate	Downey	Hertel
Archer	Dreier	Hightower
Ashbrook	Duncan	Hiler
AuCoin	Dunn	Hillis
Bafalis	Dwyer	Hollenbeck
Bailey (MO)	Dymally	Holt
Bailey (PA)	Dyson	Hopkins
Barnard	Early	Horton
Barnes	Eckart	Howard
Beard	Edgar	Hoyer
Bedell	Edwards (AL)	Hubbard
Benedict	Edwards (CA)	Huokaby
Bennett	Edwards (OK)	Hughes
Bereuter	Emerson	Hunter
Bethune	English	Hutto
Bevill	Erdahl	Hyde
Biaggi	Erlenborn	Jacobs
Bingham	Evans (IA)	Jeffords
Boggs	Evans (IN)	Jeffries
Boland	Fary	Jones (NC)
Boner	Fazio	Jones (OK)
Bonior	Fenwick	Jones (TN)
Bonker	Ferraro	Kastenmeier
Bouquard	Fiedler	Kasen
Bowen	Fields	Kemp
Breaux	Findley	Kennally
Brinkley	Fish	Kildee
Brodhead	Fithian	Kindness
Broomfield	Filippo	Kogovsek
Brown (CA)	Brown (CA)	Kramer
Brown (CO)	Florio	LaPalce
Brown (OH)	Foglietta	Lagomarsino
Broyhill	Foley	Lantos
Burgener	Ford (MI)	Latta
Burton, John	Ford (TN)	Leach
Burton, Phillip	Forsythe	Leath
Byron	Fountain	LeBoutillier
Campbell	Frank	Lee
Carman	Frensel	Leland
Cheney	Fuqua	Levitas
Clausen	Garcia	Lewis
Clay	Gaydos	Livingston
Clinger	Gejdenson	Loeffler
Coats	Gephardt	Long (LA)
Coelho	Gibbons	Long (MD)
Coleman	Gilman	Lott
Collins (IL)	Gingrich	Lowry (WA)
Conable	Glan	Lujan
Conte	Glickman	Luken
Corcoran	Gonzales	Lundine
Coughlin	Goodling	Madigan
Courter	Gore	Markey
Coyne, James	Gradison	Marks
Coyne, William	Gramm	Marlenee
Craig	Gray	Martin (IL)
Crane, Daniel	Gregg	Martin (NY)
D'Amours	Griaham	Mastari
Daniel, R. W.	Guarini	Mattox
Daachle	Gunderson	Maxwell
Daub	Hagedorn	McClory
Davis	Hall (IN)	McCloskey
de la Garza	Hall (OH)	McCollum
Deckard	Hall, Sam	McCurdy
Dellums	Hamilton	McDade
DeNardis	Hammerschmidt	McEwen
Derrick	Hance	McGrath
Derwinski	Hansen (ID)	McHugh

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO SCIENTIFIC AND TECHNOLOGICAL SUPERIORITY OF COMMUNICATIONS AND ELECTRONICS INDUSTRY IN THE UNITED STATES

Mr. FUQUA. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 130) expressing the sense of the Congress that the advancement of science and technology in the communications and electronics industry is vital to the needs of the United States.

The Clerk read as follows:

S. CON. RES. 130

Whereas the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Federal Communications Commission, and the Congress have long recognized the importance of scientific and technological developments in the United States in meeting its defense, industrial, and other needs;

Whereas such scientific and technological developments in the communications and electronics industry are of particular importance to the United States in meeting its defense, industrial, and other needs;

Whereas the traditional technological superiority enjoyed by the United States in the area of communications and electronics is dwindling due to the disparity in the commitment;

Whereas it is in the best interest of the United States to reverse the trend of declining United States technological superiority and to continue to lead in all areas of communications and electronics;

Whereas it is in the best interest of the United States to support the establishment of a national center dedicated to the advancement of science and technology in communications and electronics; and

Whereas such a national center would promote the interest of the public at large in such advancements in communications and electronics; tie the corporate and governmental worlds together to reach a common goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress shall take an active and leading role in making the public, and the corporate and governmental worlds aware of the importance of assuring and maintaining the scientific and technological superiority of the United States in the area of electronics and communications, and to encourage the establishment within the United States of a national center dedicated to communications and electronics.

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

The gentleman from Florida (Mr. FUQUA) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. WALKER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 130.

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

There was no objection.

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

Mr. Speaker, today we are considering Senate Concurrent Resolution 130, which expresses the sense of the Congress that the Congress shall take an active and leading role in making the public, and the corporate and governmental worlds aware of the importance of assuring and maintaining the scientific and technological superiority of the United States in the area of electronics and communications, and to encourage the establishment within the United States of a national center dedicated to communications and electronics.

My colleague, DOUG BARNARD, introduced a similar resolution (H. Con. Res. 204) which was considered by the Committee on Science and Technology in markup on August 3, 1982, and by unanimous voice vote the committee favorably reported House Concurrent Resolution 204 without amendment. On December 1, the Senate passed Senate Concurrent Resolution 130 which was referred jointly to the Committee on Energy and Commerce and the Committee on Science and Technology on December 6. Both committees support the adoption of the language proposed by the Senate in Senate Concurrent Resolution 130.

Senate Concurrent Resolution 130 is based on the views that the traditional technological superiority enjoyed by the United States in the area of communications and electronics is dwindling due to the disparity in the commitment, and that it is in the best interest of the United States to support the establishment of a national center dedicated to the advancement of science and technology in communications and electronics.

As we all know, America's international position in both science and technology is currently being challenged. The national security and the economic and social well-being of the United States will in a large measure rest on the ability of our country to remain in the forefront of the rapidly advancing communications and electronics technologies. The proposed science center could provide the assistance necessary to encourage young people to enter these important fields which are currently experiencing a shortage of qualified scientists.

This resolution does not authorize or appropriate Federal funds, but would assist the nonprofit foundation created by leaders in communications and electronics in their effort to obtain funds to build this science center. I urge my colleagues to pass Senate Concurrent Resolution 130.

The SPEAKER pro tempore (Mr. KILDEE). The Chair recognizes the gentleman from Pennsylvania (Mr. WALKER) for 20 minutes.

Mr. WALKER. Mr. Speaker, the gentleman from Florida has done an excellent job of explaining this bill. I know of no controversy. It was passed out, as the gentleman indicated, from the Committee on Science and Technology unanimously.

The minority is certainly in agreement with the gentleman that this is a policy that this Nation should pursue, and we wholly concur with the gentleman in saying that the Congress should go ahead and pass this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FUQUA) that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 130).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 204) was laid on the table.

TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2355) to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service, as amended.

The Clerk read the Senate bill, as follows:

S. 2355

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 "Telecommunications for the Disabled Act of 1982".

Sec. 2. The Congress finds that—

(1) all person should have available the best telephone service which is technologically and economically feasible;

(2) currently available technology is capable of providing telephone service to some individuals who, because of hearing impairments, require telephone reception by means of hearing aids with induction coils, or other inductive receptors;

(3) the lack of technical standards ensuring compatibility between hearing aids and telephones has prevented receipt of the best telephone service which is technologically and economically feasible; and

(4) adoption of technical standards is required in order to ensure compatibility between telephones and hearing aids, thereby accommodating the needs of individuals with hearing impairments.

Sec. 3. Title VI of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

"TELEPHONE SERVICE FOR THE DISABLED

"Sec. 610. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) The Commission shall require that essential telephones provide internal means for effective use with hearing aids that are specially designed for telephone use. For purposes of this subsection, the term 'essential telephones' means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

"(c) The Commission shall establish or approve such technical standards as are required to enforce this section.

"(d) The Commission shall establish such requirements for the labeling of packaging materials for equipment as are needed to provide adequate information to consumers on the compatibility between telephones and hearing aids.

"(e) In any rulemaking to implement the provisions of this section, the Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments. The Commission shall ensure that regulations adopted to implement this section encourage the use of currently available technology and do not discourage or impair the development of improved technology.

"(f) The Commission shall complete rulemaking actions required by this section and issue specific and detailed rules and regulations resulting therefrom within one year after the date of enactment the Telecommunications for the Disabled Act of 1982. Thereafter the Commission shall periodically review such rules and regulations. Except for coin-operated telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment to achieve the purposes of this section.

"(g) Any common carrier or connecting carrier may provide specialized terminal equipment needed by persons whose hearing, speech, vision, or mobility is impaired. The State commission may allow the carrier to recover in its tariffs for regulated service reasonable and prudent costs not charged directly to users of such equipment.

"(h) The Commission shall delegate to each State commission the authority to en-

force within such State compliance with the specific regulations that the Commission issues under subsections (a) and (b), conditioned upon the adoption and enforcement of such regulations by the State commission."

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

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

GENERAL LEAVE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to insert letters of support, and that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to insert in the RECORD letters of support, and to allow Members 5 legislative days to revise and extend their remarks.

The Telecommunications for the Disabled Act of 1982 represents a consensus approach the need of persons with hearing impairments or other physical disabilities to have access to the telecommunications services that are vital to life in modern society. The bill has been endorsed by each of the major carriers and by representatives of the telephone manufacturing industry. It is supported by groups representing the disabled, including Easter Seals, the American Association of Retired Persons, and the Disabled American Veterans. It is a commonsense and economic approach to a problem that has vexed several Congresses. It recognizes the historic commitment of the telephone companies to accommodate the handicapped and relies on that tradition, rather than on Government subsidies and Federal regulation.

The Committee on Energy and Commerce has unanimously reported S. 2355, the Telecommunications for the Disabled Act of 1982. This legislation takes two constructive steps to insure that disabled Americans continue to have access to our telephone network. First, the bill modifies a regulation issued by the Federal Communications Commission (FCC) that would prevent State regulators from making specialized telephone equipment available to the disabled. Second, the legislation directs the FCC to establish a technical standard to insure that telephones needed by persons with impaired hearing are compatible with hearing aids.

Unless Congress acts during the special session, the FCC regulation will become effective on January 1, and

disabled Americans will no longer be able to obtain new terminal equipment under State-supervised tariffs. As the executive director of the Paralyzed Veterans of America recently wrote to me:

I want to express my gratitude for your efforts. The FCC regulation would preclude many individuals from obtaining this necessary, and often only, means of contact with other people, including vital medical and emergency personnel. . . . Telephone companies would be prevented from subsidizing special and unique equipment to meet the needs of handicapped individuals. . . . In certain cases, preventing their gainful employment. This decision. . . presents a great hardship and peril to many of our most catastrophically disabled citizens.

More than one-third of all Americans over 65 wear hearing aids. The legislation recognizes the difficulties that these persons encounter when they need to use noncompatible telephones. All standard Bell telephones are now compatible; AT&T, GTE, and some independent telephone companies have also retrofitted coin telephones. Nonetheless, places of business are installing increasing numbers of noncompatible telephones, generally because they are unaware that many of their customers will be unable to use them. The result is an unnecessary hardship, since at the present time new telephones can be manufactured to be compatible without any significant increase in cost.

A broad coalition has recognized the need for this legislation. The Nation's major telephone carriers have joined the North American Telephone Association in approving the Telecommunications for the Disabled Act. Representatives of the handicapped community and the medical profession (including the Disabled American Veterans and the American Association of Retired Persons) also endorse S. 2355.

Historically, the telephone industry (particularly Bell Labs) has done an outstanding job of developing technology that allows the disabled to use our telephone network. An intrusive Federal regulation should not interfere with the development of these technologies or prevent telephone carriers from making them available to the handicapped in cooperation with the State commissions. I urge your support for this consensus legislation, which is vital to America's elderly and disabled citizens.

MODIFYING THE COMPUTER RULE

After the introduction of this bill, AT&T petitioned the Commission for a temporary waiver of the computer rule, 47 CFR 64.702, which precludes a carrier from offering terminal equipment on a regulated basis. Subsequently, Mr. David Saks on behalf of the Organizational for the Use of the Telephone requested that the Commission extend such a waiver to allow all telephone companies to offer specialized terminal equipment under tariff. Mr. Saks subsequently clarified

that he intended such a waiver to be permanent.

Passage of this legislation moots the pending waiver proceedings by removing specialized terminal equipment from the jurisdiction of the computer rule. The Commission will be required to adopt a permanent modification of the computer rule to allow States to tariff specialized equipment.

For years, the special needs of the disabled have not received adequate attention at the Commission. The Commission has taken no action to resolve the issues raised in Docket 78-50, opened 4 years ago to consider standards for hearing aid compatibility and to resolve problems facing the deaf. There is no evidence that the Commission gave any consideration to the needs of the disabled during the second computer inquiry, which led to the indiscriminate prohibition on the tariffing of terminal equipment.

Given such neglect, explicit legislative guidance is required. The Commission must forbear from forcing the States to deregulate any device that the disabled need in order effectively to use the Nation's telephone services. Specialized equipment now includes teletypewriters for the deaf, "hands off" equipment for quadriplegic telephone users, and artificial larynxes for persons unable to speak. It also includes optional equipment, such as speakerphones and automatic dialers, but only provided that tariffs are limited to those users who need these features in order to use telephone services effectively and independently. Automatic dialers and speakerphones could only be made available under tariff only to persons with impaired memory or mobility, not to the public at large.

In the future, the Commission may define by rule the scope of the "specialized terminal equipment" which this bill authorizes States to tariff; the Commission may attempt to enjoin tariffs that it regards as overbroad. The legislation intends a flexible reading of the term, placing primacy on the needs of the handicapped and on the desirability of making new technologies broadly available to disabled groups.

The legislation recognizes that States will not necessarily require that carriers offer terminal equipment under tariff. It recognizes that many carriers will continue their outstanding efforts of providing below-cost equipment on a deregulated basis, subsidized by charitable contributions from its shareholders. In such a case, there may be no reason for the State to prescribe tariffs for the affected equipment.¹ The bill simply states

¹The bill does not "specify that offerings of specialized terminal equipment be under tariff," and it is "permissible for carriers to offer such equipment under tariff or on a deregulated basis." The State commission may direct the carrier to provide affordable specialized equipment to the handicapped; the carrier may elect to do so on an unregulated basis subsidized by the shareholders rather than on a regulated basis subsidized by the ratepayers.

that the Commission cannot interfere with the State's decision to tariff such equipment and to allow the recovery of reasonable and prudent costs not charged directly to the user in tariffs for regulated services.

The Commission should continue to prevent distortions in the nationwide markets for terminal equipment by precluding a State from allowing recovery of any excess over the reasonable and prudent costs of providing terminal equipment on a subsidized basis. In particular, the State may not authorize a carrier to recover in tariffs for regulated services the costs of discriminatory procurement practices. Moreover, the State may not include as expenses in any regulated rate base contributions made to an affiliated entity ostensibly to subsidize equipment, unless such entity files tariffs (or other justifications of costs) to show that the costs of such equipment exceeded the price at which it was sold by an amount not less than the contribution allowed from the rate base.

The principle of the legislation is straightforward. The Commission can only preempt a State tariff when it demonstrates one of three conditions: First, the tariff concerns equipment other than specialized terminal equipment; that is, it involves devices that are not necessary for the disabled to use generally available telecommunications services (or those services that have been specially designed for their use) effectively or without assistance. Second, the tariff makes specialized equipment which has general utility (such as speakerphones) to persons who do not require it by virtue of a physiological impairment. Third, a tariff for regulated services includes costs of providing equipment that are not "reasonable and prudent," including any claimed reduction in the price at which an unregulated affiliate offers equipment that the carrier does not demonstrate to be below the actual costs of production and distribution.

ESTABLISHING A TECHNICAL STANDARD FOR EFFECTIVE USE OF TELEPHONES WITH HEARING AIDS

The second purpose of the legislation is to insure that persons with impaired hearing have access to essential telephones that are compatible with hearing aids. Today, these citizens face a hardship that is totally unnecessary, since current technology allows new telephones to be manufactured for compatibility without any significant increase in cost. A uniform technical standard is essential to insure that these Americans can travel among the States, transact business, and seek employment without discrimination based on their disability.

Persons with impaired hearing have experienced special difficulty in obtaining telephone service offered to the public in hotels and other places of public accommodation. While traveling away from home, these persons have been unable to call their families

from certain hotel rooms, to use telephones in business meeting rooms, or even to seek emergency aid from elevators. Although the hotel industry has attempted to accommodate these guests, it was often prevented from doing so by the absence of a uniform technical standard and adequate labeling requirements. Therefore, the bill does not require that hotel owners retrofit telephones (other than emergency phones). Except with regard to emergency phones, the bill does not extend the jurisdiction of the Commission, nor does it express or imply an intention with regard to any pending or future proceeding under sections 201 and 208 of the Communications Act, or affect the tariffing obligations under those sections which the Commission recently recognized in its Competitive Carrier rulemaking.

The purpose of the bill is not to freeze technology. It does not mandate any particular method for achieving compatibility with hearing aids. Currently, magnetic induction provides a means for providing compatibility without incurring additional manufacturing costs. In the future, new technologies may make possible improved service to the ordinary user. This bill promotes efficiency by encouraging the development of those new technologies while holding the hearing-impaired user harmless from any potential degradation of hearing-aid compatible service.

□ 1230

Mr. KAZEN. Mr. Speaker, will the distinguished gentleman yield?

Mr. WIRTH. I am glad to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I am very glad to hear the explanation the gentleman has made. I have been contacted by motel and hotel people who were under the impression that this measure would make it mandatory for them to have these telephones in every single room.

Mr. WIRTH. That is not the case. That was the case in previous legislation, but it seemed to us on the committee that this was an onerous provision.

Let me add at this point that the objections of some members of the hotel and motel industry to not reflect on the general attitude or record of hotel and motel owners across our country to accommodate all their guests, including those with physical disabilities. Today, without the benefit of a uniform standard, equipment is manufactured with a variety of inductive characteristics, and it is not possible to design a hearing aid that is compatible with all of them. As a result, hotel owners often do not know whether the equipment they buy is or is not compatible. In the future, virtually all equipment will have the same magnetic characteristics and will be compatible with hearing aids. The hotel owner will know any exceptions—noncompa-

title equipment will be clearly packaged. Hotels will have the opportunity, which they generally do not have today, to choose whether they want to have compatible equipment. With comparable prices, one would expect the overwhelming majority of the hospitality industry to accommodate their guests. The requirements placed on those who choose, for some reason, to buy noncompatible systems is minimal. In the face of these minimal burdens, we have a substantial benefit to the hearing-impaired population. Over one-third of all Americans over 65 is hearing impaired. This bill assures that they will be able to phone home when they travel, to participate equally in conventions and business meetings, and to summon help if they are trapped in an elevator.

Mr. KAZEN. It certainly would be if that were to be the requirement because there are not that many people who are hotel guests in proportion to the people who do not need the telephones, so it is not necessary to have the entire industry go to this great expense of converting.

Mr. Speaker, will the gentleman go over that requirement again or explain the suggestion again?

Mr. WIRTH. Mr. Speaker, I will be glad to do that.

As far as having coin telephones be compatible, the industry is very happy with doing that. They are in the process of doing it anyway.

Mr. KAZEN. Mr. Speaker, does the gentleman refer to the manufacturing industry?

Mr. WIRTH. The manufacturers, the distributors, and the carriers.

Mr. KAZEN. All right.

Mr. WIRTH. The manufacturers are in the process of moving toward that kind of standard so that all equipment is compatible with hearing aids. The suppliers want uniformity. Since all instruments have to have a magnetic field, it makes sense to adjust telephones to have uniform strength and orientation so that hearing aids can work with telephones from different manufacturers.

Let us consider the perspective of service providers, say, a hotel or motel. If you were operating a motel in downtown Dallas, the law would not apply (except to emergency phones) until you bought a new telephone system. Compatible systems are available at comparable prices, so one would expect that most hotels would simply buy compatible phones. But if, for some reason, a hotel elects a system that is not compatible, it can simply maintain a reasonable number of instruments for hearing-aid wearers to use on demand. These could be rooms reserved for the hearing impaired, or there could even be portable instruments that the hearing impaired could request. But there is no requirement that every telephone in the lobby or every room would have to have telephones that are compatible with hearing aids.

Mr. KAZEN. Mr. Speaker, what does the gentleman consider as a reasonable requirement?

Mr. WIRTH. We had a similar discussion in hearings on H.R. 5158. We encouraged the FCC to work with the industry. Working together, so that the manufacturing industry will come in, along with the motel and hotel industry, and we say that a 20-percent level could be reached in the lobbies, and that there would be 1 out of 10 rooms that would be compatible. And then the Commission would determine what was a reasonable number.

I would also point out, if I may, that this is in a transitional period. As telephones are being replaced, older hotels and motels are going to be replacing their equipment as they go along anyway, and virtually all the new equipment manufactured after this legislation would be compatible anyway. So 5 years from now or 8 years from now it is not going to be a concern. It is in the transitional phase that the FCC should give particular concern to encouraging voluntary compliance with the legislation and its purposes.

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

Mr. WIRTH. Mr. Speaker, I thank the gentleman for his questions.

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

Mr. WIRTH. I yield to the gentleman from Georgia.

Mr. McDONALD. Mr. Speaker, I appreciate the gentleman's yielding.

I was curious about one aspect of this. What is the estimated cost that would be required for hotels and motels? Can the gentleman give us a cost estimate?

Mr. WIRTH. Mr. Speaker, a great number of the motels and hotels already have this equipment available, and as to installing any kind of new hearing compatible phone, there is no greater cost now. One can go, for example, to the Bell Telephone System or its new subsidiary and find that all standard telephones are compatible. You just cannot buy a nonconforming telephone. From most other manufacturers, the cost of a hearing compatible phone is no different from the cost of a regular telephone. I am pleased to submit representative letters from manufacturers which assured us that this legislation will not increase the cost of new telephones.

TELTONE,
December 9, 1982.

HON. TIMOTHY WIRTH,
Chairman, House Telecommunications Subcommittee, Washington, D.C.

DEAR SIR: Teltone Corporation is a manufacturer of telecommunications equipment. This letter will confirm that S. 2355 presents a good solution to assure electromagnetic compatibility between the telephone and the hearing aid.

It is our opinion, as a manufacturer and supplier of related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by

legislation and with insignificant additional cost to the manufacturer.

Sincerely,

TELTONE CORPORATION,
DALE E. JOHNSON,
Vice President, Sales.

CREST INDUSTRIES, INC.,
Puyallup, Wash., December 9, 1982.
HON. TIMOTHY WIRTH,
Chairman, House Telecommunications Subcommittee, Rayburn Building, Washington, D.C.

DEAR MR. WIRTH: As manufacturers of telephone equipment including miniature transfer keys, two-line telephones and modular hardware, this is to confirm that S. 2355 and the corresponding House Bill present a feasible and affordable solution to the problem of ensuring electromagnetic compatibility between telephone receivers and hearing aids. It is our opinion as a supplier of telephone instruments and related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by legislation and at insignificant additional cost to manufacturers.

Should you have any questions, please contact me at Crest Industries, Puyallup, Washington, telephone 927-6922.

Sincerely,

EARL L. MASON,
Vice President, Corporate Planning.

Mr. McDONALD. Mr. Speaker, if the gentleman will yield further, I was particularly curious about the small hotels and motels. Would there be any cost to them?

Mr. WIRTH. There would be no significant costs. There is no retrofitting required under the legislation. If you have a hotel or a motel now that has no hearing compatible telephones, there is no requirement for retrofitting. All we are saying is that when new telephones are put in, the standards are there anyway and these are going to have the technical capability of handling the hearing-impaired.

So we do not say that you would have to go back and redo rooms or tear out telephones of that sort. It is all for new installations.

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

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

Mr. WIRTH. I am pleased to yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I simply want to join with the gentleman from Colorado (Mr. WIRTH), and I want to express my appreciation to him and to the subcommittee for providing leadership here in an area that is extremely important to a great many Americans. I am pleased to join in support of this legislation.

Mr. Speaker, the Telecommunications for the Disabled Act is a vital step in assuring that the handicapped members of our society have an equal opportunity to participate in the social and work opportunities in this Nation. The act requires the establishment of uniform standards to insure that essential telephones—those phones which are to be found in public facilities, workplaces, businesses, and which are to be used to summon help in case

of emergencies—are accessible to the disabled population.

The telephone companies of this country have done an admirable job in designing and providing equipment for the handicapped. The Bell System in particular has demonstrated a substantial commitment to providing the best feasible service to disabled customers. In most cases, it has been a cooperative effort between telephone companies, State utility commissions and the Federal Communications Commission to insure that the disabled have reasonable access to telephone service. In many cases, the physically impaired have been able to afford these innovations only because telephone companies have provided specialized equipment at below cost. However, a recent Federal Communications Commission decision prohibits telephone companies from subsidizing terminal equipment and requires users to pay the full cost of equipment in their homes and places of business. The effect of this ruling could be devastating to the handicapped. The Telecommunications for the Disabled Act would only insure that individuals with disabilities would have access to telephone services at affordable costs. I encourage you to support this important legislation.

Mr. WIRTH. Mr. Speaker, I thank the gentleman from Illinois.

In closing, Mr. Speaker, let me point out that this legislation is also cosponsored by the ranking minority member of the Energy and Commerce Committee, the gentleman from North Carolina (Mr. BROYHILL) and was unanimously reported out of the full committee. Our subcommittee held hearings on this issue on March 27, 1980 and February 26, 1982. Extensive hearings were also held on the Senate side, with various aspects of the industry represented.

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

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

(Mr. DANNEMEYER asked and was given permission to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, on behalf of my colleague, the gentleman from Virginia (Mr. BLILEY), a member of the subcommittee, who met with an unfortunate accident this morning and cannot be on the floor to address the House concerning this legislation, I would like to make this following statement on behalf of the gentleman relative to S. 2355.

The remarks of the gentleman from Virginia (Mr. BLILEY), are as follows:

Though I concur with the bill's purpose of insuring telephone service for the deaf and other handicapped individuals, the manner of achieving this goal poses several questions which need further consideration.

The Telecommunications Subcommittee, which has jurisdiction over S. 2355, never held a hearing or markup

session. Only one witness was heard on "related provisions" of H.R. 5158. The bill was brought before the Energy and Commerce Committee on extremely short notice during consideration of other unrelated measures.

In urging local telephone companies to continue to provide subsidized service to the handicapped, the bill would require an alteration of the FCC's "computer II" decision which was upheld by the U.S. court of appeals only last month. And it would require that the changes be made before January 1, 1983, only 3 weeks away.

S. 2355 would preempt all State regulations on the subjects covered and then ask States to bear the burden of enforcing the Federal law. The bill would regulate not only technical standards for phone equipment but require "detailed guidance as to the locations where * * * telephones must be available" in drugstores, gas stations, private clubs, workplaces, and hotels and motels.

Over 80 percent of all telephones in the United States are already hearing aid-compatible. Every coin-operated phone in the Bell and GTE systems is already in compliance. Hotel and motel operators have offered to work with organizations for the handicapped to voluntarily insure that phone service is available.

In short, this bill is a prime example of "duck fever." An attractive title hides a vast and probably unneeded new regulatory program. Affected industries and consumers deserve the courtesy of a hearing and proper legislative procedure.

● Mr. BROYHILL. Mr. Speaker, I would like to make one point in order to clarify an ambiguity in this legislation. S. 2355 does not grant jurisdiction to any Government agency to require any person to manufacture "essential" telephones or to market such telephones to anyone desiring to purchase or lease an essential telephone. There is every reason to believe that the marketplace will insure that a large supply of essential telephones are manufactured and marketed. But if it does not, one can point to this bill as granting jurisdiction to any Government agency to require that such phones are either manufactured or marketed.●

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

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MINETA).

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise in support of S. 2355, the Telecommunications for the Disabled Act of 1982.

Unless Congress acts now, Federal Communications Commission regulations prohibiting State regulators from making subsidized specialized telephone equipment available to the disabled will go into effect on January

1, 1983. It is vital to the very existence of the hearing impaired and disabled that they are insured access to our telephone network. Use of a telephone is not a luxury, it is a necessity. Particularly for the disabled person, access to a telephone could mean the difference between life and death.

State regulators must be allowed to set a subsidized rate for the specialized terminal equipment. The full cost of this equipment would put it out of reach of most hearing impaired and handicapped individuals.

S. 2355 would also require that all new telephones be made compatible with hearing aids. Although all Bell telephones are currently compatible with the aids, the proliferation of new telephone equipment has seen a rise in noncompatible terminals. One-third of all Americans over 65 wear hearing aids. It is imperative that these people have access to our network telephone. This bill would direct the FCC to establish a technical standard for the manufacture of compatible telephones to insure this access.

S. 2355 has the backing of the Nation's major telephone carriers, State regulators, the handicapped community, and the medical profession. I urge a "yes" vote.

● Mr. CORRADA. Mr. Speaker, I rise in support of S. 2355, to amend the Federal Communication Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service.

Telephone services have become the most important means of communication in today's fast growing world. The telephone companies have been providing services to the physically disabled by selling these users special telephone equipment below cost, and the unrecovered cost of including these persons in the network are shared by all users. According to a new regulation issued by the FCC, that will become effective January 1, 1983, the telephone company will be impeded from subsidizing the physically disabled users to pay the full costs of the equipment.

This bill will help the many U.S. citizens with impaired hearing in Puerto Rico as well as the mainland, to have access to telephone services by requiring the Federal Communications Commission to develop regulations to assure reasonable access to the hearing impaired and other handicapped persons and allowing the State regulatory commission to permit the telephone company to recover costs of providing such equipment by spreading the costs among all users of the system.

I urge my colleagues to vote in favor of S. 2355 and thank them for their support.●

● Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 2355, as amended, the Telecommunications for the Disabled Act of 1982.

The purpose of this bill is simple: to insure that hearing-impaired and other physically disabled Americans can enjoy greater access to the telephone network in our Nation.

Every day more telephones are being installed in homes, hospitals, schools and businesses with receivers that are useless to hearing-aid users. These receivers work, and look, like any other telephone receiver, except for one important difference—they do not give off an electromagnetic signal strong enough to be picked up by the magnetic pickup or "telecoil" in many hearing aids. They are thus incompatible with hearing aids. Of the 170 million telephones in the United States today, an estimated 40 million are incompatible with hearing aids and the number is growing.

Is the problem serious? With millions of Americans—estimates run as high as 16 million—suffering impaired hearing, and with as many as 3 million of these reliant on hearing aids, the answer is "Yes."

The incompatibility of telephone equipment with hearing aids is especially serious for the many hearing-impaired elderly who are homebound and heavily dependent upon the telephone.

The problem affects not only the hearing impaired—their family, friends, coworkers, and others who must communicate with them. With incompatible phone units such communication for personal, social, and business purposes—not to mention vital health and emergency needs—becomes impossible.

The Telecommunications for the Disabled Act recognizes and begins to address this problem by insuring that hearing impaired Americans have reasonable access to telephones that are compatible with hearing aids. It requires that all essential telephones—public and emergency phones, and telephones frequently used by the hearing impaired, for example—be made compatible with hearing aids.

Although S. 2355 does not go as far as my bill, H.R. 375, in requiring that all telephones work with all hearing aids, everywhere, it does insure that the hard of hearing are not completely excluded from the communications system.

I ask my colleagues to join me in voting for S. 2355, the Telecommunications for the Disabled Act of 1982.

The Telecommunications for the Disabled Act does not require expensive retrofitting of those phones now in place.

It does not require research and testing of new, expensive technologies.

The telephone industry supports the bill and has advised the Subcommittee on Telecommunications that making telephones compatible with hearing aids will not increase the costs of new telephones.●

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. SIMON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 429) to establish State commissions on teacher excellence, as amended.

The Clerk read as follows:

H.J. RES. 429

Whereas the education of Americans is the foundation on which the future well-being and progress of the Nation depend;

Whereas the quality of the Nation's teachers is vital to the quality of that education; and

Whereas under the American federal system it is the responsibility of the States to regulate the certification and licensing of those teachers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares—

(1) that the governments of the States should carefully evaluate the training and performance requirements which they specify for teachers and teacher preparation institutions to ensure the competence and encourage the excellence of their teachers;

(2) that such an evaluation by any individual State could well profit from the investigation of teacher recruitment, selection, training, certification, licensing, and retention in other States;

(3) that, in order to promote this evaluation, the States should establish commissions on teacher excellence to undertake consideration of the broad range of factors involved in the entire process by which teachers are recruited, selected and trained from admission to college and university degree programs through preparation for teaching in the current educational environment, certification, licensing, and retention, and continuing professional development; and

(4) that, in addition to the progress which could be obtained by the use of this evaluation by State and local government, the national interest in the continuous improvement of the Nation's teachers would be served if the results of these investigations were made available to the President and Congress, together with recommendations from the States on ways in which improvements in the quality of school instruction could be assisted by research, evaluation, new policy initiatives, and changes in existing Federal laws.

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

The gentleman from Illinois (Mr. SIMON) will be recognized for 20 min-

utes, and the gentleman from Illinois (Mr. ERLNBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

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

Mr. Speaker, I think we have a matter of some importance, but not a matter of great controversy. This resolution simply calls on the State governments to appoint commissions—and some of them have the commissions already—to take a look at the whole question of teacher excellence.

The subcommittee which I chair held hearings on this question. We had witnesses from the Department of Education, the National Education Association, the American Federation of Teachers, various schools of teacher education, the NIE, and others.

The reality is that in the last 8 years those entering the field of teaching, those going to our schools to prepare themselves to become teachers, have dropped 79 points in the SAT tests, more than any other profession.

Equally disconcerting, studies in the States of Wisconsin and North Carolina suggest that the ablest teachers too often are leaving the teaching profession and those of the least ability too often are staying. I should add that this Nation has many fine, dedicated teachers of whom we should be proud.

I am not suggesting that one can always measure dedication or concern for young people by tests, but the tests show clearly that we are not appealing to the ablest in our society to become teachers, and if we believe that we build the future of this Nation through education, and if we believe the key ingredient in that process is the teacher, then we have a problem of major proportions.

It became clear in the course of the hearings that there is nothing very specific that the Federal Government can do or ought to be doing, and that the jurisdiction is one that is left to State and local governments. There are some answers that are fairly obvious. One is pay, but it is much more complicated than that.

So after consultation with my colleagues on the subcommittee, we ended up with this resolution calling on States to examine this problem to see what they should do. They may make recommendations to the Federal Government. It involves no expenditures at the Federal level at all, and it could result in some significant progress on a problem that, frankly, we are not facing up to at this point.

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

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

(Mr. ERLNBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLNBORN. Mr. Speaker, I rise in opposition to House Joint Reso-

weakness of controls over how the government pays its bills and manages some of its accounting programs, after receiving testimony from Charles A. Bowsher, Comptroller General of the United States, and John Simonette, Associate Director, and John Cronin, Assistant Director, both of the Accounting and Financial Management Division, all of the General Accounting Office; William Gregg, Acting Commissioner, Bureau of the Public Debt, Department of the Treasury; James W. Morrison, Jr., Associate Director, Compensation Group, and Claudia Cooley, Deputy Associate Director for Compensation, both of the Office of Personnel Management; and Clyde McShan, Director, National Finance

Center (New Orleans, Louisiana), and Dean Crowther, Director, Office of Administrative Systems, both of the Department of Agriculture.

WILLIAMS INQUIRY

Select Committee on Ethics: Committee held hearings on the alleged abuse of Senate Rule XXXVIII, prohibiting the personal use of campaign funds, by former Senator Harrison A. Williams, receiving testimony from Senator Williams; and Robert J. Flynn, Hendricks and McCool, Washington, D.C.

Committee also met in closed session, but made no announcements, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 3 public bills, H.R. 7410-7412; 1 private bill, H.R. 7413; and 3 resolutions, H.J. Res. 632 and 633, and H. Res. 626 were introduced.

Page H9593

Reports Filed: Reports were filed as follows:

Conference report on H.R. 7019, making appropriations for the Department of Transportation and related agencies (H. Rept. 97-960);

Conference report on S. 2336, to authorize appropriations for certain maritime programs of the Department of Transportation for fiscal year 1983 (H. Rept. 97-961);

S. 1964, to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System (H. Rept. 97-962);

H. Res. 626, providing for the consideration of H.J. Res. 631, making further continuing appropriations and providing for productive employment for the fiscal year 1983 (H. Rept. 97-963); and

Conference report on H.R. 5447, to extend the Commodity Exchange Act (H. Rept. 97-964).

Page H7019

Robert F. Henry Lock and Dam: House passed and cleared for the President S. 2034, to designate the lock and dam known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam."

Page H9481

Robert B. Griffith Water Project: House passed and cleared for the President S. 1681, to designate the southern Nevada water project the "Robert B. Griffith Water Project."

Page H9481

Suspensions: House voted to suspend the rules and pass the following:

Communications and electronics: S. Con. Res. 130 (in lieu of H. Con. Res. 204), expressing the sense of the Congress that the advancement of science and technology in the communications and electronics industry is vital to the needs of the United States—clearing the measure;

Page H9482

Handicapped telecommunications: S. 2355, amended, to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service (passed by a yea-and-nay vote of 365 yeas to 14 nays, Roll No. 435);

Page H9482

Surplus Federal property: H.R. 1856, amended, to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use. Subsequently, this passage was vacated and S. 1444, a similar Senate-passed bill was passed in lieu.

Page H9489

IRS student interns: H.R. 6519, amended, to amend title 5, United States Code, to permit student internships at the Internal Revenue Service. Agreed to amend the title of the bill;

Page H9496

Mail order consumer protection: H.R. 7044, amended, to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries) (passed by a yea-and-nay vote of 320 yeas to 61 nays, with 1 voting "present", Roll No. 438). Agreed to amend the title of the bill.

and 1985 for certain conservation programs on military reservations and public lands, with a Stevens (for Chafee) unprinted amendment No. 1481, of a technical and clarifying nature.

Page S14962

Pembina Chippewa Indians Funds: Senate concurred in House amendment to S. 1735, providing for the use and distribution of funds awarded the Pembina Chippewa Indians in specified dockets of the U.S. Court of Claims.

Page S14965

National High School Activities Week: Senate concurred in House amendment to S.J. Res. 101, requesting the President to designate the week of October 17 through October 23, 1983 as "National High School Activities Week."

Page S14966

Department of Transportation Appropriations, 1983—Conference Report: Senate agreed to the conference report on H.R. 7019, appropriating funds for fiscal year 1983 for the Department of Transportation and related agencies.

Page S15001

Senate concurred in the amendments of the House to Senate amendments numbered 2, 6, 11, 15, 17, 43, 45, 46, 47, 53, 56, 59, 66, 72, 93, 96, 97, 98, and 101.

Page S15002

Technical Corrections to Tax Acts: Senate disagreed to the amendments of the House to Senate amendments numbered 1, 10, 14, 16, 17, 26, 30, 31, 33, 34, 36, and 37 to H.R. 6056, making technical corrections relating to the Economic Recovery Tax Act (P.L. 97-34), the Crude Oil Windfall Profit Tax Act (P.L. 96-223), and the Installment Sales Revision Act (P.L. 96-471), agreed to the conference with the House thereon, and appointed as conferees Senators Dole, Packwood, Roth, Long, and Harry F. Byrd, Jr.

Page S15195

Virgin Islands Tax Rates: Senate insisted on its amendments numbered 2, 3, and 4, and disagrees to the amendment of the House of Senate amendment numbered 1 to H.R. 7093, reducing the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income, requests a conference with the House thereon, and appointed as conferees Senators Dole, Packwood, Armstrong, Long, and Harry F. Byrd, Jr.

Page S15198

Taxes—Periodic Payment Settlement Act: Senate disagreed to the amendment of the House to the

amendment of the Senate to H.R. 5470, insuring periodic payments for damages received on account of personal injuries, requested a conference with the House thereon, and appointed as conferees Senators Dole, Packwood, Wallop, Long, and Harry F. Byrd, Jr.

Page S15199

Earthquake Hazards Reduction Act: Senate concurred in the amendment of the House to Senate amendment numbered 2 to the amendment of the House to S. 2273, authorizing funds for fiscal year 1983 for programs of the Earthquake Hazards Reduction Act.

Page S15300

Land Conveyance, Miles City, Montana: Senate concurred in the amendment of the House to S. 187, conveying certain lands to Miles City, Montana, and removing reversionary provisions of prior conveyances.

Page S15300

Orphan Drug Act: Senate concurred in the amendment of the House to the Senate amendment to H.R. 5238, facilitating the development of drugs for rare diseases and conditions.

Page S15300

Voyageurs National Park Boundary: Senate concurred in the amendment of the House to Senate amendment numbered 1 to the amendment of the House to S. 625, revising the boundary of Voyageurs National Park in the State of Minnesota.

Page S15308

Ethics in Government Act Revision: Senate concurred in the amendments of the House to S. 2059, revising the Special Prosecutor provisions of the Ethics in Government Act of 1978, to insure independent investigations of high-ranking Federal officials and to remove inequities in the present law.

Page S15309

Nuclear Regulatory Commission Authorizations: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 2330, authorizing funds for fiscal years 1982 and 1983 for the Nuclear Regulatory Commission.

Page S15309

Telephones for the Hearing Impaired: Senate concurred in the amendments of the House to S. 2355, providing adequate telephone service to persons with impaired hearing, with Stevens (for Packwood) unprinted amendment No. 1534, adding a new section.

Page S15317

and pay of certain officers and employees of the Legislative Branch.

Page S15109

(4) By 40 yeas to 56 nays, modified Johnston unprinted amendment No. 1510, to provide for the allocation of low-income energy assistance grants to States on an equal basis.

Page S15117

(5) By 46 yeas to 50 nays, Domenici unprinted amendment No. 1512, to delete Title II, relating to public works programs.

Page S15133

(6) Gorton unprinted amendment No. 1515, to reduce the rate of funding for the Department of Defense by 3.3 percent, except for the operations and maintenance account. (By 52 yeas to 45 nays, Senate tabled the amendment.)

Page S15143

(7) Levin unprinted amendment No. 1516, to provide funds for Navy operations and maintenance and aircraft depot maintenance activities by eliminating funds for a nuclear-powered aircraft carrier. (By 67 yeas to 31 nays, Senate tabled the amendment.)

Page S15148

(8) Pryor unprinted amendment No. 1522, to delete funds appropriated to the Air Force for procurement of the AGM-65D Maverick missile. (By 70 yeas to 27 nays, Senate tabled the amendment.)

Page S15171

(9) Hawkins-Chiles unprinted amendment No. 1523, to set aside funds already authorized for the International Communications Act for a currently authorized purpose. (By voice vote, Senate tabled the amendment.)

Page S15176

During consideration of the joint resolution, Senate also took the following action:

By 57 yeas to 41 nays, Senate agreed to the committee amendment beginning on page 4, line 21, dealing with foreign assistance.

Page S15014

By 70 yeas to 28 nays, Senate tabled a motion to recommit the joint resolution, with instructions.

Page S15045

By 78 yeas to 20 nays, Senate agreed to the committee amendment beginning on page 15, line 4, relating to the Department of Health and Human Services.

Page S15058

By 49 yeas to 48 nays, Senate agreed to the committee amendment beginning on page 18, line 25, relating to Clinch River.

Page S15058

By 49 yeas to 48 nays, Senate agreed to the committee amendment beginning on page 58, line 4, relating to abortion coverage under Federal health insurance plans. (By 50 yeas to 45 nays, Senate tabled a motion to reconsider the previous vote.)

Page S15081

By 62 yeas to 32 nays, Senate agreed to the committee amendment beginning on page 66, line 12, relating to public service jobs programs.

Page S15089

By 43 yeas to 52 nays, Senate rejected the committee amendment beginning on page 84, line 8, relating to emergency food and shelter programs.

Page S15092

A point of order was sustained against Exon unprinted amendment No. 1528, relating to the rate of pay for Members of Congress, as being legislation on an appropriations measure. (By 25 yeas to 72 nays, Senate earlier failed to table the amendment.)

Page S15186

Senate will continue consideration of the joint resolution and amendments proposed thereto on Saturday, December 18.

Page S14955

Montana Indian Funds: Senate concurred in the amendment of the House to S. 1986, providing for the use and distribution of funds awarded in specific cases to the Blackfeet and Gros Ventre Indian Tribes and the Assiniboine Tribe of the Fort Belknap Indian Reservation, Montana, with a Stevens (for Melcher) unprinted amendment No. 1479, relating to payment of persons whose application for membership on the roll have been approved and not approved.

Page S14955

Federal Oil and Gas Royalty Management Act of 1982: Senate concurred in the House amendment to the Senate amendment to H.R. 5121, ensuring that all energy and mineral resources originating on public lands and on the Outer Continental Shelf are accounted for under the direction of the Secretary of the Interior, with a Stevens (for McClure) unprinted amended No. 1480, directing the Secretary to conduct a study of the effect of a change in the royalty rate of the Mineral Leasing Act on the exploration, development, or production of oil and gas, and the overall revenues generated by such change.

Page S14955

Conservation Programs on Military Reservations and Public Lands: Senate concurred in the House amendment to Senate amendment No. 4 to H.R. 1952, authorizing funds for fiscal years 1983, 1984,