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tween the date of the House meeting, which I am told is November 16, even if that should not take place, we will still have a hearing on that issue before we are to recess for the Thanksgiving period.

Mr. PRYOR. Mr. President, I appreciate the statement of the Senator from Wyoming and also his commitment.

I wish all of our colleagues to know that Senator WARNER and I came to the Chamber with every intention of trying to do whatever it took with the yeas and nays, a germaneness fight, or whatever, to bring this matter up and to have a showdown on it today because we feel it is so important.

But I do accept unreservedly the assurance of the Senator from Wyoming. He is a man of great honesty, integrity, and knowledge in the whole area of veterans' affairs.

I do not want to extract one more drop of blood, so to speak, but I do wonder if my very good friend from Wyoming and perhaps if our chief cosponsor, Senator WARNER, of Virginia, might assure this Senator and this body that no burial will take place, in the meantime, such as the one we read about in the October 17 issue of the Washington Post involving a cardboard coffin.

Do the Senators feel that there are regulations or a monitoring device or an administrative procedure now in effect at least to carry us over until the time we have some final action on the legislation of this nature?

Mr. SIMPSON. Mr. President, I am advised by the Veterans' Administration just within the past hour that all of the regulations and administrative procedures are in place to assure that this type of thing does not happen again, and the general counsel of VA has assured us that that is in process and implemented within the VA.

Mr. PRYOR. I deeply appreciate the remarks and the commitment from the distinguished Senator from Wyoming and, with the consent of my distinguished colleague from Virginia, Senator WARNER, we will at this time pull this amendment down and, I hope, have a very good hearing on the merits of this issue at the proper time before Thanksgiving.

Mr. WARNER. Mr. President, I respectfully agree with my distinguished colleague from Arkansas and indeed I think the purpose for which we came to the Chamber today has been properly redressed by the distinguished chairman of the committee and although the ranking minority member, Mr. CRANSTON, of California, who is not present, I am sure the Senator from Wyoming will speak for him on this matter because the two of them provide a great deal of leadership in this area, and with the assurances that this incident will not happen again until such time as Congress has the opportunity to address and remedy this situation, I am quite agreeable not to press for the yeas and nays.

Mr. SIMPSON. Mr. President, I deeply appreciate that action on behalf of Senator PRYOR and Senator WARNER.

I assure them that in this instance I do speak for the Senator from California, my colleague, Senator AL CRANSTON. I appreciate the magnanimous action on the part of Senator WARNER, and please know that I remain a very accessible figure and should they wish to discuss those types of amendments at any future time, do not hesitate to contact me. And in the event they do not, I say to my colleague and seat mate, I shall never furnish him any further cigars.

Mr. WARNER. Mr. President, I think we have a technical requirement. If it is agreeable to the Senator from Arkansas, Mr. President, on behalf of the distinguished Senator from Arkansas and myself we at this time ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HATFIELD. Mr. President, we are down now to about the time of ending for the day's session according to the leadership.

First of all, I thank the Senator from Arkansas, the Senator from Virginia, and the Senator from Wyoming for working out this matter in an amicable satisfactory manner.

Mr. President, I wish to propound an unanimous-consent request on a time agreement on the DeConcini-Biden amendment which has been cleared by both sides of the aisle.

Mr. President, I ask unanimous consent that a half-hour time limit be equally divided.

Mr. President, I withdraw my request at this moment and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I propound a unanimous-consent request. I ask unanimous consent that on the Biden-DeConcini amendment that will be called up next that there be a time agreement of 20 minutes equally divided between the proponents of the amendment and the Senator from South Carolina (Mr. THURMOND) to manage the time on the opposition side, with only a tabling motion that would be in order, and no amendments.

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

## AMENDMENT NO. 2443

(Purpose: To establish an Office on National and International Drug Operations and Policy and a Commission on Drug Interdiction and Enforcement)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), for himself, Mr. DeCONCINI, Mr. CHILES, Mr. PELL, and Mr. NUNN proposes an amendment numbered 2443.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new account:

Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement

For salaries and expenses, not otherwise provided for, of the Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement, \$1,000,000: Provided that

(a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be a \$79,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States is in the range of four metric tons, and annual domestic consumption of cocaine is estimated to be forty to forty-eight metric tons.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per centum of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires a director of National and International Drug Operations and Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

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(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) It is the purpose of the Office to insure—

(1) the development of a national policy with respect to illegal drugs;

(2) the direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

(c)(1) There is established a Commission on Drug Interdiction and Enforcement (hereinafter referred to as the "Commission") which shall be composed of:

(A) Four members appointed by the President, one of whom shall be designated by the President as chairman;

(b) The Attorney General, the Secretary of the Treasury, the Secretary of Transportation, and the Secretary of State;

(c) Four members appointed by the Speaker of the House of Representatives from the membership of the House Committee on the Judiciary; and

(d) Four members appointed by the President pro tempore of the Senate from the membership of the Senate Committee on the Judiciary.

(2) Of amounts appropriated under this account \$1,000,000 shall be available for the Commission established under this subsection.

(3) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than four members of the Commission.

(4) Each member of the Commission who is not otherwise in the service of the Government of the United States be compensated at a rate not to exceed the daily equivalent of the rate than payable for grade GS-18 in the General Schedule under section 5332 of title 5, United States Code, for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(5) It shall be the duty of the Commission to study and evaluate, in accordance with, but not limited to, paragraph (6), existing laws, policies, and procedures governing drug interdiction, including existing authorities for domestic drug interdiction agencies, international drug eradication, crop substitution, and other cooperative programs in source and transshipment countries, and domestic and foreign intelligence-gathering programs for drug interdiction, and to make such administrative, legislative, and procedural recommendations to

the President, the Director of the Office of National and International Drug Operations and Policy and to the Congress as are appropriate.

(6) In particular, the Commission shall—

(a) conduct a study and analysis of the effect of provisions in current law which affect possession or transfer of controlled substances and other laws whose purposes are to deter drug trafficking into the United States;

(b) conduct a study and analysis of current administrative and statutory obstacles to enhancing the gathering and tactical use of both domestic and foreign intelligence for use by Federal, state, and local drug interdiction agencies, including the appropriate role for the El Paso Intelligence Center (EPIC);

(c) conduct study and analysis of the *Posse Comitatus* doctrine, including modifications which would improve the use of military resources for drug interdiction and intelligence purposes;

(d) conduct a study and analysis of coordination between Federal, state, and local agencies involved in drug interdiction and intelligence gathering and how such coordination can be improved;

(e) conduct a study and analysis of the relationship between the different segments of enforcement of U.S. drug laws, particularly intelligence gathering, interdiction, prosecution, and results of prosecution, and recommend appropriate legislation and administration actions;

(f) conduct a study and analysis of the allocation of Federal resources in the area of drug interdiction, and make appropriate recommendations regarding a comprehensive, coordinated overview of Federal drug interdiction and enforcement agencies' resource requirements rather than a piecemeal approach to drug interdiction and enforcement budgeting;

(g) recommend a coordinated approach to gathering and verifying drug interdiction seizure, arrest and prosecution statistics;

(h) make a semiannual report to the House and Senate Committees on the Judiciary during the period before publication if its final report (described in subparagraph (1)); and

(i) make a final report of its findings and recommendations to the President, to the Director of National and International Drug Operations and Policy and each House of Congress, which report shall be published no later than January 20, 1985.

(j) develop a coordinated interagency federal strategy on narcotics control to be implemented by the Director of National and International Drug Operations and Policy beginning January 20, 1985.

(7)(a) The Commission is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(b) Staff members of the Committee on the Judiciary of the Senate or of the Committee on the Judiciary of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Staff members so detailed shall serve on the staff of the Commission without additional compensation except that they may receive such reimbursement of expenses incurred by them as the Commission may authorize.

(8) The Commission may call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies shall furnish such assistance and information, unless prohibited under law, without reimbursement.

(9) The Commission is authorized to make grants and enter into contracts for the conduct of research and studies which will assist it in performing its duties under this subsection.

(10) The Commission is authorized to conduct hearings and prepare written transcripts of the same.

(11) The Commission shall cease to exist upon the filing of its final report, except that the Commission may continue to function for up to 60 days thereafter for the purpose of winding up its affairs.

(12) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.

(13) There is authorized to be appropriated the sum of \$1,000,000 for necessary salaries and expenses of the Commission.

(d)(1) There is established in the executive branch of the Government an office to be known as the "Office of the Director of National and International Drug Operations and Policy" (hereinafter in this heading referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National and International Drug Operations and Policy (hereinafter in this section referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this.

(2) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. The Director shall be entitled to the compensation provided for in section 5313, title 5, United States Code. The Deputy Director shall be entitled to the compensation provided for in section 5314, title 5, United States Code.

(3) The Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs.

(4) The Director shall have the responsibility, and is authorized to—

(a) implement the strategy recommended pursuant paragraph (c)(6);

(b) thereafter, revise any such strategy and develop, review, implement and enforce all United States government policy with respect to illegal drugs and narcotics;

(c) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within the United States;

(d) develop in concert with governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to illegal drugs; and

(e) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

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(5) In carrying out his responsibilities under paragraph (4), the Director is authorized to—

(a) direct, with the concurrence of the head of the agency employing such personnel, the temporary reassignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drugs;

(b) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(c) accept and use donations of property from all government agencies; and

(d) use the mails in the same manner as any other department or agency of the executive branch.

(6) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

(7) The Administrator of the General Services Administration shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(8) The Director shall submit to the Congress, by January 1, 1986, and annually thereafter, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

(9) For the purpose of carrying out the function of the Office there are authorized to be appropriated \$500,000 for fiscal year 1985, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

(10) This subsection shall be effective January 20, 1985.

Mr. BIDEN. The reason the Senator from Arizona and I and others such as Senator PELL, Senator CHILES, and Senator MOYNIHAN who are cosponsors, and Senator NUNN are proposing this amendment is that this is a matter which has been debated in the past on the floor of the Senate and has passed overwhelmingly.

The distinction is we have made the amendment we believe even more palatable by tying together the original amendment with an amendment by the distinguished Senator from Arizona which calls for the setting up of a commission to study how best to attack the drug problem plaguing this country.

I will ask the Senator from Arizona to speak to that in the time we have. But suffice it to say that one of the criticisms of the bill the last time in the discussion with the administration and others was the fact that we were moving precipitantly in restoring the chain of drug matters in this administration.

The beauty of this amendment is in the wisdom of the Senator from Arizona which will be in place for 1 year and it would not be until the end of that Commission at which time a report would go to the so-called drug coordinator who would then be responsible for implementing the strat-

egy and plan prepared by the Commission.

Mr. President, the drug coordinator amendment is familiar to all my colleagues as it is was something that was passed by this body last year by a vote of 63 to 33. This measure was passed overwhelmingly by the House and forwarded to the President where it was pocket vetoed last January, along with other crime fighting initiatives.

The purpose of this amendment is two fold: First, it will establish a cabinet-level office to be called the Office of National and International Drug Operations and Policy. The Director and Deputy Director would be appointed by the President by and with the advice and consent of the Senate. The Director would have authority to: Develop, review, implement, and enforce U.S. Government policy with respect to illegal drugs; direct and coordinate all U.S. Government efforts to halt the flow into, and sale and use of illegal drugs within, the United States; develop in concert with other Federal entities concerned with drug control the budgetary priorities and allocations of those entities with respect to illegal drugs; and coordinate the collection and dissemination of information necessary to implement U.S. policy with respect to illegal drugs.

Second, this amendment calls for the establishment of a National Commission which for the first time, will develop a comprehensive, coordinated strategy and plan to be implemented by the Office of the Drug Coordinator.

Mr. President, the 97th Congress concluded that Federal coordination and leadership of drug control is such a complex and diverse job that it requires the attention and responsibility of one person. Cabinet-level status for this individual is necessary so that it is clear that this individual reports directly to the President and has sufficient clout to impose a truce on inter-agency feuding, to insure maximum participation of all agencies and to allocate budgetary resources in an efficient and effective manner.

These comments were echoed by Senators DECONCINI, HATCH, and SPECTER during markup of this amendment in the Judiciary Committee.

Senator DECONCINI stated, "Anyone that looks at this problem will see that coordination is anything but good."

Senator HATCH said he hoped that the administration would not veto this bill because "It is a good idea and it is time we got on with the war on narcotics."

Senator SPECTER discussed with the committee members his efforts to persuade the President to support this bill last Congress and indicated that "the cause is not lost and I think we ought to persevere."

The Judiciary Committee acted on this legislation by voting it out of committee by a vote of 12 to 5.

Additional support for this amendment comes from the Senate drug en-

forcement caucus so ably cochaired by Senator HAWKINS and DECONCINI which includes 46 Senators; 34 Republicans and 12 Democrats. In a letter to the President dated December 29, 1982, encouraging him to sign into law an eight part crime bill, the caucus endorsed the provision that would "Establish a Drug Enforcement Coordinator."

Additional support for this concept comes from the General Accounting Office in their report dated June 13, 1983, entitled, "Federal Drug Interdiction Efforts Need Strong Central Oversight."

In this report GAO criticized the fragmentation of the Federal drug interdiction effort which is split among three separate agencies in three executive departments, each having different program goals and priorities.

GAO recommended to the President:

That he direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities.

That he make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.

Mr. President, the Reagan administration has taken many promising initiatives in the area of drug law enforcement. The President is to be commended for committing the additional resources that resulted in the creation of the South Florida Task Force. The Reagan administration has also committed itself to funding two nationwide task force programs instituted within the past year, the organized crime drug enforcement program (OCDE) and the national narcotics border interdiction system (NNBIS).

Despite these actions, I believe the administration's antidrug effort falls short in one crucial respect: the lack of central direction.

At least 15 Federal agencies play a role in the regulation of commerce in dangerous drugs or in the enforcement of other restrictions designed to reduce the abuse of such drugs. These agencies are located in six different departments. Under such circumstances, it is inevitable that divergencies as to priorities will arise and that there will be conflicting interpretations of national policy.

Included in this amendment is an excellently drafted provision of Senator DECONCINI. Senator DECONCINI proposes the establishment of a commission to review and recommend changes in our drug enforcement and interdiction policy and to develop a comprehensive plan and strategy to be implemented under the direction of the drug coordinator. Senator DECONCINI has in the past so accurately stated, that we need a comprehensive strategy for attacking the drug problem. We also need a single person of cabinet rank to carry out that strategy. We believe this amendment will resolve the

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problem of an ineffective strategy and lack of central direction.

## FLEXIBLE TO APPOINT ATTORNEY GENERAL

Mr. President, the amendment I propose is written to provide flexibility in its implementation. It does not specify, for example, that the proposed office must be a part of the Executive Office of the President.

Under the provisions of the amendment, the President would be free to appoint an incumbent such as the Attorney General as Director of the central drug agency if, in his judgment, that were the soundest course. The sole purpose of the proposed legislation is to provide sufficient authority to a single official, one who clearly has the President's attention, for the unified direction of Federal efforts to curb the traffic in illegal drugs.

## COMPARISON WITH DIRECTOR OF CENTRAL INTELLIGENCE

What we are seeking in the amendment is to strengthen central direction of the antidrug effort. The Director created by this amendment is to the drug law enforcement community what the Director of Central Intelligence (DCI) is to the intelligence community. It is envisioned that both establish general policies and priorities, approve budget submissions, and prepare a governmentwide program by which the Chief Executive may discharge responsibilities the Constitution explicitly vests in him.

There are four major aspects of the drug problem: Foreign eradication or crop substitution in the source countries, interdiction of drugs before they reach the U.S. borders and streets of our cities, enforcement and investigation of those individuals involved in drug trafficking in this country, and collection of intelligence useful in interrupting the flow of drugs at each of these stages. The Director will oversee the development and implementation of a plan that addresses all of these aspects. He will have the authority, with consultation from the agencies and departments involved, to prioritize the Federal effort devoted to all aspects of the drug effort.

In seeing that the agencies and departments are coordinating and committing their resources in unison with the overall Federal antidrug program the Director will exercise authority similar to that which the Director of Central Intelligence has in coordinating Federal intelligence responsibilities. This does not mean the Director will involve himself with day-to-day command decisions or interfere with individual agency tasks.

Mr. President, we in the Congress have decided that the problem of drug abuse has reached such a dismal state that we must take immediate action. Only last week, we voted 96 to 0 in favor of an amendment to the State Department authorization bill offered by Senator HAWKINS that would cut off aid to nations not making legitimate progress in curtailing the cultivation and production of heroin, cocaine,

and other illicit drugs that end up in the hands of young and middle aged Americans.

We voted unanimously last year to increase budgets for Federal agencies responsible for drug interdiction and enforcement. And, last year we voted in a bipartisan manner in favor of this very amendment. We have agreed that drug control is unique in both the danger it poses to the social fabric of the Nation and in the necessary complexity of how our Government should respond.

Until there is one individual who can say to Congress and the American people, this is the plan and this is how we will implement the plan. It will continue to be business as usual with our drug control program: Completion, duplication, and inefficiency.

I ask all my colleagues again, for their support in adopting this amendment.

I now yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. I thank my colleague from Delaware. Mr. President, I rise in strong support of the amendment offered by the Senator from Delaware and the Senator from Arizona. Last year, Senator BIDEN, Senator DECONCINI, and I offered a similar amendment to the Violent Crime and Drug Enforcement Improvements Act. Regrettably, the President vetoed this bill because of his opposition to the "Drug Czar" provision.

In the intervening year, our experience has been that the drug trafficking problem has grown substantially. As a result of the so-called Florida Task Force, we have seen trafficking activity shift to other regions of the country. In the Northeast, for instance, there has been a great increase in coastal drug smuggling over the past year. Figures made available to me this week by the Drug Enforcement Administration in Boston demonstrate how dramatic the change has been: in 1981, seizures of marijuana amounted to 28 tons, a figure which increased to 211 tons in 1982. Already this year, 170 tons of marijuana have been seized along the New England coastline.

I do not believe any Member of the Senate would dispute the need for a more aggressive national attack on the drug trafficking problem. Our underfunded Federal law enforcement agencies are fighting a war against a well-organized, well-financed, \$80-billion-a-year industry. What we are seeking to do with this amendment is to provide the high level authority that has been lacking from a program that involves more than a dozen agencies spread throughout the entire Government.

This amendment would provide for a 1-year study of our current drug enforcement capabilities, to be followed, in January of 1985 by the establishment of a Cabinet level office to have the lead authority over the various agencies involved in this effort. We are not seeking to create any new pro-

grams or bureaucracy; indeed our amendment explicitly states that someone serving in the Cabinet, such as the Attorney General, could serve in this coordinating capacity.

In the past several years, drug trafficking has become a problem that is national in scope. We cannot rely upon the kind of short-term successes we have had with the Florida task force. What is needed is consistent attack on this problem at the highest levels of our Government, starting with a clearcut strategy for combating drug trafficking in every region of the country.

I urge my colleagues to join in supporting this amendment to provide the strong leadership we must have if we are to win the war against drug traffickers, and I yield the remainder of my time to the Senator from Delaware.

Mr. BIDEN. Mr. President, I yield to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator from Delaware.

We have gone round and round on the subject of drug interdiction in this body for a number of years. We passed out what is known as the comprehensive drug coordinator, as the Senator from Delaware pointed out and as it was pointed out by others.

This, as the Senator from Delaware points out, is far more palatable I believe because it creates a commission which is very similar to the commission that was created for immigration and refugees. It is patterned after that.

I think we know the success of that commission which brought about the Comprehensive Immigration Reform Act that passed this body and is now stalled in the House of Representatives.

I think this combination gives us the best of both worlds, an opportunity to oversee through the commission and in the creation of the drug coordinator at the determination of that commission.

I want to thank the Senator from Delaware for his leadership.

Mr. President, in plain English, this amendment creates a new Drug Commission and establishes a so-called Drug Czar as the coordinator of our national drug effort. Let me briefly explain why I strongly believe that both are needed and why I believe they should be considered in tandem today.

## COMMISSION ON DRUG INTERDICTION AND ENFORCEMENT

Mr. President, I am recommending the creation of a new Commission on Drug Interdiction and Enforcement. It is my hope that this Commission will attract the congressional, administration, and private sector experts in the field to develop for the first time a comprehensive, coordinated strategy for waging an all-out war on intercepting drugs as they come across our borders.

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Mr. President, back in March of this year, the Vice President announced the creation of a national narcotics border interdiction system (NNBIS), a program designed to mobilize resources to attack the drug smuggling problem around all of the U.S. borders. I have repeatedly applauded the Vice President's efforts to focus the power and resources of the Federal Government on this sinister drug problem and I will continue to support his program. However, despite the good intentions of the President, the Vice President, and our individual drug interdiction agencies, there is still the critical lack of a coordinated, comprehensive strategy for attacking the drug smuggling problem. The Government needs to prepare for a "war on drugs" in the same way it prepares for war against an enemy of the United States.

We need a national and international game plan for developing drug interdiction warfare, including bolstering our international intelligence-gathering systems; providing existing military aircraft, radar, and other equipment to our civilian law enforcement agencies for drug interdiction purposes; establishing tough, international drug eradication programs in source and transshipment countries; and developing a coordinated system for allocating Federal drug enforcement resources to the agencies and location where the drug smuggling threat is most acute.

We do not have such a war plan, but we desperately need one. The Vice President cannot do it alone. The individual law enforcement agencies cannot do it on their own. The military cannot do it alone. The Vice President and other key players in the Federal drug interdiction effort need a national strategy to put into effect. I am confident that the Commission on Drug Interdiction and Enforcement will give the administration and the Congress the blueprint for a successful "War on Drugs," a war that we can ultimately win.

Mr. President, this Commission would be a truly bipartisan mix of experts from the administration, the Congress, and the private sector. It would consist of 16 members, including four Cabinet members, four from the House Judiciary Committee, four from the Senate Judiciary Committee, and four members appointed by the President, including the Commission Chairman. The Commission will evaluate U.S. policies governing drug interdiction, international drug eradication, foreign and domestic intelligence-gathering strategies, and other important elements that must be developed to build a truly national strategy to combat drug smuggling. A final report from the Commission would be submitted concurrently to the Congress and the administration by no later than January 20, 1985.

## OFFICE OF THE DIRECTOR OF NATIONAL AND INTERNATIONAL DRUG OPERATIONS AND POLICY

Mr. President, the idea of creating a centralized office for directing our national drug effort is certainly not a new idea in this Chamber. The so-called drug czar was a key part of the crime bill that President Reagan vetoed last year, but more importantly, it is a concept that has been recognized as essential to our war against drugs in both Houses of Congress. Just as I believe a Commission on Drug Interdiction is needed to map out a comprehensive drug strategy, so, too, do I believe that a drug coordinator is needed to implement such a strategy in the Federal Government.

The Director of National and International Drug Operations and Policy would be a Presidential appointee, confirmed by the Senate, and would serve as the principal director and coordinator of U.S. operations and policy on illegal narcotics and drugs. Clearly, this amendment would not be establishing a large new bureaucracy to compete with existing Federal responsibilities in the drug area. To the contrary this small office would serve as a vehicle for cutting through the traditional "turf" battles among drug enforcement agencies and help to coordinate the Federal drug effort and mobilize all assets of the Federal Government against this devastating menace.

Mr. President, I will not burden my colleagues with the numerous reports and studies that show the seriousness of the drug problem in this country. Suffice it to say that the drug threat to this country is staggering and getting worse. The cost of drug abuse to the economy has been estimated at \$25.8 billion a year; the drug trafficking industry is an \$80 billion a year empire; and as much as 70 percent of all violent crime in the United States is directly related to drugs. To attack this violent problem in our country, we need tough new measures; we need someone in charge full time who can cut through the bureaucratic and turf snarls that have plagued our drug effort to date; and we need a commission to map out a national war plan for attacking the drug problem from all fronts. This amendment will get the ball rolling in this direction.

Mr. President, the Vice President has done a fine job in the drug interdiction area, but he needs help, full-time help that can devote every day of the week to coordinating our war on drugs and to implementing a national strategy. By creating a commission and a drug coordinator we will be helping the President, the Vice President, the Attorney General, and, most importantly, the country in launching full-scale, full-time warfare against drugs.

I urge the adoption of my amendment.

Mr. BIDEN. May we reserve the remainder of our time?

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. If neither side yields time, time will be charged equally against both sides.

Mr. BIDEN. Mr. President, I see the Senator from South Carolina is prepared to respond. Let me discuss some of the arguments the Senator from South Carolina may raise against this amendment.

Mr. President, one of the arguments against the amendment is that the authority of the Attorney General would be undermined.

I want to make it clear throughout the discussions with the administration, including our meeting with the President, that I had no objection to the Attorney General serving as the chief coordinator. I believe there is sufficient flexibility in the amendment to permit this.

The second argument the distinguished Senator from South Carolina may make is this bill would bring the White House into day-to-day law enforcement decisions.

I have made clear in the past it was never our intent that this office be located in the White House. Indeed, I am not certain where that idea came from in the first place. This bill would create an office in the executive branch of Government not in the Executive Office of the President. Besides unlike White House staff this individual would be appointed with the advice and consent of the Senate and therefore would be appearing before the Senate committee on a regular basis.

## ARGUMENT AGAINST

The bill would take away the individual authority of other Cabinet members and Agency heads.

## RESPONSE

Now I have always thought that it was clear that such direction would be subject to an appeal to the President and if clarifying language is necessary to make that clear I think that would be acceptable. As a practical matter that is how the DCI enforces tasking requirements upon the components of the intelligence community. For example, if the DCI orders the Secretary of the Treasury to place its highest priority on collecting intelligence on the international banking activities of the Amtorg Bank (an arm of the Soviet Government) and the Secretary of the Treasury feels it is more important to use the Department's resources to find out what Chase Manhattan has done in overextending itself to the Mexicans the Secretary can appeal to the President.

## ARGUMENT AGAINST

The administration has not had a chance to explain their objections.

## RESPONSE

The fact I am now listing arguments made by the administration indicates their position is widely known. Let me list for the committee the times and places just in the last year in which



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the President or a member of the executive branch has commented on this proposal.

Department of Justice letter to the chairman dated September 30, 1982.

The President's memorandum of disapproval in vetoing the crime bill dated January 14, 1983.

Countless news articles about the veto of the crime bill during the week of January 15.

Testimony by the Attorney General and FBI Director Webster at an organized crime and drug trafficking hearing on January 27, 1983.

Testimony by Carlton Turner, Director of the Office of Drug Abuse Policy on February 17, 1983 before the House Judiciary Committee hearing entitled "coordination of drug enforcement efforts".

Senate Judiciary hearing on S. 829 the Comprehensive Crime Control Act of 1983 on May 4, 1983 when the Attorney General and Rudolph Giuliani, former associate attorney general testified.

## ARGUMENT AGAINST

The bill would create an unnecessary and costly layer of bureaucracy.

## RESPONSE

This is the argument that most troubles me. The whole purpose of this bill is to give one person authority to cut through existing bureaucratic barriers to coordination. Indeed this administration's answer, like those in the past, has been to create coordinating groups and councils. Indeed, we now have at least eight groups or councils or committees that purport to coordinate the activities of the nine Cabinet and 33 agencies involved in drug control and prevention. This is decision by consensus that leaves no one responsible and is not efficient. The public would like to know and Congress would like to know, who is in charge?

Let us be serious. We are not talking here about more government—the office in question need not be large. Indeed, its responsibilities could be performed by personnel borrowed from existing agencies. Also, we could do away with some of these layers of coordinating groups and councils that only further confuse the policy making process. We are talking about making the Government we have work right, and do the job it is supposed to do, not increasing its size.

Mr. President, I withhold the remainder of my time and I yield the floor.

Mr. THURMOND. Mr. President, I yield myself such time as I may require.

I rise in opposition to this amendment and I do it for several reasons. The first is that it is not the appropriate legislation for this amendment. I want to say this: That on the calendar now we have a bill by the able and distinguished Senator from Delaware, S. 1787, which was reported from the Judiciary Committee and which can be considered in due time.

We have reported a crime package, a very fine package, which is ready to be taken up at any moment that those on the other side withdraw their objections.

We passed out several separate bills. We passed one out on capital punishment, we passed one out on the exclusionary rule, we passed one out with respect to habeas corpus, we passed one out with respect to the Federal Tort Claims Act, and we passed one out on the drug czar.

The reason they were not included in this package is they are all controversial, and if any one had been attached to this crime package, there would have been a tussle and a fight over that, and I am very pleased the committee agreed unanimously, all of the members of the committee, on the crime package.

But on these matters they are highly controversial, and that is the reason we sent them out separately.

The distinguished Senator from Delaware can bring this bill up, and I am sure will bring it up, in due time. So this is not the appropriate place for this legislation.

Mr. President, last year this was added to the crime package and the President vetoed the crime package. I am confident that if we add this particular amendment to this appropriation bill the President will veto it. As I say, he has already vetoed a similar one last year.

He is against the crime czar. He has a setup which he thinks is working nicely. He does not want it interfered with. So why run the risk of killing the supplemental bill, which has so many valuable things in it, just to put in this one little thing? I think it is a mistake. Therefore, for those reasons, I oppose the amendment and hope it will be tabled.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself such time as I may need.

Mr. President, this is not the crime bill. The Senator from South Carolina is absolutely correct. We agreed to not put this in the crime bill. But the agreement we had was and remains that all those so-called controversial amendments, this being one of those, could be moved in any way which the authors of those amendments felt appropriate, other than the crime bill. That is what we are doing there today.

Mr. President, unless the Senator from Georgia or the Senator from Arizona would like some time, I am prepared to yield back the time and vote on the amendment.

I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I will yield to the able Senator from Mississippi.

Mr. STENNIS. Mr. President, I am totally opposed to drug traffic of any kind or the illegal sales or anything else. We are bothered with it down in Mississippi. It seems as though Florida has been more successful in banning them and dealing with them. They changed and they come around our way now, come through south Mississippi. So I am totally opposed to it.

But the way to get at it is to get a bill that is really put together by the Judiciary Committee and by the Senator from Delaware. There is no more effective man in this party than he is, and experienced, too.

So let us put together a bill that will be effective and brought about in the right way, rather than the hurryscurry thing here, putting it in an appropriations bill.

We will just have to be firmer, I say to the chairman of the committee. He is very effective in this, but we will just have to be more firm with reference to so many of these amendments. They have a lot of worth in them, but it is the wrong place.

We do not want to have to put a sign up down in the Appropriations room that says: "This was once the Appropriations Committee room, but now it is legislation on any subject anybody wants. Bring it in."

So I think we will not delay the effectiveness of the bill one bit to defeat this, not on the merits, as I am insisting, but on procedure and get even a better bill with the sponsorships of the Senator from Delaware and those working with him, Senator DeCONCINI from Arizona, and others.

I yield the floor.

Mr. BIDEN. Mr. President, just one closing comment. I do not concede the notion that the President will necessarily veto this bill. I have been in discussions with the administration. They have been much more inclined to discuss the creation of such a position as I have proposed.

So although that might happen, and it did happen in the past, I do not think we can say that with absolute certainty, it will happen again.

Mr. President, I am prepared to vote.

Mr. STENNIS. Mr. President, if the Senator would yield, it is correct, is it not, that his bill is S. 1787, which is on the calendar?

Mr. BIDEN. That is correct.

Mr. President, I am prepared to vote.

Mr. THURMOND. Mr. President, I yield to the distinguished chairman of the Appropriations Committee.

Mr. HATFIELD. Mr. President, I would only say as a matter of record that I have discussed this matter with not only the distinguished chairman of the Judiciary Committee but also with Senator LAXALT, who has a keen interest in this bill. Senator LAXALT has authorized me to indicate that this amendment, which would provide an automatic triggering mechanism, as I understand it, to put into place a coordinator for drug control at the end

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of a specified period of time, would be subject to veto by the President and, on that basis, he is opposing the amendment.

As I say, I am merely authorized to make that communication to the body of the Senate at this time.

I yield back my time.

Mr. MOYNIHAN. Mr. President, I rise in support of this amendment to create an Office of the Director of National and International Drug Operations. Such an office will provide needed coordination amongst the several Federal agencies that battle drug abuse and drug-related crime in this country.

By virtually any measure, this Nation is barely holding its own against illicit drug use and commercial activity. In the last 13 years, Congress has enacted a number of measures designed to reduce both the supply of and the demand for drugs. These include the Foreign Assistance Act of 1971, which authorized suspension of foreign aid to countries not cooperating in attempts to reduce the flow of illegal drug traffic to the United States, while financing eradication programs in cooperative supplier-nations; the Reorganization Plan No. 2 of 1973, to coordinate the efforts of many of the agencies related to the prevention of illicit drug traffic; and at least 55 other major and minor anti-drug measures.

Yet the supply and use of many dangerous drugs is rising and will continue to do so. The National Narcotics Intelligence Consumers Committee reported that in 1981, the supply of heroin in the United States rose to 4.0 metric tons; for cocaine, that figure was 34-45 metric tons; for hashish, 200 metric tons; and for marihuana, upwards of an almost unbelievable 13,900 metric tons. This committee noted a worsening of heroin and cocaine abuse in 1981, and predicted that the situation would continue to deteriorate at least through 1985. The costs of illicit drugs are virtually incalculable, because of the enormous amounts of crime, health problems, and decreased productivity that accompany their use. Nevertheless, the General Accounting Office estimates that we are faced with an \$80 billion-a-year industry. My concern with the dangers of illicit drug activity is long standing. While serving as President Richard Nixon's Assistant for Urban Affairs, I investigated the close relationship between many of the problems facing our cities, especially crime, and the proliferation of narcotics such as heroin. I traveled extensively to Calcutta, Istanbul, and Paris, in an effort to sever the "French Connection." With the cooperation of the French Government, we did manage to stem the flow of heroin entering the United States via France.

The beast is not easily put off. When Mexico became the new center of the heroin trade, we worked with the Mexican Government to coordinate a swift and decisive response. The exit

of Mexico as the prime supplier of the U.S. market for heroin created a vacuum filled by poppy-growers in Southwest Asia, particularly Pakistan. Once again, I took to the road, securing commitments from General Mohammad Zia-ul-Haq of Pakistan to take hold of the heroin problem. To my knowledge, however, heroin continues to flow from Southwest Asia. The resources of our Nation's drug enforcement agencies are being taxed accordingly.

This history suggests the complexity of the task confronting those who would lead the fight against drug trafficking and abuse. From the time the poppies are cut in Pakistan or the cannabis is harvested in Colombia, to the time that a young man or woman purchases and consumes the drug on an inner-city street, at least seven Federal agencies have sought unsuccessfully to halt its flow. Consider the organizations that get involved at one time or another—the Internal Revenue Service, the Federal Bureau of Investigation, the U.S. Customs Service, the Coast Guard, the Drug Enforcement Administration, the Food and Drug Administration, and the U.S. Attorney's Office, to name but seven that come to mind immediately.

Each of these organizations does the very best job that it can. But I suggest we are in need of some coordination of these agencies. As early as 1963, President Kennedy's Advisory Commission on Narcotic and Drug Abuse, known as the Prettyman Commission, noted the several agencies involved and deplored the fragmentation. The Commission recommended the creation of a single new agency that would encompass the duties then divided between the bureaus, offices, and divisions of five different cabinet departments. As the drug problem has worsened in the ensuing 20 years, the coordination has also deteriorated—despite the rhetoric of every President since Kennedy.

The establishment of an Office of the Director of National and International Drug Operation and Policy would not, by any means, eliminate the problem of illicit drug activity. Indeed, many specific changes in laws, such as reform of bail and sentencing procedures as well as forfeiture regulations, are needed badly. Nevertheless, the prospects for coordination raised by this proposal represent one immediate and positive step that the Senate can take in the increasingly difficult struggle against drugs.

Mr. THURMOND. Mr. President, I will not take all of that time. I simply want to say that it has been a pleasure to work with the distinguished Senator from Delaware, who is the ranking member of the Judiciary Committee. In every way I could, I have tried to work with him and we got his bill out of the committee. It is now on the calendar. It can reach the Senate in due time.

This is not the place for it here. The President will, in my opinion, veto this whole bill, so why run the risk?

Furthermore, we think the bill that is being worked on now by the distinguished Senator from Delaware with the administration might be worked out, something might be worked out. Why go and pass this now, because later, if the administration is not pleased, they will certainly veto it.

It seems to me the logical thing to do is give the Senator from Delaware more time to work with the administration on this particular matter. It is objectionable on this piece of legislation. The chairman and the manager of the bill is against it. The ranking member on the Appropriations Committee is against it. The Judiciary Committee chairman is against it. We hope the Senate will table it.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. Time on the amendment has not been yielded back.

Mr. THURMOND. Mr. President, I yield back my time.

Mr. BIDEN. I yield back our time.

Mr. THURMOND. Mr. President, I move to table the amendment.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina (Mr. THURMOND) to table the amendment of the Senator from Delaware (Mr. BIDEN). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

The PRESIDING OFFICER (Mr. JEPSEN). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—40

Abdnor	Garn	Laxalt
Armstrong	Gorton	Long
Baker	Grassley	Lugar
Chafee	Hatfield	Mathias
Cochran	Hecht	McClure
Danforth	Helms	Murkowski
Denton	Jepsen	Nickles
East	Kassebaum	Packwood
Evans	Kasten	Percy

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Pressler  
Quayle  
Rudman  
Stennis  
Stevens

Symms  
Thurmond  
Tower  
Trible  
Wallop

Warner  
Weicker  
Wilson

## NAYS—53

Baucus  
Bentsen  
Biden  
Bingaman  
Boren  
Boschwitz  
Bradley  
Bumpers  
Burdick  
Byrd  
Chiles  
Cohen  
Cranston  
D'Amato  
DeConcini  
Dixon  
Dodd  
Domenici

Eagleton  
Exon  
Ford  
Glenn  
Hart  
Hatch  
Hawkins  
Heflin  
Heinz  
Huddleston  
Humphrey  
Inouye  
Johnston  
Kennedy  
Lautenberg  
Leahy  
Levin  
Matsunaga

Mattlingly  
Melcher  
Metzenbaum  
Mitchell  
Moynihan  
Nunn  
Pell  
Proxmire  
Pryor  
Randolph  
Roth  
Sarbanes  
Sasser  
Simpson  
Specter  
Stafford  
Zorinsky

## NOT VOTING—7

Andrews  
Dole  
Durenberger

Goldwater  
Hollings  
Riegle

Tsongas

So the motion to lay on the table amendment No. 2443 was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

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

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, since that vote has been vitiated, I wish to announce there will be no more record votes tonight.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I move the amendment.

The PRESIDING OFFICER. If there is no more debate, the question is on agreeing to the amendment.

The amendment (No. 2443) was agreed to.

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

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

The motion to lay on the table was agreed to.

## NETWORK FINANCIAL INTEREST RULES

Mr. KENNEDY. Mr. President, the Appropriations Committee has added a provision to the supplemental bill offered by the Senator from Alaska, which deals with the so-called network financial interest rules of the Federal Communications Commission. The Stevens committee amendment places a 6-month moratorium on any FCC revision of those rules.

I strongly support the Stevens provision in the committee bill and urge my colleagues to defeat efforts to repeal or to dilute it. All this provision does is to preserve the status quo, so that the Senate can review the important ques-

tions involved and can act on pending legislation on this issue, without the undue pressure of new rules already having been issued by the FCC.

I will comment on the merits of the matter briefly. However, I would first like to address a jurisdictional issue that has been raised as a basis for deleting the Stevens amendment. The Commerce Committee has scheduled hearings soon for legislation on this matter introduced by the Senator from California (Mr. WILSON), which I have cosponsored. Senators seeking to delete the Stevens provision suggest that it would defeat the Commerce Committee's jurisdiction by prejudging the issue. On the contrary, Mr. President, the provision insures not only that the committee can hold hearings on legislation, but also that both the committee and the full Senate will be able to decide whether to pass it, before they are faced with preemptive action by the FCC.

An alternative approach may be proposed as a substitute for the Stevens amendment. This approach would leave the FCC free to issue its new rules, but would prevent the implementation of rules for the same period as the Stevens amendment.

The argument is that by letting the FCC further revise its proposed new rules, we would be able to know what compromises the television networks might be willing to let the Commission make in its earlier proposals.

The answer to that suggestion is simple. It is in fact a clever effort to prevent the Congress from exercising its legislative prerogatives, unconstrained by an agency fait accompli. Once the FCC formally promulgates new rules we will doubtless hear arguments that the Senate should hesitate to overturn a formal ruling by the FCC and should let the process of judicial review of that ruling take its normal course without legislative interference. Moreover, those arguments will be made by some of the very same people who now suggest that letting the formal FCC rule go forward will better preserve the status quo and leave the Senate free to block unwise FCC action.

Nor is this a case where the Senate would be acting without the benefit of the relevant agency expertise and record in this matter. There is a voluminous hearing record as well as equally extensive comments by both sides on the proposed rules. The FCC and other agencies have stated their analysis of the issues.

To be candid, at this point we are only talking about changes that the Commission might make as a matter of political compromise in order to temper congressional reaction. Of course, if the FCC has second thoughts about its proposed rule and wants to revise it, that can be communicated to the Senate without a formal final promulgation, for us to consider when we review the advisability of any change in the rules.

In short, for those Senators who have not yet made up their minds on the underlying issues and want to insure full, unfettered Senate review before their options are even partially foreclosed, retention of the Stevens amendment in the supplemental bill is clearly the appropriate position.

As for myself, however, after many months of careful consideration of the arguments offered by both sides, I believe that the repeal or dilution of the financial interest rules poses substantial dangers to the public interest and that the proponents of change have not met their burden of showing what public benefits justify risking the very dangers that the rule has protected us from for over a decade.

For the past 11 years, the financial interest and syndication rules have protected hundreds of independent television stations throughout the country. They have also offered some protection to numerous small- and medium-sized independent television program producers. The rules have protected both groups from the inherent dangers of the television networks exercising their marketpower and their ability to chill the competitive challenge posed by independent stations to network affiliates and network owned stations.

The effort to repeal these rules has marched under the popular banner of "deregulation." As my colleagues know, I have championed true deregulation, where that means a return to free market competition in that industry and palpable benefits to the general public.

In the case of television programming, the three networks have a unique power over access to commercial success. Removing the constraints on the undue exercise of that power cannot realistically be considered deregulation in any meaningful sense at this time. There may be future developments in the growth of alternative markets for television programs that will significantly dilute this unique network power; but that time has not yet arrived.

It should be remembered, too, that the networks enjoy their special power by virtue of their operation on Government controlled and granted broadcast frequencies.

Absent the present rules, I believe there is a substantial risk that the networks could extract unfair concessions from independent producers—specifically, that the producers give up more of their rights to syndication profits from their programs after network showing, than they would voluntarily choose to sell.

Similarly, there is a substantial risk that the networks could hinder the access of independent television stations to the syndication programming that has enabled them to thrive over the past decade. The new FCC-proposed syndication safeguard does not avert that danger.