

JOBS, JOBS AND MORE JOBS - FOR THE DISABLED

IT'S AN INTERESTING COINCIDENCE THAT TONIGHT'S SEMINAR, WHICH FOCUSES ON EMPLOYING DISABLED AMERICANS, SHOULD TAKE PLACE DURING THE WEEK OF LABOR DAY - TWO DAYS AFTER PRESIDENT REAGAN OUTLINED THE ECONOMIC POLICIES OF HIS ADMINISTRATION AS "JOBS, JOBS, AND MORE JOBS."

WELL, WE ALL AGREE WITH THAT. AND WE LOOK TO THE PRESIDENT AND CONGRESS TO MAKE CERTAIN THAT THE MILLIONS OF NEW JOBS WE BELIEVE HIS ECONOMIC PROGRAM WILL CREATE IN THE NEXT FEW YEARS WILL GO TO PEOPLE REGARDLESS OF WHETHER THEY WALK TO WORK OR RIDE IN A WHEELCHAIR - WHETHER OR NOT THEY CAN HEAR THE SOUNDS OF AN OFFICE AROUND THEM - WHETHER THEY STAND TALL IN PHYSICAL POSTURE OR PERSONAL SPIRIT.

AN IMPORTANT DISTINCTION

1981 IS THE YEAR OF THE DISABLED PERSON. IT IS NOT THE YEAR

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OF THE HANDICAPPED. THE DISTINCTION IS IMPORTANT. FOR A DISABLED PERSON IS HANDICAPPED ONLY SO LONG AS HE OR SHE IS PREVENTED FROM ACHIEVING A GOAL, EARNING A LIVING, REALIZING A DREAM. THROUGHOUT MY LIFE, I HAVE KNOWN PERSONS WHO MIGHT HAVE BEEN PHYSICALLY DISABLED, BUT WHO ATTAINED GREAT THINGS OF THE MIND OR THE SPIRIT. I HAVE KNOWN IN MY OWN LIFE THE CALL TO SELF-DISCOVERY THAT COMES WITH A PHYSICAL DISABILITY - AND I LEARNED MANY YEARS AGO THAT SYMPATHY IS NO SUBSTITUTE FOR A CHANCE TO DEVELOP ONE'S SKILLS.

THERE ARE THIRTY-FIVE MILLION OTHER AMERICANS WHO HAVE LEARNED OR WILL LEARN THAT SAME LESSON. THEY REPRESENT A VAST AND LARGELY UNTAPPED HUMAN RESOURCE. THEY ASK FOR NOTHING BUT A CHANCE TO SHARE THEIR TALENTS. AND THEY DEMONSTRATE EVERY DAY OF THEIR LIVES THE MEANING OF WHAT TENNYSON MEANT WHEN HE WROTE "TO STRIVE, TO SEEK, TO FIND, AND NOT TO YIELD."

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THE LAST DECADE HAS SEEN A LOT OF STRIVING, SEEKING AND FINDING. THE ONLY YIELDING DONE WAS BY THE BARRIERS - ARCHITECTURAL, ECONOMIC OR PSYCHOLOGICAL - THAT HAVE TRADITIONALLY BLOCKED THE WAY TO PERSONAL INDEPENDENCE AND EMPLOYMENT OF THE DISABLED. PHYSICAL MOBILITY HAS INCREASED. NOW THE SAME THING MUST HAPPEN WITH ECONOMIC MOBILITY.

FISCAL AUSTERITY - AND CONTINUING NEED

I HARDLY NEED REMIND ANYONE IN THIS ROOM THAT WE LIVE IN A TIME OF FISCAL AUSTERITY. THE FEDERAL BUDGET IS UNDER SEIGE TO SOME HARD ECONOMIC REALITIES. THE FEDERAL GOVERNMENT ITSELF IS TRYING TO RESTORE THE HISTORIC CONCEPT OF FEDERALISM BEFORE THAT FOUNDATION OF AMERICAN SELF-RULE IS SMOTHERED BENEATH WASHINGTON'S DEFICITS, WASHINGTON'S RULES, WASHINGTON'S REGULATIONS AND WASHINGTON'S SMUG CONVICTION THAT IT KNOWS BEST.

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THE DEMANDS ON OUR DOLLARS HAVE NEVER BEEN GREATER. BUT THAT DOES NOT MEAN ANY DIMINUTION IN THE NEEDS OF THE DISABLED. WHAT IS JUST IN A TIME OF HEAVY SPENDING REMAINS JUST IN A TIME OF BELT-TIGHTENING. FORTUNATELY, I CAN REPORT THAT PROGRAMS FOR THE DISABLED HAVE, BY AND LARGE, ESCAPED THE BUDGETARY AX. I THINK THE ADMINISTRATION IS SENSITIVE TO THE NEEDS OF DISABLED AMERICANS. I SEE NO DESIRE - AND NO POSSIBILITY - FOR A RETREAT FROM THE COMMITMENT OF RECENT YEARS.

BUT I DO SEE A GREATER RELIANCE UPON THE PRIVATE SECTOR AS A PARTNER IN MEETING THE ECONOMIC NEEDS OF THE DISABLED. TO BE BLUNT, BUSINESS WILL BE INVITED TO PICK UP SOME OF THE SLACK THAT GOVERNMENT ALONE CAN NO LONGER HANDLE. THIS SEEMS A FAIR PRICE FOR THE LARGEST TAX CUT IN AMERICAN HISTORY, MUCH OF IT SPECIFICALLY AIMED AT THE BUSINESS COMMUNITY. ALONG WITH REWARDS GOES RESPONSIBILITY.

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THE PRIVATE RESPONSIBILITY

AND I'VE SEEN ALREADY ENCOURAGING EVIDENCE THAT THE PRIVATE SECTOR IS ANXIOUS TO MEET THAT RESPONSIBILITY. NOT LONG AGO, I HAD THE CHANCE TO SPEAK WITH A MENNINGER FOUNDATION COUNCIL SPONSORING THE PROJECTS WITH INDUSTRY PROGRAM. PWI IS THE BEST EVIDENCE I KNOW TO SUPPORT THE THEORY THAT A SMALL INVESTMENT IN THE DISABLED CAN LEAD TO A SUBSTANTIAL PAYOFF, BOTH FINANCIAL AND SOCIAL. NINETY PWI PROGRAMS ACROSS THE COUNTRY PUT 5,500 PEOPLE TO WORK. TAXES ON THEIR \$50 MILLION WAGES ALONE WILL MORE THAN DOUBLE THE ENTIRE PUBLIC EXPENDITURE ON THE PROGRAM. PWI WORKS BECAUSE IT STRESSES THE CAPABILITIES - NOT THE DISABILITIES - OF THE INDIVIDUALS ITS EMPLOYS. IT WORKS BECAUSE IT ADVOCATES COMPETITION AS WELL AS COMPASSION. IT INSTILLS INDEPENDENCE: IT DISCLAIMS IMPAIRMENT. IT GIVES PEOPLE A REASON TO HOPE, AS WELL AS A PAYCHECK.

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IN THE COURSE OF ITS WORK, PWI HAS EDUCATED A LOT OF BUSINESSMEN AS WELL. EMPLOYERS HAVE DISCOVERED THAT IT TAKES LESS ACCOMMODATION THAN THEY THOUGHT TO HIRE HANDICAPPED WORKERS. THEY HAVE REMOVED ARCHITECTUAL BARRIERS. THEY HAVE LAUNCHED PWI TRAINING PROGRAMS. THEY HAVE HIRED - AND THEY HAVE PROMOTED - QUALIFIED DISABLED JOB APPLICATIONS.

GIVE A MAN A JOB

THIS IS A COUNTRY WHOSE PEOPLE HAVE ALWAYS BELIEVED IN WORK. GIVE A MAN A JOB, AND YOU GIVE HIM A STAKE IN SOCIETY. YOU GIVE HIM A REASON TO SHARE IN THE GREAT CENTRAL DREAM OF THIS REPUBLIC, WHICH WAS FOUNDED, AFTER ALL, AS A VAST, ONGOING EXPERIMENT IN SOCIAL MOBILITY. GIVE A MAN A JOB, AND YOU GIVE HIM REASON TO HOPE FOR BETTER DAYS AHEAD - FOR HIMSELF, FOR HIS FAMILY, FOR GENERATIONS YET UNBORN. GIVE A MAN A JOB, AND IT DIDN'T MAKE ANY DIFFERENCE THE COLOR OF HIS SKIN, THE PLACE OF HIS BIRTH, THE NATURE OF HIS FAITH.

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PWI EXTENDS THAT BELIEF AND THAT TRADITION TO THE LARGEST MINORITY GROUP OF ALL - THE DISABLED. BY ITSELF, IT IS ONLY A BEGINNING. BUT IT CAN AND OUGHT TO SERVE AS AN EXAMPLE TO BOTH GOVERNMENT AND BUSINESS OF WHAT CAN BE DONE WHEN DETERMINED INDIVIDUALS SET ABOUT TO FIND INNOVATIVE WAYS OF EMPLOYING DISABLED WORKERS. TAX INCENTIVES TO EMPLOYERS CAN HELP FURTHER SUCH PROGRAMS. I'D LIKE TO SEE MY FIVE YEAR OLD AMENDMENT TO PROVIDE DEDUCTIONS TO THOSE WHO REMOVE ARCHITECTUAL OR TRANSPORTATION BARRIERS INCREASED AND MADE PERMANENT. WE HAVE MANAGED TO AMEND THE SOCIAL SECURITY ACT, TO PROVIDE FRESH INCENTIVES FOR THE DISABLED TO RETURN TO WORK. AND WE CONTINUE THE FIGHT FOR ADEQUATE FUNDING FOR A WHOLE RANGE OF EDUCATION, REHABILITATION AND EMPLOYMENT EFFORTS.

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COMMITMENTS THAT CANNOT BE TRIMMED

BUDGETS IN WASHINGTON MAY FACE TRIMMING. BUT OUR COMMITMENT TO ECONOMIC JUSTICE FOR THE DISABLED CAN NEVER BE CUT BACK. THIS NATION HAS NO INTENTION OF MUFFLING THE DISABLED IN A CLOAK OF FISCAL AUSTERITY. RATHER, I THINK WE ARE ALREADY SEARCHING FOR BETTER WAYS TO TAP THEIR HUMAN RESOURCES. IN THAT SEARCH, PRIVATE BUSINESSES AND CONCERNED INDIVIDUALS MUST BE WILLING TO ASSUME PARTNERSHIP STATUS WITH GOVERNMENT AT ALL LEVELS. ECONOMIC COMMON SENSE SUGGESTS IT. CONSCIENCE DEMANDS IT.

WE HAVE BROKEN DOWN SOME BARRIERS. NOW WE MUST RAISE UP THE DISABLED TO THEIR RIGHTFUL PLACE IN SOCIETY. WE MUST MEASURE OUR PROGRESS IN ECONOMIC AS WELL AS MEDICAL TERMS...AND HASTEN THE DAY WHEN "JOBS, JOBS AND MORE JOBS" APPLIES TO EVERY AMERICAN, REGARDLESS OF PHYSICAL OR EMOTIONAL HANDICAPS.

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WE'VE COME A LONG WAY ALREADY, WE HAVE A LONG WAY TO GO.
BUT IT'S GOOD TO KNOW THAT THE ROAD AHEAD WILL BE TRAVELED IN
THE COMPANY OF PEOPLE LIKE YOURSELVES.

September 10, 1981

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that it was both a trip and a destination they would have preferred to avoid.

The memorandum follows:

MEMORANDUM

To: Van Langley
From: Roger Strelow
Re: EPA Administrator's August 5, 1981, Press Release

The statement of principles contained in Administrator Gorsuch's August 5, 1981, press release is too sketchy to draw definitive conclusions regarding the Administration's proposal. The press conference did not provide much elucidation. (See Al Fry's August 5 memo.) In broad terms, however, the position announced August 5 is compatible with virtually all of the Roundtable recommendations,¹ reflecting a substantially more moderate approach than the bill leaked to Congressman Waxman in June.

Some initial reactions to the press release are summarized below:

1. **Administration's Position:** The Nation should continue its steady progress towards cleaner air.

Comment: Environmental groups are unlikely to quarrel with this statement of goals, but will argue that the Administration's proposals fail to meet its own test, since they will allow substantially higher emissions than would be permitted by the present version of the Act. In support of this contention, these groups will be able to point to credible evidence which suggests that elimination of the percentage reduction requirement, coupled with other proposed changes in the law, will increase emissions by 3.0 to 5.0 million tons per year, compared to projected levels.

It is important for industry to be in a position to refute this claim, to the extent it is excessive. The work ICF is doing for Conoco could prove critical in this regard. In addition, we are reviewing the studies EPA prepared in connection with the 1979 NSPS requirements as a further source of information on this issue.

2. **Administration's Position:** Statutes and regulations should be reasonable and should be related to the economic and physical realities of the particular areas involved.

Comment: The reference to "economic and physical realities" appears to be patterned after the Roundtable's recommendations regarding cost effectiveness, economic values and attainability.

Phrased so broadly, it is difficult to quarrel with the Administration's statement of principles; the trick will be to convert this statement into acceptable and effective legislative language. We might want to begin drafting soon, based on our legislative specifications (see especially § 317), so as to be in a position to provide language to the Committee staffs when they begin drafting a bill.

3. **Administration's Position:** The basic concept of the health-based primary standards in the Clean Air Act should be maintained. Cost benefit analysis should not be included as statutory criteria in setting these standards, but standards should be based on sound scientific data demonstrating where air quality represents real health risks.

Reaction: The Roundtable can fairly take credit for the emphasis on "real health risks" and the use of "sound scientific data." The decision not to provide for cost-benefit analysis in promulgating the standards appears to reflect a political judgment by the Administration that a moderate position on standard setting will significantly increase

the prospects for approval of other major reforms. If translated into appropriate legislative language, the Administration's proposal probably would permit EPA to relax the present standards substantially, even if cost-benefit analysis cannot be explicitly taken into account.

4. **Administration's Position:** Secondary standards should also continue to be set at the Federal level.

Comment: The Administration's statement appears to rule out the possibility of states adopting more lenient standards, and thus conflicts with the recommendation adopted by the Roundtable. As a practical matter, however, Administrator Gorsuch is likely to set secondary standards at or near the level of the primary standard whenever warranted, in which case an effort to reverse to the Administration's position might have little practical effect. Further, the brief statement in the press release would not appear to preclude adoption of separate regional standards for each region of the country, or the use of incremental cost benefit analysis in setting standards (a major element of the Roundtable's recommendation).

5. **Administration's Position:** The current program for the prevention of significant air quality deterioration should be maintained for the protection of park and wilderness areas. In other areas, protection should be based on uniform technology requirements for pollution control.

Comment: The Administration's proposal to eliminate class II and class III increments and adopt uniform technology requirements (presumably based on NSPS requirements) is identical to that adopted by the Roundtable and virtually every other major industry group. (Note, however, that there is no specific mention of revising the class I increments.)

On PSD, like several other administration proposals (including proposals regarding hazardous pollutants and nonattainment areas) it will be essential to review a more detailed statement of the Administration's position before any definitive conclusions can be drawn. In broad, outline form, the Administration's statement of principles regarding the PSD issue is compatible with the approach taken in the draft bill leaked in June. However, the June draft contained a number of inconspicuous, seemingly technical provisions which would have effectively gutted many of the requirements applicable to class I areas (including the class I annual increment, which industry generally has not challenged). Even if the Administration is now committed to a more moderate approach, technical details again could prove to be critical. (For example, while the Administration's press release is silent on the issue of visibility, a carefully targeted technical amendment to current provisions regarding class I areas, including a more realistic statistical approach to the short-term increments such as Terry Thoen has urged, could cure many of the Roundtable's objections to the current version of the Act.)

6. **Administration's Position:** States should be accorded a full partnership in implementing the Nation's standards. The Federal government will monitor state achievement of the national health and welfare standards.

Comment: Subject to appropriate limitations, the concept of significantly restricting EPA's role in reviewing state decisions has wide-spread support. (ERT's study for the Roundtable should add to the momentum for reform, since it provides impressive documentation of the extent to which the current system of overlapping review causes unnecessary expense and delay.)

As currently formulated, however, the Administration's proposal may hide a bombshell. One of the most controversial aspects of the June draft bill was the proposal to eliminate most of EPA's current review func-

tions, by eliminating entirely EPA's review of individual permit decisions (even for major new sources) and cutting back sharply on EPA's review of SIP's. (By contrast, the Roundtable's legislative specifications gave EPA 90 days to veto state permitting decisions for major new sources and continued to provide for meaningful review of SIP's.) In light of intense reaction to the leaked bill, the statement in the press release that the federal government "will monitor state achievement of national...standards," without further elaboration, suggests that the Administration may intend to adhere to its original, controversial approach. I would note that it is my distinct impression that much of industry would not favor excessive delegation and decentralization to the states since this could allow discrimination within industry by region and/or industry category.

7. **Administration's Position:** A more effective hazardous pollutant program should be established to allow, for the first time, efficient control of the hazardous health hazards posed by airborne toxic pollutants.

Comment: It is not clear whether this language is a smokescreen, or reflects a decision to take a tough stance. To the extent it indicates the latter, it could prove to be a major point of tension between industry and the Administration. We should not oppose a truly more effective and aggressive toxic pollutant control program under § 112, but we must insist upon appropriate procedural and scientific (e.g., peer review) protections. You may recall that DuPont's representative made this basic point at the CAAF meeting held in BRT's conference room about a month ago.

8. **Administration's Position:** Research on acid deposition should be accelerated.

Comments: This statement is unobjectionable.

As we discussed when we were preparing the paper for Vice President Bush, the prospects for this proposal being accepted (in lieu of immediate imposition of control measures) would be enhanced substantially if we are able to develop a very detailed proposal for how the current research program should be accelerated, pointing to very specific areas in which research should be accelerated, and explaining why it would be reasonable and appropriate for Congress to defer action until after this research has been completed. The Administration may not be able to avoid further action on acid rain—in the legislation and/or in the treaty with Canada—if it insists on promoting a significantly relaxed NSPS for coal-fired powerplants (see § 11, *infra*), which could lead to significant SO_x increases. BRT's "preemptive strike" position may well become a necessary compromise in any event.

9. **Administration's Position:** Deadlines for achieving primary air quality standards should be adjusted to reflect realities in particular areas.

Comment: The proposal for selective extensions of attainment deadlines is identical to the recommendation offered by the Roundtable, and represents a major retreat from the position proposed in the draft bill leaked to Congressman Waxman.

From the terse description offered in the press release, it is unclear whether the Administration intends to modify its position with regard to other controversial aspects of the nonattainment program (e.g., elimination of the offset requirement and the construction ban).

10. **Administration's Position:** As suggested by the National Commission on Air Quality, automobile standards should be adjusted to more reasonable levels. The limit for nitrogen oxide could be raised to a level slightly higher than that suggested by the Commission without affecting air quality goals.

Comments: According to the story in Wednesday's Wall Street Journal, the Admin-

¹ Indeed, on several issues (e.g., the limitation of primary standards to "real health risks," the requirement for use of "sound scientific data" and the proposal for selective extensions of compliance deadlines) the concepts in the Administration Bill appear to be borrowed directly from the Roundtable's paper.

istration intends to determine compliance with the relaxed limits based upon company-wide averages. This represents a substantial further concession to the automobile industry, beyond that already reflected in the press release.

11. Administration's Position: Pollution control standards for new coal-fired plants should be based on uniform emissions standards.

Comments: This proposal clearly requires uniform, fixed emission limits. In lieu of the current mandatory scrubber requirements. As such, it is likely to be one of the more controversial aspects of the Administration's current proposal. The environmental groups will insist—with some credibility—that the effect of this proposal will be to increase emissions of SO₂ by several million tons per year, thus negating the Administration's promise of "steady progress towards cleaner air." Further, representatives from states with large reserves of high sulfur coal can be counted upon to fiercely oppose this provision.

As a result, the pressure on the Administration to find a compromise position is likely to be intense. In this context, it may be important to note that the Administration was careful not to commit itself to any specific emission limit. (The utility industry had pushed for an emission limit of 1.2 lbs SO₂/MMBTU, consistent with both the 1971 and 1978 NSPS requirements.) This leaves open the possibility that the Administration ultimately will accept a lower limit (e.g., 0.8 lbs SO₂/MMBTU or perhaps even some form of sliding scale), as a way of buying peace.●

THE FEDERAL BUDGET

● Mr. ARMSTRONG. Mr. President, within the next few days, the Senate will be asked to increase the national debt to more than \$1 trillion. Based on precedent, it probably will, in order to keep the Government going.

This mind boggling debt, and the Government spending policies which have caused it are exactly why interest rates are soaring, bond prices are crashing, the stock market is sagging, the Nation's economic recovery is crippled and millions of workers are losing their jobs.

There is now little doubt that excessive Federal spending is, in fact, the main cause of the Nation's inflation/credit crunch. Almost no one now disputes the once-controversial notion that a balanced Federal budget is essential to getting the economy back on track.

President Reagan is pledged to do so. And no one doubts the sincerity of his intentions.

What is in doubt is whether Congress, in the wake of making dramatic budget cuts this summer, will go along with Mr. Reagan's plan for further spending cuts needed to match recent tax reductions.

While there may be no such thing as a painless budget cut at this point, one way Congress can help restrain Federal spending is by passing an amendment I intend to offer when Congress considers the debt ceiling increase.

The amendment makes one simple but significant change in current policy. Introduced as S. 384, the Federal Expenditure Control Reform Act, the amendment requires congressional veto rather than congressional approval of any rescission proposed by the President. As before, the President would be required to notify

Congress of his intent to rescind or withhold appropriated budget authority. But to halt such action, Congress would within 45 days have to pass a resolution disapproving it.

The Senate Budget Committee conservatively estimates that some \$5 billion could be saved each fiscal year by adopting this approach. Further savings, I believe, are possible.

Our President presides over the largest budget in the world, an estimated \$642 billion in this fiscal year. Yet he has less management control over that budget than almost any other Chief Executive. The Governors of virtually all of our 50 States have the power to block wasteful, duplicative and unnecessary spending, but Congress has denied this essential management prerogative to our President.

Under present law, if the President discovers that funds appropriated by Congress for a particular purpose are no longer required, or are more than required to achieve that purpose, he cannot prevent the expenditure of the excess funds without first obtaining explicit permission from Congress to do so.

The Congressional Budget and Impoundment Control Act of 1974 protects the constitutional prerogative of Congress to have the first and the last word about the expenditure of public funds, but it does so in a needlessly wasteful and extravagant way.

The trouble with the Impoundment Control Act is that the President's efforts to restrain wasteful spending can be thwarted simply by congressional inaction. If the President determines that funds appropriated for a particular purpose need not or should not be spent, he must inform Congress of his intention to rescind them. But if both Houses of Congress do not pass resolutions approving the rescission within 45 days of the President's announcement, then the funds must be released.

Unfortunately, all kinds of factors other than the merits of a proposed rescission can block action by both Houses of Congress before the 45-day period expires. Since 1974, Congress has approved fewer than 15 percent of the rescissions proposed by Presidents Nixon, Ford, and Carter. In most cases, the rescission request never even reached a vote.

Fiscal year 1980 provides an all too typical case in point. In that year, a year of near record budget deficits and double digit inflation, President Carter sent to Congress rescission requests totaling \$1.6 billion. Congress rejected by inaction \$1.1 billion of these rescission requests. Thus, out of a budget of \$579.6 billion, a scant \$500 million, eight one hundredths of 1 percent of the total, was saved through the decision of the President that the same results could be achieved with fewer dollars through better management.

Presidents used to have a very potent power to prevent wasteful spending, the power of impoundment. The history of Presidential impoundments shows clearly that this power was used in virtually every instance to achieve sound management objectives. The most common reason for impoundments was because

changed circumstances rendered a particular expenditure unnecessary, as when President Jefferson blocked \$50,000 for gunboats on the Mississippi after the Louisiana Purchase had removed the threat the gunboats were supposed to guard against. Another frequent reason was to prevent waste, as when President Van Buren blocked payment of a duplicate pension to a military widow, and President Truman refused to spend money to build Veterans' Administration hospitals until a study had been made to determine the geographical need for them.

But there were instances where the impoundment power was abused. President Lincoln, for instance, impounded funds for water projects in order to punish certain Illinois Congressmen who had opposed his administration on other policy matters.

The use by some Presidents of the impoundment power to punish recalcitrant legislators, or to alter policies enacted by Congress quickly irritated Congress, and raised a serious constitutional question as well. The Constitution makes it clear that Congress has the power to determine how public money should be spent. But if the President impounded funds appropriated by Congress, Congress either would have to pass the appropriation again—in which case it would be subject to a second impoundment, or a veto—or take the President to court. This was, especially from the congressional point of view, most unsatisfactory.

The impoundment controversy came to a head in 1972 when President Nixon attempted to force Congress to adopt a block grant housing approach by imposing a moratorium on funding of the housing programs authorized by Congress. The President won the battle—an appeals court ruled against Congress' lawsuit—but Congress, by enacting the Budget and Impoundment Control Act of 1974, won the war.

Most Americans would agree that some protection had to be found against the sporadic Presidential abuses of the impoundment power. But the congressional "cure" has proven far worse than the disease. Clearly, some middle ground must be found.

Enter the rescission amendment, allowing flexibility in achieving needed savings without returning to the old abuses.

This basic change, to congressional veto from congressional approval, would alter the climate for Presidential action by requiring a positive, considered action by Congress in order to block proposed rescissions instead of killing needed rescissions by inaction—without even having a vote. The President would be allowed the managerial flexibility required for efficient Government, but Congress would retain its constitutional prerogative to control the public pursestrings.●

ADDRESS BY SENATOR DOLE ON ISSUES AFFECTING DISABLED AMERICANS

● Mr. MURKOWSKI. Mr. President, last evening, my distinguished colleague

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from Kansas, Mr. DOLE, delivered a very timely speech on issues affecting disabled Americans to a group called "Mainstream," which is sponsoring a 2-day symposium on disabled people in the workplace. As a member of the Senate Veterans' Affairs Committee, I am particularly aware of the necessity for assistance in employment opportunities for disabled veterans. I submit this speech for the Record, so that my other colleagues in the Senate may have the opportunity to read it.

The speech follows:

JOBS, JOBS, AND MORE JOBS—FOR THE DISABLED

It's an interesting coincidence that tonight's seminar, which focuses on employing disabled Americans, should take place during the week of Labor Day—two days after President Reagan outlined the economic policies of his administration as "Jobs, Jobs, and More Jobs."

Well, we all agree with that, and we look to the President and Congress to make certain that the millions of new jobs we believe his economic program will create in the next few years will go to people regardless of whether they walk to work or ride in a wheelchair—whether or not they can hear the sounds of an office around them—whether they stand tall in physical posture or personal spirit.

AN IMPORTANT DISTINCTION

The year 1981 is the year of the disabled person. It is not the year of the handicapped. The distinction is important. For a disabled person is handicapped only so long as he or she is prevented from achieving a goal, earning a living, realizing a dream. Throughout my life, I have known persons who might have been physically disabled, but who attained great things of the mind or the spirit. I have known in my own life the call to self-discovery that comes with a physical disability—and I learned many years ago that sympathy is no substitute for a chance to develop one's skills.

There are thirty-five million other Americans who have learned or will learn that same lesson. They represent a vast and largely untapped human resource. They ask for nothing but a chance to share their talents. And they demonstrate every day of their lives the meaning of what Tennyson meant when he wrote "To strive, to seek, to find, and not to yield."

The last decade has seen a lot of striving, seeking and finding. The only yielding done was by the barriers—architectural, economic or psychological—that have traditionally blocked the way to personal independence and employment of the disabled. Physical mobility was increased. Now the same thing must happen with economic mobility.

FISCAL AUSTERITY—AND CONTINUING NEED

I hardly need remind anyone in this room that we live in a time of fiscal austerity. The Federal budget is under siege to some hard economic realities. The Federal Government itself is trying to restore the historic concept of federalism before that foundation of American self-rule is smothered beneath Washington's deficits, Washington's rules, Washington's regulations and Washington's smug conviction that it knows best.

The demands on our dollars have never been greater. But that does not mean any diminution in the needs of the disabled. What is just a time of heavy spending remains just in a time of belt-tightening. Fortunately, I can report that programs for the disabled have, by and large, escaped the budgetary ax. I think the administration is sensitive to the needs of disabled Americans. I see no desire—and no possibility—for a retreat from the commitment of recent years.

But I do see a greater reliance upon the private sector as a partner in meeting the economic needs of the disabled. To be blunt, business will be invited to pick up some of the slack that Government alone can no longer handle. This seems a fair price for the largest tax cut in American history, much of it specifically aimed at the business community. Along with rewards goes responsibility.

THE PRIVATE RESPONSIBILITY

And I've seen already encouraging evidence that the private sector is anxious to meet that responsibility. Not long ago, I had the chance to speak with a Menninger Foundation Council sponsoring the projects with industry program. PWI is the best evidence I know to support the theory that a small investment in the disabled can lead to a substantial payoff, both financial and social. Ninety FWI programs across the country put 5,500 people to work. Taxes on their \$50 million wages alone will more than double the entire public expenditure on the program. PWI works because it stresses the capabilities—not the disabilities—of the individuals it employs. It works because it advocates competition as well as compassion. It instills independence: it disclaims impairment. It gives people a reason to hope, as well as a paycheck.

In the course of its work, PWI has educated a lot of businessmen as well. Employers have discovered that it takes less accommodation than they thought to hire handicapped workers. They have removed architectural barriers. They have launched PWI training programs. They have hired—and they have promoted—qualified disabled job applications.

GIVE A MAN A JOB

This is a country whose people have always believed in work. Give a man a job, and you give him a stake in society. You give him a reason to share in the great central dream of this Republic, which was founded, after all, as a vast, ongoing experiment in social mobility. Give a man a job, and you give him reason to hope for better days ahead—for himself, for his family, for generations yet unborn. Give a man a job, and it doesn't make any difference the color of his skin, the place of his birth, the nature of his faith.

PWI extends that belief and that tradition to the largest minority group of all—the disabled. By itself, it is only a beginning. But it can and ought to serve as an example to both Government and business of what can be done when determined individuals set about to find innovative ways of employing disabled workers. Tax incentives to employers can help further such programs. I'd like to see my five year old amendment to provide deductions to those who remove architectural or transportation barriers increased and made permanent. We have managed to amend the Social Security Act, to provide fresh incentives for the disabled to return to work. And we continue the fight for adequate funding for a whole range of education, rehabilitation and employment efforts.

COMMITMENTS THAT CANNOT BE TRIMMED

Budgets in Washington may face trimming. But our commitment to economic justice for the disabled can never be cut back. This Nation has no intention of muffling the disabled in a cloak of fiscal austerity. Rather, I think we are already searching for better ways to tap their human resources. In that search, private businesses and concerned individuals must be willing to assume partnership status with Government at all levels. Economic common sense suggests it. Conscience demands it.

We have broken down some barriers. Now we must raise up the disabled to their rightful place in society. We must measure our progress in economic as well as medical terms ... and hasten the day when "jobs, jobs and

more jobs" applies to every American, regardless of physical or emotional handicaps.

We've come a long way already. We have a long way to go. But it's good to know that the road ahead will be traveled in the company of people like yourselves. ©

NRTA-AARP LEGISLATIVE COUNCIL'S ENERGY POLICY STATEMENT

● Mr. HEINZ. Mr. President, energy costs have soared precipitously since the oil embargo in late 1973.

Home heating fuel oil No. 2 increased by an astonishing 411.2 percent from October 1973 to June 1981. Residential natural gas rose by 224.7 percent and electricity by 134.5 percent during this same period.

On the other hand, the Consumer Price Index—the Nation's yardstick for measuring inflation—increased 98.6 percent from October 1973 to June 1981.

All Americans have been affected in one form or another by rising energy prices in the past 8 years. Older Americans have been especially victimized because they frequently are struggling on limited incomes.

Many elderly persons simply do not have a sufficient margin between income and outgo to absorb escalating energy price hikes.

Large numbers are confronted with virtually impossible daily decisions. Do they use their limited resources to heat or to eat? Typically, both needs suffer—and in some cases irreparably.

In addition, many older Americans find it difficult to adjust to reduced room temperatures in the winter and higher temperatures in the summer because they do not adapt as readily as younger people to these extremes.

Moreover, elderly persons oftentimes live in older houses that were constructed 30 or 40 years or more—when energy prices were substantially lower and insulation was not needed to the same degree that it is today.

Energy is clearly a high priority issue for senior citizens. It affects their daily lives and is intensifying the cost squeeze that grips millions of aged persons today.

The National Retired Teachers Association and the American Association of Retired Persons—the Nation's largest older Americans membership organizations—recognize the importance of energy for the elderly.

The 1981 legislative council meeting devoted considerable attention to the impact of rising energy costs for the aged.

The council members developed a thoughtful statement which should be of interest to all Members of the Congress.

Mr. President, I submit for the Record the NRTA-AARP energy policy statement.

1981 FEDERAL AND STATE LEGISLATIVE POLICY

THE CURRENT SITUATION

More than seven years have passed since the Arab oil-producing nations embargoed the shipments of oil and, more importantly, put an end to the era of cheap energy supplies. The price of OPEC oil has increased from \$1.77 a barrel to well over \$30, more

than a 2,000 percent increase, with half of it occurring in 1979. Other non-OPEC producers have followed suit. The result has been to depress the economies of the non-oil-exporting countries and contribute to the inflation afflicting them. It has been estimated that, in the U.S., the annual rate of growth in real GNP has been cut by nearly one percent as a result of the energy price increases. Late in 1980 the OPEC producers announced further price increases averaging about 10 percent, thus promising more upward pressure on price levels and downward pressure on output.

Despite all this, the United States has still not developed an energy policy appropriate to its needs. These needs are: (1) to protect the nation from a repetition of the economic dislocations which might be created under future interruptions, and (2) to provide protection from the inflation consequences of the even higher price levels that the OPEC cartel may be disposed to dictate. The nation has failed to correctly assess the strength of the cartel; it has failed to correctly assess the prospects for oil supplies both here and abroad; and it has failed to assess properly the prospects of developing alternatives to imported oil. Because of these failures, the nation is still importing almost half of its crude oil needs. The price of these supplies is not negotiable. In a nation so dependent on energy as the U.S., the excessive oil price increases have been inflationary and very damaging to the economy. Furthermore, the failure to resolve energy price and supply issues, may, in the future, further reduce the resources (GNP) the country would otherwise have available to meet its obligations with respect to the expanding elderly population.

DECONTROL OF OIL PRICES

With respect to the decontrol of domestically produced oil and natural gas prices, the Associations have no choice but to accept and support this action even though it will yield much higher prices for domestically produced fuel. That will mean, at least in the short term, the nation's having to accept and accommodate the inflationary effect these higher price levels will have. The only policy option available that could restrain the degree of inflationary consequences would be the reimposition of price controls for domestically produced oil and natural gas. However, even if this were a legislatively realistic option, any relief from such inflationary pressures would be short-term and would come very probably at the expense of increasing the nation's development and expansion of existing and new domestic energy sources. That would tend to leave the nation at least as dependent as it is today (if not more so) on OPEC-priced foreign fuel and as vulnerable as ever to future oil embargoes, the economic consequences of cartel-dictated price levels, and economic and political blackmail. Moreover, since controls are very likely to discourage increased exploration, development and production of domestic fossil fuels as well as discourage the introduction of new energy sources, the anti-inflationary gains made in the short term from such a policy would be more than offset by its long term inflationary consequences.

THE "WINDFALL PROFITS" TAX AND INCENTIVES FOR DEVELOPING NEW ENERGY RESOURCES

Now that the scheduled decontrol of prices charged for domestically produced oil and natural gas is a fact that clearly must be accepted if the nation is to decrease its dependence on foreign source fuels, supporting policies must be pursued to alleviate some of the consequences of that policy choice. First, because decontrol of prices for oil and gas will yield very large and unexpected "windfall" profits to domestic oil and gas producers—profits that bear no relationship whatsoever to the cost of exploring for, devel-

oping and producing the oil that yields those profits (plus a reasonable rate of return on the investment)—it is appropriate that at least part of that windfall gain be captured by society through the tax mechanism. The "windfall profits" tax enacted in 1980 resembles an excise tax. The alternative would have been an "excess profits" tax. At this juncture, the Associations would have to oppose efforts to eliminate the windfall profits tax, unless an excess profits tax were substituted for it. The windfall profits tax is the source of the funding for the Low Income Energy Assistance Program which provides assistance to lower income individuals and families to help them meet the rising cost of fuel and, if it is phased out, another source of revenue would have to be provided (see income policy for further discussion).

It is argued by some that the domestic oil and natural gas industry ought to be allowed to keep all of the profits that decontrol yields in order to provide incentives to explore for, develop and produce more domestic energy. However, sufficient incentives still exist even with the modest windfall tax. The significant amount of profits that decontrol will yield coupled with price support programs (funded from some of the revenue that accrues from the windfall profits tax) should provide private energy producers with sufficient incentives to develop both conventional and new sources of domestic energy, like shale oil.

One domestic energy source with potential for development is coal. Unlike oil, the U.S. has large, untapped reserves of coal, enough for many hundreds of years at any likely production rate. Also, unlike oil, the U.S. is an exporter of coal and could be a larger exporter, if port facilities were made adequate. Unfortunately, both the production and consumption of coal produce environmental problems. Also, coal is primarily used by electric utilities, and can only be converted into oil products at great cost. Private industry, encouraged, and assisted by the government, should make a concerted effort to overcome the problems associated with the production and utilization of this valuable natural resource. Similar efforts should also be made with respect to the use of renewable energy sources such as solar, biomass, and wind power.

Given the inflationary pressures that will be generated, especially in the near term, as a result of the decontrol of domestic energy prices, it is obvious that, if the aggregate inflation rate is to be lowered, then actions taken to deal with the other factors contributing to that aggregate rate must be effective and strong enough to more than offset the inflation-promoting effects energy price increases. While a consequence of this will probably be a lowering of living standards for the short term (the living standard of the elderly is being lowered in any event by the inflation), there at least will be better prospects for rebuilding those living standards back up once the nation's economic house is in better order. If, however, all groups in the economy attempt to protect their current living standards at all costs, and ignore the inflation spiral and the energy situation, some groups will be successful in the short term (those with sufficient "market power") but others, like the elderly, will not. In the long run, all groups will lose in terms of living standards as the nation's economy weakens.●

DEFENSE BUDGET

● Mr. GOLDWATER. Mr. President, in recent weeks, there has been much talk about the size of the Defense Department budget. In the face of a continuing national budget deficit, we must certainly take a look at any and all areas where economies can be effected. If this country is to be able to reduce the budget and

still maintain the military strength it needs to face its worldwide challenges, then Congress must do its share in the authorizing and appropriating process. Recently, the Association of the U.S. Army issues one of its periodic reports concerning the Defense Department procurement process and it succinctly describes the problems and Congress role in that problem.

I ask that this article be entered in the Record for the benefit of my colleagues. The article follows:

A MAJOR MILITARY PROBLEM—HOW TO GET BETTER EQUIPMENT FASTER AND CHEAPER

For the taxpaying public, military procurement has a bad reputation for costing too much, taking too long to deliver and sometimes producing equipment plagued by problems. The blame for this poor public image can rarely be put on a single individual or agency but must be shared by the White House, Congress, the Pentagon and U.S. Industry.

Because the services know they will have to keep a generation of weapons in their inventories for a long time, they tend to press forward into fields of rapidly changing technology in the hope that the final product will represent the ultimate state of the art. Often, the art itself is not properly formed and the product is troublesome. Budgeteers at all levels tend to make overly optimistic estimates of costs that may very well result in that military boogeyman "cost overrun." As problems have arisen, Congress has injected itself more and more deeply into the acquisition process, often tending to confuse and delay it even further. Unquestionably, there has been a degree of rivalry among and within the services that has sometimes made it difficult to decide which developments should proceed.

None of this is big news. The problem has existed for years but now the Reagan Administration says it is going to do something about it. In a recent memorandum to the services and the responsible Department of Defense staff, Secretary of Defense Caspar W. Weinberger announced a program to streamline the acquisition process, to reduce costs and to shorten the time between conception and delivery. The memo calls on the services to do many things, such as improving long-range planning, using evolutionary alternatives that don't press the state of the art too far and budgeting realistically. Perhaps most importantly it calls for production to be carried out at higher, more economical rates and to be planned on a multi-year basis.

This is a laudable course, but it will take the long-term cooperation of all the parties involved to make it work. Only Congress, for example, has the authority to set efficient production rates and to fund multi-year procurement plans. Firm adherence to Secretary Weinberger's plan will go a long way toward improving the efficiency and the image of the military procurement program.●

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 249, Senate Resolution 190, a budget waiver.

Without objection, the resolution (S. Res. 190) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 859, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are

"MAINSTREAM" RECEPTION HONORING
SYMPOSIUM ON EMPLOYMENT OPPORTU-
NITIES FOR DISPLACED INDIVIDUALS



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of America

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ADDRESS BY SENATOR DOLE ON
ISSUES AFFECTING DISABLED
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● Mr. MURKOWSKI. Mr. President, last evening, my distinguished colleague from Kansas, Mr. DOLE, delivered a very timely speech on issues affecting disabled Americans to a group called "Mainstream," which is sponsoring a 2-day symposium on disabled people in the workplace. As a member of the Senate Veterans' Affairs Committee, I am particularly aware of the necessity for assistance in employment opportunities for disabled veterans. I submit this speech for the RECORD, so that my other colleagues in the Senate may have the opportunity to read it.

The speech follows:

JOBS, JOBS, AND MORE JOBS—FOR THE DISABLED

It's an interesting coincidence that tonight's seminar, which focuses on employing disabled Americans, should take place during the week of Labor Day—two days after President Reagan outlined the economic policies of his administration as "Jobs, Jobs, and More Jobs."

Well, we all agree with that, and we look to the President and Congress to make certain that the millions of new jobs we believe his economic program will create in the next few years will go to people regardless of whether they walk to work or ride in a wheelchair—whether or not they can hear the sounds of an office around them—whether they stand tall in physical posture or personal spirit.

AN IMPORTANT DISTINCTION

The year 1981 is the year of the disabled person. It is not the year of the handicapped. The distinction is important. For a disabled person is handicapped only so long as he or

she is prevented from achieving a goal, earning a living, realizing a dream. Throughout my life, I have known persons who might have been physically disabled, but who attained great things of the mind or the spirit. I have known in my own life the call to self-discovery that comes with a physical disability—and I learned many years ago that sympathy is no substitute for a chance to develop one's skills.

There are thirty-five million other Americans who have learned or will learn that same lesson. They represent a vast and largely untapped human resource. They ask for nothing but a chance to share their talents. And they demonstrate every day of their lives the meaning of what Tennyson meant when he wrote "To strive, to seek, to find, and not to yield."

The last decade has seen a lot of striving, seeking and finding. The only yielding done was by the barriers—architectural, economic or psychological—that have traditionally blocked the way to personal independence and employment of the disabled. Physical mobility was increased. Now the same thing must happen with economic mobility.

FISCAL AUSTERITY—AND CONTINUING NEED

I hardly need remind anyone in this room that we live in a time of fiscal austerity. The Federal budget is under seige to some hard economic realities. The Federal Government itself is trying to restore the historic concept of federalism before that foundation of American self-rule is smothered beneath Washington's deficits, Washington's rules, Washington's regulations and Washington's smug conviction that it knows best.

The demands on our dollars have never been greater. But that does not mean any diminution in the needs of the disabled. What is just a time of heavy spending remains just in a time of belt-tightening. Fortunately, I can report that programs for the disabled have, by and large, escaped the budgetary ax. I think the administration is sensitive to the needs of disabled Americans.

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I see no desire—and no possibility—for a further such programs. I'd like to see my five year old amendment to provide deductions to those who remove architectural or transportation barriers increased and made permanent. We have managed to amend the Social Security Act, to provide fresh incentives for the disabled to return to work. And we continue the fight for adequate funding for a whole range of education, rehabilitation and employment efforts.

But I do see a greater reliance upon the private sector as a partner in meeting the economic needs of the disabled. To be blunt, business will be invited to pick up some of the slack that Government alone can no longer handle. This seems a fair price for the largest tax cut in American history, much of it specifically aimed at the business community. Along with rewards goes responsibility.

THE PRIVATE RESPONSIBILITY

And I've seen already encouraging evidence that the private sector is anxious to meet that responsibility. Not long ago, I had the chance to speak with a Menninger Foundation Council sponsoring the projects with industry program. PWI is the best evidence I know to support the theory that a small investment in the disabled can lead to a substantial payoff, both financial and social. Ninety PWI programs across the country put 5,500 people to work. Taxes on their \$50 million wages alone will more than double the entire public expenditure on the program. PWI works because it stresses the capabilities—not the disabilities—of the individuals it employs. It works because it advocates competition as well as compassion. It instills independence: it disclaims impairment. It gives people a reason to hope, as well as a paycheck.

In the course of its work, PWI has educated a lot of businessmen as well. Employers have discovered that it takes less accommodation than they thought to hire handicapped workers. They have removed architectural barriers. They have launched PWI training programs. They have hired—and they have promoted—qualified disabled job applications.

GIVE A MAN A JOB

This is a country whose people have always believed in work. Give a man a job, and you give him a stake in society. You give him a reason to share in the great central dream of this Republic, which was founded, after all, as a vast, ongoing experiment in social mobility. Give a man a job, and you give him reason to hope for better days ahead—for himself, for his family, for generations yet unborn. Give a man a job, and it doesn't make any difference the color of his skin, the place of his birth, the nature of his faith.

PWI extends that belief and that tradition to the largest minority group of all—the disabled. By itself, it is only a beginning. But it can and ought to serve as an example to both Government and business of what can be done when determined individuals set about to find innovative ways of employing disabled workers. Tax incentives to employers can help

COMMITMENTS THAT CANNOT BE TRIMMED

Budgets in Washington may face trimming. But our commitment to economic justice for the disabled can never be cut back. This Nation has no intention of muffling the disabled in a cloak of fiscal austerity. Rather, I think we are already searching for better ways to tap their human resources. In that search, private businesses and concerned individuals must be willing to assume partnership status with Government at all levels. Economic common sense suggests it. Conscience demands it.

We have broken down some barriers. Now we must raise up the disabled to their rightful place in society. We must measure our progress in economic as well as medical terms . . . and hasten the day when "jobs, jobs and more jobs" applies to every American, regardless of physical or emotional handicaps.

We've come a long way already. We have a long way to go. But it's good to know that the road ahead will be traveled in the company of people like yourselves.®

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