

OUTLINE OF REMARKS

AMERICAN FINANCIAL SERVICES ASSOCIATION

Friday, May 20, 1983--9:00 a.m.--Sheraton Washington Hotel--Ballroom

I. The President and the Congress

A. President Reagan has made clear that he and the 98th Congress need to work together, but at the same time he is trying to set firm limits on possible areas of compromise. We have had constructive action on social security but the deficit, unemployment, and the shifting patterns of industry and job creation in our economy all need to be dealt with. As we proceed we should not compromise away the gains won towards restraining the growth of spending, controlling the tax burden, and beating back inflation. The American people still overwhelmingly support those goals.

B. The President still sets the agenda. On taxes, spending, deficits, employment, and trade the President proposes, and Congress must dispose. Those of us who have ideas of our own will work with the White House to get things done--but leadership still must come from the President. That is why we are unlikely to see any major departure from the principles of government Ronald Reagan has espoused in his first two years in office.

C. The fact remains that there is no coherent alternative to Republican leadership. The people still recognize that our economic problems were a long time in the making, and that the cure will take time too. According to CBS/New York Times voter exit polls in the last election, voters by a 5 to 4 margin blamed our economic problems on past Democratic policies rather than on President Reagan.

II. The Economy

A. Prognosis. We have to realistically assess the state of the economy and the prospects for the next few years. The fact is that the groundwork has been laid for a stable and lasting recovery, without renewed inflation. It is absolutely crucial that we proceed with care at this point, and not throw away the gains already made.

No one should doubt that we are making progress. In March the index of leading economic indicators jumped 1.5 percent--the seventh straight such increase, and the 10th increase out of the last 11 months. In addition, industrial output rose 1.1 percent in March and 2.1 percent in April: the highest monthly rise in 8 years. Economists agree we are in a broad based recovery.

1. Inflation was cut to 3.9 percent in 1982, from 12.4 percent in 1980. This is the lowest inflation rate since 1972. And the trend is continuing: consumer prices rose less in the

first quarter of 1983 than in any quarter since 1965. Wholesale prices dropped 0.1 percent in April.

2. Interest rates are down and still falling. The prime rate is down to 10 1/2 percent, way down from the 21 percent that prevailed when President Reagan took office. Home mortgage rates are down 3 points since last year. Long-term rates for business loans are off 3 to 4 points from a year ago.

3. Lower taxes with major improvements in tax equity will help buoy the recovery, both on the consumer side and on the investment side. The combined effect of the 1981 and 1982 tax bills has been to lower individual taxes over 3 years by \$344 billion, as well as improve compliance and tax fairness. Lower individual rates boost personal income and restore incentive, while favorable capital cost recovery rules should spur investment.

4. Housing starts are up; the stock market is up 450+ points over last August. These are tangible evidence of recovery. Consumer confidence is rising; retail sales rose 1.6 percent in March and 1.7 percent in April and auto sales were up 5.2 percent in the first 10 days in May.

B. Unemployment. The January drop in unemployment to 10.4 percent was followed by a further decline to 10.3 percent in March and to 10.2 percent in April. That is major good news, and the decline has not been reversed, although there may be a few "blips" upward. Unemployment, of course, remains the major negative in the economic picture. High unemployment has to come down and stay down without inflationary stimulus--that is what we have failed to do in the past.

o Clearly there is a bipartisan consensus for more jobs. But resuming the inflationary policies of the past will not create lasting jobs, just an illusion of prosperity that leaves us worse off the next time we try to get "off the wagon."

o That means the most important thing we must do is judge carefully the degree of stimulus the economy can and should take, consistent with a firm anti-inflation policy. The Federal Reserve will play a key role, and has already shown a willingness to adjust its short-term goals based on an assessment of the weakness of the economy. We will not allow the recession to continue, but we will not reflate the economy, either.

o While the main emphasis must remain on the long-term goals of growth with low inflation, there are steps we can take in the short term to deal with the plight of the unemployed. Many things have already been done:

- A new Federal supplemental unemployment compensation program was passed with the 1982 tax bill, providing additional unemployment benefits to about 2 million workers in 38 States. The House and Senate have agreed to extend this program through September 30.

- The President signed into law the new Job Training Partnership Act, which emphasizes training for permanent employment rather than make-work jobs. New initiatives outlined by the President focus on the long-term unemployed, youth, and on training or relocating displaced workers who lost jobs due to plant closures or force reductions.

- The targeted jobs tax credit, which was extended for 2 years by the 1982 tax bill, gives employers a real incentive to hire the disadvantaged--about 600,000 workers are certified under the program.

- The administration's enterprise zone legislation, just approved by the Finance Committee, can provide us with an experiment in private-sector job creation in depressed areas, through a combination of Federal tax incentives and State and local efforts to target an area for development with regulatory and tax relief, neighborhood participation, and capital and other improvements.

C. The Deficit and Interest Rates.

1. All our economic difficulties are, of course, related--high interest rates and slow growth boost the deficit, and higher deficits create greater uncertainty in the business community as to our future course; will there be more inflation, or less credit available for business expansion?

2. Because of this, it makes sense first of all to chart a path that is most likely to bring stable growth without inflation. Higher growth boosts revenues and cuts unemployment costs, thereby reducing the deficit as well: already, upward revisions of growth estimates are being made in light of the economic indicators.

3. In the short term, as the President urges, it makes sense to continue to review every part of the Federal budget in an effort to bring the deficit down. This means both defense and entitlements must be under scrutiny to maximize the efficiency of every dollar spent. A balanced deficit reduction program is still our goal.

4. Continued efforts to restrain the deficit by controlling Federal spending will give the Federal Reserve a bit more room to accommodate the potential for real growth that exists in the economy without inflationary pump-priming. But

restraint in both fiscal and monetary policy is crucial if we want to maintain long-term confidence in the economic program.

III. The Budget Impasse

A. House resolution. The House-passed budget resolution, engineered by the Democratic leadership, simply is not a credible plan for meeting our priorities and achieving sustained economic growth. The House recommends a \$30 billion tax increase in FY 1984 alone. That is not only an unreasonable increase in the tax burden as we come out of a recession, it can only mean modification or repeal the third year of the tax cut for the working people. Why run the risk of aborting recovery? Reneging on promises is no way to run the government, and that proposal must be rejected. Even the members of the House Ways and Means committee have expressed strong doubts that any more than \$8 billion in revenue can or should be raised in 1984.

B. When all is said and done, the real debate in the Senate is over the revenue question. While some may prefer a defense increase of 5 percent or 6 percent or 7 percent, there seems to be room to compromise and reach agreement on that issue. Similarly--and unfortunately--it seems to be conceded that we will not make any significant net reduction in domestic spending under this budget resolution. That leaves the choice between accepting for now the deficits that result from these decisions, or agreeing to implement tax increase now that would bring those deficits down somewhat while spending remains at high levels.

C. Domestic spending. There is widespread agreement that we cannot let the burden of deficit reduction continue to fall on benefits for lower-income Americans. But that does not mean domestic spending is untouchable--it can and must be reduced. The House resolution provides \$25 billion more for nonmilitary spending than does the President's budget. \$6 billion of that difference is in the health area: and certainly we have reached the point where we should acknowledge that Federal health program costs are not under control, and that changes to control costs are very much in order. The American people do want to share the cost of reducing the deficit in a fair way.

D. If we do succeed in getting a budget agreement through conference, we had better be sure it is one that we can implement. Otherwise we will not be doing the financial markets any favor, and we will lose even what credibility we still have on the deficit question.

Even if, for some reason, we should fail to get a workable budget agreement, that does not mean the fight against the deficit is over. The President will use his veto to try to keep spending in line, and his like-minded supporters in Congress are likely to sustain him in many cases. A case can be made, in

fact, that hand-to-hand combat over individual programs may be preferable to swallowing whole the House-passed budget, which increases domestic spending with tax increases and has no real, credible impact on the deficit.

IV. Taxes: Third Year and Indexing

A. The President has said time and time again that he will fight to retain the third year of his tax cut and indexing, and many of us will continue to support him, even if a veto is required. Thirty-four Senate Republicans and 146 House Republicans have signed letters to that effect. The reasons are quite simple: these measures are good for the economy, they are fair, and they give long-needed real tax relief to the hard-pressed middle income American.

B. Third year. Why is the third year important? First, most economists agree that the timing of this last stage of President Reagan's individual tax program is excellent in terms of giving the economy a boost on the consumption side as we emerge from recession. This is a sharp contrast with the past, when tax changes to counter recession were too little and too late.

Equally important, the third year is needed in the interest of fairness. Only the third year gives a full measure of tax relief to working people. For taxpayers with incomes \$10,000 or less, repeal of the third year means a tax increase averaging 13.9 percent. For those between \$20,000 and \$30,000 in income it means a 12 percent jump in taxes. 72 percent of the benefit goes to Americans making \$50,000 or less.

In dollar terms, repealing the third year would cost a taxpayer at \$15,000 income \$112 in FY 1984; at \$20,000 income, it would cost \$203 in 1984; at \$30,000 income, taxes would be \$410 higher in 1984.

C. Indexing. Indexing is crucial not just because it provides tax relief, but because it insures truth in government: tax changes will have to be voted on openly and directly, rather than having Congress rely on inflation to raise revenues through the deception of bracket creep. Whatever attitude you take on the question of generating new revenues, it makes sense to keep indexing in place.

In addition, indexing is an important symbol of our commitment to fight inflation. Repealing it only generates significant revenues if you assume inflation will persist at fairly high levels. If we de-index, we send a signal that we are not committed to beating inflation--and that means bad news for financial markets, for interest rates, and for consumers and investors alike.

Finally, the tax relief provided by indexing is real and sustained. Indexing means \$98 billion in tax relief between 1985 and 1988, assuming modest inflation. \$78 billion of that goes to taxpayers earning under \$50,000. This group now pays about 66 percent of taxes, but will get 80 percent of the benefit--proving that indexing is a truly progressive tax reform.

A median income family of four would pay \$1,000 in additional taxes between 1985 and 1988 if indexing were repealed (assuming they earn \$24,000 in 1982). Remember that consumers are homebuyers as well, and their after-tax income is as important as interest rates in determining whether they will buy.

V. Tax Issues of Continuing Concern

A number of issues that have been around for some time may receive attention from the 98th Congress.

1. 6-month holding period. Efforts to reduce the capital gains holding period to 6 months will continue. There is very strong support for this change, because it can give a boost to capital markets at a time when greater savings and investment is vitally important to sustained economic recovery. This change was approved by the House in 1981 and by the Senate on three separate occasions in 1982, so it is time to get it enacted into law.

2. Tuition Tax Credits. Although the Finance Committee fashioned a compromise tuition tax credit proposal last year after extensive consideration, the bill received no further action last year. But the Committee's efforts could form the basis for legislation in the 98th Congress. Legislation, S. 528, was introduced February 17.

3. Enterprise Zones. The Finance Committee has again reported out a modified version of the administration's enterprise zone proposal. A major question remains whether the House will take an interest in the idea, which they did not in the 97th Congress.

4. DISC. While no specific DISC proposal was made in the 97th Congress, the issue was extensively discussed--particularly the question of legality under the GATT. The Administration has committed itself to bringing the DISC into conformity with the GATT and will submit legislation to do so shortly.

VI. Social Security

A. The National Commission developed a bipartisan package that deserves support. It is not perfect, and everyone had to

swallow hard on some items: that is the cost of reaching agreement.

B. The work of the Commission made clear that we had to confront the crisis in social security. The Commission agreed that \$150-\$200 billion is needed between 1983 and 1989 to ensure the solvency of the system through 1990. This means providing about a 15 percent reserve ratio by 1990 under the pessimistic--some would say realistic--assumptions.

C. The bipartisan package, includes a 6-month delay in cost-of-living adjustments, partial acceleration of scheduled payroll tax increases, coverage of new Federal workers and non-profit organizations, and partial taxation of benefits for higher-income beneficiaries.

D. We cannot forget that the payroll tax burden is already heavy and scheduled to increase, and the confidence of young people is critically low. The long-term deficit can be reduced considerably by very gradually slowing the growth of the system as people come on to the rolls in the future. The bill raises the retirement age to 67, again very gradually, for people retiring some 20 or 30 years from now. Ample time is available for people to adjust their savings and retirement decisions.

VII. Trade

A. Trade deficit is too large. The size of our trade deficit (which is now projected at \$75 billion in merchandise trade and \$30 billion in current account) alone means Congress will continue to look hard for ways to reform our trade policy. The system of multilateral arrangements has been called into serious question as many believe it fails to meet our needs. Many voters and members of Congress will want to see us approach more of our trade problems on a bilateral basis. The average American simply does not understand why Japanese cars and TV's sell well here but American cigarettes, beef, baseball bats, and cosmetics cannot be sold in Japan. Remedies for this type of situation are certain to be a major focus of attention in this Congress.

B. Export issues. Unfortunately, the GATT ministerial failed to make progress on the question of foreign subsidies for agricultural exports. This will continue if pressure from Congress to resolve this situation through negotiation or for other export promotion actions like the recent wheat flour sale to Egypt. S. 822, recently passed by the Agricultural Committee, would establish several export promotion activities.

I support efforts to equalize the rules under which trade is conducted. This does not mean trade war, but does mean seeking to expand East-West trade, developing a viable substitute for

DISC, utilizing Ex-Im Bank resources more adeptly, and enacting the trade reciprocity bill that the Senate approved April 21. Fair access to markets must be a two-way street, and Congress will be under considerable pressure to see that that is so.

C. Import issues. As you know, the House passed "local content" legislation at the end of the last Congress. That is a drastic proposal and likely to be counterproductive in the long run if our goal is to increase access to markets and to gain maximum benefit from the mutual advantages of international trade. There may be other areas, however, where we might make adjustments: in considering extension of the Generalized System of Preferences, there may be an interest on the part of some members of the Finance Committee to seek some reciprocal benefits from the major GSP beneficiaries. There appears to be substantial support for the trade provisions of the President's Caribbean Basin Initiative, however, as those countries offer U.S. exporters a potentially strong market. It may be difficult to renew the President's general authority to negotiate tariff reductions on a limited basis. It is a good sign that the Japanese have agreed to continue voluntarily to restrain their automobile imports to this market for a third year until the domestic industry has had an adequate time to get back on its feet.

D. Clearly the heat is on when it comes to seeing that American producers get fair treatment under our system of international trade. If we choose our battles carefully to secure an appropriate response from our trading partners, we have an opportunity to making trade freer and fairer, to the advantage of everyone. But we must avoid the two extremes of allowing the world to think only the U.S. will play by the rules of free trade, regardless of disadvantage to our citizens; or, on the other hand, taking extreme unilateral actions that may look good politically but that, in the long run, will provoke severe reaction and deprive us of market opportunities. We need just the right amount of leverage to open more doors, not have them slammed in our face.

VI. Conclusion

The months and years ahead must not be dominated by rigid ideologies on either side--but neither can the President or the Republican leadership be expected to cast aside the principles of Government the American people so soundly endorsed in 1980. Those principles--a more restrained Government, a freer economy, greater accountability to the American people--are as valid today as they ever were, and there is no indication that the people have changed their commitment to these same principles. Guided by these principles, we will try to work together to build on the sound foundation for recovery that has already been laid.

SUMMARY OF SUBTITLE A: CONSUMER CREDIT AMENDMENTS

Subtitle A of the bill contains over thirty substantive amendments to the Bankruptcy Code provisions which govern consumer debtor petitions. The key provisions:

- The bill establishes a system of debtor counseling by the trustee in bankruptcy, to ensure that debtors are aware of the option of debt repayment plans under Chapter 13. It is believed that these provisions will encourage greater use of Chapter 13.
- Reaffirmation agreement procedures are simplified so as to encourage good faith agreements between debtors and creditors to repay debts outside of bankruptcy.
- Provisions are added to the law which will discourage "loading up" by debtors going on a buying spree just prior to filing of bankruptcy.
- Powers of the trustee to set aside payments made to creditors in the ordinary course of business prior to the bankruptcy -- such as installment debt payments-- are limited. Under S. 445, the trustee would have to show that the recipient of the payment had "reasonable cause to believe" a debtor was insolvent.
- An aggregate dollar limit - \$4,000 - is placed upon the value of personal property that the debtor can claim as exempt under the federal exemptions. This change prevents debtors from "stacking" dollar value of exempt items without limit, as is possible under the present law (which merely places a limit on the claimable value of any individual item).
- Persons filing in joint cases (husband and wife) will be required to elect to use state or federal exemptions together. That is, husband and wife could no longer "split" their exemptions in bankruptcy, with one spouse choosing state exemptions and one spouse choosing federal exemptions.
- Debtors in Chapter 13 cases (wage-earner plans) will be required to devote most of their discretionary income to the plan. This is income which is not needed for the support of the debtor and his or her dependents. Under current law, payments proposed by the debtor must only represent "good faith" - an open-ended standard which has resulted in a large number of plans proposing payment of 10% or less on debts when debtors could pay more.
- The bill conforms the treatment of nondischargeable debts in Chapter 13 to that accorded them in Chapter 7. Under present law, a debtor can obtain a discharge of otherwise nondischargeable debts at the conclusion of a Chapter 13 plan even though he may pay only 1% on those debts in the plan.

NOTES FOR SPEECH BEFORE AMERICAN FINANCIAL SERVICES ASS'N

SUBJECT: BANKRUPTCY

- 1) The Omnibus Bankruptcy Improvements Bill (S. 445) passed the Senate on April 28th, both separately and as part of the Bankruptcy Judges' bill
- 2) The bill developed over a period of two years. Some compromises were made. Even so, over 95% of the bill that passed the Senate was identical to the original S. 2000 introduced in January, 1981.
- 3) The most critical compromise -- that dealing with the provisions relating to future income -- was necessary to get action on the bill in this Congress. While the compromise on future income is not perfect, it would, for the first time, insert language into the bankruptcy laws which would require the courts to look at a debtor's ability to pay in determining whether the debtor should get straight Chapter 7 relief.
- 4) The compromise can be strengthened in Conference with the House, if the House bill contains stronger language. The job for the bankruptcy coalition is now to put all the energy that proved so effective in the Senate behind the passage of a bill in the House.

TOPICAL SUMMARY: S. 445

- Subt.A: Consumer Credit Amendments. S. 2000 in the 97th Congress, (Dole), as modified by Committee amendments.
- Subt.B: Grain Elevator Bankruptcy Amendments. Text is drawn from S. 3037 in 97th Congress. Provides procedures for expedited abandonment of grain from bankrupt elevators. (Dole)
- Subt.C: Shopping Centers Bankruptcy Amendments. S. 2297 in 97th, S. 549 in 98th. Establishes a timetable within which trustee would have to accept or reject leases on shopping center properties in bankruptcy. (Hatch)
- Subt.D: Drunk Drivers' Nondischargeability of debts. S. 2159 in 97th Congress. Prohibits debts incurred as a result of an act of drunk driving from being discharged in bankruptcy. (Danforth)
- Subt.E: Referee's Salary and Expense Fund Amendments. (Drawn from S. 863 in 97th Congress). Corrects a drafting error in the 1978 Act which requires a handful of corporate debtors in bankruptcy to continue making payments to the non-existent fund.
- Subt.F: Repurchase Agreements Amendments. Proposal of the Federal Reserve Board, which exempts repurchase agreements from the automatic stay in bankruptcy.
- Subt.G: Timesharing Agreements Amendments. S. 3027 in the 97th Congress, S. 492 in the 98th. This subtitle provides that persons who hold timesharing agreements shall be granted a lien on the property involved when the timesharing contractor goes bankrupt and the trustee terminates the timesharing contract.
- Subt.H: Bankruptcy Oversight. This subtitle directs the Administrative Office to collect information on bankruptcy filings regarding levels of debtor income and assets, debtor living expenses, and total amounts recovered for creditors in proceedings under Chapters 7, 11, and 13. This information will assist Congress in analyzing the functioning of the bankruptcy system.
- Subt.I: Technical and Clarifying Amendments. The bulk of the provisions in this subtitle are drawn from S. 863, which passed the Senate by unanimous consent in 1981. The provisions correct grammatical, punctuation, and spelling errors in the code, clarify the intent of the drafters in certain sections, and generally refine procedures.

EXPLANATION OF DOLE/METZENBAUM COMPROMISE ON FUTURE INCOME

The Dole/Metzenbaum compromise on future income substitutes a system of debtor counseling for the threshold test which is in the bill as introduced. Under this system, debtors would make a conditional designation of the relief they request -- whether chapter 7 or chapter 13 -- at the time of the filing of the petition. Then, immediately prior to the first meeting of creditors, the debtor and his attorney will meet with the interim trustee or standing trustee and, at that meeting, the trustee will advise the debtor of his options under the bankruptcy laws. The trustee will explain to the debtor the relief available to him under each chapter of the act, and will also perform an analysis of the debtor's estimated income and expenses and provide information concerning the possibility of repayment of debts under the provisions of Chapter 13. The trustee will, however, make no recommendation as to the relief that the debtor should seek.

After the counseling, the debtor will make a final designation of the chapter under which he wishes to file.

The compromise amendment also includes statutory language which will give courts the authority to dismiss any case filed under chapter 7 where the court determines (on its own motion) that the granting of relief under that chapter would constitute a "substantial abuse" of the bankruptcy system. There is a presumption in favor of granting relief to the debtor, to ensure that courts do not deny relief except in those cases that are clearly outside of the scope of the underlying purposes of the bankruptcy laws.