HOUSE OF REPRESENTATIVES—*Tuesday, April 21, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In this our prayer, O God, we reach out to those we love and for whom we care. We implore Your good spirit to accompany our families, friends, and colleagues along life's way, to nurture them and fill them with Your spirit of grace and health and protection. May not Your benediction depart from any one of us but remain with us to guide and guard us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following title:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children; and

H. Con. Res. 27. Concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 85. An act to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements;

S. 659. An act to establish agricultural aid and trade missions to assist foreign countries to participate in U.S. agricultural aid and trade programs, and for other purposes;

S. 677. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; and

S. 903. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

The message also announced that pursuant to the provisions of Public Law 94-304 and Public Law 99-7, the Chair on behalf of the Vice President appointed Mr. LAUTENBERG and Mr. REID as members of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 98-524, the Chair on behalf of the majority leader, appointed Mr. KENNEDY as a member of the Executive Committee of the National Summit Conference on Education.

The message also announced that pursuant to the provisions of Public Law 99-498, the Chair on behalf of the President pro tempore appointed Mr. Dallas Martin of Washington, DC, as a member of the Advisory Committee on Student Financial Assistance.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 10, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:40 a.m. on Friday, April 10, 1987, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.J. Res. 119 without amendment; and

(2) That the Senate passed H. Con. Res. 86 without amendment.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.
By DALLAS L. DENDY, Jr.,
Assistant to the Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 and clause 7 of rule I, the Speaker pro tempore signed the following enrolled bill and joint resolution on Wednesday, April 15, 1987:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

ANNOUNCEMENT OF THE DEATH OF GEN. MAXWELL TAYLOR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, it is with a great deal of sadness that I address the House now to announce the death of Gen. Maxwell Taylor.

I was privileged to serve under General Taylor in World War II, and I tried to keep up my contact with him in the postwar years. I most recently saw him when he was a visitor here in Congress some 4 or 5 months ago in the Rayburn Building.

It was always a privilege to work with a man like General Taylor. America has lost a great son, a great leader, a great intellectual mind, and a wonderful person. My sympathies go to his family and to those close to him.

Mr. Speaker, I include at this point an article from the Washington Post that summarizes the life of this great gentleman, as follows:

GEN. MAXWELL TAYLOR DIES HERE AT AGE 85—WORLD WAR II HERO ADVISED PRESIDENTS DURING VIETNAM WAR

(By J.Y. Smith)

Gen. Maxwell D. Taylor, 85, a paratroop hero in World War II and a principal adviser to two administrations during the massive American buildup in Vietnam, died Sunday at Walter Reed Army Medical Center. He had been hospitalized since January with amyotrophic lateral sclerosis, which is also known as Lou Gehrig's disease.

Taylor capped a brilliant military career by serving as chief of staff of the Army from 1955 to 1959, when he retired. In that year he published "The Uncertain Trumpet," a forthright criticism of the U.S. policy of relying on the nuclear threat to deter communism. Instead, he argued, the country should build up conventional forces so that it could launch a "flexible response" to military challenges.

This idea appealed to President Kennedy, who in 1961 brought Taylor back into government as his military representative. From 1962 to 1964, he was chairman of the Joint Chiefs of Staff and from 1964 to 1965 he served President Johnson as U.S. ambassador in Saigon. For the next four years, Taylor was a special consultant to the president and a member and chairman of the Foreign Intelligence Advisory Board. Taylor thus took part in the line of decisions that began in the Kennedy administration and led to the massive U.S. intervention in Vietnam with conventional forces in 1965 and subsequent years. He believed that the Vietcong and North Vietnamese could be stopped if sufficient American troops were sent. Although he expressed reservations when the buildup began, he continued to support an aggressive policy until 1968, when Johnson himself decided that the war could not be won and that the United States must disengage.

It was another six years—and many thousands of casualties—before the U.S. pres-

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ence in Vietnam ended. Helicopters plucked the last to leave from the roof of the embassy in Saigon as refugees battered at the gates and communist forces took over the city.

Taylor's assessment of the American effort is quoted by Stanley Karnow in his book, "Vietnam, a History":

"First, we didn't know ourselves. We thought we were going into another Korean War, but this was a different country. Secondly, we didn't know our South Vietnamese allies. We never understood them, and that was another surprise. And we knew even less about North Vietnam. Who was Ho Chi Minh? Nobody really knew. So, until we know the enemy and know our allies and know ourselves, we'd better keep out of this dirty kind of business. It's very dangerous."

The Army yesterday ordered flags flown at half staff at all its installations until after Taylor is buried Thursday at Arlington National Cemetery.

Defense Secretary Caspar W. Weinberger issued a statement that the general would be remembered at "one of the great military men in American history" and that he "epitomized what it means to be a soldier, a diplomat and a scholar."

Sen. Edward M. Kennedy (D-Mass.) said. "America has lost one of the greatest soldier-statemen in its history, and the Kennedy family has lost one of its closest and dearest friends. Taylor was that rare and gifted leader in the nuclear age who also understood the importance of nuclear arms control. As chairman of the Joint Chiefs of Staff, his support made the Nuclear Test Ban Treaty of 1963 possible. . . ."

The second phase of Taylor's career—the Vietnam years—was fashioned in a time of national agony. The first part of his life was simpler although it was just as dangerous. Slender, handsome and athletic, the general was the very picture of a soldier. From the time he graduated No. 4 in the class of 1922 at the Military Academy at West Point, N.Y., until he retired as chief of staff in 1959, he gave his best to the Army and he often was seen as the best that the service had to offer.

Maxwell Davenport Taylor was born on Aug. 26, 1901, in Keytesville, Mo. He attended Kansas City Junior college before receiving an appointment as a cadet at West Point. Like other top graduates, he went into the Corps of Engineers when he left the academy, but he transferred to the field artillery in 1926.

Then as now, the Army offered more than ordinary soldiering for those capable of taking advantage of it. In the late 1920s, Taylor went to France to study French and then to West Point as a language instructor. In the 1930s, with Japan and China at war, he was sent to Tokyo to study Japanese and the Japanese army and to Peking as an assistant military attache. He also graduated from the artillery school, the Army War College and the Command and General Staff School.

When this country entered World War II, Taylor had a staff position in Washington. But in 1942 he was ordered to help form the 82nd Airborne Division, the first of its kind in the Army. He commanded the division's artillary in Sicily and Italy and then, in September 1943, he undertook a spectacular secret mission to Rome.

The Italian capital was under German occupation at that time. Taylor's orders were to contact Italian leaders who had surrendered the country to the Allies and to assess the chances of airborne troops parachuting onto the airfields around Rome. British and Italian ships landed him behind the enemy lines. He found that the German presence in the Eternal City was far heavier then expected and this led to the airborne operation being canceled.

In his memoir, "Crusade in Europe," Gen. Dwight D. Eisenhower, the supreme allied commander in Europe, wrote that the risks Taylor ran "were greater than I asked any other agent or emissary to undertake during the war—he carried weighty responsibilities and discharged them with unerring judgment, and every minute was in imminent danger of discovery and death."

After brief service on the Allied Control Commission for Italy, Taylor was ordered to England to take command of the 101st Airborne Division. He led it in parachuting into Normandy on D-Day, June 6, 1944. He also led it in the "Market Garden" operation, the unsuccessful British-led effort to take the Rhine at Arnhem in Holland.

In December 1944, the 101st was heavily engaged in the Battle of the Bulge. Taylor was in the United States at the time. While he was absent, his second-in-command, Gen. Anthony C. McAuliffe, was asked by the Germans to surrender his strong point at Bastogne and he made this famous reply: "Nuts!" Taylor returned while the battle was still raging and led the division for the rest of the war.

There followed a tour as superintendent of West Point, one of the most prized assignments in the Army. In 1949, he was named deputy chief of staff of U.S. forces in Europe. This was followed by command of the U.S. military government in Berlin. This was the bitter period of the Soviet blockade of land access to the former German capital and the Allied effort to supply the city by air.

In 1951, Taylor was named deputy chief of staff of the Army. In 1953, he returned to war as commanding general of the Eighth Army in Korea. He held that post through the signing of the armistice in July 1953. He later commanded all U.S. forces in the Far East and then all United Nations forces in the area. His next job was as chief of staff of the Army.

Taylor's military decorations include the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, the Distinguished Service Medal with Oak Leaf Cluster, the Bronze Star and the Purple Heart as well as numerous foreign honors.

In retirement, Taylor lived in Washington. He wrote frequently on public affairs, and his articles often appeared in The Washington Post. In addition to "The Uncertain Trumpet," his books include "Responsibility and Response" (1967) and "Swords and Plowshares" (1972).

Survivors include his wife, the former Lydia Gardner Happer, whom he married in 1925, of Washington; two sons, John Maxwell Taylor of McLean and Thomas Happer Taylor of Berkeley, Calif., and three grandchildren.

1987: YEAR OF THE BREWER

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

Mr. ROTH. Mr. Speaker, in the spring, a Washington Senator's or Congressman's heart turns to the budget and tax cuts and trade. But on Capitol Hill these days, required reading is not the CONGRESSIONAL RECORD but the sports page because today the Milwaukee Brewers go after a record 14 straight season wins. "13 and 0 and let's go!" is our battle cry. It is a chant heard from bellhops to bank presidents.

The Brewer pitching staff is as stingy as an OMB accountant at budget time. The booming bats of Deer, Braggs, Molitor, and Yount maintain a balance of power second to none. And when I think of the strategic defense initiative, I think of the sure hands of shortstop Dale Sveum and second baseman Jim Gantner.

Only time will tell how long the Brewers can maintain this red-hot winning streak. But they have earned our applause for their remarkable winning streak.

Mr. Speaker, today the Brewers are the pride of Wisconsin and the envy of the baseball world, and that is as it should be.

A RESETTLEMENT IN EL SALVADOR

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

Mr. McCOLLUM. Mr. Speaker, I just returned from a fact-finding trip to El Salvador this weekend, and I would like to bring to the attention of my colleagues the results of some tremendous humanitarian efforts by a few folks that I had the occasion to speak with when I was down there.

First of all, I want to commend my colleague, the gentleman from Virginia, Mr. FRANK WOLF, for his continued concern for the well-being of the civilian population in El Salvador. It is because he brought to the attention of this House and our Government the problems with the land mines that have blown off legs and arms of many of the civilians in that country that we now see operational a program for prosthesis in the next 60 days or so, which will mean 30 young people or children in that country will have arms and legs they would not otherwise have had. I think he deserves commendation, and so does AID and our Veterans' Administration for their work.

I also want to commend two folks from Volusia County, FL, Dr. Kenneth D. Wells and his wife, Ruth. They put funds and support into a town called Suchitoto in El Salvador that is now being resettled, a town in the guerrilla stronghold, and they allowed by their compassion and their interest for the town to be repainted, a town that was the battle cry not too long ago, that had bullet-riddled walls. And in addition to the paint, they have four big tractor-trailers and they use educational materials, teaching the civilian

population that is returning to that town a lot of the things they would not otherwise have an opportunity to learn.

Mr. Speaker, I think Dr. Wells and his wife and the gentleman from Virginia [Mr. WOLF] deserve our applause, and it is a great privilege to be able to report to our colleagues on these humanitarian efforts.

BAHAMAS HOLDS ANTIDRUG OPERATIVES

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

Mr. SMITH of Florida. Mr. Speaker, as far as I know, the Government of the Bahamas continues to hold in prison two American pilots working under cover for the DEA.

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Mr. Speaker, if this action constitutes cooperation by the Bahamian Government, is it any wonder that resolutions disapproved those certifications were introduced in this Congress? If the Prime Minister and the Attorney General of the Bahamas want to show real cooperation, they should release these DEA operatives immediately. Failure to do so benefits only the drug traffickers and their cronies. Failure to do so makes a mockery of the certification process.

Second, Mr. Speaker, I heard on the radio this morning that our Government has just given approval for a shipment of hardware and software computers from the Digital Equipment Co. to be shipped to Iran. Over 1 million dollars' worth of high technology, American know-how shipped to Iran. Mr. Speaker, this is an absolute disgrace. That country should be getting absolutely nothing from the United States of America.

I urge this administration to review that approval.

BEDROCK FAMILY ISSUES: FAMILY LEAVE, CHILD SUPPORT, HOME HEALTH CARE

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

Mrs. ROUKEMA. Mr. Speaker, I rise today to remind the House that Mother's Day is May 10. Because, our mothers are a foundation of our families, it is entirely appropriate to use these 3 weeks to examine the condition of the American family.

It's no secret. Family life in America is under stress and strain from economic, social, and cultural pressures leading to some very disturbing trends. We are seeing a sharp jump in the number of families that need the paychecks of both spouses just to get by. Drug dependency, alcoholism, and suicide are more commonplace than ever. The number of children living in poverty is higher than ever.

Clearly, families need help to cope with the stresses of contemporary society. I have introduced legislation that directly relates to what I view as bedrock family issues. The Family and Medical Leave Job Security Act would protect families when their situation requires an unpaid leave from work. The Child Support Enforcement Improvement Act takes aim at deadbeats who neglect their financial obligations to their children. And the Home Health Reform Act expands a vital program for our sick elderly.

At the Federal level, we are limited in what we can do. However, here are three areas where Congress can strengthen the heart of our society—the family.

SPEAKER WRIGHT'S MOSCOW CONFERENCE A SUCCESS

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

Mr. HUBBARD. Mr. Speaker, it was my privilege to be among 20 Members of the House of Representatives to visit the Soviet Union last week for 6 days. We were in Kiev and Moscow from Monday, April 13, through last Saturday.

Our delegation was headed by our House Speaker, JIM WRIGHT of Fort Worth, TX.

In Moscow, our delegation met with Soviet General Secretary Mikhail Gorbachev, the Communist Party's No. 2 man, Yegor Ligachev, the Soviet President Andrei Gromyko, and Foreign Minister Eduard Shevardnadze. These Soviet officials met with us for more than 2 hours each. As a result of these meetings in Moscow, and as a result of the meetings held just before we arrived led by Secretary of State George Shultz, the Members of our congressional delegation, both Democrats and Republicans, sincerely believe that we now have the best chance for an arms control agreement with the Soviet Union on a verifiable basis at any time since World War II.

The American people can be very grateful to and proud of our tremendous House Speaker, JIM WRIGHT.

House Speaker JIM WRIGHT's administrative assistant Marshall Lynam, and the chief counsel of our House Foreign Affairs Committee, Spencer Oliver, who were an efficient advance team for us before we arrived in the Soviet Union, can be highly complimented by the American people for what they have accomplished during the last few weeks.

JIM WRIGHT, our House Speaker, articulate, personable, intelligent, yet warm and witty, as observed by the Soviets. Mikhail Gorbachev, also articulate, personable, intelligent, yet warm and witty, as we from the United States noted during our visit with him for more than 2 hours.

The two men, House Speaker JIM WRIGHT and Soviet leader Mikhail Gorbachev, obviously enjoyed good rapport and mixed in an extremely good way. The two became friends.

Let us hope that the efforts of our House Speaker and those Members of Congress who had the privilege of accompanying him to the Soviet Union can be beneficial and truly historic in nature and lead us to spending less money in the Soviet Union and the United States for arms and more for programs that help the people of these two world superpowers.

GAIN NO BASE GAINS

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

Mr. DANNEMEYER. Mr. Speaker, according to a report in the Wall Street Journal the dollar fell sharply, and the United States had to intervene heavily to support it in the foreign exchange markets, only seconds after Trade Representative Clayton Yeutter told a Senate panel that a further decline in its value would be welcome as it would help cut the trade deficit.

It is too early, however, to congratulate ourselves on our luck that the wishbone always breaks in favor of our Treasury and trade officials. Instead, we should reflect upon the ancient wisdom, expressed by the Greek poet Hesiod in his poem "Works and Days" 2,700 years ago:

Gain no base gains:
Base gains are the same as losses.

Mr. Speaker, when will our somnambulist officials wake up and realize that they have been pursuing base gains, and reaping real losses for the Nation, as they continue to undermine the value of the dollar?

REAPPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. GIBBONS). Without objection, pursuant to the provisions of 15 U.S.C. 1024(a), the Chair reappoints the gentleman from California, Mr. HAWKINS, to the Joint Economic Committee, to rank after the gentleman from Indiana, Mr. HAMILTON.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule

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

Such rollcall votes, if postponed, will be taken on Wednesday, April 22, 1987.

YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 318) to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 318

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act".

SEC. 2. REGULATIONS.

The Secretary of the Interior or his designated representative may promulgate such regulations as may be necessary to carry out the provisions of this Act.

TITLE I—YSLETA DEL SUR PUEBLO RESTORATION

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) the term "tribe" means the Ysleta del Sur Pueblo (as so designated by section 102);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means lands within El Paso and Hudspeth Counties, Texas—

(A) held by the tribe on the date of the enactment of this title;

(B) held in trust by the State or by the Texas Indian Commission for the benefit of the tribe on such date;

(C) held in trust for the benefit of the tribe by the Secretary under the plan developed pursuant to section 105(g); and

(D) subsequently acquired and held in trust by the Secretary for the benefit of the tribe.

(4) the term "State" means the State of Texas;

(5) the term "Tribal Council" means the governing body of the tribe as recognized by the Texas Indian Commission on the date of enactment of this Act, and such tribal council's successors; and

(6) the term "Tiwa Indian Act" means the Act entitled "an Act relating to the Tiwa Indians of Texas." and approved April 12, 1968 (82 Stat. 93).

SEC. 102. REDESIGNATION OF TRIBE.

The Indians designated as the Tiwa Indians of Ysleta, Texas, by the Tiwa Indians Act shall, on and after the date of the enactment of this title, be known and designated as the Ysleta del Sur Pueblo. Any reference in any law, map, regulation, document, record, or other paper of the United States to the Tiwa Indians of Ysleta, Texas, shall be deemed to be a reference to the Ysleta del Sur Pueblo.

SEC. 103. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND BENEFITS.

(A) FEDERAL RECOGNITION.—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, to nations, tribes, or brands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—All rights and privileges of the tribe and members of the tribe under any Federal treaty, statute, Executive order, agreement, or under any other authority of the United States which may have been diminished or lost under the Tiwa Indians Act are hereby restored.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

SEC. 104. STATE AND TRIBAL AUTHORITY.

(a) STATE AUTHORITY.—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefiting the tribe, and the State is authorized to perform any services benefiting the tribe that are not inconsistent with the provisions of this Act.

(b) TRIBAL AUTHORITY.—The Tribal Council shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency, and

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement.

SEC. 105. PROVISIONS RELATING TO TRIBAL RESERVATION.

(a) FEDERAL RESERVATION ESTABLISHED.—The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) CONVEYANCE OF LAND BY STATE.—The Secretary shall—

(1) accept any offer from the State to convey title to any land within the reservation held in trust on the date of enactment of this Act by the State or by the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) CONVEYANCE OF LAND BY TRIBE.—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any land within the reservation held by the tribe on the date of enactment of this Act to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) APPROVAL OF DEED BY ATTORNEY GENERAL.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument which conveys title to land within El Paso or Hudspeth Counties, Texas, to the United States to be held in trust by the Secretary for the benefit of the tribe.

(e) PERMANENT IMPROVEMENTS AUTHORIZED.—Notwithstanding any other provision of law or rule of law, the Secretary or the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) CIVIL AND CRIMINAL JURISDICTION WITHIN RESERVATION.—The State shall exercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes." and approved April 11, 1968 (25 U.S.C. 1321, 1322).

(g) PLAN FOR ENLARGEMENT OF RESERVATION.—The Secretary shall negotiate with the tribe concerning the enlargement of the reservation and, not later than two years after the date of the enactment of this Act, shall develop a plan for the enlargement of the reservation for the tribe. The plan shall include provisions for the acquisition of land to be selected from available public, State, or private lands within El Paso or Hudspeth Counties, Texas. Upon approval of such plan by the tribe, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

(h) NOTIFICATION AND CONSULTATIVE REQUIREMENTS FOR PLAN.—To assure that legitimate State and local interests are not prejudiced by the enlargement of the reservation for the tribe, the Secretary, in developing the plan under subsection (g) shall notify and consult with all appropriate officials of the State of Texas, all appropriate local government officials in the affected area in the State of Texas, and any other interested party. The consultations required under this subsection shall include—

(1) the size and location of the additions to the reservation;

(2) the effect the enlargement of the reservation would have on State and local tax revenues;

(3) the criminal and civil jurisdiction of the State of Texas with respect to the reservation and persons on the reservation;

(4) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and

(5) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

(i) CONTENTS OF PLAN.—Any plan developed for the enlargement of the reservation shall provide that the Secretary shall not

accept any real property in trust for the benefit of the tribe or bands unless such real property is located either within El Paso or Hudspeth Counties, State of Texas.

(j) STATEMENT APPENDED TO ENLARGEMENT PLAN RESPECTING IMPLEMENTATION OF NOTIFICATION AND CONSULTATIVE REQUIREMENTS.—The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (h) was carried out and shall include any written comments with respect to the enlargement of the reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

SEC. 106. TIWA INDIANS ACT REPEALED.

The Tiwa Indians Act is hereby repealed.

SEC. 107. GAMING ACTIVITIES.

Pursuant to Tribal Resolution No. T.C.-02-86 which was approved and certified on March 12, 1986, all gaming as defined by the laws of the State of Texas shall be prohibited on the tribal reservation and on tribal lands.

SEC. 108. TRIBAL MEMBERSHIP.

(a) 10-YEAR PERIOD AFTER DATE OF ENACTMENT.—For a period of ten years after the date of enactment of this Act, the membership of the tribe shall consist of—

(1) the individuals listed on the Tribal Membership Roll approved by the tribe's Resolution No. TC-5-84 approved December 18, 1984, and approved by the Texas Indian Commission's Resolution No. TIC-85-005 adopted on January 16, 1985; and

(2) a descendant of an individual listed on that Roll if the descendant—

(i) has ⅛ degree or more of Tigua-Ysleta del Sur Pueblo Indian Blood, and

(ii) is enrolled by the tribe.

(b) REMOVAL FROM TRIBAL ROLL.—Notwithstanding subsections (a) and (c) of this section—

(1) the tribe may remove an individual from tribal membership if it determines that the individual's enrollment was improper; and

(2) the Secretary, in consultation with the tribe, may review the Tribal Membership Roll.

(c) AUTHORITY OF TRIBE IN DETERMINING MEMBERSHIP.—Nothing in this section shall be interpreted as limiting the authority of the tribe to determine its membership criteria after a ten-year period or the eligibility or ineligibility of an individual to membership in the tribe.

TITLE II—ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS.

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the "tribe" means the Alabama and Coushatta Indian Tribes of Texas (considered as one tribe in accordance with section 202);

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "reservation" means the Alabama and Coushatta Indian Reservation in Polk County, Texas, comprised of—

(A) the lands and other natural resources conveyed to the State of Texas by the Secretary pursuant to the provisions of section 1 of the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes." and approved August 23, 1954 (25 U.S.C. 721);

(B) the lands and other natural resources purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854; and

(C) lands subsequently acquired and held in trust by the Secretary for the benefit of the tribe;

(4) the term "State" means the State of Texas;

(5) the term "constitution and bylaws" means the constitution and bylaws of the tribe which were adopted on June 16, 1971; and

(6) the term "Tribal Council" means the governing body of the tribe under the constitution and bylaws.

SEC. 202. ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS CONSIDERED AS ONE TRIBE.

The Alabama and Coushatta Indian Tribes of Texas shall be considered as one tribal unit for purposes of this title and any other law or rule of law of the United States.

SEC. 203. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND BENEFITS.

(a) FEDERAL RECOGNITION.—Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984), as amended, and all laws and rules of law of the United States of general application to Indians, to nations, tribes, or bands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this title shall apply to the members of the tribe, the tribe, and the reservation.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—All rights and privileges of the tribe and members of the tribe under any Federal treaty, Executive order, agreement, statute, or under any other authority of the United States which may have been diminished or lost under the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Indian Tribes of Texas, and the individual members thereof; and for other purposes" and approved August 23, 1954, are hereby restored and such Act shall not apply to the tribe or to members of the tribe after the date of the enactment of this title.

(c) FEDERAL BENEFITS AND SERVICES.—Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after the date of the enactment of this title, for all benefits and services furnished to federally recognized Indian tribes.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this title, the enactment of this title shall not affect any property right or obligation or any contractual right or obligation in existence before the date of the enactment of this title or any obligation for taxes levied before such date.

SEC. 204. STATE AND TRIBAL AUTHORITY.

(a) STATE AUTHORITY.—Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefitting the tribe, and the State is authorized to perform any services benefitting the tribe that are not inconsistent with the provisions of this Act.

(b) CURRENT CONSTITUTION AND BYLAWS TO REMAIN IN EFFECT.—Subject to the provisions of section 203(a) of this Act, the constitution and bylaws of the tribe on file with the Committee on Interior and Insular Affairs is hereby declared to be approved for the purposes of section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476) except that all reference to the Texas Indian Commission shall be considered as reference to the Secretary of the Interior.

(c) AUTHORITY AND CAPACITY OF TRIBAL COUNCIL.—No provision contained in this title shall affect the power of the Tribal Council to take any action under the constitution and bylaws described in subsection (b). The Tribal Council shall represent the tribe and its members in the implementation of this title and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency;

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement; and

(3) to bind any tribal governing body selected under any new constitution adopted in accordance with section 205 as the successor in interest to the Tribal Council.

SEC. 205. ADOPTION OF NEW CONSTITUTION AND BYLAWS.

Upon written request of the tribal council, the Secretary shall hold an election for the members of the tribe for the purpose of adopting a new constitution and bylaws in accordance with section 16 of the Act of June 18, 1934 (25 U.S.C. 476).

SEC. 206. PROVISIONS RELATING TO TRIBAL RESERVATION.

(a) FEDERAL RESERVATION ESTABLISHED.—The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) CONVEYANCE OF LAND BY STATE.—The Secretary shall—

(1) accept any offer from the State to convey title to any lands held in trust by the State or the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) shall hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) CONVEYANCE OF LAND BY TRIBE.—At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any lands within the reservation which are held by the tribe to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) APPROVAL OF DEED BY ATTORNEY GENERAL.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument from the State or the tribe which conveys title to lands within the reservation to the United States.

(e) PERMANENT IMPROVEMENTS AUTHORIZED.—Notwithstanding any other provision of law or rule of law, the Secretary or the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) CIVIL AND CRIMINAL JURISDICTION WITHIN RESERVATION.—The State shall ex-

ercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction with the consent of the tribe under sections 401 and 402 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" and approved April 11, 1968 (25 U.S.C. 1321, 1322).

SEC. 207. GAMING ACTIVITIES.

Pursuant to Tribal No. 86-07, approved March 10, 1986, all gaming as defined by the laws of the State of Texas shall be prohibited on the tribal reservation and on tribal lands.

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

The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this bill.

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

There was no objection.

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

Mr. Speaker, H.R. 318 provides for the restoration of Federal recognition to two Indian tribes located within the State of Texas: The Ysleta del Sur Pueblo and the Alabama-Coushatta Indian Tribe. Both tribes had their Federal recognition terminated as a result of acts of Congress in 1967 and 1954 respectively.

Both tribes are currently recognized as Indian tribes by the State of Texas and this bill would only restore the trust relationship with the Federal Government.

The Ysleta del Sur Pueblo is a State-recognized tribe with a population of about 1,100 members and has a 100-acre reservation in El Paso County. The pueblo was established in 1680 when Pueblo Indians migrated from Santa Fe to Texas during the Pueblo Indian revolt against Spain.

The Alabama-Coushatta Indian Tribe is a State-recognized tribe of about 500 members residing on a 4,600-acre reservation near Livingston, TX. These Indians came to east Texas from Alabama in the late 1700's and the State of Texas purchased lands for the tribe in 1854 in part to reward the tribe for its support to Sam Houston during Texas' war of independence.

Mr. Speaker, this bill does not contain any additional authorization for new appropriations of Federal funds. Under this bill in accordance with tribal resolutions, gambling, as defined by the laws of Texas, will be prohibited on the tribal lands. Let me also clarify the language of the bill by stating that even if the tribes amended or repealed their gaming resolutions, gambling would remain prohibited unless allowed by a future act of Congress.

Mr. Speaker, this bill is supported by the tribes and the Members of Congress in whose districts these tribes are located and I therefore urge my colleagues to vote in favor of the bill.

□ 1220

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

Mr. Speaker, I rise in support of H.R. 318, a bill which would restore Federal recognition to two Texas Indian tribes—the Tiwa Indian Tribe in El Paso, TX, and the Alabama-Coushatta Indian Tribe in east Texas. Additionally, the bill would make the tribes eligible to receive all benefits available to federally recognized Indian tribes.

The bill is nearly identical to one which passed this body without opposition in the last Congress, but unfortunately failed to be enacted upon by the other body. The committee took extensive testimony last Congress and worked closely with members of the Texas delegation, including the former member of the Interior Committee, the honorable JOE BARTON.

The committee has attempted to address the concerns of the administration—that of an explosion of new members of the newly recognized tribes—without philosophically changing the general policy Congress has of allowing Indian tribes to determine their own membership. I believe the language of H.R. 318 does address their concerns, and I urge my colleagues to support H.R. 318.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with some concerns about this bill, since the administration has indicated that it opposes enactment of H.R. 318. It does so based upon a provision which I find somewhat disconcerting myself and that is that what we are saying here is that the eligibility for these benefits, that amounts to about $3,000 per person, would not in fact be locked in upon the passage of this bill, but instead we would allow the tribe a 10-year period of time to determine what the membership of the tribe is going to be and anybody who comes under that membership would therefore be eligible for $3,000 per person.

Now, I guess the first question that I have of somebody is how many people are we talking about here who are going to get $3,000 per person?

Mr. CRAIG. Mr. Speaker, I cannot respond to the actual figures. My colleague, the chairman of the committee, the gentleman from Arizona, might be able to do so.

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

Mr. WALKER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, according to the report and the evidence that we had in processing this bill, there are approximately 1,100 men, women, and children, in these reservations.

Mr. WALKER. Well, but my concern is that the people on the reservations are evidently not our problem under the provision that the administration has concerns about. They are concerned about who else is going to become eligible over a 10-year period of time as we expand the numbers of people in the tribe. Do we have any idea how far that expansion is going to take us?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, I know the gentleman's concern and there are others who have the same concern.

What we did to meet it is to lock in the additional 10-year period in which a person, an Indian to be qualified, would have to have at least one-eighth Indian blood.

Mr. WALKER. Well, is that another 1,100 people who are out there somewhere? Is it 500 people? How many people do we have who are going to become eligible for the benefits during that 10-year period of time?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, that is already in the bill, a limitation to 1,100. We have the further evidence of what has happened to this tribe. It has not increased. It has the same population, I understand, now, that it had 15 or 20 years ago.

Mr. WALKER. Let me say to the gentleman, in the report the gentleman has a letter from the Budget Office that estimates that we could have 2,000 tribe members at some point. Two thousand tribe members would mean that we would have a $6 million a year appropriation under current standards at $3,000 a person. Is that what we are looking at?

Mr. UDALL. I understand that the 2,000 figure that the gentleman has is for both reservations. I referred in my prepared remarks to these Ysleta Del Sur Pueblo and they have 1,100.

Mr. WALKER. All right. I understand, but the bill does cover both tribes, is that correct?

Mr. UDALL. That is correct.

Mr. WALKER. So that we are talking then about somewhere in the vicinity of 2,000 people and we are talking about an expense of $3,000 per eligible person, so that we are talking somewhere in the range of a $6 million bill here; is that correct?

Mr. UDALL. I think the gentleman may not fully understand where that $3,000 came from and what it means.

In trying to get a reliable estimate of the cost of this bill, we asked how many reservation Indians do we have in the United States now and what is the total dollar amount of the programs that can be assigned to handling our obligations to our Indian citizens and dividing it that way it comes up to about $3,000.

But you do not go down with a bill if you are a citizen on January 1 and say, "I would like my $3,000." You may get some of that in hospitalization, in medical care, and all the things that we do for the tribes.

Mr. WALKER. Well, I think that the methodology used by the gentleman is probably the correct methodology. I mean, we are probably somewhere in the vicinity of whatever numbers of people we add that it is going to cost the taxpayer $3,000 per person if the methodology is correct, and it sounds like a fairly reasonable methodology to me. All I am trying to determine here is if the administration is correct, that we are now going to allow a 10-year period to expand that tribe. I am trying to figure out, I have a CBO estimate that indicates we have 2,000 people at $3,000 per person. That is a $6 million bill.

I am just wondering if the administration is somewhat concerned that we may have another 2,000 members out there somewhere that we could double that size.

Does anybody know what the estimate might be of how many people we are talking about?

Mr. UDALL. Our information is that we should not expect a great increase in the size of the tribe. I personally do not believe there will be a great increase in the size of the tribe. Most of them have wanted to belong in the tribe. They are recognized by the State of Texas and they want to be eligible for the benefits provided by the laws of Texas. I think that is a pretty good indication.

Mr. WALKER. Do I then understand that we have reason to believe and that the legislative history should show that in the passage of this bill that we expect no more than 2,000 people to ultimately be eligible for benefits under the bill that we have before us?

Mr. UDALL. Mr. Speaker, if the gentleman will yield further, that is my expectation, that there are effectively not going to be growth beyond 2,000 members and I do not think we will see growth beyond the $3,000 figure.

Mr. WALKER. Well, Mr. Speaker, I thank the gentleman.

What I would prefer to see us do would be to have locked in the situation as we now know the situation to be. We know that there are 2,000. If that is the number that we expect there are going to be, it seems to me that we could have assured ourselves of an appropriate expenditure level on this by simply locking in that number of people, whoever is on the eligible tribe list at the present time. It seems to me that the administration has a very reasonable case to be made when we say that we cannot expand this over a period of as much as 10 years.

Mr. CRAIG. Mr. Speaker, regaining my time, let me suggest to my colleague, the gentleman from Pennsylvania, who expresses some valid concerns, that the general policy of the Congress and the Federal Government has been to allow Indian tribes to determine their own membership requirement; however, in the case of new tribes or the restoration of terminated tribes, Congress has established the initial membership roll and then allowed tribes to add to that roll. Those initial rolls are quite different from what the administration has suggested. To my knowledge this would be the first time Congress has ever legislated an individual's tribe requirement membership, so there is a constricting, if you will, from what is current law. It would be unfair, I think, to the Texas tribes to legislate the proposed requirements, or the ones recommended.

In fact, these proud people already do much to limit their membership to retain their unique identity, which will limit membership and address I think the administration's overall concerns, as they were initially reflected to the committee.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. CRAIG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman does agree that under the provisions of the bill, they are going to be eligible for expanding their tribal list for a 10-year period of time and that we will in fact have to pay the benefits for any person added during that 10-year period of time.

□ 1230

Mr. CRAIG. I think to correct my colleague, as I understand the bill, they are frozen or limited for 10 years to a specific membership. It is after the 10-year period that they might be able to identify, based on the requirements for membership, they might be able to identify additional people. But you have a 10-year window here in which they are limited in number.

Mr. WALKER. OK. I think that the gentleman is correct. In other words, we are freezing in the present membership for a 10-year period of time.

Mr. CRAIG. That is correct.

Mr. WALKER. But then a decade from now they can begin to add to the tribal membership at that point.

Mr. CRAIG. That is a possibility, but under specific and designated requirements.

Mr. WALKER. I thank the gentleman.

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

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

The SPEAKER pro tempore (Mr. HUBBARD). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 318, as amended.

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

A motion to reconsider was laid on the table.

SURFACE MINING ACT AMENDMENTS RELATING TO THE 2-ACRE EXEMPTION AND THE SET-ASIDE OF STATE FUNDS FOR ABANDONED MINE RECLAMATION

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1963) to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1963

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

TITLE I—SPECIAL STATE SET-ASIDE

SEC. 101. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 is amended by redesignating paragraph (3) as paragraph (4) and by adding the following new paragraph after paragraph (2):

"(3) SPECIAL STATE SET-ASIDE FOR FUTURE EXPENDITURE.—Notwithstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to ten per centum of the appropriated funds granted annually by the Secretary to that State under paragraph (2) if such moneys are deposited in a special trust fund established under State law and such moneys (together with all interest earned on such moneys) may be expended by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so deposited in special State trust accounts, as well as all interest earned, shall be considered State moneys. This paragraph shall cease to apply to any State for fiscal years after any fiscal year in which approval of the State regulatory program under section 503 is terminated or withdrawn by the Secretary until the first subsequent fiscal year after the fiscal year in which the Secretary reapproves the State program.".

91-059 O-89-16 (Pt. 7)

TITLE II—TWO-ACRE EXEMPTION

SEC. 201. REPEAL OF EXEMPTION.

(a) REPEAL.—Section 528 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1278) is amended as follows:

(1) In paragraph (1), insert "and" immediately after "him;".

(2) Strike out paragraph (2).

(3) Redesignate paragraph (3) as (2).

(b) EFFECTIVE DATE FOR NEW OPERATIONS.—The amendments made by this section shall take effect on the date 30 days after the enactment of this Act with respect to each operator commencing surface coal mining operations on or after such date.

(c) EFFECTIVE DATE FOR EXISTING OPERATIONS.—The amendments made by this section shall take effect on the date 6 months after the enactment of this Act with respect to each operator commencing surface coal mining operations pursuant to an authorization under State law before the date 30 days after the enactment of this Act. Nothing in this Act shall preclude reclamation activities pursuant to State law or regulations at the site of any surface coal mine which was exempt from the Surface Mining Control and Reclamation Act of 1977 under section 528(2) of that Act, as in effect before the enactment of this Act.

(d) EFFECT ON STATE LAW.—To the extent that any provision of a State law, or of a State regulation, adopted pursuant to the exception under section 528(2) of the Surface Mining Control and Reclamation Act of 1977 as in effect before the enactment of this Act, is inconsistent with the amendments made by this section, such provision shall be of no further force and effect after the effective date of such amendments.

(e) DEFINITION.—For purposes of this section, the term "surface coal mining operations" has the meaning provided by section 701(28) of the Surface Mining Control and Reclamation Act of 1977.

The SPEAKER pro tempore. Is a second demanded?

Mr. CRAIG. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Idaho [Mr. CRAIG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1963.

Ten years ago, on August 3, 1977, the Surface Mining Control and Reclamation Act [SMCRA] was signed into law. This was a monumental piece of environmental legislation. It established for the first time a national program to protect society and the environment from the adverse effects of surface coal mining operations, and the surface impacts of underground mining. It also was designed to bring stability and orderly development into an essential and vital industry which had heretofore been largely regulated in a nonuniform manner on a State-by-State basis.

While the enforcement of the law has not lived up to my expectations, it has been helpful in many ways. However, there are several areas where experience has shown there needs to be significant improvement. H.R. 1963 addresses two such areas.

The first of these, section 101 of H.R. 1963, amends section 402(g) of SMCRA and authorizes States to establish a special trust fund which could be utilized for abandoned mine land reclamation purposes after the termination date of 1992 of the Abandoned Mine Land [AML] fund under title IV of SMCRA. Each State could set aside up to 10 percent of the appropriated State share fund granted annually by the Secretary of the Interior to that State under the title IV AML Program. These funds would be deposited in a special interest-bearing trust account established under State law. Only States with approved SMCRA title V programs would be eligible. Moneys deposited, as well as interest, would be considered State moneys and could be used for reclamation purposes after August 3, 1992, the present expiration date for the collection of AML fees.

The second provision of H.R. 1963, section 201, repeals section 528(2) of SMCRA. This section, commonly known as the 2-acre exemption, has been the most troublesome and misused provision of SMCRA. It was designed to permit small coal operators, the so-called mom and pop operators, to be exempt from the permitting and regulatory requirements of SMCRA where the surface disturbance affected 2 acres or less. Therefore, these 2-acre or less operators were not required to comply with the permitting, land reclamation, or environmental performance requirements of SMCRA.

However well intentioned in 1977, the 2-acre exemption turned out to be the most misused and abused provision of SMCRA. Unethical operators, not small mom and pop operators, used the exemption to avoid SMCRA land reclamation requirements and the payment of abandoned lands reclamation fees. This gave the unethical operator a significant economic advantage. Not only could the cost of land reclamation be avoided, a significant cost, but also the abandoned mine land fee of 35 cents per ton of surface mined coal was not paid. Legitimate operators were placed at an economic disadvantage.

Numerous methods were used by the unethical operator to fall within the 2-acre exemption. One of the most common was the so-called string of pearls. Here an operator would mine a number of sites along a coal seam, skipping a few feet between each operation. Each site was then claimed as a separate 2-acre site to bring it within the exemption. Other ruses were to deed coal haul roads to local governments to decrease the surface area disturbed to 2 acres or less. Other companies contracted with small independent contractors—who were, in fact, not independent but each claimed an exemption. Shell corportions were also set up under which separate companies were formed but in actuality control remained in one entity. Other entities simply ignored the 2-acre provision in the expectation they would not be apprehended—in this they were frequently successful.

It is the committee's position that this widespread abuse can only be controlled by the repeal of the 2-acre exemption. Its repeal will in no way harm the legitimate coal operator, large or small. The benefits of closing this loophole, which has given the legitimate coal industry a bad image, far outweigh any possible benefits of its retention.

I wish to emphasize that H.R. 1963 is a bipartisan effort and that I am not aware of any opposition. The administration, as well as the legitimate coal industry, supports the bill.

In closing I wish to emphasize that the widespread abuse of the 2-acre exemption should not be perceived as a condemnation of the coal industry as a whole. The abuse was largely confined to a few areas. By and large the majority of the coal industry has operated in a legitimate and workman-like manner and has attempted to comply with the law. Coal mining is an essential and important industry and it should not have its image tarnished by the unethical operator out to make a fast buck at the expense of others.

Mr. Speaker, I strongly recommend H.R. 1963 receive favorable consideration.

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

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

Mr. Speaker, the Surface Mining Control and Reclamation Act [SMCRA] of 1977 contains a proviso which requires each State receiving abandoned mine reclamation funds to spend those funds within 3 years of being granted by the Secretary of the Interior.

Some States have discovered that this 3-year limitation does not act to serve the best interest of their reclamation programs. Congress has been

requested to modify the 3-year limitation so that each State may better regulate its grant fund expenditures. H.R. 1963 contains a title which authorizes each State to set aside 10 percent of each annual abandoned mine reclamation fund grant in a special trust fund. Moneys from these special trust funds, and any interest earned by said special trust funds, could be spent whenever deemed appropriate by the States so long as they are spent solely to accomplish the purposes of SMCRA.

This is a reasonable modification to existing law in that it does not significantly dilute the effect of annual SMCRA grants and their spending requirements and yet does give each State the flexibility to better regulate the expenditure of grant moneys.

H.R. 1963 also contains a second title which would repeal the 2-acre exemption provision of SMCRA which currently exempts those surface coal mining operations which affect 2 acres or less from all provisions of the act.

This 2-acre exemption has given rise to several different forms of SMCRA circumvention. In some instances, operators have been found to be mining a number of sites along a coal seam where 50 to 100 feet are skipped between pits with each site being claimed as a separate mine under the 2-acre exemption. In other instances, shell corporations have been created under which separate companies were formed and operated under the 2-acre exemption using common equipment, employees, offices, and stockholders.

The end result has been a flurry of lawsuits, a disproportionate expenditure of State and Federal funds, and the circumvention of the reclamation provisions of SMCRA.

The best way to solve these problems is to repeal the troublesome 2-acre exemption so that each State can get on with its reclamation programs in an effective and orderly manner.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. CHENEY].

□ 1240

Mr. CHENEY. Mr. Speaker, it is my pleasure to be cosponsoring with Mr. UDALL, Mr. RAHALL, and Mr. MARLENEE, the bill before us today to make some needed adjustments in the Surface Mining Control and Reclamation Act.

This legislation, H.R. 1963, consists of two titles—one dealing with the so-called 2-acre exemption, and one dealing with the use of abandoned mine land funds. It has been a pleasure to work with the distinguished chairman of the House Interior Committee, Mr. UDALL, to develop this bill.

The so-called 2-acre exemption in the law seemed like a reasonable thing to do in 1977, but it has since proven to be extremely difficult to enforce and administer, and has been seriously abused by a few unscrupulous operators whose illegal activities have blighted the mine reclamation effort. The bill before us would correct these problems and require proper reclamation at all mines, regardless of size.

The second issue addressed by the bill is the matter of giving States more flexibility to deal with problems caused by past mining.

As my colleagues know, title IV of the Surface Mining Control and Reclamation Act established a program to facilitate repair of damage from past mining—the Abandoned Mine Lands Program. This work is paid for out of a fund derived from a fee on each ton of coal that is mined. That fee system is scheduled to expire in 1992.

The notion of giving States more flexibility in handling their AML funds stemmed from a particular problem in Rock Springs, WY, which sits on top of a honeycomb of long-abandoned underground coal mine voids. Since 1948, Rock Springs citizens have been troubled by periodic episodes of subsidence—collapsing of the ceilings of these mines. The Rock Springs situation clearly is Wyoming's most serious abandoned mine problem.

For well over a decade, State and local officials have searched for ways to do something about this problem. A lot of money has been spent to study the extent of the mine voids and to try to keep them from collapsing.

The method of choice in recent years was to try to backfill the voids by pumping in a slurry mixture. But there is reason to believe that backfilling intended to prevent subsidence has, itself, triggered more subsidence in adjacent areas. As a result, the State of Wyoming is seeking other methods to deal with the subsidence problem.

It is questionable, Mr. Speaker, whether a good, cost-effective solution to this longstanding problem will be found before 1992, when the fee on coal which finances the AML Program is scheduled to expire.

To address this kind of situation, the bill before us today would allow States to set aside up to 10 percent of their annual appropriated funds under the AML Program in a special trust fund. Money in such funds, together with any interest earned, could be used after 1992 to address remaining mine reclamation problems such as the one in Rock Springs which defy immediate solution.

Our bill does not alter any State's allocation under the AML Program, and it does not in any way change the purposes for which AML funds can be spent. It simply gives States the flexibility to set aside a small portion of their AML allocations if they choose for use in the future to solve problems that, for technical or other reasons, cannot be solved now.

Mr. CRAIG. Mr. Speaker, I thank my colleague, the gentleman from Wyoming [Mr. CHENEY], and also would like to comment on the leadership role he has played in gaining greater flexibility that I think has been clearly demonstrated is necessary in the law. We believe that H.R. 1963 demonstrates that, Mr. Speaker.

Mr. Speaker, I have no others who wish to comment, and therefore, I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, it gives me great pleasure to rise in support of H.R. 1963, a bill which would repeal the 2-acre exemption provided by the Surface Mining Control and Reclamation Act of 1977 as well as authorize the States to retain up to 10 percent of their annual AML construction grant for future use.

This is rather an historic occasion. No amendments to SMCRA have been considered on the House floor since its enactment although a number of modifications have been made to the act through the appropriations process over the years.

Be that as it may, this is an historic occasion in the sense that we have a bill to amend SMCRA that the support not only of the recognized father of the Federal surface mining law, Mo UDALL, but of representatives from the Appalachian and Western coalfields as well.

On a personal note, I would say to the distinguished chairman of the Committee on Interior and Insular Affairs, that it is a great privilege for me to rise in support of an amendment to SMCRA not only in my capacity as chairman of the Subcommittee on Mining and Natural Resources, but as a representative of the great State of West Virginia where the Federal Surface Mining Act has had a good deal of impact. During my first term in the Congress, I had the honor of serving on the conference committee which ironed out the differences between the House and Senate bills which ultimately became the 1977 law. As many of us well remember, this law had a very controversial history and to this day its implementation continues to spark heated debate. However, on the matter before us today, there is no controversy and we stand united behind this legislation. This bill is a tribute to the leadership of the gentleman from Arizona and his ability to act when the situation warrants.

Let there be no doubt that the 2-acre abusers have been in the minority. Upon the enactment of H.R. 1963, if you listen closely, I think you will hear a collective sigh of relief from the coal industry. The many law-abiding producers of coal in this country have long labored under the stigma much of the media has attached to

surface coal mining due to abuses under the 2-acre exemption.

Those who have abused the 2-acre exemption have not only given the entire coal industry a black eye, but have also created unfair competition in the production of coal. And this, it should be noted, was one of the major reasons for the enactment of the 1977 law—to ensure that all coal-producing States were playing by the same set of rules when it came to environmental standards governing surface coal mining and reclamation.

While the AML provision of H.R. 1963 is not of great interest to those of us from the East, it does recognize a problem certain Western States are having with title IV and I am pleased that it has been included in this legislation. I would note that at some point in the near future, I will be conducting oversight hearings on the AML Program so that we may begin to focus on the reclamation needs of the coal States after 1992 when the current AML Program expires.

I urge all of my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, I urge the passage of this bill.

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

The SPEAKER pro tempore (Mr. HUBBARD). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 1963, as amended.

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

A motion to reconsider was laid on the table.

DESIGNATING A SEGMENT OF KINGS RIVER IN CALIFORNIA AS A WILD AND SCENIC RIVER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 799) to designate a segment of the Kings River in California as a wild and scenic river, as amended.

The Clerk read as follows:

H.R. 799

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

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) KINGS, CALIFORNIA.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1595 feet above mean sea level. The segments within the Kings Canyon National Park shall be administered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.".

(b) RENUMBERING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

SEC. 2 SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the "special management area"). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") as a separate unit of the Sierra National Forest. The boundaries of the Sierra National Forest and the Sequoia National Forest shall be adjusted accordingly.

(b) AREA INCLUDED.—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kings River Special Management Area," dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

(c) ADMINISTRATION.—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of such Act, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) MINING AND MINERAL LEASING.—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

(e) HUNTING AND FISHING.—The Secretary shall permit hunting, and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies and regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) MANAGEMENT PLAN.—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide or public outdoor recreation use and enjoyment of the special management area, protect area's natural, archaeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before enactment of this Act. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) ACCESS TO PRIVATE LANDS.—If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underly public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors, in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to ther site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used to the enactment of this Act.

(h) SPECIFIC PROTECTIONS.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea levels, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provision of law, no Federal lands

may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, 1986 (82 Stat. 906) in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

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

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 799 was introduced by our good friend and colleague on the Committee on Interior and Insular Affairs, RICK LEHMAN.

H.R. 799, as reported by the committee, would designate about 81 miles on the Kings River in California as a component of the National Wild and Scenic River System. The bill also establishes a 48,000 acre special management area on Forest Service land that includes the Kings River canyon area and provides for protection of an additional 11 miles of the main stem of the Kings River.

Mr. Speaker, the Kings River originates in Kings Canyon National Park and flows into Tulare Lake in the San Joaquin Valley of California. The middle and south forks of the Kings River head waters gathers in the High Sierra Nevada Mountains at nearly 14,000 feet elevation and flow in rapid descent through some of the wildest reaches of Kings Canyon National Park. The two forks join to form the main stem and passes through what has been called the deepest canyon in the continental United States, 8,240 feet from the top of Spanish Mountain to the river. In the 11,160-foot drop to the river it passes through all of the Sierra Nevada life zones from alpine to sonoran. The diversity of vegetation and wildlife along the river encompasses nearly all of the species to be found in the Sierra Nevadas and in some places the more rare animal species are found in large numbers.

The Kings River is widely known as one of the finest trout streams in California and has been designated for special status by the State as a wild trout fishery.

The upper river is a favorite of backpackers and sustains heavy use from hikers. The lower river is heavily used for general recreation but is most popular as a rafting river. It has been estimated that about 20,000 raft trips are made annually.

While there has been a long history of water development projects proposed for the Kings River, only one is currently active and calls for a dam at Rodgers Crossing, just upstream from the upper end of Pine Flat Reservoir. The development of this site has been proposed by the Kern River Conservation District [KRCD], an independent agency organized under California law for the purposes of providing irrigation water, hydropower and flood control. KRCD asked the Corps of Engineers to study the site in the late 1960's. The Corps of Engineers reported, subsequent to their study in 1971, that under their procedures for economic analysis, no project would be feasible.

Mr. Speaker, with that background, anyone familiar with environmental issues will know there was great controversy about this bill as it was introduced. My colleagues on the committee, RICK LEHMAN and CHIP PASHAYAN have done an astounding job of bringing together the opposing groups and forging this excellent compromise we have before us today.

Mr. Speaker, compliments are certainly due these two fine legislators and their staff, Mary Lou Cooper and Larry Adams and my own chief of staff, Dale Crane, for putting together this very difficult agreement and obtaining the acceptance of the people on both sides of the issue.

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

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

Mr. Speaker, I rise in support of H.R. 799 as reported by the Committee on Interior and Insular Affairs and I urge my colleagues to join with me in passing what I term to be a historical accord. The legislation now before this body accommodates both those who adamantly oppose the construction of a dam on the Kings River, CA, regardless of what future circumstances may be, and those who insist that the possibility of building a dam in the future be kept alive. The controversy has been long and hot. It stems from legislation developed in 1963 by our former colleague, Bernie Sisk, to put Tehipite Dome and Cedar Grove into Kings Canyon National Park, which was accomplished in 1965. It is certainly the view of Mr. Sisk that as a part of the process there was a compromise whereby Rodgers Crossing would be left open to development sometime in the future. I should like to place in the RECORD at this point a formal statement on the subject by Mr. Sisk:

LET'S TALK SENSE ABOUT RODGERS CROSSING DAM

(By B.F. Sisk)

The history of water and power development in the Kings River watershed goes back so many years and involves so many people it is difficult to know where to start. In the early '20s, for instance, the City of Los Angeles proposed that it be given the right to build a series of power dams in the Kings River watershed, but this was vigorously opposed in the San Joaquin Valley.

A good place to start, however, would probably be with the name of Chester H. Warlow, a Fresno attorney and former chairman of the California Highway Commission. Chet was probably best known around the state for his chairmanship of the commission during the development of the state's freeway system. But Chet Warlow was deeply in love with the Sierra. It was a love affair that went back many years. As long ago as 1933, The Fresno Bee reported that the California State Chamber of Commerce had adopted a resolution in opposition to the creation of what is now the Kings Canyon National Park, and that Chet offered the resolution in opposition. He fired off a letter to the editor:

"No such approval of the resolution has been given by me," he wrote, "and at the last meeting of the San Joaquin Council of the state chamber of commerce I strenuously advised against such a resolution and voted against its adoption.

"I am more convinced than ever that the proper protection of the area and the best interests of this community require that the area be given national park status."

Kings Canyon National Park was established less than seven years later—on March 4, 1940—and Chet Warlow was a staunch friend of the Kings River high country from then until his death in the 1970s.

Even as Kings Canyon National Park was being created in 1940, two areas were excluded because of their potential need as reservoir sites. As Secretary of the Interior Stuart L. Udall was to advise the House Interior Committee later:

"The Cedar Grove and the Tehipite Valley areas were excluded from the park because many of those who supported its establishment conditioned their support on provision being made for water developments that would meet the future needs of the San Joaquin Valley of California for hydroelectric power and water for irrigation. At that time, it was thought that adequate water development for this valley necessitated the development of impoundments of the south and middle forks of the Kings River at sites which would have inundated the Cedar Grove and Tehipite Valley areas."

After I went to Congress in 1955 I had an opportunity to spend many enjoyable days and nights in the Kings River back country in the company of Chet Warlow and others—Leon S. Peters and Maynard Munger to name but two. With the construction of Pine Flat Dam, I felt that the time had come to take Tehipite Valley and Cedar Grove into the park and I introduced

legislation to accomplish this in 1963. This legislation was the subject of considerable controversy but in time we were able—thanks in large part to the efforts of Glenn W. Dorfmeier of Fresno—to work out a way to get the job done with the understanding that other possibilities for downstream storage on the Kings River could be explored and developed if it was found that it was feasible.

A historical footnote is necessary to appreciate the sequence of events as they unfolded.

It is well known that the Kings River water users were strongly opposed to any involvement of the Bureau of Reclamation and the Department of the Interior on the Kings River. The Bureau of Reclamation in the 1940s had sought to include development of the Kings River as part of its Central Valley Project. The bureau had an ambitious plan for the development of hydroelectric power resources on the upper north fork of the Kings. The Federal Power Commission doomed the bureau's plans for hydro-development on the north fork when it granted licenses for development there to the Pacific Gas and Electric Company. Several influential voices in the San Joaquin Valley, including The Fresno Bee, urged the FPC to reopen the question and give further consideration to the bureau's plans. The Bee urged federal development on the north fork because of the power that would be needed for pumping at the San Luis reservoir on the West Side. In addition, said The Bee in an editorial on Christmas Day, 1949, "the revenue from power is needed to help amortize the San Luis project and thus bring down water rates on the West Side to within reach of the average farmer. West Side irrigation," said The Bee, "is definitely in the public interest."

The Kings River farmers' opposition to the Bureau of Reclamation was across the board. They wanted to keep the bureau out of the Kings River because of acreage limitations and fears that the bureau would send their water elsewhere as part of a statewide distribution and exchange program. They wanted to keep the bureau out of the north fork power business because they wanted to develop the power resources they wanted to develop the power resources themselves, or at least to derive some financial benefit from their eventual development. In addition, they wanted to develop power at Pine Flat Dam. (Although no federal power project was authorized in connection with Pine Flat, when the dam was designed, provision was made for installation of power facilities later on.)

The FPC stood fast on the PG&E license on the upper north fork, thus frustrating the bureau's hopes for that development. The Kings River people were worried that the bureau was continuing to maintain an interest in eventually developing the power at Pine Flat, however. They wanted to keep the option open of developing Pine Flat power themselves.

While all of this was going on, the Kings River water users and the Department of the Interior were engaged in a lengthy controversy over the applicability of reclamation law to the waters of the Kings River. This disagreement dragged its way through the federal courts for years.

When we introduced our legislation to add Tehipite Valley and Cedar Grove to the Kings Canyon National Park in 1963, the Kings River people and the Fresno Chamber of Commerce came out strongly and unequivocally in opposition. They recalled that the justification for leaving them out of the park in the first place was their potential need as power sites, and the question of federal hydroelectric power on the Kings River was still very much a lively and controversial issue. The possibility that the Bureau of Reclamation would one day win the authorization to install power facilities in Pine Flat Dam was just below the level of consciousness on the part of many people.

On July 17, 1963, Chet Warlow wrote me a letter to report on a confidential conversation he had had about a meeting of Kings River irrigation interests the previous day. At the Kings River meeting, he said reservoir sites at Tehipite Valley, Cedar Grove and Rodgers Crossing were discussed. "Rogers Crossing, he said, "would be used as an after-bay to the upper two reservoirs and serve to permit power facilities at either or both dams to operate continuously through the year. This Rodgers Crossing dam," he said, "would supplement the storage of water in the Pine Flat reservoir to the end that both Pine Flat and Rodgers' Crossing reservoirs together would have storage sufficient to hold back the waters to the proper irrigation season."

He closed with some flattering references to my "meticulous attention to the entire problem" when in fact it was to people like Chet Warlow and Glenn W. Dorfmeier that the thanks should go.

On February 7, 1964, a letter was sent to me by Dr. Edgar Wayburn, president of the Sierra Club, in which he reported that the Sierra Club board of directors had voted to support our bill. "Can we not find other means of producing the benefits sought from dams at Cedar Grove and Tehipite?" he asked. "Is there not further downstream storage to be developed. . . .?"

The role of Glenn Dorfmeier cannot be overstated. Glenn was the chairman of the Sierra Land Use Committee, a rather small but hardworking group of people who were convinced that multi-purpose use of the Sierra is in everybody's best interest. His group worked tirelessly to try to bring about a resolution of the conflicting views. The Kings River people were in the main opposed very stongly to my bill, but Glenn took great delight in quoting Phil Gordon—long a respected leader in the Kings River group—who said he was opposed to putting reservoirs at Tehipite Valley and Cedar Grove on philosophical grounds—"for the same reason I want to see California's missions preserved or the whooping cranes saved."

The Kings River people were not monolithic in their opposition, but the spector of having the Bureau of Reclamation develop power at Pine Flat Dam was still very much alive.

At Glenn's suggestion, my administrative assistant, Jackson T. Carle, began having some conversation with the officials of the Department of the Interior which Glenn hoped would lead them to abandon their interest in power at Pine Flat Dam. It was reasoned that this, coupled with the possibility of a reservoir at Rodgers Crossing, would be enough to break the logjam.

Although a hearing was held on our Tehipite Valley-Cedar Grove bill in the 88th Congress, because of the controversy we did not press for committee approval and the bill died. In January of 1965 we reintroduced the legislation as H.R. 903.

I do not believe that my interests were narrow. I was mindful of the scenic values of Tehipite Valley and Cedar Grove, but I was also insistent that adequate provision be made for future water development. In reviewing my congressional files. I find two constituent letters from January of 1965 that bear on this point. In a letter dated January 7th we wrote:

". . . I assure you I would not now be urging inclusion of these areas in the Park if it appeared that any substantial amount of additional water could be developed through their use as reservoirs or the (sic) alternate means of conserving an equal amount of water were not available."

Similarly, a letter dated January 11, 1965, says:

"I want you to know also that I am most concerned with conservation of all possible water of the Kings River, and I would not propose that these areas be placed in the Park and thus barred from reservoir development, unless I was sure that equal or greater water conservation on the Kings River can be accomplished without the use of these scenic areas for that purpose."

Also on January 11, 1965, the late Breckenridge Thomas, then the attorney for the Kings River Water Association, wrote to me about the concerns of the local water users with regard to the Pine Flat power. On January 15, we responded in a letter to Breck:

"I am discussing this matter with Department of the Interior people, as well as my California colleagues, and I am hopeful that I can help, providing the plant can be developed as a portion of an economically feasible project which will avoid the necessity for reservoirs at the Tehipite Valley and Cedar Grove sites."

Over the years I have had many friends among the reporters at *The Fresno Bee.* One of them was Karl M. Kidder, whose stories about the national parks and national forests in the Sierra over the years would fill several volumes. Karl was following the Tehipite-Cedar Grove issue closely and on January 17, 1965, in a story that appeared on the front page of the San Joaquin Valley section of *The Bee, Karl Reported at length on the KRWA interest in Rodgers Crossing, including photographs of the potential dam site there.*

He wrote, in part:

"A deep and narrow section of the canyon cut by the Kings River just upstream from historic Rodgers Crossing may hold the answer to a recent conservation vs. water storage controversy.

"The section may become the site of a dam which would store Kings River water for San Joaquin Valley farms and make unnecessary the proposed dams which would flood beautiful Tehipite Valley on the middle fork of the Kings and popular Ceder Grove on the river's south fork."

Karl further hinted that Pine Flat and Rodgers Crossing might make a combination of water and power development that could lead the KRWA to abandon its opposition to our legislation.

On February 2, 1965, *The Fresno Bee* editorially urged a renewed effort to get our legislation passed. It noted that the Kings River Water Association *"has begun studying alternative sites along the Kings"* but said that even so, complacency over our legislation should not be allowed to develop.

On Friday, March 12, 1965, we were able to announce that the Department of the Interior had given assurances that it has no interest in developing the power facilities at Pine Flat. We reported further that Secretary Udall had said he would raise no objections to local interests developing power there. In a Washington dispatch, the

McClatchy Newspapers Service on March 12 reported:

"The KRWA has let it be known it is considering other reservoir sites closer to Pine Flat Dam but, so far, has not withdrawn its opposition to Sisk's legislation. However, the KRWA's directors will meet in Fresno Tuesday (March 16) and, because of today's announcment, they might reconsider their opposition at the meeting."

On the Wednesday, March 17, after the KRWA meeting, we were able to issue a statement that the KRWA had withdrawn all opposition to our legislation. It was a good feeling, and we commended the Kings River leadership for the step they had taken. And we also said:

"I understand the association is continuing its study of alternate water conservation and power development projects on the Kings River which would not require use of the Tehipite Valley and Cedar Grove areas for reservoir purposes and that preliminary findings are favorable. I hope that the decision we secured from the Department of the Interior last week clearing the way for irrigation districts to develop power at Pine Flat Dam may be a material factor in insuring the economic justification for the larger project.

"I want to renew my assurance to the water users that I will continue to give my best effort at the federal level to advance their interests, to get them the water they need and to reduce their water costs by the sale of power, in the same manner that Central Valley Project water users are benefited through power sales."

On page one on March 17. *The Fresno Bee* reported in a story by Jim DuFur that the *"lengthy battle to save Tehipite Valley and Cedar Grove from inundation by water storage reservoirs has been won."* Jim reported that there had been no *"intensive"* effort to add Tehipite Valley and Cedar Grove to the park until *"the last few years"* after the KRWA had begun to study them as reservoir sites.

Jim's story reported that the *KRWA had made its decision after the Interior Department cleared the way for local use of Pine Flat power facilities and that the KRWA had "enlarged its water development studies" to consider other areas.*

"Specifically," he wrote, "the association now is concentrating its studies on Rodgers Crossing and the Junction Site."

The Dinuba Sentinel, in its edition of March 18, 1965, reported on the breaking of the deadlock and printed the text of a statement issued by the KRWA, in part as follows:

"(C)onfirmation of the Department of the Interior's commitment made in the Pine Flat contracts that it would take no position adverse to the Kings River water users has enabled the Association and its members to look with more confidence upon the possibilities of securing a feasible downstream storage project as an alternative to the Tehipite Valley-Cedar Grove development.

"The importance of the development of power is its use as a means of paying for the cost of storage reservoirs and the availability of Pine Flat power, integrated with an additional storage project, can well make the difference between an economically feasible and an infeasible project."

The following day, *The Bee* expressed editorial approval of the new developments and urged continued support for the legislation. The editorial said:

"The KRWA says it can develop an alternative water storage project downstream on the Kings now that it is sure it can generate power at Pine Flat Dam. Thus the KRWA feels it is discharging its responsibility to the water users."

"That is all to the good. Even if there were no alternative storage sites, however, Cedar Grove and Tehipite would belong in the park."

An interesting footnote is that on the very day that the KRWA cleared the way for the legislation, the president of the Sierra Club, Will Siri, wrote to us as follows:

"This note is just to tell you once again of our appreciation of your good efforts in trying to add Cedar Grove and Tehipite Valley to Kings Canyon National Park. You can rest assured that we will do everything we can to help you in securing the passage of this legislation."

"We have both been working on this effort to complete the park for a long time. When we succeed, your contribution will be remembered most especially."

Two months later the House subcommittee on national parks approved our legislation. The next day, the McClatchy Newspapers' Edward H. Dickson included this in his report on the action:

Sisk noted that last year both the Kings River Water Association and the California State Chamber of Commerce opposed the legislation on the ground the sites still might be needed for water and power development.

But, he said, both organizations now are in support because the KRWA has decided on other sites on the Kings River as a source for water and power.

The rest is history. Our bill passed Congress without further ado and was signed into law. But that is not all there is to the story. Within a decade, the country and the world had entered into a period of economic turmoil the likes of which had not been seen before. The oil embargo imposed by the mid-easten countries and the wrenching inflation which gripped the nation for several years were accompanied by serious dislocation in the nation's farm economy.

All over the country, hydroelectric projects which were once considered not feasible suddenly became feasible because of the cost of alternative sources of energy. New federal policies on local cost sharing of water projects changed the economic equation governing water project evaluations. Soaring federal deficits and a rising antipathy to federal water projects for agriculture forced water project sponsors to look at their local options more closely.

In our own area, the Kings River Conservation District and the Kings River Water Association decided they had to take a serious look at Rodgers Crossing. What the Corps of Engineers had decided was not feasible from the federal standpoint in 1972 might not necessarily be unfeasible from the local standpoint in the mid-'80s. So they began to evaluate the possibilities. Given the history of the development of Kings Canyon National Park, Tehipite Valley and Cedar Grove, and the Pine Flat power facilities, they quite reasonably expected that their efforts would be sympathetically received.

Instead, there are those who want once more to slam the door in the face of the Kings River water users. In reality, they should be given a pat on the back for trying to do what they can—without the use of scarce federal dollars—to improve their own lot. And it is not only their lot, but the lot of all of us that will be improved.

I am constantly amazed at those among us who seem willing to hobble our farmers. They seem not to realize that farming is what makes this valley what it is. When the farmers catch cold, everybody sneezes. We in the San Joaquin Valley cannot survive—let alone prosper—by doing each others' laundry. We need a healthy agriculture. Rodgers Crossing Dam can contribute to that end, and we ought not put any obstacles in its path.

There are those who will argue that what was done or said 20 or 30 years ago is unimportant. I know we have to be ready to adapt to change, and all of us have to do this from time to time. But this and future generations will have to live together and deal with one another with some reasonable expectation that a man's word is his bond. Because an agreement isn't reduced to formal language on a parchment scroll, and sworn to before a notary public and published in 39 copies, doesn't diminish its worth as an agreement. It is in our own best interest to keep faith with our Kings River friends because they, along with farmers everywhere in this valley, keep us in food, clothing and shelter.

We need to remember that. If a dam at Rodgers Crossing is feasible, and if the leadership of the Kings River area decides a dam ought to be built there, it ought to be built.

Mr. Speaker, I should also like to place into the RECORD a contemporaneous article of the Fresno Bee on the same point, as follows:

ENGINEERS PROBE ALTERNATE SITES FOR KINGS RIVER DAM

CEDAR, TEHIPITE BATTLE

(By Karl M. Kidder)

A deep and narrow section of the canyon cut by the Kings River just upstream from historic Rodgers Crossing may hold the answer to a recent conservation vs. water storage controversy.

The section may become the site of a dam which would store Kings River water for San Joaquin Valley farms and make unnecessary the proposed dams which would flood beautiful Tehipite Valley on the middle fork of the Kings and popular Cedar Grove on the river's south fork.

Rodgers Crossing, which would be inundated if a dam were to be built just below it, has been used for years to get cattle herds across the river canyon on the way to and from summer pasture.

Here, where the river serpentines its way toward Kirch Flat Campground and its confluence with the north fork and with Dinkey Creek, five engineers are stuyding a mass of detail.

They seek to determine if a dam is feasible and what would be the cost of erecting a dam, say, 300 feet high, as compared to the benefits to the Kings River Water Association from storage of about 200,000 acre feet of water.

The engineers, hired by the KRWA, also are studying a possible site several miles up river where the middle and south forks come together west of Boyden's Cave. Both of these are alternate site studies ordered when a storm of protests arose over proposals to build dams which would inundate the Tehipite and Cedar Grove areas.

The controversy goes back to 1963 when Congressman B. F. Sisk of Fresno introduced legislation to put Tehipite and Cedar Grove, both highly scenic areas, into the Kings Canyon National Park. The areas now are in national forests.

Actually, the story goes back even further. Many years ago, when the park was created, these two areas were left out because someone expressed the belief that one, or both of them, might some day be needed as damsites to hold back some of King's annual runoff.

Sisk's introduction of his bill was the signal for a KRWA announcement that the association considered the sites still valuable as locations for water storage. The response to the KRWA announcement was loud and clear.

For one, the Sierra Land Use Committee, a group dedicated to safeguarding the public's interest in Central California's natural resources, collected thousands of names on petitions urging congress to pass Sisk's bill.

The highly vocal Sierra Club added its voice, saying dams at Tehipite and Cedar Grove would "desecrate areas of wilderness beauty, of which there are a scant few remaining in California."

Various water interests allied themselves with one side or the other, and a subcommittee of the house committee on interior and insular affairs, held a hearing on Sisk's proposal in Washington.

No decision has been made by the subcommittee. The congressman has resubmitted his bill to the present congress.

Meanwhile, the KRWA engineers, in their search for alternate sites, looked at many along the stretch of the river, keeping in mind one important aspect of their search: Whatever site is selected must be capable of producing power in sufficient quantities to pay the cost of building the dam.

In purely preliminary studies they determined, for instance, that the Junction Site where the middle and north forks of the Kings come together, would provide an ideal power site, but a poor one from a standpoint of reservoir area.

Access to the site deep in the river gorge would be difficult. The very steepness of the canyon walls, the steep gradient of the stream flow and other factors would dictate a dam at least 400 feet high to store the required 200,000 acre feet of water.

At the Rodgers Crossing site, however, the engineers' studies indicate a dam about 300 feet high would be required to provide the same storage. Power aplenty could be developed at the Junction Site, but little, if any, could

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Thus in recognition of the controversy and of the issue of whether a dam at Rodgers Crossing should be allowed, Congress now makes as the crux of this legislative accord a decision expressly not to designate the lower 11 or so miles of the main stem of the Kings River as a component of the Wild and Scenic River System.

Before proceeding further, Mr. Speaker, I should like to seek a response to a question I have of the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO.

Mr. VENTO. Mr. Speaker, if the gentleman will yield, I would be happy to answer any questions.

Mr. PASHAYAN. I appreciate that. I have but one question.

Is it the case that the Congress would be required to amend this act, and not the Wild and Scenic River Act, to allow the construction of any dam within the Kings River Special Management Area?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, yes, that is correct.

Mr. PASHAYAN. Mr. Speaker, I thank the subcommittee chairman.

Mr. Speaker, the Kings River, however, is protected within a special management area whereby construction of a dam would be permitted only with the specific authority of the Congress. This is accomplished in two ways—the prohibition on the use of Federal lands for the "construction of any dam or diversion within the Kings River Special Management Area," and on obtaining a license from the Federal Energy Regulatory Commission without Congress' approval. Under the act, the Kings River Conservation District could, however, make studies, including within the special management area, for any purpose the district deems appropriate, including possibly building a dam at Rodgers Crossing.

Equally at the heart of the compromise, too, is the agreement by my colleague Mr. LEHMAN to support raising the Pine Flat Dam, already on the Kings River, by 20 feet as a flood control project to be engineered and constructed by the Corps of Engineers. This is to begin immediately, and in fact Mr. LEHMAN has already joined in my request of the Appropriations Committee for the funds. I certainly hope my colleagues will support this measure, as it is, again, a part of the compromise as much as H.R. 799.

H.R. 799 as developed by the Committee on Interior and Insular Affairs designates two of the undeveloped forks of the Kings River—the south and middle forks—as well as nearly 6 miles of the main stem of the Kings River as components of the Federal Wild and Scenic River System.

In establishing the Kings River Special Management Area—some 45,000 acres—along either side of the main stem of the Kings River, the Forest Service is directed to protect the areas' natural, archaeological, and scenic resources, as well as to provide for appropriate fish and wildlife management.

While recognizing the natural attributes of the area, which were spelled out in the hearings before the Subcommittee on National Parks and Public Lands, the legislation also permits grazing, hunting, fishing, mining as now exists, and some harvesting of timber if necessary because of fire, insects or disease. Off-road vehicle use would be permitted to existing areas, and a management plan would provide for the development of hiking trails, with special emphasis directed to the area between Garlic Creek and Little Tehipite Valley. Private right of engress and egress is permitted.

In closing, Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], for his patience and counsel. Also, I should be remiss if I did not acknowledge the tireless work of Dale Crane and Charlene Seamens of the majority staff and Lori Stillman of the minority staff in helping to bring this compromise to fruition.

Also, Mr. Speaker, a special thanks to Mr. Jeff Taylor, manager-engineer of the Kings River Conservation District, and to Mr. Don Furmann of the Committee to Save the Kings River. Both of these gentlemen were called upon by my colleague from California, Mr. LEHMAN, and myself, to accomplish the Herculean task of assuring support from the interests they ably represented throughout the negotiations on the product now pending before this body.

I again urge my colleagues to join in helping to forge this historic accord into the law of the land by supporting H.R. 799 as amended.

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

Mr. VENTO. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, the gentleman from Minnesota, for yielding me this time.

At the outset, Mr. Speaker, I join with my colleague, the gentleman from California [Mr. PASHAYAN], and express my thanks, as he did, to the many people on my staff and his staff, on the Committee To Save the Kings River Conservation District, on the staff of the gentleman from California [Mr. LAGOMARSINO], and on the staff of the gentleman from Minnesota [Mr. VENTO], who made this day possible.

It is with an enormous pride that I rise in support of H.R. 799, as amended. For those of us who care deeply about the Kings River and Kings Canyon, we hope and believe today marks the end of a long, long road. For me personally, this road began as a very young man when I first hiked alongside the Kings River. At that time I did not know that Kings Canyon was the deepest canyon in North America. I did not know that the river would be designated as a wild trout stream, the largest in California. I did not know that this river had the longest vertical drop of any river in the United States. I did not know that the very place I walked would become a national recreation trail. I did know that the River of Holy Kings gave me and thousands of others the solitude and spiritual renewal that only this kind of experience in nature can bestow.

For the last quarter of a century the remaining undammed Kings River has been threatened by massive hydroelectric projects, with Rodgers Crossing Dam the most recent proposal. This

dam would have flooded within 1½ miles of the deepest point in Kings Canyon and would have destroyed rafting, camping, fishing, and hiking as it exists today in the most accessible portion of the canyon. And what would have been gained? About 45,000 acre-feet of water, less than the city of Fresno currently recharges in a year and only 3 percent of the 1.5 million acre-feet ground water overdraft in the southern San Joaquin Valley. Because Rodgers Crossing could not make it financially as a water project, it was designed so that electric consumers in California would bear the cost. And even as a hydroelectric project, the economics were extremely poor with the vast majority of studies showing negative benefit-cost ratios.

Mr. Speaker, while I revere Kings River and Kings Canyon, I also have the greatest respect for agriculture and water needs of the Central Valley of California. I represent the Kings River Service Area. My father farmed in the Consolidated Irrigation District all his life. The Kings River Conservation District and the Kings River Water Association have done a lot to make our valley a better place to live.

Just a few weeks ago, these conflicting goals—saving the Kings River and obtaining more water for the San Joaquin Valley—were on a collision course.

□ 1300

However, because of the very good will of all parties involved in this issue, a compromise was reached which accommodates both those who wish to protect our landscape and those with very real needs for additional water. I wish to particularly commend Mr. PASHAYAN, the Kings River Conservation District, and the Committee To Save the Kings River for their willingness to negotiate for the good of all the people of our valley and for the needs of future generations.

H.R. 799 contains portions of the compromise and aspect of the agreement will be accomplished in other forums. Briefly, Mr. Speaker, the compromise we reached will:

First. Designate approximately 81 miles of the Middle and South Forks and main stem of the Kings River as part of the National Wild and Scenic Rivers System.

Second. Require that about 11 miles of the main stem of the Kings River from elevation 1,595 feet mean sea level down to elevation 900 feet mean sea level will be protected by section 7(a) of the National Wild and Scenic Rivers System in the same manner as if this portion of the river were designated as part of the national system. This means that the Federal Energy Regulatory Commission is prohibited from issuing licenses for dams or diversions on this stretch of the river.

Third. Leave out sufficient mileage on the main stem of the Kings River—from elevation 990 feet to the existing Pine Flat Reservor—from H.R. 799 so that in the future Pine Flat Dam can be raised by about 20 feet. Raising Pine Flat Dam will generate from 20,000 to 30,000 acre-feet of water for irrigators in the San Joaquin Valley.

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

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for his efforts in this regard and I am just pleased to emphasize that the heart of this compromise is really two pieces of legislation. This is one, and the other is raising Pine Flat Dam. Although that is to follow, I appreciate and I know I have the commitment from my colleagues to make every effort and I take that our colleagues will understand that this is a two-part compromise and not a one-part compromise. I am sure the gentleman joins me in this.

Mr. LEHMAN of California. I thank the gentleman for that. Both I and the Committee To Save the Kings River have long expressed our belief that raising Pine Flat Dam is a viable, nonenvironmentally damaging alternative.

Mr. Speaker, the fourth thing this legislation would do is establish a new Kings River Special Management Area emcompassing portions of the river and about 48,000 acres of land on either side of the river. The new special management area will be managed for protection of recreation, scenic resources, and wildlife. No Federal lands within the Kings River Special Management Area may be used for the construction of dams or diversions.

Fifth. Permit the Kings River Conservation District to conduct its own studies as it deems appropriate. I would note that just last week, the KRCD board voted to conclude its studies of Rodgers Crossing Dam.

Mr. Speaker, I am especially pleased that in addition to finally resolving the status of the Kings River we have expanded the legislative scope of H.R. 799 to resolve other management issues in Kings Canyon. The establishment of the Kings River Special Management Area addresses esthetic, recreational, and wildlife concerns in Kings Canyon in a manner rivaled only by the special management areas at Lake Tahoe and Mono Lake.

Mr. Speaker, at this time I wish to commend my chairman of the National Parks and Public Lands Subcommittee who continues to provide this House with the strength needed to protect our natural resources and the diplomacy to do so harmoniously. His very able staff director, Dale Crane, also deserves high praise for consistently giving us wise council, and long, long hours of quality staff work. Our full committee chairman and friend, MO UDALL, and our distinguished minority expert on national parks, BOB LAGOMARSINO deserve recognition for their efforts to resolve this issue, as do Congressmen MILLER, COELHO, and EDWARDS and others in our California delegation; 138 Members of this House coauthored this resolution. Finally, it goes without saying that this compromise owes a great deal to the leadership of Senator CRANSTON who introduced the Senate companion bill to H.R. 799. Because of the interest and support of Senators CRANSTON and WILSON, I fully expect to see H.R. 799 become the law of the land in the 100th Congress.

Mr. Speaker, I believe we have reached a fair and equitable compromise on the Kings River which will last for as far in the future as I can see. With the passage of this legislation, the Kings River will remain a "national river, a river for all people, for all time." I urge this House to act swiftly on H.R. 799 so that future generations of Americans can experience the spirit and the splendor of the River of Holy Kings.

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

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman.

Mr. Speaker, I, too, was remiss in not mentioning the other Senator, Senator WILSON, whose support we sought during the negotiations and whose support we felt was essential to the consummation of the compromise.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I realize that, with all the Members who have cosponsored this, we have kind of a love-in out here on the floor with regard to this bill, but I would like to mention the fact that the administration does have some objections to the bill. Some of their objections, it seems to me, are not of much merit and generally I think it is a pretty good bill and I would be supportive of it. Except that I find down, buried in the midst of it—what do we have? Another example of congressional pork barrel.

What we have in this country is people paying taxes to do things that are necessary in the Federal Government; 2,350 families this year are going to pay all of their taxes so that we can do one thing with them and that is build trails in wilderness areas; 2,350 American families are going to pay all of their taxes so that we can build trails in wilderness areas. In this particular bill, we require that a 17-mile trail be built in this wilderness area. For that trail to be built, it is

going to take half of all the money available for 1 year just to build that trail. That means that 1,170 families are going to pay all of their taxes in 1 year to do nothing but build this one trail.

What I am suggesting is that the administration says it is unnecessary to have that trail built; it is at the very least, as I understand it, over extremely steep and rocky terrain and it seems to me to devote one-half of the entire trails' budget of the National Park Service or the National Forest System to build this one trail is really unnecessary and unwarranted.

It is one little line in the bill, one tiny, little line in the bill, but it is a requirement that will usurp the taxpayer funds of an awful lot of money for one little project.

I would suggest that, if we are going to do some of these things around here and we are going to do good and worthwhile things, that we ought to leave the pork out and allow the American people to share broadly with this rather than narrowly in this particular instance.

Mr. PASHAYAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 799, to designate approximately 81 miles of the main stem, south fork, and middle fork of the Kings River in California as a component of the Wild and Scenic Rivers System.

The headwaters and a substantial portion of this magnificant river are located in Kings Canyon National Park. Other portions of the river flow through National Forest lands included in the Sierra and Sequoia National Forests. Several miles of the river flow through designated wilderness areas and further planning areas which may be designated as wilderness in the future.

There is no question that the Kings River meets the criteria for wild and scenic designation. It is well-known for its scenic, geologic, historic, cultural, and fish and wildlife values. The Kings River is also heavily used by the public including many of my constituents, for a variety of recreational activities. These include: rafting, kayaking, camping, swimming and picnicking. In addition, fishing is extremely popular along the main stem of the Kings, which is the largest wild trout fishery in the State.

The Kings River carves a magnificent canyon and plunges several thousand feet in its journey to the ocean. The canyon supports a wide variety of plants and wildlife, making it a popular area for hiking and hunting.

The Kings was recommended as suitable for further study or designation as a wild and scenic river in the National Park Service 1982 nationwide rivers inventory. In addition, it was studied for potential wild and scenic designation by the Sequoia and Sierra National Forests in the forest planning process. In the draft forest plans, all of the river segment except for the 10 miles within the proposed Rodgers Crossing Dam site were recommended for designation by the Forest Service and the National Park Service.

Mr. Speaker, due to the proposed Rodgers Crossing Dam on the Kings River, this legislation was very controversial during subcommittee action. The Kings River conservation district has not yet completed feasibility studies on the dam proposal. The bill, as introduced, would have precluded further study and/or construction of the dam. However, I am pleased that all interested parties were able to resolve this difficult issue. I would like to commend the bill's sponsor, my friend and colleague from California, Mr. LEHMAN, and my friend and colleague in whose district the Kings River lies, Mr. PASHAYAN, for their hard work and efforts in negotiating an outstanding compromise. I would also like to commend the subcommittee chairman, Mr. VENTO, for moving this bill forward.

Under the compromise, the entire Kings River is designated as wild and scenic except for the lower 11 miles. This segment, while not designated, is accorded wild and scenic protection from dams, diversions, and impoundments, In addition, a 48,000-acre special management area is established along this segment of the river to protect the natural, archaeological, and scenic resources of the area, and to provide for public recreation use, enjoyment and appropriate fish and wildlife management. While feasibility studies on the proposed Rodgers, Crossing may proceed under the compromise, no dam could ever be constructed in this area unless specifically authorized by Congress. Finally, the compromise would allow for raising Pine Flat Reservoir by 20 feet as a possible alternative to construction of a new dam. Such action would, however, also require congressional authorization. I believe this is a significant compromise which protects the resources of the Kings River while allowing for long-range planning for future water needs in the Kings River area.

Mr. Speaker, I believe H.R. 799 is an excellent bill which will protect and preserve the remarkable values of the Kings River for the public's enjoyment today and in the future. I strongly support its passage and urge all of my colleagues to approve this important legislation.

□ 1310

Mr. VENTO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

Mr. Speaker, I congratulate all the members of the Interior Committee who did such a magnificent job in working out the compromise to make it possible to save this magnificent natural resource and, of course, in particular the chief sponsor of the bill, the gentleman from California [Mr. LEHMAN], and the gentleman from California [Mr. PASHAYAN], we are very grateful to them, to the gentleman from California [Mr. LAGOMARSINO] and, of course, the gentleman from Minnesota [Mr. VENTO]. This is indeed a happy day not only for California, not only for the West, but for the entire country. This is California's jewel. This is the western jewel, the Kings River, the highest and the best.

For those of you who have not had the opportunity to visit the Kings, let me say that it deserves protection. The Kings claims two national superlatives. First, the Kings flows undammed from its glacial headwaters to Pine Flat Reservoir dropping vertically for 11,400 feet. Second, the Kings has carved the deepest canyon in North America, an 8,240-foot wonderland of granite domes and limestone spires. The Kings is a natural resource and ecological laboratory of national significance.

The Kings River is the largest of California's wild trout streams, a system of blue-ribbon trout fisheries designated, managed, and protected by the State. The river water and the surrounding land of the Kings draws tens of thousands of visitors each year to enjoy whitewater rafting, hiking, camping and many other outdoor sports.

Congress has already acknowledged the national significance of the middle and south forks of the Kings by including them both in the National Park and Wilderness Systems. With H.R. 799 we will add these forks to a third system, the Wild and Scenic Rivers System. H.R. 799 will also extend protection to the lower 11 miles of the main fork of the Kings.

To protect the scenic, natural, archaeological and recreational values of the Kings River and to ensure the enhancement of these values, H.R. 799 will establish a special management unit within the National Forest System. By establishing the Kings River Special Management Area, Congress will recognize not only the importance of protecting the Kings but also recognizing the importance of preserving the unmatched canyon through which it flows. H.R. 799 also contains a prohibition of dam construction on the 17 miles of the Kings' main fork.

The Kings River deserves your support. It is truly a magnificent natural resource.

I urge a unanimous vote.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I am pleased to support H.R. 799, a bill introduced by my friend and colleague from California, RICHARD LEHMAN. This legislation is intended to protect the Kings River above Pine Flat Reservoir from futher development.

H.R. 799, as amended, embodies a historic compromise worked out between Congressmen LEHMAN and PASHAYAN regarding the future of the headwaters and canyons of the Kings River.

The Kings River shares a great deal with a river I deeply care about in my district—the Merced. Both rivers originate high in the Sierra Nevada within great national parks. Both the Merced and the Kings have carved canyons of incredible depth and beauty—areas that hundreds of thousands of Americans visit each year.

The Kings and the Merced are also workhorse rivers. They have been developed to provide flood control, irrigation water, and hydroelectric power for the fertile lands of the San Joaquin Valley. These rivers are the lifeblood of the valley's agriculture and their canyons are the crown jewels of the Sierra Nevada.

Unfortunately, the Merced and the Kings have shared a common threat from hydroelectric proposals that would have modified these rivers forever, destroying the precarious balance that exists. The controversy regarding the Kings was especially difficult for me.

Like my colleagues Congressmen LEHMAN and PASHAYAN, I respect those within the Kings River Conservation District who proposed to dam the Kings again at Rodgers Crossing. However, I strongly support protection for the undammed sections of the river above Pine Flat Reservoir because it is the right thing to do.

H.R. 799, as amended, represents a fair balance between the interests of preservationists and developers. The Kings River Conservation District has won the right to study and develop the raising of Pine Flat Dam by 20 feet—a project that would yield substantial new irrigation water.

Preservationists' concerns have been addressed by a congressional prohibition on dam construction on the main fork of the Kings River with the same protections as are afforded rivers placed within the National Wild and Scenic Rivers System. In addition, the canyon of the main fork will receive the national recognition and protection it deserves through creation of the Kings River Special Management Area.

H.R. 799, as amended, will end decades of acrimonious debate over the Kings River and the Rodgers Crossing Dam proposal. It is a sound compromise. I salute the efforts of Congressmen LEHMAN and PASHAYAN and I urge my colleagues in the House to support this legislation.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 799 to designate segment of the Kings River in California as a wild and scenic river. This legislation is a compromise which was developed by my Interior Committee colleagues, Congressmen RICHARD LEHMAN and CHIP PASHAYAN. With their help, the Interior Committee unanimously voted to report this bill. I wish to commend them as well as Congressmen VENTO and UDALL for their leadership in protecting the Kings River.

There are several important components of the legislation. About 81 miles of the river beginning at the headwaters in Kings Canyon National Park will be included in the National Wild and Scenic River System.

The compromise also establishes a Kings River Special Management Area on both sides of the river. This area will be managed by the U.S. Forest Service to protect natural, aesthetic, wildlife, archaeological, and recreational values. Such activities as timber harvesting will not be permitted in the Kings River Special Management Area.

Having spent a great deal of time in the Kings River area, I am aware of its recreational values. The Kings is the largest of California's designated wild trout steams. It's also a favorite place for those of us who enjoy hiking, camping, and river rafting throughout the year.

Mr. Speaker, I encourage my colleagues to join me in support of H.R. 799.

Mr. VENTO. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I would like to ask a few questions of the gentleman from Minnesota [Mr. VENTO] for the purpose of clarifying congressional intent with regard to H.R. 799 as amended.

If at some future date proponents of Rodgers Crossing Dam or proponents of any other dam or diversion wish to construct at dam or diversion which would fall between elevation 990 feet mean sea level and 1,595 feet mean sea level on the main stem of the Kings River, what Federal legislative conditions must be met in order for them to go forward with such project?

Mr. VENTO. Mr. Speaker, I am happy to answer the gentleman's question. In addition to any other conditions which any proponent of dams or diversions must meet for projects which would lie between elevation 990 feet mean sea level and 1,595 feet mean sea level on the main stem of the Kings River, H.R. 799 as amended would impose a minimum of two additional requirements.

First, no dam or diversion in this location could be allowed unless that provision of section 2(h) of H.R. 799 which requires that this portion of the Kings River is subject to the provisions of section 7(a) of the Wild and Scenic Rivers Act in the same manner as if it were designated as part of the national wild and scenic rivers system is repealed; and

Second, no dam or diversion in this location could be allowed unless that provision of section 2(h) of H.R. 799 which prohibits the use of Federal lands in the special management area created by H.R. 799 for the construction of any dam or diversion is repealed.

Mr. LEHMAN of California. I thank the gentleman. Is it correct to say that in applying section 7(a) of the National Wild and Scenic Rivers Act to that portion of the main stem of the Kings River which lies between 990 feet mean sea level and 1,595 feet mean sea level that the Federal Power Commission shall not authorize the construction of any dam, water conduit, reserior, powerhouse, transmission line, or other project works on or affecting this portion of the river nor shall any department or agency of the Federal Government assist in any way in the construction of any water resources project which would have a direct and adverse impact on the values of this portion of the Kings River in the same manner as if this portion of the river were designated as part of the national wild and scenic river system?

Mr. VENTO. The gentleman is correct in his interpretation of H.R. 799 as amended.

Mr. LEHMAN of California. To further clarify congressional intent with regard to H.R. 799 as amended, is it the understanding of the gentleman that applying section 7(a) of the Wild and Scenic Rivers Act to that portion of the Kings River from 990 feet MSL to 1,595 feet MSL as if it were designated as part of the National Wild and Scenic Rivers System would prohibit any dams or diversions outside this portion of the river which would inundate or dewater the main stem of the Kings River which is protected pursuant to section 2(h) of H.R. 799?

Mr. VENTO. Yes.

Mr. LEHMAN of California. I thank the gentleman. I think it is important for the legislative history of H.R. 799 to understand that protection of the Kings River from its headwaters in Kings Canyon National Park to elevation 990 feet is certainly no less than if the entire mileage were designated as

part of the National Wild and Scenic Rivers System. In fact, because of the added protections provided by the special management area and language specifying that no Federal lands may be used for construction of any dam or diversion within that special management area, Congress has added protections to the Kings River that few rivers in the United States enjoy.

I say to the gentleman from Minnesota [Mr. VENTO] for the RECORD, I would like to confirm congressional intent for leaving undesignated that portion of the main stem of the Kings River from 990 feet downstream to the existing Pine Flat Reservoir. When I introduced H.R. 799, protection for the middle and south forks of the Kings River and the main stem of the Kings River extended from the headwaters in Kings Canyon National Park all the way down to the existing Pine Flat Reservoir. In H.R. 799 we have left a very small undammed portion of Kings River out of H.R. 799 for the specific purpose of allowing the existing Pine Flat Reservoir to be raised by about 20 feet. Is that the committee's understanding of H.R. 799 as amended?

Mr. VENTO. That is correct.

Mr. LEHMAN of California. Further clarifying the intent of H.R. 799 as amended, does the establishment of a special management area preclude any future designation of the Kings River from elevation 990 feet MSL to 1,595 feet MSL as part of the National Wild and Scenic Rivers System?

Mr. VENTO. Absolutely not.

Mr. LEHMAN of California. Mr. Speaker, one final point to the gentleman from Minnesota [Mr. VENTO] that I would like to clarify, and that is probably as significant as any other aspect of this delicate compromise. Is it the understanding of the gentleman that within the special management area the Forest Service should conduct vegetative management studies to improve the habitat only for birds and mammals?

Mr. VENTO. Mr. Speaker, if the gentleman will yield, the gentleman is not getting at the fact that coincidentally it might help the habitat for snakes?

Mr. LEHMAN of California. Rattlesnakes. The gentleman is very perceptive. I have made ironclad commitments that this legislation would do nothing to improve the habitat of western rattlesnakes. If I break that commitment, I am afraid this whole compromise will bite the dust.

Mr. Speaker, I thank the gentleman. It is really difficult to make everyone happy, but we do try.

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

Mr. Speaker, I should like to ask the third point, could we please go over the third point again in the colloquy between the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. LEHMAN]?

Mr. VENTO. If the gentleman would like, we are on page 3—I am sorry.

Mr. Speaker, could the gentleman reiterate what particular phrase he is asking about?

Will the gentleman yield to me on his time?

Mr. PASHAYAN. Yes, of course.

Mr. VENTO. We have plenty of time.

Mr. PASHAYAN. Yes, indeed.

Mr. VENTO. The gentleman from California [Mr. LEHMAN] clarified with me the congressional intent with regard to H.R. 799 with the understanding that applying section 7(a) of the Wild and Scenic Rivers Act to that portion of the Kings River which is of concern to the gentleman, that is from the 990 mean sea level to 1,595 feet, as if it were designated part of the Wild and Scenic Rivers Act, will prohibit any dams or diversions outside the portion of the river which would inundate or dewater the main stem of the river, which is protected pursuant to section 2(h) of the bill, and my answer was "Yes."

Mr. PASHAYAN. Yes, indeed. In other words, there is no intent there to designate it as part of the Wild and Scenic Rivers Act; it is just treated as it were, which in fact it is not.

Mr. VENTO. Mr. Speaker, if the gentleman will yield further, I think the point here is that while we are putting up the hurdle, it is not the Wild and Scenic Rivers Act, which I think is the gentleman's concern, although the requirements are the same, in responding to the gentleman, the requirement would be to amend the legislation that we have before us should it become law or something similar.

Mr. PASHAYAN. And only the legislation we have before us.

Mr. VENTO. That is correct. That would change it.

Mr. PASHAYAN. Mr. Speaker, I thank the distinguished chairman of the subcommittee.

Mr. LEHMAN of California. Mr. Speaker, I would like to respond to the Forest Service's estimates of the cost of a trail from Garlic Creek to Tehipite Valley. I believe the Forest Service's comments grossly overstate the cost of this trail. First of all the trail could be built over many years, not in 1 or 2 as suggested by the administration. Second, the trail would very likely receive non-Federal funds from State, local, or private sources. Finally, there has been a long tradition in California of partially defraying the costs of natural resource work through the assistance of the California Conservation Corps.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 799, as amended.

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

The title of the bill was amended so as to read: "A bill to designate a segment of the Kings River in California as a wild and scenic river, and for other purposes."

A motion to reconsider was laid on the table.

HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 1987

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1846) to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1846

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments Act of 1987".

(b) REFERENCE.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. INSTITUTIONAL AID.

Title III of the Act is amended—

(1) in section 311(b)(1), by striking out "section 358(a)(1)" and inserting "section 360(a)(1)";

(2) in section 312(b)(1)—

(A) by inserting "which" before "is" each place it appears in subparagraphs (C) and (D);

(B) by inserting "which" before "has" in subparagraph (E); and

(C) by inserting "which" before "meets" in subparagraph (F);

(3) in section 323(a), by striking out "section 358(a)(2)" and inserting "section 360(a)(2)";

(4) in section 325(a)(1), by striking out "section 322" and inserting "section 323";

(5) in section 326(c), by striking out "section 333" and inserting "section 332";

(6) in section 332(f)(1), by inserting "(or section 355)" after "part A or B";

(7) in section 351(b)(6), by striking out "section 356" and inserting "section 357";

(8) in section 352(a)(2), by striking out "low- and middle-income" and inserting "low-income";

(9) in section 352(b), by adding at the end thereof the following:

"(3) The Secretary may waive the requirement set forth in section 312(b)(1)(E) in the case of an institution located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians.".

SEC. 3. PELL GRANTS.

(a) CLARIFICATION OF REFERENCE.—Section 411(g)(2) of the Act is amended by striking

out "paragraph (1)" and inserting "paragraph (1)(B)".

(b) EXCLUSION OF FORCED SALE PROCEEDS.—(1) Section 411A of the Act is amended by adding at the end thereof the following new subsection:

"(b) EXCLUSION OF FORCED SALE PROCEEDS.—In the computation of family contributions for the program under this subpart for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation."

(2) Section 411B(g) of the Act is amended—

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(3) Section 411C(f) of the Act is amended—

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(4) Section 411D(f) of the Act is amended by striking out paragraph (5).

(c) TREATMENT OF EXCLUDABLE INCOME.—(1) Sections 411B(d)(1)(A), 411C(c)(1)(A), and 411D(c)(1)(A) are each amended by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

(2) Section 411B(i)(1)(A) of the Act is amended—

(A) by striking out "other than amounts earned under part C of this title"; and

(B) by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

(d) EFFECTIVE FAMILY INCOME.—Section 411B(d)(1) of the Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out "minus" at the end of subparagraph (B) and inserting "and"; and

(3) by inserting after such subparagraph the following:

"(C) one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits, expected to be received during the award period, minus".

(e) CONTRIBUTION FROM STUDENT'S AND SPOUSE'S ASSETS.—Section 411B(l) of the Act is amended by inserting before the period at the end thereof the following: ", except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(f) ASSESSMENT OF DISCRETIONARY INCOME.—(1) Section 411B(f)(1) of the Act is amended to read as follows:

"(f) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (d)), minus (B) the total offsets to such income (as determined under subsection (e)). If such discretionary income is a negative amount, the contribution from the parents' income is zero.".

(2) Section 411C(e)(1) of the Act is amended to read as follows:

"(e) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(3) Section 411D(e)(1) of the Act is amended to read as follows:

"(e) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(4) Sections 411B(f)(2), 411B(j)(2), 411C(e)(2), and 411D(e)(2) of the Act are each amended by striking out "effective family income" each place it appears in the text thereof and inserting "discretionary income".

(5) The tables in sections 411B(f)(2) and 411C(e)(2) of the Act are each amended—

(A) by striking out "Effective family income" and inserting "Discretionary income"; and

(B) by striking out "effective family income" and inserting "discretionary income".

(g) TREATMENT OF DISLOCATED WORKERS AND DISPLACED HOMEMAKERS.—Sections 411B(g)(1), 411C(f)(1), and 411D(f)(3) of the Act are each amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(h) CORRECTION OF REFERENCE.—Section 411F(1)(B) is amended by striking out "paragraph (13)" and inserting "paragraph (15)".

(i) TUITION AND FEES.—Section 411F(5)(A) is amended by striking out "student's tuition and uniform compulsory fees" and inserting "tuition and uniform compulsory fees normally charged a full-time student".

(j) DEPENDENT OF A STUDENT.—Section 411F(6) is amended to read as follows:

"(6) Except as otherwise provided, the term 'dependent of the student' means the student's spouse, the student's dependent children, and other persons who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.".

(k) EXCLUDABLE INCOME.—Section 411F(9) of the Act is amended—

(1) in subparagraph (A), by striking out "(B), (C), and (D)" and inserting "(B) through (E)";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) For a Native American Student, the annual adjusted family income does not include any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act or any income received by the student (and spouse) and student's parents under the Alaska Native Claims Settlement Act or the Maine Indians Claims Settlement Act.";

(3) in subparagraph (D), by inserting "(including any income earned from work under part C of this title)" after "financial assistance"; and

(3) by adding at the end thereof the following new subparagraph:

"(E) Annual adjusted family income does not include any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act.".

(l) INDEPENDENT.—Section 411F(12) of the Act is amended—

(1) in subparagraph (B)(iii), by striking out "gradulate" and inserting "graduate"; and

(2) in subparagraph (B)(vi), by inserting "(including all sources of income other than parents)" after "an annual total income".

(m) UNTAXED INCOME AND BENEFITS.—Section 411F(15) of the Act is amended to read as follows:

"(15) The term 'untaxed income and benefits' means—

"(A) child support received;

"(B) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(C) workman's compensation;

"(D) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(E) interest on tax-free bonds;

"(F) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(G) cash support or any money paid on the student's behalf;

"(H) the amount of earned income credit claimed for Federal income tax purposes;

"(I) untaxed portion of pensions;

"(J) credit for Federal tax on special fuels;

"(K) the amount of foreign income excluded for purposes of Federal income taxes;

"(L) untaxed social security benefits;

"(M) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(N) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.".

SEC. 4. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) FORMULA.—Section 413D(d)(2) of the Act is amended—

(1) by striking out subparagraph (D) and inserting the following:

"(D) multiply the number of eligible dependent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;"; and

(2) by striking out subparagraph (F) and inserting the following:

"(F) multiply the number of eligible independent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income

category, except that the amount computed by such subtraction shall not be less than zero;".

(b) TECHNICAL AMENDMENT.—Section 413D(d)(3)(B) is amended—

(1) by striking out "and graduate and professional"; and

(2) by striking out "and graduate".

SEC. 5. STATE STUDENT INCENTIVE GRANTS.

Section 415E(1) of the Act is amended by striking out "literary" and inserting "literacy".

SEC. 6. TRIO PROGRAMS.

Section 417A(d)(1)(B) of the Act is amended by inserting "substantial" immediately before "support".

SEC. 7. SEPARATION OF HEP/CAMP AUTHORIZATION.

Section 418A(g) of the Act is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for the high school equivalency program $7,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) There are authorized to be appropriated for the college assistance migrant program $2,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 8. VETERANS' EDUCATION OUTREACH.

Section 420A of the Act is amended—

(1) in subsection (b)(2)(B), by striking out "subchapter V or VI" and inserting "subchapter V";

(2) in subsection (b)(5), by striking out "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(3) in subsection (c)(2)(A)(i), by striking out "subsection (e)" and inserting "subsection (b)(5)"; and

(4) in subsection (c)(2)(C)(ii)—

(A) by striking out "(I)"; and

(B) by striking out "and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34".

SEC. 9. SPECIAL CHILD CARE SERVICES.

Section 420B of the Act is amended—

(1) in subsection (b)(2)—

(A) by striking out "to pursue a successful program" in subparagraph (C) and inserting "to pursue successfully a program".

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(2) by striking out subsection (d) and inserting the following:

"(d) DEFINITION.—For purposes of this subpart, the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using the criteria of poverty established by the Bureau of the Census.".

SEC. 10. GUARANTEED STUDENT LOANS.

(a) IN APPLICABILITY OF AGGREGATE LOAN LIMITS TO SUPPLEMENTAL AND PLUS LOANS.—Sections 425(a)(2)(A) and 428(b)(1)(B) are each amended—

(1) in clause (i), by inserting ", excluding loans made under section 428A" after "undergraduate education"; and

(2) in clause (ii) by inserting ", excluding loans made under section 428A or 428B" after "graduate or professional student)".

(b) TEACHER DEFERMENT.—Sections 427(a)(2)(C)(vi) and 428(b)(1)(M)(vi) of the Act are each amended by inserting "nonprofit" before "private".

(c) MULTIPLE DISBURSEMENT.—Sections 427(a)(4) and 428(b)(1)(O) of the Act are each amended by striking out "more than $1,000" and inserting "$1,000 or more".

(d) VARIABLE INTEREST RATES ON SUPPLEMENTAL AND PLUS LOANS.—(1) Section 427A(c)(4) of the Act is amended—

(A) in subparagraph (A), by striking out "to cover the cost of instruction for any period of enrollment beginning on or after July 1, 1987," and inserting "and disbursed on or after July 1, 1987,";

(B) in such subparagraph (A), by striking out "any calendar year" and inserting "any 12-month period beginning on July 1 and ending on June 30"; and

(C) by striking out subparagraph (B) and inserting the following:

"(B) For any 12-month period beginning on July 1 and ending on June 30, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.25 percent.".

(2) Section 438(b)(2)(C) of the Act is amended by striking out "12.5 percent" and inserting "12 percent".

(e) COMPLIANCE WITH LOAN LIMITS.—Section 428(a)(2)(D) of the Act is amended by striking out "permits the student" and inserting "certifies the eligibility of any student".

(f) INSURANCE PROGRAM AGREEMENTS.—Section 428(b)(1) of the Act is amended—

(1) by striking out "first or" in subparagraph (A)(i) and inserting "first and";

(2) by inserting before the semicolon at the end of subparagraph (N) the following: "and this subparagraph shall not apply in the case of an institution located outside the United States";

(3) by striking out "being dispensed" in subparagraph (O)(i) and inserting "being disbursed"; and

(4) by striking out subparagraph (P) and inserting the following:

"(P) requires the borrower to notify the institution concerning any change in local address during enrollment and requires the borrower and the institution at which the borrower is in attendance promptly to notify the holder of the loan, directly or through the guaranty agency, concerning (i) any change of permanent address, (ii) when the student ceases to be enrolled on at least a half-time basis, and (iii) any other change in status, when such change in status affects the student's eligibility for the loan;".

(g) CLARIFICATION OF REFERENCE.—Section 428(b)(5) of the Act is amended by striking out "paragraph (1)(M)" and inserting "paragraph (1)(M)(i)(III)".

(h) GUARANTY AGENCY INFORMATION TRANSFERS.—Section 428(b)(6) of the Act is amended—

(1) in subparagraph (A), by striking out "Prior to the implementation of section 485B" and inserting "Until such time as the Secretary has implemented section 485B and is able to provide to guaranty agencies the information required by such section; and

(2) in subparagraph (B), by striking out clause (ii) and inserting the following:

"(ii) the amount borrowed and the cumulative amount borrowed.".

(i) SUPPLEMENTAL PRECLAIMS ASSISTANCE.—Section 428(c)(6)(C)(iv) of the Act is amended by adding at the end thereof the following: "In the case of accounts brought into repayment status as a result of performing supplemental preclaims assistance, the cost of such assistance is a permissible charge to the borrower (for the cost of collection) for which the borrower shall be liable.".

(j) REINSURANCE FEES.—Section 428(c)(9) of the Act is amended—

(1) by inserting "covered" before "loans" each place it appears in clauses (i) and (ii) of subparagraph (A); and

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

"(D) For purposes of subparagraph (A), the term 'covered loans' means loans made under this part to which the insurance applies, but does not include loans made under section 428A(d), 428B(d), or 428C.".

(k) ESCROW OF DISBURSEMENTS.—The first sentence of section 428(i)(1) of the Act is amended by striking out "multiple".

(l) LENDERS-OF-LAST-RESORT.—Section 428(j) is amended by adding at the end thereof the following new sentence: "The guaranty agency shall not initiate a program to make loans under this subsection without first consulting with eligible lenders in the State to ascertain the willingness of such lenders to serve as the lender-of-last-resort pursuant to this subsection.".

(m) USE OF SUPPLEMENTAL LOAN PROGRAM BY UNDERGRADUATES.—Section 428A(a) of the Act is amended by adding at the end thereof the following: "In addition, undergraduate dependent students shall be eligible to borrow funds under this section if the financial aid administrator determines, after review of the financial information submitted by the student and considering the debt burden of the student, that extenuating circumstances will likely preclude the student's parents from borrowing under section 428B for purposes of the expected family contribution and that the student's family is otherwise unable to provide such expected family contribution.".

(n) PLUS LOAN DEFERMENTS.—Section 428B of the Act is amended—

(1) in subsection (a), by striking out ", but such a parent borrower" and all that follows through "clauses (i), (viii), and (ix) of such sections";

(2) in subsection (c)(1), by striking out "subject to deferral pursuant to sections 427(a)(2)(C) (i), (viii), and (ix) and 428(b)(1)(M) (i), (viii), and (ix)" and inserting in lieu thereof "subject to deferral (A) during any period during which the parent meets the conditions required for a deferral under clause (i), (viii), or (ix) of section 427(a)(2)(C) or 428(b)(1)(M); and (B) during any period during which the borrower has a dependent student for whom a loan obligation was incurred under this section and who meets the conditions required for a deferral under clause (i) of either such section"; and

(3) in subsection (c)(2), by striking out "under sections 427(a)(2)(C)(i) and 428(b)(1)(M)(i)" and inserting "pursuant to paragraph (1) of this subsection".

(o) LIMITATION ON SUPPLEMENTAL AND PLUS LOANS.—(1) Section 428A(b)(3) of the Act is amended by striking out the first sentence and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any student under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

(2) Section 428B(b)(3) of the Act is amended by striking out the first sentence

and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any parent under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

(p) REPAYMENT OF SUPPLEMENTAL AND PLUS LOANS.—Sections 428A(c)(2)(A) and 428B(c)(2)(A) of the Act are each amended by inserting "monthly or" before "quarterly".

(q) REFINANCING OF SUPPLEMENTAL AND PLUS LOANS.—(1) Sections 428A(d) and 428B(d) of the Act are each amended—

(A) in paragraph (1)—

(i) by inserting "at any time" after "An eligible lender may" in the first sentence;

(ii) by striking out "Unless the borrower complies with the requirements of paragraph (2)," in the second sentence and inserting "Unless the consolidated loan is obtained by a borrower who is electing to obtain variable interest under paragraph (2) or (3),";

(iii) by inserting "(if required by them)" after "shall be reported" in the third sentence;

(B) in paragraph (2)—

(i) by inserting "under this section before July 1, 1987, or" before "under section 428B";

(ii) by striking out "to reissue a loan" and inserting "to reissue a loan or loans"; and

(iii) by striking out "reissuing such loan" and inserting "reissuing such loan or loans"; and

(C) in paragraph (5)—

(i) by striking out "January 1, 1987" and inserting "October 1, 1987"; and

(ii) by inserting before the semicolon at the end of subparagraph (B) the following: "and of the practical consequences of such options in terms of interest rates and monthly and total payments for a set of loan examples".

(2) An eligible lender who has refinanced a loan or loans under section 428A(d) or 428B(d) between the date of enactment of the Higher Education Amendments of 1986 and July 1, 1987, may, at the request of a borrower or with the written consent of the borrower, amend the note or other written evidence of loan as necessary to comply with the requirements of such sections and section 427A(c)(4) as amended by this Act. Any borrower who is denied such a request shall be treated as eligible to obtain a loan from another lender under section 428A(d)(3) or 428B(d)(3), as applicable, for the purposes of discharging the loan from the original lender, and a borrower exercising this option shall not be subject to an additional insurance fee under section 428A(d)(3)(C) or 428B(d)(3)(C).

(r) CONSOLIDATION LOANS.—Section 428C of the Act is amended—

(1) in subsection (a)(3)(A), by inserting "with respect to any loan to be consolidated" before the period at the end of clause (iii);

(2) in subsection (a)(3)(B)—

(A) by striking out "loans received under this title" in the first sentence and inserting "eligible student loans received";

(B) by striking out "under this part" and inserting "under this title";

(C) by striking out "and 428(b)(1)(B)" in the second sentence and inserting ", 428(b)(1)(B), 428A(b)(2), and 464(a)(2)"; and

(D) by adding at the end thereof the following new sentence: "Nothing in this subparagraph shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors to maintain or report records relating to the eligible student loan (as defined under section 428C(a)(4)) discharged by a borrower in receiving a consolidation loan.";

(3) in subsection (b)(1)(C)—

(A) by striking out "subsection (a)(2)" in clause (i) and inserting "subsection (a)(3)"; and

(B) by striking out "all loans received by the eligible borrower under this title" in clause (ii) and inserting "all eligible student loans received by the eligible borrower";

(4) in subsection (c)(2)(A)(v), by striking out "more" and inserting "equal to or greater"; and

(5) in subsection (c)(5), by inserting before the period at the end thereof the following ", but a fee may be payable by the lender to the guaranty agency to cover the costs of increased or extended liability with respect to such loan".

(s) REHABILITATION PROGRAM.—Section 428F of the Act is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(t) INFORMATION CONCERNING BORROWERS.—Section 430A(e) of the Act is amended by adding at the end thereof the following new sentence: "To further the purpose of this section, an eligible institution may enter into an arrangement with any or all of the holders of delinquent loans made to borrowers who attend or previously attended such institution for the purpose of providing current information regarding the borrower's location or employment or for the purpose of assisting the holder in contacting and influencing borrowers to avoid default.".

(u) CLARIFICATION OF REFERENCE.—Section 431(a) of the Act is amended by striking out "section 422(c)(4)(C)" and inserting "section 422".

(v) AUDITS OF FINANCIAL TRANSACTIONS.—Section 432(f) of the Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) AUDIT PROCEDURES.—In conducting audits pursuant to this subsection, the Comptroller General and the Inspector General of the Department of Education shall audit the records to determine the extent to which they, at a minimum, comply with Federal statutes, and rules and regulations prescribed by the Secretary, in effect at the time that the record was made, and in no case shall the Comptroller General or the Inspector General apply subsequently determined standards, procedures, or regulations to the records of such agency, lender, or Authority.".

(w) CIVIL PENALTIES.—Section 432(g)(2) of the Act is amended by striking out "representation" each place it appears in subparagraphs (A)(i) and (B) and inserting in lieu thereof "misrepresentation".

(x) STUDENT LOAN INFORMATION.—Section 433 of the Act is amended—

(1) in the first sentence of subsection (a), by inserting "(other than a loan made under section 428C)" after "guaranteed under this part";

(2) in subsection (a), by striking out paragraph (8) and inserting the following:

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;";

(3) in subsection (b)(7), by inserting before the semicolon at the end thereof the following: ", except that such explanation is not required when the loan being made is a consolidation loan under section 428C"; and

(4) in subsection (d), by striking out "makes the first disbursement of a loan with respect to a borrower" and inserting "notifies a borrower of approval of a loan".

(y) DEFINITIONS.—Section 435 of the Act is amended—

(1) in subsection (b)(3), by inserting before the semicolon the following: ", or in the case of a hospital or health care facility, which provides training of not less than one year for graduates of accredited health professions programs, leading to a degree or certificate upon completion of such training";

(2) in subsection (d)(1)—

(A) by striking out "and" at the end of subparagraph (H);

(B) by striking out the period at the end of subparagraph (I) and inserting "; and"; and

(C) by inserting after such subparagraph the following:

"(J) for purpose of making loans under section 428C, any nonprofit private agency functioning in any State as a secondary market.";

(3) by striking out paragraph (2) of subsection (g) and inserting the following:

"(2) DISABLED DEPENDENT OF A BORROWER.—Such term when used with respect to a disabled dependent of a borrower means a spouse or other dependent who, during a period of injury or illness of not less than 3 months, requires continuous nursing or similar services."; and

(4) by striking out "DEFINITION OF" in the heading of subsection (h).

(z) SPECIAL ALLOWANCES.—Section 438(b) of the Act is amended—

(1) by striking out "subsection (c)" in paragraph (2)(B)(iii) and inserting "subsection (d)"; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) USE OF AVERAGE QUARTERLY BALANCE.—The Secretary shall require lenders to calculate their eligibility for interest benefits and special allowance through the use of the average quarterly balance method until July 1, 1988.".

(aa) REPORT ON SPECIAL ALLOWANCES.—Section 438(d)(4)(C) of the Act is amended by striking out ", as evidenced by the information submitted under paragraph (2)(G) of this subsection".

(bb) CORRECTION OF REFERENCE.—Section 439(d)(1)(E)(iii) of the Act is amended by inserting "Labor and" before "Human Resources".

SEC. 11. COLLEGE WORK-STUDY.

(a) REALLOCATION.—Section 442(e)(2) of the Act is amended by striking out "section 448" and inserting "section 447".

(b) WORK-STUDY AGREEMENTS.—Section 443(b) of the Act is amended—

(1) in paragraph (2)(A), by striking out "clause (6)(B)" and inserting "paragraph (5)(B)"; and

(2) in paragraph (5)(B), by striking out "clause (2)(A)" and inserting "paragraph (2)(A)".

(c) REFERENCE.—Section 443(c)(1) of the Act is amended by inserting "and subsection (b)(3)" before the semicolon.

(d) JOB LOCATION AND DEVELOPMENT AGREEMENTS.—Section 446(b) of the Act is amended—

(1) by striking out paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 12. INCOME CONTINGENT LOAN DEMONSTRATION.

Section 454(a)(4) of the Act is amended to read as follows:

"(4)(A) The interest rate on loans under this part shall, at the discretion of the participating institution, be (i) computed in accordance with subparagraph (B) based on the interest rate computed for the calendar year in which the loan was made, and fixed over the life of the loan, or (ii) variable each calendar year based on the interest rate computed in accordance with subparagraph (B) for such calendar year.

"(B) The interest rate applicable on such loans in accordance with subparagraph (A) shall be obtained by—

"(i) computing the average of the bond equivalent rates of 91-day Treasury bills auctioned for the 3-month period ending September 30 preceding such year; and

"(ii) by adding 3 percent to the resulting percent.".

SEC. 13. DIRECT STUDENT LOANS.

(a) ALLOCATIONS IN PROPORTION TO FISCAL YEAR 1985 FEDERAL CAPITAL CONTRIBUTION.—Section 462(a)(1) of the Act is amended by striking out subparagraph (A) and inserting the following:

"(A) 100 percent of the amount of Federal capital contribution such institution received under this part for fiscal year 1985, multiplied by".

(b) CORRECTION OF HEADING.—Section 462(e) of the Act is amended by striking out "; CASH ON HAND".

(c) CORRECTION OF REFERENCE.—Section 462(f) of the Act is amended by striking out "under paragraph (2)" and inserting "under subsection (g)".

(d) NOTICE OF DEFAULT.—Section 463(a)(4) is amended by striking out "given to the Secretary" and everything that follows through "semiannually" and inserting "given to the Secretary in an annual report describing the total number of loans from such fund which are in such default".

(e) CORRECTION OF REFERENCE.—Section 463(b) of the Act is amended by striking out "section 485" and inserting "section 489".

(f) ESTIMATES OF BALANCES.—Section 463A(a) of the Act is amended by striking out paragraph (8) and inserting the following:

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;";

(g) DEFENSE EDUCATIONAL LOAN REPAYMENT.—Section 463A(a)(10) of the Act is amended by striking out "section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141, note);" and inserting "the Department of Defense educational loan repayment program (10 U.S.C. 2172);".

(h) REFERENCE TO OTHER PROGRAMS.—Section 465(a)(2) of the Act is amended—

(1) in subparagraph (A) by striking out "title I of the Elementary and Secondary Education Act of 1965" and inserting "chapter 1 of the Education Consolidation and Improvement Act of 1981";

(2) in subparagraph (A), by striking out "such title I" and inserting "such chapter 1"; and

(3) in subparagraph (B), by striking out "section 222(a)(1) of the Economic Opportunity Act of 1964" and inserting "the Head Start Act".

SEC. 14. NEEDS ANALYSIS.

Part F of title IV of the Act is amended—

(1) in sections 475(c)(2), 475(c)(4), 475(d)(2), 476(b)(2), 476(c)(2), 477(b)(2), 477(c)(2), and 477(d), striking out "section 479" and inserting "section 478";

(2) in sections 475(c)(7) and 477(b)(7), by striking out "National";

(3) in sections 475(d)(2), 476(c)(2), and 477(c)(2), strike out "dislocated homemaker" and insert "displaced homemaker";

(4) by striking out the table contained in sections 475(d)(2)(C), 476(c)(2)(C), and 477(c)(2)(C) and inserting the following:

"Adjusted Net Worth of a Business or Farm

If the net worth of a business or farm is—	Then the adjusted net worth is:
Less than $1	$0
$1-$60,000	40 percent of NW
$60,001-$180,000	$24,000 plus 50 percent of NW over $60,000
$180,001-$300,000	$84,000 plus 60 percent of NW over $180,000
$300,001 or more	$156,000 plus 100 percent of NW over $300,000";

(5) in sections 475(d)(4)(B) and 477(c)(4)(B), by striking out "$15,000" and inserting "$15,999";

(6) in sections 475(d)(4)(C) and 477(c)(4)(C), by striking out "$15,000" each place it appears and inserting "$16,000";

(7) in section 475(d)(4)(D), by striking out "equal to or less than zero" and inserting "less than zero";

(8) in section 475(g)(1)(C), by striking out "paragraph (3)" and inserting "paragraph (2)";

(9) in section 475(g)(3), by inserting after "following table" the following: "(or a successor table prescribed by the Secretary under section 478)";

(10) in section 475, by striking out subsection (h) and inserting the following:

"(h) STUDENT (AND SPOUSE) INCOME SUPPLEMENTAL AMOUNT FROM ASSETS.—The student (and spouse) supplemental income from assets is determined by calculating the net assets of the student (and spouse) and multiplying the amount by 35 percent, except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero.";

(11) in such section, by adding at the end thereof the following new subsection:

"(i) ADJUSTMENTS FOR ENROLLMENT PERIODS OTHER THAN 9 MONTHS.—For periods of enrollment other than nine months, the parents' contribution from adjusted available income is determined as follows:

"(1) For periods of enrollment less than 9 months, the parents' contribution from adjusted available income (determined in accordance with subsection (b)) is divided by 9 and the result multiplied by the number of months enrolled.

"(2) For periods of enrollment greater than 9 months—

"(A) the parents' adjusted available income (determined in accordance with subsection (b)(1)) is increased by the difference between the standard maintenance allowance (determined in accordance with subsection (c)(4)) for a family of four and a family of five, each with one child in college;

"(B) the resulting revised parents' adjusted available income is assessed according to subsection (e) and adjusted according to subsection (b)(3) to determine a revised parents' contribution from adjusted available income;

"(C) the original parents' contribution from adjusted available income is subtracted from the revised parents' contribution from adjusted available income, and the result is divided by 12 to determine the monthly adjustment amount; and

"(D) the original parents' contribution from adjusted available income is increased by the product of the monthly adjustment amount multiplied by the number of months greater than 9 for which the student will be enrolled.";

(12) in section 476(b)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (C) and inserting "subparagraph (C)";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D); and

(C) by striking out everything preceding clause (i) of subparagraph (A) and inserting the following:

"(A) adding the student's adjusted gross income and any income earned from work but not reported on a Federal income tax return, and subtracting excludable income (as defined in section 480);

"(B) computing the student's available taxable income by deducting from the amount determined under subparagraph (A)—";

(13) in section 476(b)(2), by striking out "total taxable income" and inserting "total income";

(14) in section 476(b)(1)(C), by inserting after "section 480(c))" the following: "plus the amount of veterans' benefits paid during the award period under chapters 32, 34, and 35 of title 28, United States Code";

(15) in section 476(b)(4)—

(A) by striking out "$8,900" each place it appears and inserting "$8,600"; and

(B) by striking out "$6,230" and inserting "$6,020".

(16) in section 476(c)(1)—

(A) by striking out the period at the end of subparagraph (C) and inserting a semicolon; and

(B) by inserting at the end thereof (flush with the margin of paragraph (1)) the following:

"except that the student's income supplemental amount from assets shall not be less than zero.";

(17) in section 477(a)(1)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and" after the semicolon at the end of subparagraph (B); and

(C) by inserting after such subparagraph the following:

"(C) the amount of veterans' benefits to be paid during the award period under chapters 32, 34, and 35 of title 38, United States Code;";

(18) in section 477(b)(5)(A), by striking out "$2,000" and inserting "$2,100";

(19) in section 478(d)—

(A) by inserting ", rounded to the nearest $100," after "present value cost";

(B) by inserting "of 40 and above" after "each age cohost";

(C) by inserting after the second sentence the following: "For each age cohort below 40, the asset protection allowance shall be computed by decreasing the asset protection allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest $100.".

(20) in section 478(c)(2), by striking out " '$26,000,' '$91,000', and '$169,000' " and inserting " '$24,000', '$84,000', and '$156,000' ";

(21) in section 478(f), by striking out "Consumer Price Index for Wage Earners and Clerical Workers" and inserting in lieu thereof "Consumer Price Index for All Urban Consumers";

(22) in section 479(a)—

(A) by striking out "paragraph (2)" and inserting "subsection (b)";

(B) by striking out "families which" and inserting "families (1) who"; and

(C) by striking out "and which file a form 1040A pursuant to the Internal Revenue Code of 1954" and inserting "and (2) who file a form 1040A or 1040EZ pursuant to the Internal Revenue Code of 1986, or are not required to file pursuant to such Code".

(23) in section 479(b)—

(A) by striking out "and State" in paragraph (2);

(B) by striking out "and" at the end of paragraph (4);

(C) by striking out the period at the end of paragraph (5) and inserting "; and"; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) an allowance (A) for State and other taxes, as defined in section 475(c)(2) for dependent students and in section 477(b)(2) for independent students with dependents, or (B) for State and local income taxes, as defined in section 476(b)(2) for independent students without dependents.".

(24) in section 479A—

(A) by striking out "in this part" each place it appears and inserting "in this title";

(B) by inserting "(a) IN GENERAL.—" after "SEC. 479A."; and

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

"(b) ADJUSTMENTS TO ASSETS TAKEN INTO ACCOUNT.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if—

"(1) the administrator determines, in his or her discretion, that the effective family income of the applicant is small in relation to—

"(A) the net value of the principal place of residence;

"(B) the net worth of a farm on which the family resides; or

"(C) the net worth of a family owned and operated small business;

"(2) such administrator reduces or eliminates the amount of such net value or net worth that is subject to assessment in the computation of the expected family contribution of that applicant; and

"(3) the administrator reports the amount of such adjustments made with respect to determinations for Pell Grants to the contractor or contractors processing applications for such grants for the award year.

"(c) ASSET ADJUSTMENT AS EXAMPLE.—The asset adjustment described in subsection (b) is an example of the type of adjustment which financial aid administrators are authorized to make by subsection (a), and shall not be considered to be the only adjustment that is so authorized."; and

(25) by striking section 479B and inserting in lieu thereof the following:

"STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS

"SEC. 479B. (a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this title, or under Bureau of Indian Affairs student assistance programs, that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(2) an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"NATIVE AMERICAN STUDENTS

"SEC. 479C. In determining family contributions for Native American students, computations performed pursuant to this part shall exclude—

"(1) any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act; and

"(2) any income received by the student (and spouse) and student's parents under the Alaskan Native Claims Settlement Act or the Maine Indian Claims Settlement Act."; and

(26) in section 480—

(A) by striking out "paragraphs (2) and (3)" in subsection (a)(1) and inserting "paragraphs (2) through (4)";

(B) by inserting before the period at the end of such subsection the following: "minus excludable income (as defined in subsection (f))";

(C) by striking out paragraph (2) of subsection (a) and inserting the following:

"(2) In the computation of family contributions for the programs under subpart 2 of part A and parts B, C, and E of this title for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation.";

(D) by inserting at the end of subsection (a) the following:

"(4) No portion of any student financial assistance received from any program by an individual shall be included as income in the computation of expected family contribution for any program funded in whole or in part under this Act.

"(5) No portion of any student financial assistance received from any program by an individual shall be included as income in the computation of expected family contribution for any program funded in whole or in part under this Act.";

(E) by striking out subsections (b) and (c) and inserting the following:

"(b) UNTAXED INCOME AND BENEFITS OF PARENTS AND INDEPENDENT STUDENTS WITH DEPENDENTS.—The term 'untaxed income and benefits' when applied to parent contributions or the contributions of independent students with dependents (including spouses) means—

"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;"

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits";

"(c) UNTAXED INCOME AND BENEFITS OF DEPENDENT STUDENTS OR INDEPENDENT STUDENTS WITHOUT DEPENDENTS.—For the purpose of this part, the term 'untaxed income and benefits' when applied to the contributions of dependent students or independent students without dependents means—

"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.";

(F) in subsection (d)(2)(F) by inserting "(including all sources of income other than parents)" after "annual total income"; and

(G) by inserting after subsection (e) the following new subsections:

"(f) EXCLUDABLE INCOME.—The term 'excludable income' means—

"(1) any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act; and

"(2) any student financial assistance awarded based on need as determined in accordance with the provisions of this part, including any income earned from work under part C of this title.

"(g) ASSETS.—The term 'assets' means cash on hand, including the amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, other securities, mutual funds, tax shelters, and the net value of real estate, income producing property, and business and farm assets.

"(h) NET ASSETS.—The term 'net assets' means the current market value at the time of application of the assets included in the definition of 'assets', minus the outstanding liabilities or indebtedness against the assets.".

SEC. 15. GENERAL PROVISIONS.

Part G of title IV of the Act is amended—

(1) in section 481(c), by striking out "subsection (d) of this section" and inserting in lieu thereof "section 484(d)";

(2) in section 482(b)—

(A) by striking out "or 442(e)" and inserting ", 442(e), or 462(j)"; and

(B) by striking out "and part C" and inserting ", part C, and part E";

(3) in the second sentence of section 483(a)(1), by inserting "or institutions in which the students are enrolled or accepted for enrollment" after "that applicants";

(4) in the last sentence of such section 483(a)(1), by inserting before the period at the end thereof the following: ", but no institution or State agency shall mandate the use of a form for which a fee is charged solely to determine the student's eligibility for assistance under this title or the amount of such assistance";

(5) in section 483(a)(2), by striking out "not less than 3" and inserting "not less than 4";

(6) in section 483—

(A) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(B) by inserting after subsection (a) the following:

"(b) CERTIFICATION OF CAPABILITY.—Beginning with the 1988-1989 processing year, the Secretary shall be authorized to enter into agreements with institutions of higher education, States, or private organizations for the purpose of certifying the capability of their systems for determining expected family contributions under part F of this title.";

(7) in section 484(d), by adding at the end thereof the following new sentence:

"In order to be eligible for assistance a student cannot be enrolled in either an elementary or a secondary school and also must be older than the compulsory age of attendance for secondary school.";

(8) in section 485(b), by inserting "(other than loans made pursuant to section 428B)" after "part B of this title";

(9) in section 485A(a), by striking out "clause (i), (ii), or (iii)" and inserting "subparagraph (A), (B), or (C)";

(10) in section 485B—

(A) by striking out "Federal agencies" in subsection (b)(1) and inserting "public agencies";

(B) by striking out "of a borrower for whom the guaranty agency provides insurance" in subsection (b)(2)(D) and inserting "of any borrower";

(C) by striking out "Federal agency" in subsection (b)(3) and inserting "public agency";

(11) in section 487(a)(2), by inserting after "fee" the following: ", nor mandate the use of a form for which a fee is charged,";

(12) in section 488, by striking out "or 446" and inserting "or 442"; and

(13) in section 491(b), by adding at the end thereof the following new sentence: "The Secretary's authority to terminate advisory committees of the Department pursuant to section 448(b) of the General Education Provisions Act ceased to be effective on June 23, 1983.".

SEC. 16. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT.

Subpart 2 of part C of title V of the Act is amended—

(1) in section 542, by striking out "for any fiscal year" and inserting "for fiscal year 1987 or any succeeding fiscal year";

(2) in section 545—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting "; and"; and

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

"(3) the term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

SEC. 17. CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM.

Section 553 of the Act is amended—

(1) in subsection (a), by striking out "section 546" and inserting "section 551";

(2) in subsection (b)(4)(A)—

(A) by striking out "elementary or" and inserting "preschool, elementary school, or"; and

(B) by inserting "or private nonprofit" immediately before "education program in any State"; and

(3) in subsection (b)(4)(B), by striking out "section 557" and inserting "section 556".

SEC. 18. LANGUAGE AND AREA CENTERS.

Section 602(b)(1)(B) of the Act is amended by striking out "in a program of competency-based training," immediately after "in a program of competency-based language training,".

SEC. 19. ACADEMIC FACILITIES.

Title VII of the Act is amended—

(1) in section 701(b), by inserting "part A or B of" after "grants under";

(2) in section 764(c)(1), by inserting "at least a two-year program acceptable for full credit toward" immediately before "a baccalaureate degree";

(3) in section 782(1)(B)—

(A) by striking out "section 724" and inserting "section 701", and

(B) by striking out "section 843" and inserting "section 853".

SEC. 20. JACOB K. JAVITS FELLOWS PROGRAM.

Part C of title IX of the Act is amended—

(1) by striking out the heading of section 931 and inserting the following:

"AWARD OF JACOB K. JAVITS FELLOWSHIPS";

AND

(2) in section 932(a)(1), by striking out "National Graduate" and inserting "Jacob K. Javits"; and

(3) in section 932(a)(2)(C), by striking out "directly" and inserting "selecting".

SEC. 21. GENERAL PROVISIONS.

Section 1201(a) of the Act is amended by striking out "have the ability to benefit from the training offered by the institution" and inserting in lieu thereof "meet the requirements of section 484(d) of this Act".

SEC. 22. EFFECTIVE DATES OF THE HIGHER EDUCATION AMENDMENTS OF 1986.

(a) SEOG ALLOCATION.—Section 401(b) of the Higher Education Amendments of 1986 is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) The changes made in section 413D of the Act shall apply with respect to the allocation of funds for the academic year 1988-1989 and succeeding academic years.".

(b) GSL AMENDMENTS.—Section 402(b) of such Amendments is amended—

(1) by striking out paragraph (2) and inserting the following:

"(2) the changes in sections 427(a)(2)(C) and 428(b)(1)(M) of the Act (other than clauses (viii), (ix), and (x) of each such section) shall apply only to loans to new borrowers that (A) are made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1987; or (B) are disbursed on or after July 1, 1987;";

(2) in paragraph (3), by inserting "disbursed on or after January 1, 1987, or" after "only to loans"; and

(3) in paragraph (7), by inserting "disbursed on or after 30 days after the date of enactment of this Act or" after "with respect to loans".

(c) CWS AMENDMENTS.—Section 403(b) of such Amendments is amended by striking out "(b) EFFECTIVE DATE.—" and inserting in lieu thereof the following:

"(b) EFFECTIVE DATES.—(1) Section 442 of the Act shall apply with respect to the allocation of funds for academic year 1988-1989 and succeeding academic years.

"(2)".

(d) NDSL AMENDMENTS.—Section 405(b) of such Amendments is amended—

(1) by inserting "and section 463A" after "Section 463(a)(9)" in paragraph (2);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after the subsection heading the following:

"(1) Section 462 of the Act shall apply with respect to academic year 1988-1989 and succeeding academic years.".

(e) EFFECTIVE DATE OF CERTAIN NEED ANALYSIS PROVISIONS.—Section 406(b) of such Amendments is amended—

(1) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting "paragraphs (2) through (5)";

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) Section 479A of the Act (as added by this section) shall apply with respect to determinations of need under title IV of the Act for any academic year beginning after the date of enactment of this Act.

"(5) Section 479B of the Act (as so added) shall apply with respect to financial assistance provided for any academic year beginning after such date of enactment.".

(f) SUNSET FOR DISCLOSURE OF FOREIGN GIFTS.—Section 1206(b) of such Amendments is amended by striking out "section 1208" and inserting "section 1209".

SEC. 23. EDUCATION ADMINISTRATION.

Title XIII of the Higher Education Amendments of 1986 is amended—

(1) in section 1301, by striking out "section 484(d)" and inserting "section 484(c)"; and

(2) in section 1302(b)(1), by striking out "this title" and inserting "title VI of the Act";

(3) in section 1303—

(A) by striking out "shall, through the Office of Education Research and Improvement or the Center for Education Statistics," in subsection (a) and inserting ", through the Office of Educational Research and Improvement,";

(B) by striking out "the Department of Education," in subsection (b)(3); and

(C) by striking out "Resources," in such subsection and inserting "Resources";

(4) in section 1304—

(A) by striking out "of this title" in subsection (a) and inserting "of title I of the Act";

(B) by inserting "the provision of" before "an information network" in subsection (b)(2);

(C) by striking out "under this title" in subsection (c) and inserting "under this section"; and

(D) by striking out "purposes of this title" in such subsection and inserting "purposes of title I of the Act"; and

(4) in section 1314 by adding at the end thereof the following new sentence: "Nothing in this section shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors to maintain or report records relating to the loans discharged by borrowers in receiving a consolidation loan pursuant to section 428C of the Act.".

SEC. 24. GENERAL EDUCATION PROVISIONS ACT.

Section 406(e)(1) of the General Education Provisions Act is amended by adding at the end thereof the following new sentence: "All funds received in payment for work or services described in this paragraph shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.".

SEC. 25. EFFECTIVE DATE OF TECHNICAL AMENDMENTS.

The amendments made by this Act shall take effect as if enacted as part of the Higher Education Amendments of 1986.

The SPEAKER pro tempore. Is a second demanded?

Mr. COLEMAN of Missouri. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 20 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

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

Mr. Speaker, last fall, the 99th Congress completed 2 years of hearings and committee action and reauthorized the Higher Education Act of 1965 for an additional 5 years. Both the House and the Senate worked diligently to combine two, often very different, bills into one proposal. The conference agreement was signed into law on October 17, 1986, and became Public Law 99-498.

Today, I am joined by a bipartisan majority of committee members in bringing before the House H.R. 1846 as amended, a bill to make technical corrections to the Higher Education Act as amended by Public Law 99-498.

The bill makes a number of technical and conforming changes. They are too numerous to reiterate here, so let me summarize them by category.

First, in combining the House and the Senate versions in conference, unintended consequences resulted. For example, two, rather than one, needs analysis sections were created in conference. This technical bill corrects omissions or clarifies language so that both needs analysis sections are brought into conformity as much as possible. This change is important because it will determine the length, the complexity and thus, the cost and the likelihood of error associated with filing for student aid. To illustrate, the language limiting consideration of any title IV student aid in determining eligibility for other programs funded wholly or in part with Federal funds was left in only the needs analysis section that applied to loans. Thus, a student applying for a loan would have been covered, but not a student applying for a Pell grant. By aligning the two needs analysis provisions, this error will be corrected.

Second, in creating a 344-page bill late in the session, numerous typographical errors and erroneous cross-references inadvertently occurred. We misspelled "literacy", for example. Several statutes were cited by incorrect titles. Several cross-references were found to be erroneous. The technical bill corrects for all these types of inadvertent errors.

Third, this legislation also revises the numerical values that were used in the provisions which established a uniform needs analysis methodology. For example, in the language establishing the cutoff value for an independent student's available taxable income, the figure "$8,900" was inserted as an estimate. This bill changes that figure to "$8,600" which is the correct value but which was not available at the time of conference. I might note that in future years of this reauthorization, the Higher Education Act allows the Secretary to update these various numerical values used throughout the needs analysis provisions.

Also, in several places, this bill brings the changes created by the Higher Education Amendments of 1986 into conformity with the Tax Reform Act of 1986 and the Consolidated Omnibus Budget Reconciliation Act.

H.R. 1846 makes changes in the Parent Loans for Undergraduate Students Program. My colleague, JIM JEFFORDS, will explain these more fully later, but briefly, we have made changes in the Treasury bill rate used in this loan as well as in the cutoff date. We believe these changes will make the plus loans more attractive to lenders and thus, more available to parents and students.

H.R. 1846 also clarifies the conferees intent with respect to financial aid officers' discretion. The reauthorization of Higher Education Act last year will limit the eligibility of some students for aid. This was an unfortunate result of the need to reduce our deficit. However, to assure that hardship cases were handled appropriately, the conferees broadened the existing discretionary authority of financial aid officers. H.R. 1846 clarifies that intent, and emphasizes that we see this authority as especially helpful in hardship cases caused by home, farm, and small, family owned business asset problems. In addition, we have clarified that financial aid officer discretion applies to Pell grants and the eligibility for dependent students to borrow under the SLS Program in very limited circumstances.

H.R. 1846 also ends the Secretary of Education's ability to terminate at will congressionally authorized advisory commissions. Some years ago the Congress gave the Secretary the authority to abolish such commissions if neither the House nor the Senate objected. Now that the Court has invalidated the one-House veto, we need to make corresponding changes in the authority the Congress granted the Secretary to ensure that a proper balance remains.

Mr. Speaker, this bill reflects a consensus view. It has been carefully developed, with constant consultation with other Members, their staffs, with committee staff, and individuals and organizations representing a variety of postsecondary education and student loan financing interests. This bill also incorporates many of the technical corrections proposed by the Department of Education, and it received unanimous committee support.

The bill is amended because subsequent to committee action, we reached agreement with the Department of Education and with the Senate on several additional technical corrections. By adding them in now, we hope to eliminate the need for lengthy meetings with the Senate since the higher education community must put these changes into place before July 1 of this year.

I wish to thank my colleagues, BILL FORD, GUS HAWKINS, TOM COLEMAN, and JIM JEFFORDS. They and their staffs have worked as equal partners with me and my staff in putting this legislation together. I urge all my col-

leagues to support this important package of technical corrections.

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

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with our chairman, the gentleman from Montana [Mr. WILLIAMS], in bringing this bill to the floor this afternoon. It is the Higher Education Technical Amendments Act of 1987. I also appreciate the willingness of the chairman of the subcommittee to work with the Republicans in trying to fashion a truly bipartisan bill here this afternoon which has brought H.R. 1846 with much speed here to the floor.

It really puts the finishing touches on the reauthorization process that we started and finished last year, 1986, and the purpose of this bill is to simply clean up some of the technical errors and oversights that we made—as any bill would have of over 700 pages—to correct errors that were made in conference and oversights.

It is of great importance that we pass this bill because many people are depending on these technical corrections. During reauthorization, the higher education community operated in a state of uncertainty due to possible congressional changes in programs vital to their concern. Now the time has come to foster some stability in these programs and to ensure that everybody understands what the final bill will be and accurately gauge the cumulative effects of the reauthorization amendments of 1986.

H.R. 1846 signals the end of that unsettled state hopefully of higher education programs and allows for the stabilization in the higher education community.

While I generally support this bill, Mr. Speaker, we have had a communication from the Office of Management and Budget in the administration here this morning in which they raise some concerns that they have expressed. We have looked into them and indeed find that perhaps inadvertently we ourselves have put some language in about an effective date that we might want to take up and look at again in conference. We are unable under parliamentary rules here to address the issue by proposing amendments today. It is not worth holding this bill up to suggest that we vote against it, and I am not going to suggest that. I support this bill today. But I just want to bring this to the attention of our subcommittee chairman, the gentleman from Montana [Mr. WILLIAMS], and have him acknowledge the problems that were raised in the statement of administration policy on the section of the bill that we have before us that will address the date of enactment in the bill, and I am specifically talking to page 50 of the bill, section 406(b)(4), and ask if he has any comments regarding that effective date and what we might be able to do with it in conference.

□ 1330

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

Mr. COLEMAN of Missouri. I yield to the chairman.

Mr. WILLIAMS. I thank the gentleman for yielding.

We were just visiting with the Parliamentarian to determine whether or not there was a way to correct it here and, while there is, it might delay the bill some and delay our process here on the floor. I only say that to the gentleman so that he knows that I agree with him that we do want to make certain that the original congressional intent with regard to the effective date is in fact for the school year following the passage of last year's reauthorization. And that would be the 1988–89 school year.

So, yes, I am aware of it and perfectly willing to work it out in conference committee.

Mr. COLEMAN of Missouri. I think the confusion is that there are two effective dates in this amendment. One is on section 25, which says the amendments made shall take effect if enacted as part of the Higher Education Amendments of 1986. The effective date of that act was 1988. Then we have immediately preceding that a section that I pointed out where the effective date under section 479(a) of these amendments would take effect for any academic year beginning after the date of enactment of this act, these technical amendments. This would mean 1987 perhaps.

That is the question of confusion. I just want to make sure we try to eliminate the controversy, if there is any, that OMB discovered here at the 11th hour as we have gone into this.

Mr. WILLIAMS. If the gentleman will yield further, the language of the act which passed last year says this: "Part F of title IV of the act shall apply with respect to the determinations of need under such title for academic years beginning with academic year 1988–89 and succeeding academic years."

That was our intention and any other language is superfluous to that, at least from this chairman's standpoint.

Mr. COLEMAN of Missouri. I appreciate those comments, and that is how I personally would like to have it interpreted. Apparently there would be no objection from OMB or the administration to that interpretation. We can clarify that in conference. I thank the gentleman for his statement.

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

Mr. WILLIAMS. I yield 3 minutes to the gentleman from Michigan [Mr. FORD], the former chairman of the Subcommittee on Postsecondary Education of the Committee on Education and Labor.

Mr. FORD of Michigan. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1846, the Higher Education Technical Amendments of 1987.

In the last Congress, the Higher Education Amendments of 1986 were adopted. This comprehensive and complex legislation extended and revised the programs contained in the Higher Education Act of 1965. I was privileged to serve as chairman of the Subcommittee on Postsecondary Education in the last Congress. This subcommittee originated the Higher Education Amendments of 1986. Unfortunately because of complexity of the legislation and the need for some haste in order to complete the legislative process prior to the adjournment of the 99th Congress, the Higher Education Amendments of 1986 ended up with a number of imperfections and rough spots. I am very pleased and grateful that the gentleman from Montana, Congressman PAT WILLIAMS, the chairman of the Subcommittee on Postsecondary Education has undertaken the ardous and thankless task of perfecting and cleaning up the Higher Education Amendments of 1986. I apologize for having left him this job as my legacy. However, he has accomplished it expertly and expeditiously.

As its title indicates this is a technical amendments bill. It corrects erroneous cross references and misspellings. It also clarifies a number of ambiguities. I particularly salute the gentleman from Montana for resisting the blandishments of those who would have turned this bill into an occasion for revisiting many of the policy decisions contained in the Higher Education Amendments of 1986. Many of those policy decisions are imperfect and certainly merit further careful thought and consideration. However, to have reopened the policy debates would have delayed this important legislation. For while this legislation is technical, it is also very important. Many of the corrections it makes will enable valuable programs such as loan consolidation and parent loans to become fully operative. Other provisions of this bill will insure the smooth delivery of student financial assistance to the millions of students who rely on this aid for their educational opportunity.

The process of assembling this bill continued the tradition of bipartisanship that has come to be the hallmark of higher education legislation. It was again a pleasure for me to continue working closely with the ranking minority member of the full committee,

Mr. JEFFORDS of Vermont, and the ranking minority member of the subcommittee, Mr. COLEMAN of Missouri. Indeed, this bill was also marked by very constructive and profitable discussions on the staff level with representatives of the Department of Education. Many of the suggestions of the Department have also been incorporated into this bill.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, as we begin consideration of H.R. 1846 I think we ought to give some credit, especially to the former chairman of the subcommittee, the chairman of the full committee and also others, the present subcommittee chairman and ranking Republican member, for the fact that we have so few technical amendments to such a large bill as the Higher Education Amendments of 1986. It was a very difficult conference. We had, and solved, many problems in conference with the Senate. The number of technical amendments contained in H.R. 1846 are very, very small in number compared to the size of the higher education amendments.

I would like to raise people's awareness of some problems which occurred before the reauthorization bill was actually passed with respect to about $2 billion in loans which are owed by students, and due to be paid by students and parents, the so-called PLUS loans. There are a lot of loans out there at 12, 13, and 14 percent which at today's interest rates are exorbitant. We passed this past year a way for students and parents to refinance those loans in order to get out from under those high interest rates. However, for various reasons, these technical amendments were necessary.

I would just urge people to look at the refinancing sections of this legislation because it is an even better deal now than it was when it passed last year. The interest rates are lower, the procedures are more streamlined, and I would urge anyone who knows anyone with PLUS or supplemental loans to take a look at the provisions of H.R. 1846. What we have done is to reduce the special allowance paid for above the 52-week Treasury bill rate—it is reduced from 3.75 to 3.25 percent as the add-on to the basic Treasury bill rate. In exchange for using the 3-month bills we substitute the 52-week Treasury bill rate which will help the banks in matching their funds. We also made some other technical amendments. Borrowers should realize that you now can refinance a loan at somewhere between 9 and 10 percent to replace the 12-, 13-, and 14-percent loans and do it in an effective way.

I would add in closing by saying that the previous discussion with respect to a possible error, or whatever, that the administration objects to in the bill that we ought to study the issues very carefully rather than just striking the language. We should consider what the ramifications are of what apparently is being done in this bill to meet the objections of the administration. I am not pleased with the OMB, at the last minute, coming up with problems with the legislation. At the minimum, I hope this language will be addressed in conference with the Senate with consultations from the Education Department.

Mr. Speaker, I again would commend all of those who are involved with this legislation and commend them all for it and just point out there are only a very few technical amendments to be considered today, and I urge the passage of the bill.

Mr. Speaker, today, as the House considers H.R. 1846, the Higher Education Technical Amendments Act of 1987, I especially want to thank Mr. WILLIAMS of Montana, and his staff for all their excellent work and for the cooperation he has extended to me and the Republican members of the committee in drafting this bill. Also, I wish to congratulate Mr. COLEMAN of Missouri, the ranking Republican on the subcommittee, for the leadership that he has shown in guiding this bill through committee.

The process of developing legislation to make technical amendments is not glamorous. It is tedious and time consuming. That is why I am grateful to all the members who worked so diligently on this bill which is before us today.

H.R. 1846, and the committee amendment in the nature of a substitute, makes several technical changes in the higher education amendments. It conforms language to the intent of the Congress by correcting grammatical errors and misreferences, and clarifies the law. The modifications we are considering here are needed as a result of the rushed atmosphere of the conference committee on the higher education amendments last year which considered hundreds of differences between the Senate and House versions of the act. It is a tribute to the work we all performed last year that this bill is as brief as it is.

It is critical that this legislation be enacted with as much speed as possible to prevent any disruptions in the authorized programs. Such disruptions may occur if we do not act promptly.

The technical changes I have proposed in H.R. 1846 seek to ensure that the parental loans for undergraduate students [PLUS] and supplemental loan programs and the refinancing options available as part of these programs work as I, and the Congress, intend. I have had a deep interest and concern that too many parents and students are not able to finance high tuitions, room, board, and other required expenses.

If financial aid through grants and the Guaranteed Student Loan Program are unavailable to parents and students, then the options for students are limited. Such students have no alternatives. They must either lower their educational aspirations or, perhaps, not attend college at all.

Working in the conference committee last year, I sought to make certain that PLUS and supplemental loans would be used by those individuals who did not qualify for other Federal student assistance grants, work or loan programs. This was the missing constituency—those individuals who were not so poor as to qualify for Federal aid nor so wealthy as to be able to afford college without assistance.

I fully expected that the conference agreement regarding these refinancing options would work properly. However, this winter it was brought to my attention that there was confusion about the law's provisions and many, including the Department of Education, were misinterpreting what I believe was congressional intent. Over a period of months I have worked with concerned individuals and organizations to forge an agreement, a compromise, that will solve the evident problems in the PLUS and supplemental loan programs.

The highlights of this compromise include the following:

Technical changes to the method by which the variable interest rate is established. The rate is tied to the bond equivalent rate of a 52-week Treasury bill, plus 3.25 percent. The special allowance is reduced from 3.75 to 3.25 precent to prevent any potential windfall to lenders accruing from such Treasury bill modification.

Federal special allowance paid at the point at which the base interest rate formula exceeds 12 percent instead of 12.5 percent. Specified dates in current law used to set the interest rates are changed to match peak lending periods in the programs.

Borrowers wishing to refinance PLUS and supplemental loans can obtain in one transaction both a variable interest rate and a single payment schedule providing for a combined payment of principal and interest. The calculation of the repayment period for each included loan is determined from the date of the commencement of repayment of the most recently assumed loan.

Only one administrative fee of up to $100 may be charged to cover the costs of reissuing a loan or loans for those individuals wishing to refinance. It was never congressional intent that a borrower pay a fee for each loan included as part of a refinancing package.

Borrowers who refinance their loans prior to July 1 of this year will be allowed to take advantage of these changes without cost.

Prior to October 1, 1987, information will be provided to borrowers regarding the refinancing options that are available to them and what procedures must be taken in order to refinance.

I believe the technical changes incorporated in H.R. 1846 will allow the PLUS and supplemental loan programs and their refinancing options to work as the Congress intended. I express my thanks to all those individuals and organizations that cooperated with me to accomplish the goals we share—to have a viable program that assists parents and students and makes higher education an accessible option for many who would otherwise have to forego the opportunity. Again, I want to thank Mr. WILLIAMS, Mr. COLEMAN of Mis-

souri, Mr. HAWKINS, and Mr. FORD of Michigan for their assistance in this matter.

I strongly urge the House to approve this legislation.

Mr. WILLIAMS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD] for the purpose of a colloquy.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Speaker, JAKE PICKLE of Texas has asked me to engage the gentleman from Montana in a colloquy. The gentleman from Texas is caught on an airplane trying to get back here and was not able to make it. So I am simply reading what the gentleman from Texas prepared for me here:

Mr. Chairman, a small predominantly black college in Austin, TX, Huston-Tillotson College, is being forced to repay approximately $31,000 which the Department of Education claims was improperly spent under a title III grant even though the expenditures were made with prior approval of the Department of Education. I understand that the Supreme Court has ruled that such improperly spent funds must be repaid; however, the Secretary has given authority to exercise discretion of the amount of the initial determination is not more than $50,000. In the case of Huston-Tillotson, the initial determination was $58,000 but only $31,000 is in dispute. Huston-Tillotson College is experiencing extreme financial difficulties and repayment will further threaten the continued operation of this 111-year old institution. Does the Chairman believe that such a financial hardship should be forced upon this college?

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

Mr. FORD of Michigan. I yield to the chairman.

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Speaker, I have reviewed this matter and believe that the Secretary should find a way to relieve Huston-Tillotson College of this burden. The Secretary should work with Huston-Tillotson to find a solution that would be consistent with the Supreme Court's ruling in Heckler versus Community Health Services and that would help ease the financial problems of the institution.

□ 1340

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding this time to me.

I take this opportunity to commend the gentleman for his expeditious treatment of the Higher Education Act that we passed last year and its perfecting amendments. This job is onerous; it is tedious, but necessary.

Mr. Speaker, I rise today in full support of the H.R. 1846, the Higher Education Act Technical Amendments. This legislation, which I cosponsored, makes conforming and technical changes to the Higher Education Amendments of 1986, which was signed into law last fall. The higher education amendments reauthorized and revitalized our important student financial aid programs, including the Pell Grant Program and the Guaranteed Student Loan Program, addressing the goal of equal educational opportunity for all who desire postsecondary education.

Of important significance is what these amendments do not include. The administration again this year proposed to eliminate the college work study, supplemental educational opportunity grants, State student incentive grants as well as proposed significant changes in the Guaranteed Student Loan Program and the Perkins Loan Program. I am delighted to see that the Higher Education Act Technical Amendments are simply that—technical amendments, not policy changes. The intent of the conferees who favorably approved this language last Congress, and the intent of all of those who supported its final passage is preserved. Programs and provisions have not been dismantled. Policies and intentions have not been altered.

This is not controversial or complicated legislation; it simply ensures that the important reforms we made last Fall will be able to operate smoothly and effectively. However, I think it appropriate at this time to reemphasize the importance of our student assistance programs. Recently, I received letters from constituents expressing their gratitude for student financial aid. Without it, they said they would have been unable to receive a postsecondary education, and would have been unable to achieve their goals.

As we are emphasizing national competitiveness, let us reflect on the importance of education in achieving and ensuring competitiveness. Our Nation's postsecondary institution system is one of the most advanced in the world. In fact, if you visit a typical college campus, you are likely to meet many foreign students who come to the United States just to receive an advanced degree. It is vital that we ensure that our own students have equal educational opportunities to advance themselves and obtain a postsecondary education.

Student financial aid is a sound Federal investment; the returns in increases in tax revenues and decreases in unemployment subsidies and public assistance more than cover the costs. I urge my colleagues to join with me in supporting these technical amendments and our important student financial assistance programs. Education is our hope for the future. Postsecondary education is a necessary component in guaranteeing our Nation's competitiveness. Student financial assistance ensures we are competitive as a whole nation—allowing each of our citizens the opportunity to reach their full potential.

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

The SPEAKER pro tempore (Mr. HUBBARD). The gentleman from New York [Mr. BIAGGI] yields back 1 minute of his time. The gentleman from Montana [Mr. WILLIAMS] has 9 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. WILLIAMS. Mr. Speaker, would I be within the Rules of the House to now ask for unanimous consent to make a technical correction in this legislation? We have worked out the unanimous consent with the other side.

The SPEAKER pro tempore. By unanimous consent, the gentleman may modify his motion.

MODIFICATION OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to modify the bill at the desk by striking lines 24 and 25 on page 50 and lines 1 and 2 on page 51. I also ask that subsection 5 on line 3 of page 51 be renumbered as subsection 4.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. WILLIAMS: Strike lines 24-25 on page 50 and lines 1-2 on page 51 as part of the amendment.

Renumber subsection 5 on line 3, page 51 as subsection 4.

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

Mr. COLEMAN of Missouri. Mr. Speaker, reserving the right to object, I certainly do not want to object, but I do want to assist in support of what the subcommittee chairman is doing here.

Just for the record, I ask the gentleman if he would explain the effect of his unanimous-consent request.

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

Mr. COLEMAN of Missouri. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, the purpose of this amendment would be to come in line with what is the gentleman's understanding of the original intention, which is to be sure that the discretionary authority, as granted by the legislation, takes effect in the school year 1988-89.

Mr. COLEMAN of Missouri. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might conclude by saying that I believe that the chairman's unanimous-consent request has probably addressed, to our knowledge, the concerns expressed by the OMB in a statement of policy that was submitted this morning. There should be no opposition to this bill now by the administration.

We should, therefore, pass it, I hope, unanimously.

Mr. TAUKE. Mr. Speaker, I commend the gentlemen from Montana and Missouri for their fine work in drafting these technical amendments to the Higher Education Act of 1965 and for their efforts to ensure the expeditous consideration of this bill. The leadership provided by Mr. COLEMAN, the ranking Republican on the Postsecondary Education Subcommittee in both the last Congress and in this Congress, on the Higher Education Act legislation merits specific mention.

In addition, I wish to recognize the chairman of the committee, Mr. HAWKINS, and the ranking Republican of the committee, Mr. JEFFORDS, for their contributions to improve and clarify the Higher Education Act and for moving this important legislation quickly. The gentleman from Vermont, in particular, worked diligently to ensure that the PLUS and SLS programs are viable options for students and families attempting to finance higher education.

In correcting, improving and clarifying last year's amendments to the Higher Education Act, however, we discovered substantive issues which also demand our attention. In particular, the needs analysis provisions of the act must be revisited in the near future. Changes made by Congress are having unanticipated and unintended effects on the eligibility of thousands of students for guaranteed student loans and other forms of financial assistance.

For instance, many students from families who farm or who own and operate small businesses are finding themselves ineligible for student loans because of nonliquid assets held by their parents, even though their disposable income is quite low.

In response to this problem, the bill we are considering today includes a provision clarifying and describing the discretionary authority of a financial aid officer to adjust assets when determining eligibility for students aid in cases where income is low in relation to assets. I thank the gentleman from Montana for his willingness to address this issue, and I look forward to working with him and the other members of the committee to develop a more permanent solution to the asset problem.

The technical amendments before us make critical corrections and improvements in the Higher Education Act that must be enacted quickly to ensure the proper implementation of the act for the coming academic year. I urge you to support this bill.

Mr. GOODLING. Mr. Speaker, I rise today to lend my support for passage of H.R. 1846, the Higher Education Technical Amendments Act of 1987. I thank the gentleman from Montana [Mr. WILLIAMS], the chairman of the Subcommittee on Postsecondary Education, and the gentleman from Missouri [Mr. COLEMAN], the ranking Republican on the subcommittee, for their bipartisan efforts over the past several months which have produced H.R. 1846.

A technical corrections bill is never easy to draft, it is time consuming and arduous work. Making sure that erroneous cross references and spelling errors are corrected, as well as conforming the law to the Tax Reform Act has taken several months of devoted time. Yet, it is time we must spend in order to finalize work on the Higher Education Amendments of 1986.

I would like to echo Mr. COLEMAN'S call for stability after such a long period of uncertainty in Federal higher education programs. The technical amendments will finally put to rest the reauthorization process that we initiated several years ago on the Higher Education Act of 1965.

I encourage my colleagues to join in with me in support of H.R. 1846.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. WILLIAMS] that the House suspend the rules and pass the bill, H.R. 1846, as amended, as modified.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COLEMAN of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

□ 1350

EDITORIAL BACKS PASSAGE OF GI BILL

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, last month the House of Representatives passed our legislation to make the peacetime GI education bill permanent. The Senate will consider the measure in the next few weeks. The Sun-Herald newspaper in Biloxi, MS, wrote an editorial in support of the GI bill. This is one of the best articles I have read on why we need to make the legislation permanent. I want to share it with my colleagues.

GI BILL HELPS KEEP VOLUNTEER FORCES MANNED

The GI Bill that the House of Representatives voted to extend permanently is perhaps one of the most attractive perks the armed forces have in attracting volunteers essential to maintaining the nation's military strength. The overwhelming 401-2 vote, and the expectation of a similar approval by the Senate, indicates that Congress appreciates the value this particular benefit has for today's youth.

Mississippi's 3rd District Rep. G.V. "Sonny" Montgomery proposed the plan on a trial basis three years ago and he has been instrumental in the campaign to make the program permanent. In recognition of his key role in the legislation's success, his colleagues in the House voted to name the program the "Montgomery GI Bill" in his honor.

Service Members become entitled to $10,800 for college in return for a three-year enlistment and a contribution of $1,200. Unlike so many government programs dreamed up in Washington, this one works. In the Army, 84 percent of new recruits signed up. In the Navy, the count is 54 percent; in the Marines, it is 64 percent; and the Air Force registered 44 percent.

The prime purpose of the benefit is to assure adequate numbers of qualified personnel to keep the services at their authorized strengths. As military weapons systems become more and more sophisticated, recruiting efforts have concentrated as much on the quality of recruits as on the numbers of them.

Anyone who has toured one of the Aegis guided missiles that Ingalls builds at Pascagoula knows that the capacity of these fighting ships derives from banks of computers and radar sensing devices linked together into a dazzling network of communication and weapons controls. Not everyone can be trained to operate this equipment. Similar complexities abound in the weapons systems that are manned by the other services.

Military personnel who have acquired hard-to-find job skills and those who reenlist for an additional five years may qualify for extra financial benefits. This part of the program is designed to assure the services have attractions that prevent losing specially trained people.

There is a residual, non-military benefit of the GI Bill program. Those who take advantage of the college opportunity will increase the educational level of the civilian society after their discharge. Participating veterans will have better employment opportunities and greater probabilities of becoming productive citizens and taxpayers.

Yes, the new GI Bill will cost more and this is a time when the federal budget needs more careful watching than ever. But this is not the place to mince benefits. This program is a long-lasting investment promising handsome dividends in both the military and civilian communities.

This country has been generous in providing educational benefits to veterans of past wars, many of whom were drafted into service. Those who volunteer for service merit similar consideration.

SOLVING THE TRADE DEFICIT PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, as President Reagan prepares to go off Sunday to the summit conference in Venice, the question is, will the United States, long the engine of economic progress for the world, be willing to continue to assume that burden?

The answer to that is a clear "No." That is not to say, however, that the United States is prepared to abandon altogether its leadership role in the economic area.

To pursue the railroad metaphor, I think it would be fair to say that in the years ahead, the United States will be willing to be one of three or four engines of economic progress, but not the only one.

In my view, the United States indeed can remain as the lead engine and probably will, but we ought to be very clear that we cannot afford to be the only economic engine for the world.

The leadership role of the United States over the past several years must change. The United States must insist that the leadership role change, because the United States is in a new fundamentally different situation from what it was before.

The United States now has a worldwide trade deficit which is unacceptable, and we cannot continue deficits of $170 billion or more.

We have bilateral trade deficits with nations like Japan which are unacceptable. We cannot continue to tolerate $60 billion bilateral deficits.

The United States has just become the world's largest debtor nation.

We owe more money as a nation to other people than any other nation in the world.

Almost certainly the United States external debt will reach one-half trillion dollars later in this decade before it begins to even off.

The United States has self-inflicted fiscal deficits which are unacceptable economically, and larger deficits which will surely come if the economy slows down, and will be unacceptable politically.

In other words, Mr. Speaker, because of these changed economic conditions, we simply cannot afford to be the sole engine pulling the economic progress of the world.

Because of these burdens, we need help. Others must help to pull and push us along in a world economy. We need to see our allies and trading partners take macroeconomic steps to help the world economy.

The worst thing that can happen would be for the world economy to slow down, perhaps even go into recession over the next couple of years. We need help in the trade arena.

We need help from our friends and allies to open their markets to American products. We need our friends and allies to open their markets to Third World country markets around the world.

We need to get our friends and allies to avoid taking advantage of us with what we would call unfair trade practices.

These steps are important because of the impact on trade balances. We must reverse our trade deficits and begin to run sizable surpluses in order to service the external debt that we have.

They are important because of the impact on American public opinion. Our friends and allies do not understand how important fairness is to the American people as a concept, and in that regard, we need help in the new GATT round.

We need to have our friends and trading partners take seriously the agenda for the new GATT round, especially those efforts to make the GATT a more effective instrument.

In short, we need help from our friends and allies to convince the American people that a free and open trading system really is worth preserving.

As I said at the outset, it is unlikely that the United States will abandon totally its leadership role and seek to become the caboose of international economics rather than the engine. But depending on economic circumstances, on trade deficits, on the external debt, on public perception regarding the cooperation of our friends and allies, it is quite possible that the United States could decide to throttle back on its efforts to lead the world into prosperity.

Mr. Speaker, it is quite possible that the American public might decide to go off on a different track altogether. Much is at stake, and I sincerely hope our trading partners and friends at the Venice summit are fully aware of the importance of that meeting.

A MEMBER'S TRIP TO MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I have just returned from the Soviet Union. I did not go on the Speaker's interparliamentary trip to Moscow.

I did not go on the Secretary of State's trip to Moscow. I went at the urging of two college students, David Harberg and Sylvia Mayers.

About a year ago they had just returned from the Soviet Union after visiting with family by the name of Feinberg, a refusenik family that has been trying to emigrate from the Soviet Union since 1979.

They were so overwhelmed by this family that they made a beeline to my office upon returning from the Soviet Union. They urged me to adopt the Feinbergs and help the Feinbergs to emigrate from the Soviet Union. I agreed to do so, and I did the things that most of the Members here do to try to urge the Soviet Union to open their emigration policy and bring human rights especially to the Soviet Jewry.

That was not good enough. David Harberg and Sylvia Mayers went back to my home town, Houston, TX, and started an organization called Free the Feinbergs, and they rallied the Jewish community in Houston behind the Feinbergs, and really worked diligently to try to free the Feinbergs.

About November or December they decided that it would be beneficial for me to travel to Moscow to meet the Feinbergs face to face and other refuseniks, so these two college students raised over $8,000 to send my wife and I and my aide and another person to Moscow.

We went over the Easter break. It was an experience that I will remember for the rest of my life, an experience of seeing how the other half, if you will, lives, an experience of actually seeing face to face and coming to know these people that are so oppressed by the Soviet Government.

You can read a name on a piece of paper. You can see a picture of the refuseniks. You can talk about them. You can hear their stories, but there is nothing, there is absolutely nothing like being there and seeing their living conditions, seeing the harassment, listening to their stories and looking into their faces as they tell these stories and seeing the hurt and the frustration, and the glimmer of hope to one day leave the Soviet Union.

□ 1400

I am glad that I went alone on a tourist visa, not an invited guest of the Soviet Union, because I think I saw some things that normal delegations do not see. I saw a side of Moscow and the Soviet Union that are not shown to official delegations. I take this special order today to tell of some of the things that I saw.

I have to talk in terms of the intimidation, the confusion that we experienced and hopefully can convey what the refuseniks are experiencing right now.

It starts with the airport. When you fly into the Soviet Union you notice right away that even the passage ramps that come out to the plane are painted red and you walk down into a dark airport in the middle of the day, and you walk up to a passport booth unlike any other passport booth that I have been through because there is a soldier sitting behind the booth and all you see is his eyes because he is blocked off; the rest of him is blocked off. There is a mirror behind you so he can see in the mirror to see what you are doing. He does not speak to you;

he does not say "hi"; he just stares at you.

We timed the people in front of us and they make you stand there for 5 to 10 minutes doing nothing but staring at you, looking and reading your passports, making out like they are doing something, but it does not take a very long time to read your passport or your visa.

It is all in the vein of intimidating you before you even get to the Soviet Union. In the airport there are soldiers in uniform all over the airport. It is not like the airport that some people may have seen in the movie that was on television last night; there is nobody there except those that have just arrived. It is blank, it is austere, it is stark, it is foreboding.

As you drive into Moscow from the airport, I noticed that there were lines all over the street, people standing in lines everywhere. Lines that were a block long, waiting to buy, as I found out later, waiting to buy the essentials of life. Eggs, flour, maybe an orange or two. These people have to stand in these lines for 2 to 4 hours just to buy eggs.

The stores are empty, although the windows have merchandise in them. We were told by everybody, including our State Department, that our rooms would be bugged; that our luggage would be gone through, and that we would be followed, and we experienced that during the whole trip.

I do not know if my particular room was bugged, but after touring our U.S. Embassy in Moscow, there is no doubt in my mind that it was. I think that the intimidation, the confusion, the totally controlled society that is in the Soviet Union is something that Feinbergs are experiencing. Let me describe the Feinbergs to you.

The Feinbergs, Michael and Fana Feinberg are a wonderful family, not unlike many families that would be living right next door to you. Michael Feinberg is a very well-educated man. He has a doctorate in computer science and mathematics, he has been published in this Nation. He was a member of the American Mathematics Society, and he was on the board and a reviewer of mathematical reviews; a highly, highly intelligent man.

His wife, Fana, is an English teacher. She had hoped that one day she would be an actress. She is a graduate of Moscow University and a highly, highly intelligent, warm woman. They have two sons, Michael, Jr., who is 20 years old and another son, Andrew, who is 16 years old.

The Feinbergs have petitioned since 1979 to leave the Soviet Union and ever since their petition, they have lost their jobs, their children are the tops of their class and are refused admittance to Moscow University not only because they are refuseniks but because they are Jews.

Michael the father works now as an auto mechanic; a brilliant mind like this is working as an auto mechanic. Their living conditions are such that they, in comparsion to many Soviets, they live very well. They live in a three-room apartment that I estimated to be less than 500 square feet and they are living well.

The apartments are of the lowest quality. When you go into their apartment building there is somebody sitting there at the front door to watch your comings and goings. By Soviet standards, it is supposed to be a wonderful place to have in Moscow.

I came to realize over the 7 days that the average Soviet citizen has worse living conditions than most of our recipients that are on welfare in the United States.

The Feinbergs told us stories of their harassment. Not only losing their jobs, but they showed us the many, many letters of hate, the hate mail that they get. The boys have been attacked by their peers, physically and mentally. The boys have been inhibited from growing because they are denied entrance to Moscow University. Andrew had just participated in a contest. Last year he was No. 1 in Moscow in this contest and they expect him to be No. 1 again. A brilliant young man of 16. Michael, Jr., had placed second in that same contest and was the top of his class, but there is no future for these two young men.

They told us of the anti-Semitism and described the anti-Semitism in the Soviet Union and it is horrendous. In fact, one of the questions that I had a hard time answering was that Michael looked me straight in the eye and he said, "Why would a christian be interested in a Jew in Russia?" I do not think I answered his question quite right because he had been raised under anti-Semitism. If you wanted to cuss somebody out in the Soviet Union, if two young people were fighting and they wanted to call them the dirtiest name they could think of, they called them a Jew. Anti-Semitism in the Soviet Union is rampant.

This is a family that wants to be free. Ever since Michael Feinberg has been thinking for himself since he was in what would be our fifth grade, he started thinking about collectivism. He started thinking about his society stopping his ability to grow. That anyone that excelled was looked down upon because individualism was frowned upon.

The Feinbergs want to be free to practice their religion. They want to be free to think and dream and grow and be free to reach their potenial. They want to be free to leave the Soviet Union.

Words cannot describe the courage of this family. This family is just one example of thousands of refuseniks that are in the Soviet Union waiting and some have been waiting upwards to 16 years to get approval to leave the Soviet Union. These people are just not somebody that you would think of as a Russian somewhere half-way around the world. These are people that are just like your neighbors. People that are alone in their endeavor. People that live in a society that really does not want them but will not let them go.

We held a seder, which was a very moving experience, in the home of the Feinbergs. For those of you that do not know what a seder is, it is a celebration of Moses leading the Israelites out of Egypt.

□ 1410

It had particular significance for us because things have not changed over all these many years. The Jews and many others in this world are being held and are being treated like slaves, waiting for deliverance waiting for hope.

The seder, we took all the material because you cannot buy any religious material in the Soviet Union. We took the prayer books. We took the Haggadahs. We took the gefilte fish and all the food that is necessary to celebrate the seder so that we could celebrate it. It was the first seder that the Feinbergs had experienced. It was a very moving experience going through the Passover and the flight of the Jews out of Egypt, just as we are trying to bring them out of the Soviet Union.

Now, the Feinbergs had been waiting for 8 years. As I said, many have been waiting, I met people who had been waiting as many years as 16.

I do not think the American people, certainly I did not, understand what it was like just to apply for emigration from the Soviet Union. You know, when we apply for something in the United States, we just fill out one application and turn it in. You may have to provide a few documents to prove your position, but basically it is just filling out a form. Not so in the Soviet Union. When you want to emigrate from the Soviet Union, an application is a very thorough application. You have to gather up all your amendments. You have to go to your schools and get updated grades and the status of your children. If you happen to have a job, you have to get documents from your employment. You have to get documents from your housing people.

The stack of documents that you have to put together takes you anywhere from 1 to 2 solid weeks to gather. Then you take it to the Elvir, the Soviet Office for Emigration, and present it. You can only present it once every 6 months. Some of these people live in 6-month cycles, because every 6 months they make an applica-

tion. They are refused and in the next 6 months they are right back again with a new application.

But just think of this, having to gather all these documents. Every time you go to your employer, the harassment starts again, or if you go to the school, the harassment starts again with the schoolchildren and the teachers, because in the Soviet Union if you want to leave the "workers' paradise," you are considered a criminal and you are treated as such.

Now, these people are being denied and no rhyme or reason is being used to deny or to refuse them emigration from the Soviet Union, which adds to the confusion and creates an instability among the refuseniks, because one does not understand how a friend got out, when their case is more horrendous than the friend's.

There is no procedure. There is no decisionmaking procedure as to how to get out of the Soviet Union. People are being refused today mainly because in one way or another they have state secrets. Everything in the Soviet Union evidently is a state secret.

I met one woman, her husband and she were refused because she had state secrets in her job. Unfortunately, she has never worked in a job. She is a housewife, but I guess because she is a housewife she has state secrets.

Another couple was refused because someone outside their immediate family was involved in a job that had state secrets and when they asked who that person was, the reply was, "Well, that is a state secret and we can't tell you who that person is."

People are being denied emigration because they may have worked in a job 10 to 15 years ago that may have been a closed job and they are being denied on the ground of state secrets, which continuously adds to the confusion, the frustration; but these people continue on. They are dedicated to leaving the Soviet Union.

Now, I have been involved with Soviet Jewry for a year now. I thought the application and getting approval was everything. That is the smallest part of getting out of the Soviet Union. The biggest part is getting approved, because once you are approved you are given about 3 to 4 weeks window by which you must leave.

We met with a couple who had just received approval and they were going through all the harassment, as I call it, to leave. First off, it costs you a thousand dollars per person for the visa to leave.

Now, a thousand dollars in a society that averages anywhere from $2,000 to $2,500 a year is a lot of money. A family of four just to buy the visa needs $4,000, which is at least 1 year, if not 2 years' salary for these people.

You have to get clearance from everyone. If you own your flat or even if it is a government issue flat and you worked to improve it, you may have put in some new light fixtures, you may have put in some wallpaper, you may have put in some sort of flooring just to fix a bland vanilla four-wall room, you have to tear that all out and put the flat back into the condition that it was when you moved into it. You have to get approval on all that. If you put in a new light fixture and you pull it out, you put in the original bulb, then you have to get approval that that had been done.

You have to gather in the committee for your cooperative that runs your housing unit, your housing building, and you have to bring them together. They have to approve that you can leave.

You have to do this with your employment and get approval from who you work with and the committees that run the job, the business that you may be working for in the state.

You have to get approval from the schools.

You can imagine the heartache and the toughness of just putting all this together, and you have a time limit to do this before you can leave.

This family that we met with has approval for taking their mother out with them, so they have to go through the same sort of approval procedure with their mother, so they are having to work twice as hard to meet the May 6 deadline to get out of the Soviet Union. He estimated that it is going to cost his family 30,000 American dollars to leave the Soviet Union. That is over 10 years' salary that it is going to cost this family just to leave the Soviet Union, and they are not leaving with any of their possessions because you are allowed five kilos free for each family. Anything over that, you have to pay extra to carry out, and you cannot carry out any of your documents. You cannot take out of the Soviet Union your marriage license, your birth certificate, your records of school or any other record that you may need when you set up life anew in the new country. They do not allow it.

You cannot take any "historical" items or antiques. The definition of historical and antique is subject to the whims of whoever is determining whether you can take it or not.

We met with a gentleman whose father is a very accomplished artist and he has well over a hundred paintings that his father did, and his father is no longer alive. He will have to leave those paintings behind because he will not be allowed to take them out.

There are just thousands and thousands of stories like this, like the Feinbergs.

I would like to mention one other that particularly touched my heart, Vladimir and Anna Lifshitz in Leningrad. I might say parenthetically that in Leningrad the refuseniks have it twice as bad because there is no emigration office in Leningrad. If they make an application, they have to travel 8 to 9 hours on a train to Moscow to make their application and do all the paperwork, so there are added problems there.

□ 1420

But Anna and Vladimir Lifshitz—some may recognize Vladimir because he was in prison in Siberia and was one of the 140 that were released recently as a show of openness by the Soviet Union—while Vladimir was in prison, his son was drafted into the army. Now his son has a bleeding ulcer, which should have given him a deferment from the draft, but the military wanted to draft him so bad, and he was told later that the reason they wanted to draft him was to get him away from his criminal parents. So they fraudulently changed the records and made the physicians that gave Boris his physical say that he has gastritis, not an ulcer, so he was taken into the army.

About 2 to 3 months later he was in the hospital for his ulcer. He got out of the hospital and went back in about February. He has been in the hospital for 2 months for an ulcer, and the physicians have yet to diagnose his condition, because they found the records by which he was brought into the military, and they are scared to death to change the diagnosis of gastritis from when he was drafted back in August or September. So they are fighting amongst themselves as to diagnose Boris as having a bleeding ulcer, and he is in the hospital right now and has been there for 2 months.

We tried to raise this situation with the Soviet officials, and I do not think that we got too far.

What am I talking about? I have seen the workers' paradise. I have seen where it stifles creativity and individualism. I have seen where it rewards complacency and rewards the absence of productivity. I have seen where it usurps and denies the inalienable right to life, liberty, and the pursuit of happiness.

Freedom is nonexistent in the Soviet Union. The society I feel is on the verge of collapse. I told about the lines of people standing in line for 2 to 4 hours just to buy eggs or an orange or some flour. The living conditions are incredibly bad for the average Soviet citizen.

I have seen the failure of socialism or communism and how it is reflected in the plight of the Soviet Jewry.

We have a chance to ring that Liberty Bell one more time for our fellow human beings in the world. We have a chance to ring for freedom. We have a chance to help people get out of the situation that they find themselves in. And we must work and we must be committed to do whatever we can to

urge the Soviet Union to open their society, to let people freely come and go, to allow people to freely express themselves so that they will feel that fulfillment that we feel here and we take for granted in America.

We must commit ourselves, and I am more committed than ever to the freedoms that we take for granted, and I am committed, as I hope every Member of this body will become committed if they are not already, to present this gift of freedom to the refuseniks in the Soviet Union.

It was a gut-wrenching experience to tell the Feinbergs goodby and to leave them in that situation in which they find themselves. It was also a feeling of guilt that I have not done more for the Feinbergs or the refuseniks to help them get out of the Soviet Union. But I am more committed than ever to work as hard as I can and use all my resources to let the Soviets, the Embassy here in Washington, Gorbachev, and anybody else that I can get ahold of to let them know that we are not going to give up, that we are going to work harder than ever to see that the Feinbergs are free.

I ask the help of my colleagues to work with me, as I will work with them for their families, to help bring these people out. Free the Feinbergs.

THE SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Florida [Mr. McCOLLUM] is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I have just returned from a rather interesting experience in Central America that I would like to take this special order time to report to my colleagues on. During the course of that period of time that I spent down there in the last few days I visited Nicaragua, Honduras, and El Salvador. The primary purpose of this trip was to investigate the situation with regard to refugees and displaced persons, as I went as a part of the Immigration, Refugees, and International Law Subcommittee on a factfinding mission for that purpose.

In the process I could not help but also observe things relative to our policy going on down there concerning the Contras and concerning the entire situation with regard to the democracies in Honduras and in El Salvador. So for a very brief period of time this afternoon I would like to review both of those subjects, first discussing for a few moments what I had occasion to observe with regard to the refugee status in the three countries, and then some of the politics, because I really think in the last analysis the two are intertwined. You cannot have one without the other, and the reason for the refugees and the reason for the pressure is of concern to us with their possible migration to this country, with the United Nations having to care for them in many cases with our assistance and our funds, or in the case of El Salvador and the disposados with our funds with AID.

I think that they are there because of the disruptions caused by the turmoil in that region of the world.

First of all, in Nicaragua the refugees of concern to all of us are the Miskito Indians. Many of them have left the country in large numbers to go to Honduras because of some of the oppression of human rights that has been imposed upon them by the Sandinista Communist Government in Nicaragua.

Now the Government of Nicaragua says we made a mistake by some of those things that we did in disrupting the lives and the customs of those Indians that live on the Atlantic coast of Nicaragua, and they want to make amends, and they have proposed a new autonomy program.

While we were in Nicaragua, Congressman FISH and I, who were on this expedition, had occasion to speak with some of the Miskito Indians. We talked with Vice President Ramirez of the Nicaraguan Government. We spoke with the various U.N. and international committees that deal with this problem and others in the church and so on, and in Honduras we followed up by exploring the matter with those in the private voluntary organizations and in our Embassy who follow this problem.

The long and the short of it is that they are having a meeting this week or next dealing with the question of autonomy in which the resolution of this matter is expected by the Nicaraguan Government to come to fruition. That is, they are going to give some kind of an autonomy, that they call autonomy, to the Miskito Indian tribes.

The problem with that is that no one is clear on what the definition of autonomy is, and that is what that meeting is supposed to achieve. But in talking with Vice President Ramirez, it was very clear to me that autonomy was something far different from what maybe you or I envision. It is not as he said like the States of the Union. There are not going to be any independent governments out there. There is not going to be one or two or three or four groups that have some kind of right to exist as nations such as we have Indian nations in this country.

Everyone is going to continue to be a part of the government, part of the country of Nicaragua, be obligated to serve in the armed forces, be obligated for all the other things and be subject to all the rules and the regulations and so forth. But apparently there is going to be some kind of a system of councils that they envision to be set up whereby those who are leaders in the Miskito Indian tribes and in the groups of other ethnic origins who are in that region will be able to have an input into the affairs, at least in terms of advice and suggestions and so forth.

□ 1430

When we got to Honduras we discovered what some of the Miskito Indians had told us was more than true. Those in Nicaragua with whom we spoke said, "We are not happy with this. We were not asked or allowed to participate. Some were, granted, some will, but we were not," this group told us. And they said they had grave reservations because they did not know what autonomy really meant and they thought that when some of their colleagues came back from Honduras, as they were coming to define this new autonomy, they were going to be greatly disappointed.

While in Honduras we found out that that is the case. As a matter of fact, while we were there it was reported by those who were observing out in the area where these refugees have fled from Nicaragua, that those, many of those who had gone into Nicaragua, returned from Honduras were now coming back within a day or two while we were there. They were reporting that the reason they were coming back was simply that they had not been pleased with what they saw. Their villages, their living areas, their lands had all been uprooted. The policies of the Sandinista government, causing this radical movement in the first place, left a rather devastating condition, and they did not like what they heard. They did not like what they saw.

So it is my observation that we are going to continue to see discontent among those thousands and thousands of Indians who have moved across into Honduras from Nicaragua and that the autonomy program is unlikely to work though it is something from a human rights standpoint we are all interested in seeing and at least pleased that the Government of Nicaragua now recognizes that it committed atrocious grievances against those Indians and is at least in part willing to change some of its activities with respect to them.

While in the two countries of Honduras and El Salvador, we observed the refugee camps in Honduras. Those are refugee camps that are both Nicaraguan non-Indian refugee camps as well as those with the Miskitos and Salvadorans who would come across the border. For those who are not familiar with the geography, the Central American region is very close to ours. When I left Miami and flew down to Managua, though we had a stopover in San Salvador, if I had flown directly the flight would have been probably

about 2 hours. It is a very short flight, not much longer than coming from my congressional district in Orlando to Washington to come to work. And while the area down there is large by comparison with some of our States, certainly the countries are no larger than our States and some of them are smaller than most. You are talking about a rather small territory, in other words, in terms of land, as we think of it in country terms.

And in the country of Honduras with its borders to Nicaragua and to El Salvador, you have enormous numbers, thousands and thousands of those who have left those two countries because of the war conditions existing in those countries.

The Nicaraguan refugees we did not find much change in from a previous visit that I made to that area and to those camps a couple of years ago. They still have essentially the same population, not the Contras now, but the civilians who do not choose to participate in either side of the conflict in Nicaragua, who have been farmers, who are poor peasants, who have come to flee from the activities that are there and in large measure to flee from what they perceive as an institution and government which suppresses their right to grow their crops and to dispose of them as they want. There is a socialized system that they are not used to which exists in Nicaragua today.

We do still have young men who have fled from the draft in Nicaragua and they are a troubling element because they do not really have a place, they do not fit in; they want to go, they want to leave and be placed somewhere else, but there is no one who wants to take them and no place for them to go.

The camps are somewhat depressing but they are run by the United Nations High Commissioner on Refugees, and they have the support of many volunteer organizations and I would say, all things being considered, the two major camps in Nicaragua, or in Honduras for Nicaragua, are well run, healthy and doing as well as one can expect.

The two camps that are there on the Salvadoran border are also run by the United Nations High Commissioner for Refugees. Their conditions are, from the standpoint of refugee camps, quite good. We were able to visit one of those, Mesa Grande, which is the largest. There are about 15,000 refugees in that one camp, some 20,000 to 25,000 refugees all together in the two camps along the Salvadoran-Honduran border.

Most of these refugees are children. You are talking about better than 60 percent of the 15,000 or so in the Mesa Grande camp being under the age of 16.

For them life in a camp like that is truly a tragedy. Even though they have some opportunities for education, it is nothing like they should have; even though they have food and health care, there is not an opportunity to grow up as a child even as they would in the poorest of the poor regions of El Salvador.

So I say for those many, many children it is a tragic circumstance, not to mention the fact that it certainly is for their parents as well as their grandparents who are forced into this condition of living or choose to because they feel that the matters are too much in conflict to go back home to El Salvador.

Now there is hope, though, and I think that that is something that needs to be commented on. The Mesa Grande refugees, as opposed to the Nicaraguan ones, are now in a position to consider returning because the warlike climate in El Salvador has diminished considerably. The Government of El Salvador has indicated some interest in repatriating these folks. The United Nations has been sending a few back. Finally, the group themselves, who have been reluctant for so long, are beginning, in larger and larger numbers, to want to return. As a matter of fact, we met with the directorate, the leadership of this camp, for some time. Also the U.S. Ambassador to Honduras, myself, Congressman FISH and some of the staff persons. We met for over an hour and we discussed the fact that some 4,000 of these Salvadorans at the Mesa Grande camp would like to return as soon as possible to El Salvador.

But they have some conditions that they want to be met and they have presented them in writing previously through the United Nations and have yet to receive a response though the request is fairly current.

At this meeting they presented to us a new proposal for returning, something that they asked if we could send on to the Salvadoran Government they would greatly appreciate. And I did have the occasion the following day to present this to the person in the Salvadoran Government with whom I met who deals with refugee matters. Apparently, from what I was informed from his response verbally to me, they do have much more reasonable requests than they had previously.

One of the interesting things is that during the entire time of several years of conflict, while these refugees have been at Mesa Grande, many of them for more than 5 years there, no representative of the Salvadoran Government has ever been invited there and none has ever visited.

Now, for the first time, during this directorate meeting we had inside the camp at Mesa Grande, we had not only a request for leaving that country, going back home, made by these directorates for at least some of their population, but we had an expression of willingness on their part to receive the Salvadoran Ambassador to Honduras or any other reasonable representative of the Salvadoran Government to talk about repatriation and related matters. I think that is a very positive sign.

In discussion with the refugee officers inside El Salvador the next day I got the impression, the very strong impression, that the Salvadoran Government was about to proceed with sending an emissary into that camp and, hopefully, to establish long-term meaningful relationships with those who were there, with an intent to repatriate as rapidly as possible those who are indeed desirous of coming back to El Salvador.

So I come back from this visit to the region, at least in this part of the refugee matter, with great optimism in hopes that within the next few months or possibly over the next couple of years, if it takes that long, we will see finally many of the Salvadorans, who have gone to Honduras, return to El Salvador.

I do not know that it is going to be easy and I do not think that our expectations should be up, because we do know that most of those who are in the camps in Honduras are from what is known as the conflictive areas, some of which are not fully under government control to this day inside El Salvador. There still is an MFLN revolutionary movement inside the country, and it is still dangerous. Not only that, we are putting our heads in the sand if we did not recognize the fact that many of those camps, I have no way of knowing what percentage, no way of knowing, that are friends, families, sympathizers to those who have been in the revolutionary movement against the Duarte government for a long time. But it has become increasingly apparent to those of us observing the matter that as democracy has flourished in El Salvador and as the word has come back of things improving in that country, however be it so slowly, that these individuals are beginning to see some hope that they can return and that perhaps the cause of their revolution is not what it once was; that indeed some of the grievances which they had which caused them to be involved or supported those who were involved, have abated and that they now have those addressed by the Duarte government.

It is my hope that as time passes and more contact is made between the Government and these folks, that that will even become more apparent to them because they are isolated, considerably, from the rest of the world.

Now I would like to talk for a few moments not about the Salvadoran refugees as such, but over in Salvador

about the displacados, those who are in El Salvador but who are displaced persons. These are people who would be refugees but they have not left the country.

Technically, you are not a refugee under the laws of the United States or under the viewpoint of the United Nations until you have gone across the border. There are still thousands and thousands of people in El Salvador who fled from the rural areas to the cities or to the communities, little towns, to get away from the conflict, left their farms.

□ 1440

Some of them are returning, and that is the good news, but there are still many who are in the cities. There are still many who are in the towns, living in very, very poor structures and under conditions that are less than desirable.

We do now, though, as opposed to back in 1983 when I first visited El Salvador and started a medical relief program, have health care; we do have a lot of conditions that have improved. The U.S. AID Program is working very effectively. Project HOPE is there. Many private volunteer organizations are involved, and even more since the earthquake tragedy of a few months ago that rocked that country have become involved.

Our church organizations and so on are involved even more. Americans' good will is probably at its height in El Salvador, of all of the Central American region.

We are there; we are on the ground; we are involved; we are a participant. I think the Salvadoran people recognize us, indeed, as friends.

There is much more to be done, and obviously, nothing short of absolute peace and tranquility in the countryside and a revived economy is going to make that country the kind of a place that we hope it will be some day, that it promises to be.

But it is, as you know from the elections several years ago now, truly Democratic and a remarkable demonstration of Democracy in those elections. The people reflect it.

What I would like to say about the disposados, though, is that beyond that fact, many are returning to their homes. There is a little town called Suchitoto. That little town, located outside San Salvador some miles, is a town that was the battle point center of the final offensive that the guerrilla forces tried to push onto San Salvador before President Duarte and shortly after the Sandinista revolution in 1979 and 1980 in Nicaragua.

This was a town that held out against the guerrillas. It is a town that was shot up literally. It is a town in which most of the population left at some point in the early 1980's, but it is a town today that is back in a region where the guerrillas no longer operate, where the government forces of President Duarte are in command. It is a town to which many are now returning. It is a town to which many of our folks are turning their attention.

I mentioned in a 1-minute speech earlier today the efforts of the folks who support Dr. Wells and his wife, Ruth, from my region down near Orlando, in Edgewater, FL, where they have poured paint in to repaint the buildings, where they have put efforts in there for educational programs. The government, and many others, and our own AID people are doing everything they can to make that community once again livable and to allow people to go back there.

I think that is very significant because for El Salvador to survive, and for the nation to thrive, the people have to return. They have to do the farming again; the towns have to go as they were before, and this is one of any number where this is indeed occurring throughout that country.

It is an entirely different note of optimism and hope from what I have observed on three previous visits to El Salvador.

There has been extensive earthquake damage, but that earthquake damage now has received the attention of the public and the governments, and much of the efforts to rebuild are not only under way, but in some cases, they have gone a long way. Many people were killed, but there were also many blessings.

I visited some sites where, miraculously, young school-age children were dismissed from class for one reason or another before the earthquake struck; people had premonitions; somebody was out on a field trip. A lot of people believe devine providence intervened to save the lives of many who would have been otherwise crushed when structures collapsed in that city of San Salvador.

But there were those who were not so fortunate, where devine providence or nothing else was able to help. Nonetheless, the city is recovering from that, and much of the economy is involved in the reconstruction and the building process that is going on down there.

We have going on something else that I would like to comment on, and that is a prosthesis program. Many of the civilian population, upward of 500 or more, have lost their limbs in recent years due to landmines that the guerrillas have placed in the countryside. Many of those are small children.

One of my colleagues, the gentleman from Virginia [Mr. WOLF], on a trip down to Salvador not too long ago observed this difficult problem and the fact that there was no real solution; that is, there were no prosthesis devices for amputees to have arms and limbs replaced with artificial ones. Upon return, he stimulated a great deal of interest in this, and today, our Veterans' Administration and AID are working on a project which we fully expect will replace the arms and limbs on many, especially the children, in the coming weeks and months.

I believe some 30 or so are targeted for such replacement in the next couple of months itself. I think that this is great progress in the humanitarian front. That is just but one example of the many ways in which our people have become involved in the humanitarian aspects of the tragedy that has come out of the war-torn regions of Central America.

Some of us have questioned over a period of time whether or not the country of Salvador is safe for those here in the United States to return. Is there a human rights violation going on there still? Are there threats to their lives if they go back to the countryside from the guerrilla movement?

Let me say in all candor that there is not an absence of conflict totally in the country. In some of the far regions, the departments, the provinces, as you would call them, there is still a conflict. There still is a potential for the rebels to come up on a town and to do damage and to, of course, destroy.

There are also those landmines that I talked about that are mischievous and devious and terrible things that have been planted, some of them long ago, but still exist so that one might walk across one and be harmed by it.

But by and large, considering the situation around the world in many other places, the country of El Salvador is quiet today. The incident the other day where one of our Americans lost his life as an adviser there was an exception to the rule. It was not inconsistent with the conditions that exist there today because there are occasional and very sporadic outbursts by the rebels.

But it is a far cry from what it was before.

In speaking with the Intergovernmental Committee on Migration, which receives all of those who are deported from the United States, or who leave here voluntarily to return to Salvador, they have an immense description of the situation there and their investigations, their followthrough and all of the observations they have made, lead them to conclude that, indeed, the situation in Salvador for returnees is good; that there have been very few incidences that have been reported of those who have been returned over the past few years where there have been any human rights violations or any tragedies of that nature.

There have been a few deaths, most of them by incidence of bar room brawls or a husband/wife dispute or something of this nature, but there

have been no continuous stream of human rights violations such as we heard reported from that country before the democracy was established and before the military came under civilian control.

I do not want to diminish the fact that we know there are some human rights violations that still go on in El Salvador; nothing compared to what I observe in Nicaragua today, but there are still some. The numbers are dramatically down. All the charts of all the human rights organizations show this, and that is the good news. That is the good side of the story.

Frankly, the court system down there needs a lot of reform and a lot of work. I had occasion to talk with some of those involved with the process and the good news is that they are working on that. Some proposals will be out this year. But there is nothing there in that country, nor in most of the world, frankly, like our judicial system, where we have the rights of the accused and the speedy trial process and so forth.

But they are beginning to change in that country and that is different from most of Latin America. That change itself will improve those human rights conditions, in my judgment, over the next few years in a dramatic way, even from what it is today.

But the bottom-line point is that for those who are concerned, and I know many of you are, about those who go back to Salvador from the United States, and there are some 500,000, supposedly, who are here illegally today—maybe some of them will not be so illegal after this new bill takes effect for legalization this summer, but some 500,000 here, some of who are illegal, anyway, those who are concerned about their return should be comforted to this extent.

The Intergovernmental Committee on Migration [ICM] is the organization that allows for and provides for the placement of individuals who feel threatened by political or religious persecution in a country like Salvador to another country. Whether they are returnees from the United States or they are someone who is there indigenously living in Salvador, if someone feels threatened with persecution, if someone has a problem with the government; someone has some kind of a problem that he feels that he cannot any longer live with and stay in the country of Salvador, it is ICM that goes out and has interviews conducted with countries like Australia and Canada and Sweden to take these folks.

Several thousand a year come to that organization inside El Salvador and say, "We want to be placed."

Not all of them are, when they are interviewed and screened, by any means. Many of them do not really have real verifiable persecution problems. They have other problems with the economy or what have you. But several thousand a year are placed elsewhere, and yet only a handful, less than 100, are placed each year out of those who return from the United States, and many, many more do.

The fact of the matter is that everybody who returns is aware of ICM and its operations.

□ 1450

The belief, I think, is justified that if there were indeed threats to those who return, abnormally so to the population, there would be many more who would come to ICM for replacement or to seek placement in another country. I think, from all the studies that have been done and to follow through on the paper work, the question comes in this fact alone, that we can take comfort that those who go back face difficulties in the economy, but they will not face physical harm or justifiable fears of persecution.

I have reported now on the refugee matters, on the displaced persons matters, and on some humanitarian concerns in El Salvador and on those concerns we have with those who may be returning from the United States to El Salvador. These are the genuine humanitarian concerns that all of us live with, are concerned about, and that the Immigration and Refugee Subcommittee has a special concern for.

I would like to turn my attention now for a few moments to the question that inevitably arises and concerns us all: The overriding concern in Central America, the question of communism versus democracy and the question of United States national security interests. It is a question that has been debated frequently on the floor of this House. It is a question that undoubtedly will be debated again at some length later this year when we consider whether to grant more money for the Contras who are the freedom fighters who are fighting the government of the Sandinista Communists, and whom we voted to support with $100 million last year, and which group we are now fully supporting with that money, but which group many do not believe we should.

I would like to talk about first what I observed in Nicaragua very briefly, because many others have reported on it and most of my colleagues, the overwhelming majority, recognize the Communist Sandinista government for what it is.

It is an oppressive totalitarian regime, and it has brutalized its people in many ways, and it is not a humanitarian government that some once thought it was going to be.

There is technically freedom of religion in the country. Sometimes I get into debates, and that term is used, and we say, those of us who as I do support Contra aid and do not care much for the government down there, that there is no freedom of religion, and somebody else will say there is.

Technically speaking, I have concluded from my trip there is freedom of religion; that is, freedom to pray, freedom to worship God in the way that you wish, freedom to belong to any religious denomination or sect, freedom to practice whatever rite or ritual is appropriate to your church or your organized religion. But there is not freedom of religion as it has traditionally been known in Central America or as it is known today.

The religious leaders in that country, particularly the mainline Catholic Church, are not permitted to speak out on the social issues of concern. They are not permitted to spread the word through written communications to the general populace.

They are not permitted to have assemblies to bring attention to the government grievances that exist for the concerns they have over human rights inside the country, and that very important role that most of us associate with religion in church just does not exist in Nicaragua.

So those who are concerned about religion in Nicaragua have a right to be, and those who technically say ah, but there is freedom of religion, do have some basis for making that argument, and I hope that those who are listening to my words today, and those who may read the reports that are filed later, have a better understanding of why the two sides to this dispute of religious freedom can have different perspectives coming from the same viewpoint.

The fact of the matter is that I do not find the conditions for religion in Nicaragua acceptable at all, because I do not find the silencing of the voice of freedom to speak and the voice to express grievances over human rights and social conditions to be acceptable in that country.

It is my judgment that the church, above all else, has a place and a role to play in furthering the cause of human rights, and to silence that church on those counts is wrong, and it is obviously a product of a totalitarian system, albeit one which has some manner and means of trying for its own reasons, perhaps propaganda, perhaps genuineness, I know not, to give an image and to project some degree of religious tolerance.

Now, the question of expression is clear, not only in the religious world but everywhere.

Nobody is really free to speak in Nicaragua. Your conversations are overheard by people, by machines, by recordings when you make a telephone call, when you talk on the street, when you say anything, so people do not speak very freely there, though they

speak so as perhaps more freely than they might normally.

We were pleased to hear from the business and political opposition, and they were very cautious about how they said what they did, and sometimes it was more a matter of a nod or a wink that we got the idea what they were trying to convey, because they did not want to have their lands taken, their jobs removed, or their selves persecuted or prosecuted even as has been the case for those who have spoken out.

There is no opportunity for the free enterprise system as we know it to have any chance of ever operating there. It is a Communist totalitarian government.

They still have some rights of partial ownership of property with some individuals in that country and some corporations or some semblance of corporations, but the fact is that those who "own the businesses" do not have the right to hire whom they please or set the wages. They do not have the right to choose what they are going to produce or in what quantity.

They do not have the right to pick what parts they are going to buy, or what equipment they are going to acquire. They do not have the right to market their products or to have any say in the pricing of those products.

In short, they are working for the government. All they have is some semblance of paper title, some partial title in most cases, because the government owns part of most things down there, even technically now. Yet they struggle because they believe in the system, because they recognize as I observed in Nicaragua that the poverty that exists there has been exacerbated by the Sandinista Communist economic system that has been imposed.

The people queue up in long lines to get to the government stores.

I observed those as much as my colleague observed the fact he was just in Moscow and Russia and saw the long lines people have to stand in there.

There is a reason for that, because the Soviet Union supports this government, and it is their products, their lands, their food and their trade and so forth that currently allow it to exist in this fashion, and in much sadness it is this model which is being used.

The people, though, individually are trying to keep up. They are trying to do something with their lives. They are trying to get along.

The marketplace that exchanges some produce in downtown Managua still exists. Individuals have a lot of cottage industries out of their homes where they try to scrape together a small amount of money or something that they can produce that they can exchange and barter for those items at the marketplace.

A fence was erected, and some efforts were made a few months ago actually to discourage this activity, but because of the scarcity of things in the country, and the dissatisfaction of the populace with things generally speaking in the economic world, that effort has fortunately come to no avail, so there is still some of this going on there.

The water and sewer system and the general condition in the city of Managua is deplorable, and it is unfortunate, and there are real problems there.

One of the things that bothered me to some extent is the dichotomy. While our Government opposes much of what is there, and the totalitarian system that is being imposed in the government, thousands of American citizens are in Nicaragua supporting this government, contrary again to the stated interests of our Government.

They believe still in the government, even though our Congress for the most part, for 90-plus percent of us at least, has long since recognized that this is a bad government and a bad system. I do not know what you say to those folks. They want to believe so much, but they are there, and they are trying, and our missionaries are trying, and out of this hopefully some good humanitarian effort comes, because no one wants to see people suffer. That is what is happening in Nicaragua today.

People are suffering, but let me say that my concern with Nicaragua, as much as I am concerned about the humanitarian plight of the people and the potential refugee problems for the United States and for the world, my concern is not with the internal affairs of Nicaragua. My concern is what that Communist government, that Communist part of the international Communist league may do in terms of exporting its revolution, its brand of communism internationally to neighboring countries and thereby pose a threat to the national security interests of the United States.

That is what the debate on the floor has often been about. Even though we recognize the Nicaraguans now for what they are, that is, the Sandinista Communist regime, many of my colleagues to this day are calling upon the United States to adopt a policy of containment, to try to go along with some peace plan which has been proposed, and all of us would like to see one where democracy can flourish, and where democracy lays down its arms and does not support neighboring country revolutionaries, and so forth. But those folks who seek containment ignore the reality of the situation. They ignore the fact that Communists who are in league with Castro and the Soviet Union are interested in this case in a regional conquest, a regional domination, if not by armies which I think highly unlikely. I do not think the Nicaraguan Sandinista army is going to march across the Honduran, Salvadoran, Costa Rican border; but I think more likely by the subversion, by the support of revolutionaries trained in Cuba or in Nicaragua or in Moscow itself, and those revolutionaries then in turn spread that revolution and destabilize the democracies that are beginning to spring forth in Honduras, Costa Rica, El Salvador, and even in Guatemala now, and that in turn, as you know, brings us very close to the border of the United States with Mexico and the Caribbean, the Gulf of Mexico being the only intervening things between us and them.

□ 1500

That concerns me because I do not think the policy of containment can work. It is a policy that failed us in Vietnam. Some of my colleagues are always talking about the Vietnam analogy, worried about the United States getting directly involved in a war we cannot win somewhere down south of here just like Vietnam. It is not what we are doing. So much the parallel does not exist there. It does exist on the question of the idea of a policy of containment. It did not work in Vietnam; it cannot work there.

You are talking about a land mass that is very small; you are talking about the ability to pass across borders and slip there in the night and the inability of anybody to seal those borders. You are talking about the reality of revolution and the reality of a Communist ideology that is intent upon a regionalism. That was brought home very forcefully to me in El Salvador while I was there and had the opportunity to speak with one of those defectors from the FMLN, the Salvadoran Communist resistance that has been going on for so many years and which still to this day is causing the democracy of President Duarte fits and the Salvadoran people an unmerciful beating.

I spoke with him for over an hour and during the conversation that I had with this fellow who was one of the highest ranking political officers in the Communist resistance force inside El Salvador, I learned something I did not know. I did not know that these folks had been, at least I had no direct evidence that had been until I spoke with him, regularly going over to Havana. He said he spent about four visits each year from 1980 until he left until 1985, the FMLN, he spent about four visits a year in Cuba for advice, for training, and that everybody essentially involved in his revolution did.

He also had made visits to Moscow and that indeed there were regular communications and associations between this revolutionary group and the Nicaraguans and the Sandinista Nicaraguans. What he said to me was very simple, he said, "This is a region-

al war. This is a regional cause. The Communists in Cuba and in Moscow view this all as one area. It is not an effort to make or support a Communist government in Nicaragua, it is an intent interest in establishing communism as a government, as a way of life, as a system in the entire region, in all of those countries."

It is not one or the other, it is all of them. The movement is not simply one for a government in Nicaragua. That is one part of it. In other words, the revolutionary forces in El Salvador that are there and have been there for some time are simply an arm, an extension, a part of the Nicaraguan-Sandinista effort which in turn is simply an arm, an extension of the Communist international which Castro and Cuba are a part and which emanates with its source of ideology and support from the Soviet Union.

I think that was so clear to me that I am in great hope that as we continue these debates over the coming weeks that this gentleman and the 3 or 4 others who have come across and broken with the Communist organization in El Salvador will come to Washington, will testify before our committees, will speak with my colleagues and speak to the American people.

Unfortunately, all of them speak Spanish and do not speak English and so there is a barrier sometimes in language, but we owe it to ourselves to listen, to become educated and to take that extra step to understand because that is the heart of this. If, indeed, as I perceive it, and I believe that I am correct and all of our Embassy people in that region and all of our folks involved agree with this, there is a major, international Communist effort at revolution in the region, then the idea of containment in one country is not a practical thing. It is not going to work and we are going to have to look long and hard at our polices if that is where we are headed.

What about the Contras? I spent time listening and learning about them in a way that I had not had the occasion before in Honduras. I am of the impression that the efforts that we are making with the Contras to oppose the Sandinista Government, those efforts are succeeding at the present moment. I am impressed with the fact that so many thousands of them are now inside Nicaragua. I am impressed with the fact that our money support to the Contras has given them the equipment and the ammunition to actually wage a guerrilla revolution inside Nicaragua.

Those people who say to me, "Bill, this is terrible, it is immoral that the United States would support a guerrilla war. That is what the Soviets do. It is terrible, we should not do it." I can only say from my observations that these folks are truly patriotic, trying to regain their country and some freedom and democracy whether it is a guerrilla revolution or any other kind of a war, we historically have always supported democracy. We cannot see it succeed with the current government and I have a lot of confidence that if the Contras succeed, we will be able to see a democracy, a true democracy for the first time inside Nicaragua as it is now today in El Salvador and becoming and is in the other countries in the region.

I think that from my observations of the Contras leadership, and I did meet one of them while I was there at a function at the Ambassador's home who impressed me a great deal, a former head of the University of Central America in Managua until 1980. A man who is impeccably credentialed, who is a member of the directorate of the key Contra forces, one of the people who operates this whole thing. Was he a Somoza National Guardsman? Was he somebody associated with the dictators of the past as so often the Contras are accused of being associated with? The answer is unequivocally no. Here is the man who is the head of that university in Managua whose father was one of the major resistance forces to Somoza, who spent years in exile and this man, this young man who was the head of the University of Central America for those 7 years himself was imprisoned with his family because of their opposition to Somoza and he spent time with his folks in exile. An obvious opponent of the Somozan system, a man who stayed after the Sandinista revolution until he could take it no more, who realized that it was just as bad as he put it to me as was the government that preceded it.

It is interesting to see more and more people who have become familiar with the situation there recognizing that totalitarianism of the left is just as bad or worse than totalitarianism of the right. That is what we have in Nicaragua.

The other point that I would like to make as we look at this regional conflict and try to decide whether it is moral or immoral or proper or improper to continue to support the Contras is the fact that if we do not support the Contras and they are not successful inside Nicaragua, and I do not know if they are going to be, I hope they are personally, at least in bringing enough pressure to make the government, and if not, to bring it down because I do not believe containment will work.

If we are not going to support them some day it is my own considered judgment we are going to see, after some other countries fall in Central America, sooner or later U.S. Army, Navy, Air Force and Marine Corps involved in a land battle of some sort. Young American soldiers will ultimately lose their lives. I think that alone is a tragedy, not to mention the fact that it is something that would be tragic for the people of that region. It would be tragic for our people, for our children to go down there and have that occur.

For our own national security interests, we are going to have to do something someday, be it a containment policy today, be it a Contra policy today, if neither one of those policies works, someday, in my judgment, that will be the day when containment does not work and we have to send American troops in to somewhere in Central America, not necessarily Nicaragua.

Anyway, that is the perspective that I came back from Honduras with with respect to the Contra question, and I got it reinforced while in El Salvador, because that is the country that is the point line. We tend to not think about it that way. It is Salvador that first will feel and does feel the brunt of the Sandinista expansionist, Communist, international movement. It is the country of El Salvador where the resistance forces still exist today that are being supported by the Sandinista Government. It is the country of El Salvador whose economy is not good and whose government is truly democratic, whose ideals we support and nourish and foster who will fall first if the Sandinistas consolidate and if the Sandinista Communists are allowed to get on with really supporting the expansion of Communist revolutionaries in the region as has been set forth time and again by those who participate and have participated in it.

So my concern in all of this, while great with the humanitarian interests with the refugees and with the Miskito Indians and with the Displacadoes and with the people of the countries is first and foremost with solving the political problem in bringing peace to the region but bringing peace that allows us to have democracies and allow the United States some measure of national security interests so that we do not have terrorism inside our country someday, spawned by the same international Communist forces that are spawning the revolutionary government of Nicaragua and that are spawning the resistance in El Salvador and that, given the opportunity, would crush democracy in the region.

For a moment I want to talk about the economy of El Salvador. The last thing I would like to bring to your attention is the fact that today, President Duarte, despite his good intentions and those of our Government, has a country in great poverty.

□ 1510

There are many people trying to help. We have got a lot of money flowing in there from Government organizations and private voluntary organizations to help with earthquakes, to resettle people on the farms, to get

the Government's support for business and private enterprise going again; but the problem is fairly simple. Beyond a certain point, we cannot succeed just on this basis only. For a system of democracy to flourish, there must be private capital. There must be confidence in the country and investment in the country of foreign capital. There must be development of industries that can produce products that they can trade with. If there is any country in Central or South America that we should be everything we can to support in this regard, it is El Salvador.

For like it is on the front line, it is the first one that will fall again to dictatorship of the Communists if given no support, it is also the very first one down there that is truly ripe for success if given the right nudges and the right support.

It is not enough for our Government to say that we support democracy. We send volunteers down there. We send the ID money down to help in rebuilding their buildings. That is not going to do it. The people do not see that.

The potential for revolutionary foment among hungry people is always going to be present until they are given hope, until they are given jobs and opportunity. You do not give them those jobs. You create them. They are created, as we know in this country best, by a private system of capital and free enterprise that has made our country so great.

We cannot just transfer that down there, but we can do so much more than we have been doing.

One of those things that I think we should do is to change the entire foreign policy perspective of our Government on the way we deal with our imports and our trade and our relationship, especially in the Central American and South American regions. Instead of doing the broad Caribbean basin initiative, which actually is not very effective because we wind up watering it down with various trade restrictions in this group and that group, business people coming forward and getting exceptions to it for sugar and textiles and shoes and whatever, we ought to target individual countries where the impact of removing restrictions and providing incentives for products to be developed in those countries would not be very great in this country. We should at the same time say to our friends and our neighbors, to those other countries, that we would like to do the same for you, but we cannot do it all at one time. We can do it and we can do it for you, too, if you will let us first get El Salvador or the country that is best suited, and I think it is El Salvador, on its feet. Once they have begun to progress and can be weaned from any special treatment we might give, then perhaps we can turn on a single country-by-country basis to somebody else.

We cannot do it all for everybody. It is my considered judgment that if we adopted this kind of a new policy, this kind of a new treatment for Latin America and our neighbors to the south, that we would be far better off and they would be far better off and politically we would have a much more responsible and receptive audience among the business community and among those workers in America who rightfully are concerned in this day and age about losing jobs to those abroad. We do not want to do that; and yet at the same time our national security interest dictates a healthy economy in those countries south of us, because without a healthy economy they are going to present continued turmoil and potential national security threats to us because of the fact that they would be the great hotbeds to be fomented by the Communists in future years.

So what I would suggest and I would urge on my colleagues to consider as we debate the trade bill that is coming up and as we debate the issues of how we handled Central America in the future, I would suggest that we look at the possibility of a limited 5 or 10 years or some time span duration for an absolute, open free trade policy with the country of El Salvador, where we in return for their doing the same for our goods, we totally open the doors, let them produce any product in that country whatsoever that they can produce in that country, be it agricultural, mechanical, electrical, you name it, clothing, whatever it is, let them export that product that they produce into this country and sell it on our markets at our market prices for whatever profit that we would achieve if we were indeed doing it ourselves.

If we do that on a single small tiny country basis like El Salvador, it would have a negligible impact on our economy and on those businesses affected, and yet it would give if restricted to a time limit and a reasonable period of a few years to get things started and stimulate capital formation, in my considered judgment and those with whom I have spoken in El Salvador and the other regional areas I have visited, it would give the opportunity for capital formation and business development and jobs for the people there and an opportunity to sell their products. If we do not do that, we cannot succeed. With anything else, we do.

Whether you believe in the policy of the Contras, whether you believe in the policy of containment, whether you believe in any other policy, I think you have to agree that the bottom line problem with Central America today is the economy.

I happen to have my own views on the others and I have expressed them to you; but the most humanitarian thing we could do would be to change dramatically our economic policies with regard to Latin America and to target our limited resources, and in a way it is a resource, a free trade resource in this case, to one individual country to get it on its feet to make sure democracy works there as an example to the rest of the world and to say to the Soviet Union and to Castro's Cuba once and for all, not only do we believe in democracy on paper and people walking to the polling places, but we are willing to really back it up and let people in those countries that do indeed become democracies have an economic viability and to share the opportunities of free enterprise and capitalism in which we believe. If we do anything less, if we fail to make this kind of a change in our policy, I do not personally think we will see the problem cease in our neighboring countries and we really will not have the kind of regional Latin American, North American comradeship, in the sense of our future as people living together that we want. Instead we will see chaos and turmoil and national security threats for many years to come.

So with that I am going to conclude my special order time. I have appreciated the opportunity to report on a visit which I thought was exceedingly meaningful. I learned a great deal. I know my colleague, the gentleman from New York [Mr. FISH], did and I hope that it will be of benefit to my colleagues who did not have the opportunity to participate and to observe.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUECHNER) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 60 minutes, today, April 23, and April 27.

Mr. LEWIS of California, for 60 minutes, on April 23 and April 27.

Mr. DANNEMEYER, for 60 minutes, on April 27 and April 28.

Mr. SWINDALL, for 60 minutes, on April 21, and April 22, and April 23.

Mr. ARMEY, for 60 minutes, on April 22.

Mr. MCCOLLUM, for 60 minutes, on April 21.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today and April 22.

Mr. PEASE, for 5 minutes, today.

Mr. MARKEY, for 60 minutes, today.

91-059 O-89-17 (Pt. 7)

Mr. GONZALEZ, for 60 minutes, on April 22 and April 23.

Mr. CONYERS, for 30 minutes, today and April 22.

Mr. FAUNTROY, for 60 minutes, on April 23.

(The following Member (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 60 minutes, on April 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BERMAN, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,112.

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. GILMAN in five instances.
Mr. HUNTER in two instances.
Mr. DENNY SMITH in two instances.
Mr. DORNAN of California.
Mr. WORTLEY.
Mr. LAGOMARSINO in five instances.
Mr. KEMP in two instances.
Mr. PURSELL.
Mr. RITTER.
Mr. COBLE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DORGAN of North Dakota in two instances.
Mr. SWIFT.
Mr. GUARINI.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. MAZZOLI.
Mr. GAYDOS.
Mr. ATKINS.
Mr. JACOBS.
Mr. ACKERMAN in two instances.
Mr. YATRON.
Mr. WAXMAN.
Mr. RANGEL.
Mr. FUSTER.
Mr. LEVINE of California.
Mr. LEVIN of Michigan.
Mr. DELLUMS.
Mr. BORSKI.
Mr. DYSON.
Mr. CLAY in two instances.
Mr. HOWARD.
Mr. KANJORSKI.
Mr. FRANK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 85. An act to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements; to the Committee on Energy and Commerce.

S. 659. An act to establish agricultural aid and trade missions to assist foreign countries to participate in U.S agricultural aid and trade programs, and for other purposes; to the Committees on Agriculture and Foreign Affairs.

S. 677. An act to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committees on Energy and Commerce and Rules.

S. 903. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. Res. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On April 10, 1987:

H.R. 1783. An act to make technical corrections to certain defense-related laws.

On April 15, 1987:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy, and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week."

ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 22, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1143. A letter from the Comptroller General of the United States, transmitting a review of the deferral and revised deferrals submitted by the President on March 4, 1987, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-64); to the Committee on Appropriations and ordered to be printed.

1144. A letter from the Comptroller General of the United States, transmitting a report on the status of budget authority that was proposed for rescission by the President in his third special message for fiscal year 1987, January 5, 1987, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-62); to the Committee on Appropriations and ordered to be printed.

1145. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-63); to the Committee on Appropriations and ordered to be printed.

1146. A letter from the Under Secretary of Defense; transmitting the Department's annual report on Chemical Warfare and Biological Defense Research Program obligations for the period October 1, 1985 through September 30, 1986, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

1147. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to repeal sections 3502 and 8502 of title 10, United States Code, relating to physical examination for each member of the National Guard called into and mustered out of Federal service; to the Committee on Armed Services.

1148. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 32, United States Code, to extend the period of time during which all elements of a National Guard unit must complete a training assembly; to the Committee on Armed Services.

1149. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws; to the Committee on Armed Services.

1150. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting the real and personal property report of the Department as of September 30, 1986, pursuant to the National Security Act of 1947, section 410; to the Committee on Armed Services.

1151. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for United States approval and acceptance of a proposed amendment to the articles of agreement of the International Bank for Reconstruction and Development; to the Committee on Banking, Finance and Urban Affairs.

1152. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States export to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i);

to the Committee on Banking, Finance and Urban Affairs.

1153. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report to authorize a concessional financing facility in the amount of $100,000,000 to the Kingdom of Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-16, "D.C. Government Comprehensive Merit Personnel Act of 1978 Collective Bargaining Amendment Temporary Amendment Act of 1987", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-15, "Closing of Public Alleys in Square 368, S.D. 86-248, Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to Committee on the District of Columbia.

1156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-17, "D.C. Alcoholic Beverage Control Act Temporary Amendment Act of 1987", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1157. A letter from the Auditor, District of Columbia; transmitting a report entitled, "Annual Audit of D.C. Lottery and Charitable Games Control Board for Fiscal Years 1986 and 1985", pursuant to D.C. section 47-117(d); to the Committee on the District of Columbia.

1158. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Annual Audit of the Washington Convention Center for Fiscal Years 1986 and 1985", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

1159. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the jury system plan of the Superior Court of the District of Columiba; to the Committee on the District of Columbia.

1160. A letter from the Secretary of Education, transmitting notice of final funding priority for the special recreation programs for individuals with handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1161. A letter from the Secretary of Education, transmitting a copy of final regulations for the Law School Clinical Experience Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1162. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes; to the Committee on Education and Labor.

1163. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the fiscal year 1986 annual report on the operations of the Office of General Counsel of the Commission; to the Committee on Education and Labor.

1164. A letter from the Secretary of Health and Human Services, transmitting a status report of activities to conduct research and prepare analyses concerning thyroid doses of Iodine-131, notification that a working group has been established to pursue the research and analyses, which it is estimated will need approximately 6 years to complete, pursuant to 42 U.S.C. 241 nt.; to the Committee on Energy and Commerce.

1165. A letter from the Secretary of Health and Human Services, transmitting a report on the administration of the Public Health Service, pursuant to 42 U.S.C. 300aa-10; to the Committee on Energy and Commerce.

1166. A letter from the Secretary of Health and Human Services, transmitting the 1985 annual report on the National Health Service Corps [NHSC] and NHSC Scholarship Program [NHSCSP], pursuant to 42 U.S.C. 254b(g); to the Committee on Energy and Commerce.

1167. A letter from the Secretary of Health and Human Services, transmitting the Department's sixth special report to the Congress on alcohol and health, pursuant to 42 U.S.C. 290aa-4 (PHSA, sec. 505(a) (97 Stat. 178)); to the Committee on Energy and Commerce.

1168. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a listing of the defense articles and services provided to the Philippines by the Department of Defense, as of April 8, 1987, under the authority of Presidential Determination 86-13, dated September 16, 1986, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1169. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Saudi Arabia for defense articles and services estimated to cost $320 million (Transmittal No. 87-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1170. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed License for the export of major defense equipment sold commercially to the Government of the Republic of Korea, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1171. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially to the Government of Sweden, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1172. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially to the Government of South Korea, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1173. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending March 31, 1987, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1174. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Robert M. Smalley, of the District of Columbia, Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Lesotho; Thomas C. Ferguson, of Florida, Ambassador Extraordinary and Plenipotentiary-designate to Brunei Darussalam, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1175. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1176. A letter from the Administrator, Agency for International Development, transmitting a draft of proposed legislation to amend section 108 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1177. A letter from the Acting General Counsel and Congressional Liaison, United States Information Agency, transmitting the 1987 independent evaluation of the Radio Marti programming of the Voice of America, pursuant to Public Law 98-111, section 9; to the Committee on Foreign Affairs.

1178. A letter from the Director, National Park Service, Department of the Interior, transmitting the 1986 report covering the disposal of surplus Federal real property under the public benefit discount program for parks and recreation purposes, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

1179. A letter from the Principal Deputy Assistant Secretary (Policy, Budget and Administration), Department of the Interior, transmitting a report of the Department's actions taken to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

1180. A letter from the Deputy Assistant Secretary for National Resources and Environment, Department of Agriculture; transmitting the Department's notice of a proposal for one new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1181. A letter from the Executive Directive; Federal Retirement Thrift Investment Board; transmitting the Board's report of new systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1182. A letter from the Chairman, Federal Trade Commission; transmitting the Commission's annual report of its compliance with the Government in the Sunshine Act during Calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1183. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, and 31 U.S.C. 3726 relative to the general supply fund and for other purposes; to the Committee on Government Operations.

1184. A letter from the Secretary, Postal Rate Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act for calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1185. A letter from the Secretary of Transportation, transmitting a report of the Department's actions taken to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

1186. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's annual report for the

calendar year ending December 31, 1986 on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1187. A letter from the Acting Director, Selective Service System; transmitting a copy of the agency's report of its activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1188. A letter from the Secretary of Energy, transmitting the 1986 annual report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B); to the Committee on Interior and Insular Affairs.

1189. A letter from the Assistant Secretary (Water and Science), Department of the Interior, transmitting notification of a proposed contract with the Belle Fourche Irrigation District, Pick-Sloan Missouri Basin Program, SD, pursuant to 43 U.S.C. 505, to the Committee on Interior and Insular Affairs.

1190. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1191. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1192. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for an equitable distribution of the costs associated with the Oregon and California grant lands; to the Committee on Interior and Insular Affairs.

1193. A letter from the Secretary of the Interior, transmitting the Department's 1986 annual report of the National Park Foundation, pursuant to 16 U.S.C. 19n, 19dd(f); to the Committee on Interior and Insular Affairs.

1194. A letter from the Secretary of Health and Human Services, transmitting the annual report on the Refugee Resettlement Program, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

1195. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the Academy-Institute's report of activities during the year ending December 31, 1986, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

1996. A letter from the Controller, Boys' Clubs of America, transmitting a copy of their audited financial report for the year ending December 31, 1986, pursuant to 36 U.S.C. 1101(16), 1103; to the Committee on the Judiciary.

1197. A letter from the Chairman, National Drug Enforcement Policy Board, transmitting a report on the National and International Drug Law Enforcement Strategy, pursuant to 21 U.S.C. 1204; to the Committee on the Judiciary.

1198. A letter from the American Council of Learned Societies, transmitting the council's annual report for the year 1985-86, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

1199. A letter from the Chairman, U.S. Sentencing Commission, transmitting a copy of a report which sets forth sentencing guidelines and policy statements for the Federal courts, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1200. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of the department in which the Coast Guard is operating to establish fees for certain Coast Guard services and for other purposes; to the Committee on Merchant Marine and Fisheries.

1201. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on the Administrator of Veterans' Affairs investigation into allegations of violations of law and regulations, abuse of authority and waste of funds by the mismanagement of research funds at the Veterans' Administration Medical Center, Syracuse, NY, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

1202. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated February 26, 1987, from the Chief of Engineers, Department of the Army, on South Yadkin River, NC; to the Committee on Public Works and Transportation.

1203. A letter from the Executive Secretary, Department of Defense, transmitting the report on the Department's procurement from small and other business firms for October 1986 through January 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

1204. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for a revision of the receipt-sharing for moneys received from the National Forest System and provided to the States and counties, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

1205. A letter from Edward L. King, Member, Commission on Central American Negotiations, transmitting a separate report on Central America, submitted by the duly appointed Democratic Commission members, as partial compliance with title II, section 213(e)(i) of the Military Construction Act, 1987, as contained in Public Law 99-500; jointly, to the Committees on Appropriations and Foreign Affairs.

1206. A letter from the Assistant Secretary (Comptroller), Department of Defense, transmitting a notification of a transfer of funds in connection with a demonstration project, pursuant to 10 U.S.C. 1092; jointly, to the Committees on Appropriations and Armed Services.

1207. A letter from the Director, National Bureau of Standards, transmitting a report on the structural integrity of the new office building at the U.S. Embassy site in Moscow, pursuant to Public Law 99-591; jointly, to the Committees on Appropriations and Foreign Affairs.

1208. A letter from the Administrator, Agency for International Development, transmitting the Agency's report on the origin, contents, destination and disposition of humanitarian goods and supplies transported by the Department of Defense, pursuant to Public Law 99-145, section 306(a) (99 Stat. 617); jointly, to the Committees on Armed Services and Foreign Affairs.

1209. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to eliminate the requirement that notice of termination be given 30 days in advance to National Guard technicians who serve under temporary appointments, are serving in their trial/probationary period, or who voluntarily cease to be National Guard members; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1210. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to permit the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1211. A letter from the Secretary, Department of Navy, transmitting a draft of proposed legislation to amend chapter 4 of title 10, United States Code, to require the Secretary of Defense to withhold from public disclosure information relating to physical security measures for special nuclear material; jointly, to the Committees on Armed Services and Government Operations.

1212. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to restore the authority of the Secretary of Agriculture to approve certain housing debt settlement claims, to revise the authority of the Secretary of Agriculture to sell housing loans to the public without recourse, and to repeal the authority of the Secretary of Agriculture to make rural housing loans and grants; jointly, to the Committees on Banking, Finance and Urban Affairs and Agriculture.

1213. A letter from the Attorney General of the United States, transmitting the report required of the Department to study the need for legislation, regulation, or alternative methods to control the diversion of legitimate precursor and essential chemicals to the illegal production of drugs of abuse, together with a draft of proposed legislation recommended therein, to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances, pursuant to Public Law 99-570, section 1901; jointly, to the Committees on Energy and Commerce and the Judiciary.

1214. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a preliminary report on the Agency's implementation plan for indoor air quality and radon gas research, pursuant to section 403(d), Superfund Amendments and Reauthorization Act of 1986; jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

1215. A letter from the Secretary of Commerce, transmitting a report on imports during 1986 of strategic and critical materials from the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

1216. A letter from the Chairman, Board of Directors, Gorgas Memorial Institute of Tropical and Preventive Medicine Inc., transmitting the 58th annual report of the work and operations of the Gorgas Memorial Laboratory for the fiscal year ending on September 30, 1986, pursuant to 22 U.S.C. 278a; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

1217. A letter from the Secretary of State, transmitting the agency's annual report for fiscal year 1986 on equal employment op-

portunity and recruitment in the Foreign Service, pursuant to 22 U.S.C. 3905(d); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

1218. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the agency's semiannual report on the amount and extension of credits under the Trade Credit Insurance Program, pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

1219. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

1220. A letter from the Secretary of the Interior, transmitting a copy of the annual report for fiscal year 1986 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program administered by the Department through the Minerals Management Service, pursuant to Public Law 95-372; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

1221. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to raise the position of chief counsel for the Internal Revenue Service, Department of the Treasury, from level V to level IV of the executive schedule; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

1222. A letter from the Secretary of Energy, transmitting a copy of the summary report of the responses of the Department's Clean Coal Technology Program announcement issued in November 1986, which invited statements of interest in, and informational proposals for, projects employing emerging clean coal technologies that are capable of retrofitting, repowering, or modernizing existing facilities, pursuant to Public Law 99-500 and Public Law 99-591, section 101(h); jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space and Technology.

1223. A letter from the Under Secretary (Acquisition), Department of Defense, transmitting a report on the efforts by the Department of Defense to increase defense contract awards to Indian businesses during fiscal year 1986, pursuant to Public Law 99-661, 1962; jointly, to the Committees on Armed Services, Small Business, and Interior and Insular Affairs.

1224. A letter from the Secretary of Health and Human Services, transmitting the annual report on the implementation of the Indian Health Care Improvement Act during fiscal year 1985, pursuant to 25 U.S.C. 1671; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Apr. 9, 1987, the following report was filed Apr. 10, 1987]

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 28. A bill to limit the number of days a depository institution may restrict the availability of funds which are deposited in any account; with an amendment (Rept. 100-52). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Apr. 9, 1987, the following report was filed on Apr. 14, 1987]

Mr. ASPIN: Committee on Armed Services. House Resolution 132. Resolution directing the Secretary of Defense to provide to the House of Representatives documents prepared or certain report requirements in the 1986 and 1987 Department of Defense Authorization Acts relating to the Strategic Defense Initiative Program and the antiballistic missile treaty; with amendment (Rept. 100-53). Referred to the House Calendar.

[Pursuant to the order of the House on Apr. 9, 1987 the following reports were filed on Apr. 15, 1987]

Mr. BROOKS: Committee on Government Operations. Report on preventing the granting of special issuance medical certificates to medically unfit pilots: FAA oversight (Rept. 100-54). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on improving the safety of air traffic control at Chicago's O'Hare International Airport: FAA oversight (Rept. 100-55). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on investigation of the Office for Civil Rights in the Department of Health and Human Services (Rept. 100-56). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on mismanagement of the Office of Human Development Services: undermining programs for children, the disabled, and the elderly (Rept. 100-57). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 1748. A bill to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes; with amendments (Rept. 100-58). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Apr. 21, 1987]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1963. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes. (Rept. 100-59). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT:

H.R. 2100. A bill to designate the border station at 9931 Guide Meridian, Lynden, WA, as the "Kenneth G. Ward Border Station"; to the Committee on Public Works and Transportation.

By Mr. FAUNTROY:

H.R. 2101. A bill to amend title 5, United States Code, to provide that a Federal employee who participates in the Government's health benefits program for a continuous period of 25 years or longer shall be eligible to continue enrollment as an annuitant, without regard to an interruption of less than 1 year during the 5-year period before separation; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.R. 2102. A bill to amend title 18, United States Code, to provide penalties for the manufacture, sale, and use of radar detectors; to the Committee on the Judiciary.

By Mr. KONNYU (for himself and Mr. BROWN of Colorado):

H.R. 2103. A bill to amend part A of title IV of the Social Security Act to ensure that AFDC applicants and recipients will have available to them and their families a full range of employment, training, and supportive services, making it possible for such families to leave the welfare rolls and thereby producing a significant saving to taxpayers; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. OBERSTAR (for himself, Mrs. COLLINS, Mr. HANSEN, Mrs. ROUKEMA, Mr. EDWARDS of California, and Mr. RIDGE):

H.R. 2104. A bill to amend the Internal Revenue Code of 1986 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that the revenues from such tax shall be divided among the general fund, the Federal Hospital Insurance Trust Fund under the Social Security Act, and research on tobacco-related diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAWYER:

H.R. 2105. A bill to strengthen the program for grants to States for dependent care programs, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL (by request):

H.R. 2106. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. WORTLEY (for himself, Mr. NIELSON of Utah, Mr. DYSON, Mr. TOWNS, and Mr. RANGEL):

H.R. 2107. A bill to amend title II of the Social Security Act, effective after fiscal year 1991, to protect the future benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself and Mrs. JOHNSON of Connecticut):

H.J. Res. 247. Joint resolution designating April 1987 as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

37. By the SPEAKER: Memorial of the Legislative Assembly of the State of North Dakota, relative to the establishment of the U.S. Monetary Commission; to the Committee on Banking, Finance and Urban Affairs.

38. Also, memorial of the Legislature of the State of Maine, relative to the speed limit on rural interstate highways; to the Committee on Public Works and Transportation.

39. Also, memorial of the General Assembly of the State of Iowa, relative to the Federal-Aid Highway Program; to the Committee on Public Works and Transportation.

40. Also, memorial of the Legislature of the State of Nevada, relative to the construction of the new atomic particle accelarator called the superconducting super collider; to the Committee on Science, Space, and Technology.

41. Also, memorial of the Legislature of the State of Mississippi, relative to the Price-Anderson Act; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows.

By Mrs. BOXER:

H.R. 2108. A bill for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 2109. A bill for the relief of Rosa Pratts; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. RUSSO, Mr. ST GERMAIN, Mr. GILMAN, Mr. DE LUGO, Mr. ACKERMAN, Mr. SCHEUER, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. DAVIS of Illinois, Mr. WOLF, Mr. MINETA, Mr. FLIPPO, Mrs. BOXER, and Mr. CONYERS.

H.R. 84: Mr. FEIGHAN, Mr. HOCHBRUECKNER, and Mr. BORSKI.

H.R. 97: Mr. STUMP.

H.R. 98: Mr. STUMP.

H.R. 107: Mr. STUMP.

H.R. 118: Mr. SKEEN.

H.R. 345: Mr. DANIEL.

H.R. 486: Mr. MILLER of Washington and Mr. VANDER JAGT.

H.R. 543: Mr. LEWIS of Georgia, Mr. TAUZIN, Mr. TRAXLER, Mr. MACKAY, Mr. MARKEY, Mr. CLINGER, Mr. SIKORSKI, and Mr. PEPPER.

H.R. 628: Mr. STARK.

H.R. 637: Mr. TORRES, Mr. PORTER, Mr. BONKER, and Mr. SMITH of Florida.

H.R. 743: Mr. FORD of Tennessee, Mr. LAGOMARSINO, and Mr. CHANDLER.

H.R. 746: Mr. STANGELAND.

H.R. 758: Mr. SCHULZE, Mr. FORD of Tennessee, Mrs. BYRON, Mr. COLEMAN of Missouri, Mr. BUECHNER, Mr. HOCHBRUECKNER, Mr. BIAGGI, Mr. MFUME, and Mr. BONIOR of Michigan.

H.R. 762: Mr. BERMAN, Mr. DYMALLY, Mr. BEILENSON, and Mr. SOLARZ.

H.R. 785:, Mr. GARICA, Mr. RANGEL, Mr. ESPY, Mr. SOLARZ, Mr. HAYES of Illinois, and Mr. HOWARD.

H.R. 805: Mr. STENHOLM.

H.R. 807: Mr. LEVINE of California.

H.R. 820: Mr. EDWARDS of Oklahoma.

H.R. 954: Mr. RANGEL.

H.R. 959: Mr. SAXTON, Mr. DORNAN of California, Mr. SOLARZ, Mr. ROBINSON, Mr. SCHULZE, and Mr. PORTER.

H.R. 976: Mr. GEJDENSON.

H.R. 1049: Mr. LEWIS of Georgia and Mr. CONYERS.

H.R. 1120: Mr. MFUME and Mr. CLAY.

H.R. 1143: Mr. DIOGUARDI, Mr. SOLARZ, Mr. SCHEUER, Mr. GILMAN, and Mr. FISH.

H.R. 1158: Mr. BOEHLERT and Mr. ROE.

H.R. 1163: Mr. SAXTON and Mr. EDWARDS of Oklahoma.

H.R. 1181: Mr. BUSTAMANTE and Mr. MFUME.

H.R. 1202: Mr. TOWNS and Mr. WORTLEY.

H.R. 1234: Mr. HAWKINS.

H.R. 1242: Mr. DAUB.

H.R. 1249: Mr. GILMAN.

H.R. 1293: Mr. SOLARZ, Mr. ECKART, and Mr. FISH.

H.R. 1339: Mrs. BENTLEY.

H.R. 1342: Mr. RANGEL.

H.R. 1412: Mr. RAHALL and Mr. DEFAZIO.

H.R. 1441: Mr. UPTON, Mr. THOMAS of California, Mrs. SMITH of Nebraska, Mr. BILIRAKIS, Mr. ARMEY, Mr. ROE, Mr. NEAL, Mr. OBERSTAR, Mr. MINETA, and Mr. WOLPE.

H.R. 1514: Mr. FAZIO and Mr. HERGER.

H.R. 1515: Mr. FUSTER.

H.R. 1546: Mr. SCHEUER.

H.R. 1560: Mr. FAZIO, Mr. BUECHNER, Mr. PRICE of Illinois, Mr. NEAL, Mr. BARNARD, and Mr. LANCASTER.

H.R. 1582: Mrs. COLLINS, Mr. OWENS of New York, Mr. DYMALLY, Mr. HAYES of Illinois, Mr. DELLUMS, Mr. KASTENMEIER, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. ROYBAL, Mr. ESPY, Mr. STOKES, Mr. TOWNS, Mr. FAUNTROY, Mr. RANGEL, Mr. FLAKE, Mr. LEWIS of Georgia, Mr. SAVAGE, Mr. HAWKINS, Mr. LELAND, and Mr. MFUME.

H.R. 1601: Mr. ECKART.

H.R. 1621: Mr. LEWIS of Georgia, Mr. SOLARZ, Mr. SMITH of Florida, and Mr. GARCIA.

H.R. 1658: Mr. BROOKS, Mr. SWEENEY, Mr. HALL of Texas, Mr. STENHOLM, Mr. BUSTAMANTE, Mr. PICKLE, and Mr. ANDREWS.

H.R. 1732: Mr. SHAW.

H.R. 1738: Mrs. BENTLEY, Mr. BIAGGI, Mr. HOWARD, Mr. ROE, and Mr. SMITH of Florida.

H.R. 1808: Mr. YATRON, Mr. COLEMAN of Texas, and Mr. STUDDS.

H.R. 1829: Mr. VOLKMER, Mr. CLINGER, Mr. BEVILL, and Mr. TOWNS.

H.R. 1830: Mr. VOLKMER, Mr. TOWNS, Mr. CLINGER, and Mr. BEVILL.

H.R. 1873: Mr. DE LA GARZA, Mr. COLEMAN of Texas, and Mr. LEWIS of Georgia.

H.R. 1874: Mr. DE LA GARZA, Mr. COLEMAN of Texas, and Mr. LEWIS of Georgia.

H.R. 1878: Mr. LAGOMARSINO.

H.R. 1914: Mr. WALGREN, Mr. DAVIS of Illinois, Mr. YATRON, Ms. KAPTUR, Mr. RAHALL, and Mr. HILER.

H.R. 1948: Mr. RANGEL.

H.R. 1953: Mr. BALLENGER, Mr. MILLER of Washington, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. GARY of Illinois, Mr. OWENS of New York, Mr. ROBINSON, Mr. DEFAZIO, Mr. DWYER of New Jersey, Mr. DONALD E. LUKENS, Mr. BOULTER, Mr. DORNAN of California, Mr. LUJAN, Mr. WELDON, Mr. DUNCAN, Mr. BUNNING, Mr. HOLLOWAY, Mr. HERGER, Mr. HUNTER, Mr. DAVIS of Illinois, Mrs. MORELLA, Mr. GALLEGLY, Mr. LOWERY of California, Mrs. SAIKI, Mrs. MARTIN of Illinois, Mr. RHODES, Mr. LEWIS of California, Mr. PACKARD, Mr. ROWLAND of Connecticut, Mr. GUNDERSON, Ms. SNOWE, Mr. SUNDQUIST, Mr. DANNEMEYER, Mr. GREEN, Mr. DELAY, Mr. WALKER, Mr. INHOFE, Mr. HASTERT, Mr. THOMAS of California, Mr. ESPY, Mr. FAZIO, Mr. LEWIS of Georgia, Mr. EDWARDS OF Oklahoma, Mr. MINETA, Mr. FLAKE, Mr. KENNEDY, and Mr. SWINDALL.

H.R. 1955: Mr. BOEHLERT, Mr. BADHAM, Mrs. ROUKEMA, and Mr. SUNDQUIST.

H.R. 1958: Mr. BIAGGI, Mr. RICHARDSON, Mr. LEWIS of Georgia, Mr. FAWELL, Mr. PENNY, Mr. OWENS of New York, Mr. PERKINS, and Mr. LANCASTER.

H.R. 2016: Mr. TOWNS.

H.J. Res. 13: Mr. ARMEY.

H.J. Res. 32: Mr. COATS, Mr. LAFALCE, Mr. FRENZEL, Mr. ROBERTS, Mr. MONTGOMERY, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. PICKETT, Mr. PANETTA, Mr. MCCOLLUM, Mr. PICKLE, Mr. SOLARZ, Mr. SPENCE, Mr. TALLON, Mr. STOKES, Mr. TAUKE, Mr. THOMAS of Georgia, Mr. COLEMAN of Missouri, Mr. TRAFICANT, Mr. TORRICELLI, Mr. WATKINS, Mr. WHITTEN, Mr. WILSON, Mr. RAY, Mr. RICHARDSON, Mr. WYDEN, Mr. OLIN, Mr. FASCELL, Mr. YOUNG of Alaska, Mr. ANDERSON, Mr. ANTHONY, Mr. BOLAND, Mr. BROOMFIELD, Mr. ROWLAND of Georgia, Mr. AKAKA, Mr. YATRON, Mr. SUNIA, Mr. HAMMERSCHMIDT, Mr. DAUB, Mr. DIOGUARDI, Mr. EMERSON, Mr. KILDEE, Mr. RODINO, Mr. HOYER, Mr. BUSTAMANTE, Mr. STANGELAND, Mr. HALL of Texas, Mr. WEBER, Mr. MILLER of California, Mr. GOODLING, Mr. SWINDALL, Mr. VALENTINE, Mrs. PATTERSON, Mr. VISCLOSKY, Mr. ROTH, Mr. TAUZIN, Mr. DEFAZIO, Mr. COYNE, Mrs. KENNELLY, Mr. KEMP, Mr. SWEENEY, Mr. JONES of Tennessee, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MOORHEAD, Mr. KASICH, Mr. WHEAT, Mr. MARTIN of New York, Mr. ASPIN, Mr. NICHOLS, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. OBERSTAR, Mr. CHANDLER, Mr. DUNCAN, Mr. FIELDS, Mr. HYDE, Mr. MICHEL, Mr. FAWELL, Mr. GUNDERSON, Mr. CARR, Mr. MOLINARI, Mr. FOGLIETTA, Mr. GRANT, Mr. MAVROULES, Mr. STAGGERS, Mr. KENNEDY, Mr. WOLPE, Mr. PASHAYAN, Mr. BUNNING, Mr. SMITH of New Jersey, Mr. MURTHA, Mr. DAVIS of Michigan, Mrs. MARTIN of Illinois, Mr. SPRATT, Mr. ST GERMAIN, Mr. WYLIE, and Mr. MAZZOLI.

H.J. Res. 67: Mr. GEJDENSON, Mr. TAUZIN, Mr. COUGHLIN, Mr. TRAXLER, Mr. ANNUNZIO, Mr. ANDREWS, Mr. BERMAN, Mr. GRAY of Pennsylvania, Mr. VENTO, Mr. MOORHEAD, Mr. HUTTO, Mr. GRANDY, Mr. TOWNS, Mr. RAHALL, Mr. MCCLOSKEY, Mr. HUNTER, Mr. THOMAS of Georgia, Mr. GALLO, Mr. BOLAND, and Mr. OWENS of Utah.

H.J. Res. 90: Mr. BARNARD,Mr. HASTERT, Mr. RODINO, Mr. LIVINGSTON, Mr. MACKAY, Mr. CALLAHAN, Mr. TAYLOR, Mr. GEJDENSON, Mr. BALLENGER, and Mr. ROWLAND of Connecticut.

H.J. Res. 106: Mr. LOWRY of Washington, Ms. SLAUGHTER of New York, Mr. HARRIS, and Mr. SUNDQUIST.

H.J. Res. 110: Mr. BROWN of California.

H.J. Res. 132: Mr. YATRON, Mrs. MEYERS of Kansas, Mr. WILLIAMS, Mr. OBERSTAR, Mr. LENT, Mr. SMITH of Iowa, and Mr. GALLEGLY.

H.J. Res. 152: Mr. CALLAHAN, Mr. DIXON, and Mr. SPENCE.

H.J. Res. 158: Mr. BILBRAY, Mr. BENNETT, Mr. CROCKETT, Mr. DURBIN, Mr. GREEN, Mr. HAMMERSCHMIDT, Mr. JENKINS, Mr. LOWERY of California, Mr. QUILLEN, Mr. SCHAEFER, Ms. SNOWE, and Mr. WEBER.

H.J. Res. 176: Mr. JACOBS, Mr. GUNDERSON, Ms. KAPTUR, Mr. KOLTER, Mr. MFUME, Mr. FOGLIETTA, Mr. DYMALLY, Mr. CLAY, Mr. TRAXLER, Mr. MCCLOSKEY, Mr. CARPER, Mr. SYNAR, Mr. PORTER, Mr. RAHALL, Mr. SMITH of Iowa, Mr. RODINO, Mr. TORRES, Mr. NOWAK, Mrs. BOXER, Mr. LEACH of Iowa, Ms. SLAUGHTER of New York, Mr. PEASE, Mr. YATRON, Mr. TRAFICANT, Mrs. SCHROEDER, Mr. HOWARD, Mr. BOUCHER, Mr. BONIOR of Michigan, and Mr. EVANS.

H.J. Res. 189: Mr. ANTHONY, Mr. AUCOIN, Mr. BOLAND, Mr. BUSTAMANTE, Mr. DAUB, Mr. DELAY, Mr. DYMALLY, Mr. EMERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HOLLOWAY, Mrs. JOHNSON of Connecticut, Mr. LAFALCE, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. LUJAN, Mr. LUNGREN, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. MINETA, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PANETTA, Mr. QUILLEN, Mr. RUSSO, Mr. SCHAEFER, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. STANGELAND, Mr. SYNAR, Mr. TORRICELLI, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WEBER, and Mr. WOLPE.

H.J. Res. 190: Mr. BROOMFIELD, Mr. GORDON, Mr. GALLO, Mr. DEFAZIO, Mr. SUNDQUIST, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. FEIGHAN, Mr. BRUCE, Mr. COLEMAN of Texas, Mr. MOAKLEY, Mr. WEBER, Mr. LIPINSKI, Mr. EVANS, Mr. KEMP, Mrs. COLLINS, Mr. KOSTMAYER, Mr. NOWAK, Mr. WALGREN, Mr. DONNELLY, Mr. PEPPER, Mr. LANTOS, Mr. LENT, Mr. OWENS of Utah, Mr. DURBIN, Mr. MCHUGH, Mr. GOODLING, Mr. BONKER, Mr. UDALL, Mr. BERMAN, Mr. COURTER, and Mr. TAUZIN.

H.J. Res. 197: Mr. SPENCE, Mrs. VUCANOVICH, Mr. SHAW, and Mrs. BENTLEY.

H.J. Res. 201: Mr. NEAL, Mr. BOSCO, Mr. DWYER of New Jersey, Mr. DARDEN, Mr. EARLY, Mr. MILLER of California, Mr. KEMP, Mr. NIELSON of Utah, Mr. LOWERY of California, Mr. RODINO, Mr. PICKLE, Mrs. BENTLEY, Mr. STOKES, Mr. MOLINARI, Mr. MURPHY, Mr. PACKARD, Mr. DURBIN, Mr. GEPHARDT, Mr. LEWIS of Florida, Mrs. COLLINS, Mr. HENRY, Mr. DIXON, Mr. WAXMAN, Mr. HUNTER, Mr. DENNY SMITH, Mr. CARR, Mr. KASTENMEIER, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. SAXTON, Mr. WATKINS, Mr. HAYES of Louisiana, Mr. PEPPER, Mr. HALL of Ohio, Mr. LEHMAN of California, Mr. BRENNAN, Mr. MADIGAN, and Mr. TOWNS.

H.J. Res. 207: Mr. BATEMAN, Mr. PICKETT, Mr. BLILEY, Mr. SISISKY, Mr. DANIEL, Mr. SLAUGHTER of Virginia, Mr. PARRIS, Mr. BOUCHER, Mr. WOLF, Mr. WISE, Mr. GRAY of Illinois, Mr. SKELTON, Mr. NICHOLS, Mr. MCDADE, Mr. SPRATT, Mr. FASCELL, Mr. ROE, Mr. LEVIN of Michigan, Mr. BEVILL, Mr. DE LA GARZA, Mr. MURPHY, Mr. CLARKE, Mr. BATES, Mr. WYDEN, Mr. TALLON, Mr. VALENTINE, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. WILSON, Mr. MRAZEK, Mr. ROEMER, Mr. HARRIS, Mr. PRICE of North Carolina, Mr. RAY, Mr. JONES of Tennessee, Mr. HATCHER, Mr. DARDEN, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. LOWRY of Washington, Mr. JEFFORDS, Mr. SKEEN, Mr. GRANT, Mr. MONTGOMERY, Mr. DEFAZIO, Mr. SMITH of Florida, Mr. HOYER, Mr. BRUCE, Mr. ANDREWS, Mr. STAGGERS, Mrs. BOGGS, Mr. JOHNSON of South Dakota, Mr. MAVROULES, Mr. THOMAS of Georgia, Mr. ROSE, Mr. JENKINS, Mr. JONTZ, Mr. GREEN, Mr. Mollohan, Mr. ORTIZ, Mr. ROBINSON, Mr. CARPER, Mr. TORRES, Mr. MOODY, Mr. OWENS of Utah, Mr. MCCLOSKEY, Mr. LAGOMARSINO, Mr. SHUMWAY, and Mr. LIPINSKI.

H. Con. Res. 6: Mr. STUMP.

H. Con. Res. 15: Mr. MACKAY, Mr. FLORIO, and Mr. EMERSON.

H. Con. Res. 32: Mr. BROWN of California.

H. Con. Res. 51: Mr. BOULTER, Mr. ROSE, and Mr. ECKART.

H. Con. Res. 70: Mr. TOWNS.

H. Res. 138: Mr. HAYES of Illinois, Mr. MANTON, and Mr. WHEAT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

28. By the SPEAKER: Petition of the Secretary General, North Atlantic Assembly, Brussels, Belgium, relative to a copy of the brochure "Annual Report and Policy Recommendations 1986"; to the Committee on Foreign Affairs.

29. Also, petition of the executive director, American Library Association, Chicago, IL, relative to the Office of Management and Budget's proposed privatization of the National Technical Information Service; to the Committee on Government Operations.

30. Also, petition of the City Council, City of the Colony, TX, relative to laws to discourage the sale of drugs to children; to the Committee on the Judiciary.

31. Also, petition of the secretary-treasurer, the American Bandmasters Association, Arlington, TX, relative to the Nation's official march; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1827

By Mr. BURTON of Indiana:

Page 29, line 8, strike out "$50,000,000" and all that follows through "(b)" in line 22.

Page 29, line 4, insert "(a)" before "Of the"; page 30, line 3, strike out "(c)" and insert in lieu thereof "(b)"; line 4, strike out "(b)" and insert in lieu thereof "(a)"; line 8, strike out "(d)" and insert in lieu thereof "(c)"; and line 18, strike out "(e)" and insert in lieu thereof "(d)".

SENATE—*Tuesday, April 21, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

*God of Abraham, Isaac, and Israel, God of our fathers, on this eighth day of Passover, we remember the song of the sea, from the Torah, sung by Moses and the people of Israel by the Red Sea, I will sing unto the Lord, for He hath triumphed gloriously * * * the Lord is my strength and song, and He is become my salvation: He is my God and I will prepare Him a habitation; my father's God and I will exalt Him.*—Exodus 15:1-2.

Savior, Lord, Deliverer, our hearts fill with gratitude and praise when we remember that You oppose all oppression. You are the author of freedom and You demand that Your people be free. We thank You that Jesus, in celebrating the Passover, inaugurated the Lord's Supper. With profound thanksgiving we remember that our Founding Fathers engraved this conviction on the cornerstone of America: "We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain inalienable rights. * * *" Mighty, triumphant God, may we never—never forget! In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

SCHEDULE

Mr. BYRD. Mr. President, I would hope today that the Senate would proceed early, as was indicated on the day that the Senate went out for the Easter recess, with the consideration of the so-called fairness doctrine bill. There will be no rollcall votes before 2 o'clock. Of course, I always have to make an exception to that in the event that it becomes necessary to have a rollcall vote on parliamentary procedures such as motions to adjourn, motions to recess, or motions for the Sergeant at Arms to request the attendance of absent Senators. But I do not anticipate such today. But I do expect to finish the bill today. Probably there will be a rollcall vote, at least on final passage.

Then I would hope that the Senate would go to the wheat acreage diversion bill, H.R. 1157. That may take the better part of a day, or a day-and-a-half. But we should get started on that late today or by tomorrow.

ARMS CONTROL

Mr. BYRD. Mr. President, the Secretary of State has returned from meetings with the Soviet leadership, including General Secretary Gorbachev, and an air of hopeful expectation surrounds what appears to be some positive movement in arms control—at least in terms of the negotiations over missiles in the European theater.

The distinguished Speaker of the House, Mr. WRIGHT, returned last night from a very successful trip to Moscow, and has expressed a cautious optimism on the prospects for a European missile pact. I join him in that sentiment.

I hope a fair and verifiable agreement, which enhances the strength and cohesion of NATO, is achievable—for its own sake and to give some momentum to arms control.

Mr. Gorbachev is playing hard-to-get on the question of accepting the President's invitation for an official visit to the United States, stating that he wants to be able to conduct business—in this case he is referring, apparently, to the conclusion of a treaty on the Euromissile question—before committing to a summit in the United States. The Soviets appear to be very forthcoming and cooperative, and have been quite creative on the Euromissile question.

However, Mr. Shultz was right to consult with the Allies, immediately, on the matter of the precise nature of an agreement covering short- and medium-range missiles in Europe. Such an agreement may pose political risks for the NATO Alliance. The prospect of a nuclear-free Europe seems on its face to be beyond criticism, to be a laudable goal, but the realities of the situation in Europe may make it a difficult one to achieve. President Reagan has made the centerpiece of his arms control strategy the end of the deterrence era, and has said he rejects the threat of mutual annihilation as the fulcrum of our strategy vis-a-vis the Soviet Union in the modern age. Again, this appears laudable. But in the short run, Mr. President, abandoning this NATO strategy of deterrence based on flexible response and forward defense may prove to be politically disadvantageous to the NATO Alliance under current conditions. What are those conditions?

First, the Soviet Union, our chief adversary, happens to be on the European Continent, along with its captive nations in the guise of the Warsaw Pact. Together they have a margin of conventional arms superiority over our NATO partners and ourselves, even taking into consideration the 353,000 U.S. troops stationed on the European Continent. They have a margin over NATO.

Second, without the deterrent pledge of nuclear weapons, and without the credible threat of NATO first use of nuclear weapons in the event of a Warsaw Pact invasion, our European allies could be subjected to intense political pressure. Can anyone doubt the Soviet Union has used such pressure in the past to attempt to intimidate individual European countries and to try to divide the alliance? An INF agreement which eliminated the capability for nuclear retaliation from European soil cannot be, per se, in our interest unless the threat to our allies is correspondingly reduced.

We should not push ourselves into a mad rush for an agreement which dis-

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

cards central tenets of alliance security which have worked for four decades. Let us strive for an agreement in Europe which stabilizes the nuclear systems on both sides, but does not damage the security of the West. The result of an agreement we sign with the Soviets must never be to help our adversary reach his prize goal of dividing NATO.

There are some clear-headed dispassionate thinkers, Mr. President, who have urged caution in this matter. The former National Security Adviser, Gen. Brent Scowcroft, who is highly respected in these matters, has written, yesterday in the Washington Post, that the "administration erred in the first place by proposing the zero option in 1981." Soviet exuberance in pushing the Secretary of State to agree to fine-sounding sweeping proposals in Moscow was rightly put in the "hold"—h-o-l-d, "hold"—box for the time being. If there is going to be a signing ceremony at an American summit, very careful analysis must be done, very careful preparation must be done in advance.

There is no room in Soviet-American relations for a second Reykjavik. The risks are too great for a repetition of the Iceland experience. The next weeks and months must be used as a precious commodity, used to build consensus within the administration, with the Congress, and with our allies on arms control issues. To have a chance for Senate approval, any agreement must advance our national security, and must make Europe more secure. It must help consolidate political consensus in the alliance.

I would caution the administration against racing into an agreement which is cosmetically attractive but, at bottom, works against the cohesion and steadfastness of the Atlantic alliance. I hope the sudden focus on a European pact does not obscure the need to get down to business on the future of intercontinental strategic forces. A demonstrable effort by the administration to reduce the Soviet offensive intercontinental missile imbalance, and to build a consensus on the acceptable parameters of testing a development of strategic defensive technologies and systems is overdue.

Sound proposals on all three negotiating tables should go forward simultaneously. In particular, renewed efforts must be made by the administration to advance the discussion in the area posing the greatest threat to the United States, Soviet strategic offensive systems. The President must not be content with only an agreement regarding the European theatre, an agreement which may contain risk for the security of the alliance if decoupled from vigorous efforts to reduce the strategic imbalance and divorced from considerations of conventional force imbalance.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later today.

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

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Republican leader is recognized for 10 minutes.

GEN. MAXWELL TAYLOR—AMERICAN HERO

Mr. DOLE. Mr. President, America lost one its great patriots yesterday with the death of Gen. Maxwell D. Taylor. Throughout his distinguished 41-year career in the Army, he served his country with honor, dedication, and heroism.

A graduate of West Point in 1922, he moved on to a lifetime of high-level, high-responsibility positions in the Army: Superintendent at West Point; commander, U.S. forces in Berlin; commander, Eighth Army, South Korea; and Chairman, Joint Chiefs of Staff, to name but a few of his tough assignments. Presidents from both parties actively sought his advice and his keen understanding of global military affairs—a real testimony to the respect in which he was held.

But behind all the job titles and high ranking assignments was a man who loved his country; a man who spent his life working for the defense of America; and an authentic war hero who risked his life in the line of battle to defend our freedom.

Mr. President, General Taylor was a one-of-a-kind American. His patriotism and dedication will continue to inspire us.

BICENTENNIAL MINUTE

JOHN ADAMS DELIVERS INAUGURAL ADDRESS

Mr. DOLE. Mr. President, on April 21, 1789, 198 years ago today, John Adams delivered his inaugural address as the first Vice President of the United States in New York City. Senators, Ralph Izard and Caleb Strong conducted Adams into the Senate Chamber that day in the remodeled city hall at the corner of Wall and Nassau Streets. There, the Senate's first President Pro Tempore John Langdon addressed Adams, saying, "I have it in charge from the Senate, to introduce you to the Chair of this House, and also to congratulate you on your appointment to the office of Vice President of the United States of America." Then Langdon escorted Adams to the rostrum.

Adams gave a short prepared speech in which he identified the greatest problem that his new role as President of the Senate would pose for him: "Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates, than to preside in their deliberations." The job as the Senate's presiding officer required that Adams behave counter to his every instinct and passion: Time after time he rushed into action, only to be forced to check himself. Time after time he tried in vain to hold his tongue. As the first Senate labored to establish precedents of protocol and conduct, Adams was most vociferous as he campaigned endlessly for elaborate titles and ceremonies.

For the next 8 years Adams chafed in a job for which, for the only time in his life, he really felt unsuited. He had, however, the satisfaction of often exercising one of his only constitutionally mandated powers—breaking tie votes. During his service as Vice President, John Adams cast 29 tie breaking votes, more than any of his 42 successors in that position.

INF AND NUCLEAR TESTING ISSUES

MEETING WITH PRESIDENT

Mr. DOLE. Mr. President, this morning, the Republican congressional leadership met with the President to discuss the budget and arms control issues. I want to say just a few words now about the arms control aspects of our meeting—and specifically, about the issues of an INF agreement and nuclear testing.

CAUTIOUSLY HOPEFUL ON INF

On the INF issue, my view—and I think the President's—is one of very cautious optimism. There has been some progress. But I have learned one thing watching the Soviets: Let us not count our chickens until they are hatched. And even then, let us make sure we look those little birds over very carefully—to see if they are the kind we really want to put on the dining room table.

Even in the best of circumstances, we are going to have to have more months of negotiations before we sign anything. So let us keep our feet on the ground; and let us not put pressure on the President to "buy" a deal prematurely.

THE FIRST PRIORITY: VERIFICATION

But we can, and should, ask right now: What kind of agreement do we want? We discussed that with the President this morning, and will be discussing it with other administration officials, with Senators, Members of Congress, and others in the coming days and weeks.

The first priority, in my mind, is good verification. The people in the

Kremlin who are responsible for Afghanistan and Angola; who trash the Helsinki accords, and troop out prostitutes as modern-day Mata Hari's; who have violated every arms control treaty they have ever signed—those are not the kind of people whose word I take for anything.

AGREEMENT MUST BE ZERO-ZERO

It seems to me, and to the experts I have talked to: On INF systems, it is much easier to verify an agreement with "zero-zero" limits than one that sets a higher limit for each side. Right now, the Soviets are willing to eliminate all longer range INF missiles in Europe. But they want to keep 100 in Asia. I do not think that is the way to go.

A flat zero-zero worldwide on these longer range systems makes verification much simpler. It makes much more sense in terms of the security of our non-European allies. And, finally, zero-zero avoids the troubling issue of where in the United States to station our missiles. So, verification, first and foremost.

THE MILITARY BALANCE IN EUROPE

Then, second, what does the agreement do to the overall military balance? One thing is clear to me: If we eliminate all of our intermediate-range weapons—our Pershing II missiles and our ground-launched cruise missiles—all Soviet INF forces have to go, too. They now have more INF systems than we do. They alone have shorter range INF missiles. But the end result must be zero-zero on all INF systems.

And let me emphasize: When I say zero-zero, I am talking about zero-zero global—in Europe, and in the Soviet Union as well. Otherwise, there should be no deal, period.

THE UNITED STATES AND EUROPE'S DEFENSE

Third, what would be the impact of any agreement on the NATO alliance? If we take our INF forces out of Europe, do we "delink" our defense from the defense of Western Europe? As hard as it might be for us to imagine a full-scale Soviet assault in Europe without a United States response, many Europeans do worry about it. So under prevailing military circumstances; and to minimize every possible risk or misperception, whether by the Soviets or our allies—it is important that we sign no agreement which would compromise a credible United States nuclear presence in Europe.

A "nuclear-free Europe" sounds great—until you really analyze it. The fact is, we need some nuclear weapons in Europe. Those weapons do not endanger the peace; they keep it.

Now, even under the kind of agreement being talked about, at a minimum: The independent British and French nuclear forces would remain. We would keep about 4,500 tactical, battlefield nuclear warheads. We would have European-based bombers. And, on those bombers, remember: As Stealth technology is incorporated, their effectiveness is likely to increase dramatically. And, of course, we do have major nuclear forces just offshore in Europe—aircraft carriers and other ships, carrier-based planes, and cruise missiles.

As far as I am concerned, at an absolute minimum, none of the forces I have just listed should be on the bargaining table. And none should be put on the table—until we do something about the enormous advantage the Soviets now have in conventional forces in Europe.

PRESERVING SDI

Finally, we shouldn't be signing any agreement which compromises our right to pursue the strategic defense initiative, SDI. At one time, the Soviets were conditioning any other arms control agreement—including an INF agreement—on our willingness to close down the SDI shop. But we stuck to our guns.

SDI has been called many things: From space shield to pie-in-the sky; from bargaining chip, to the killer of arms control. But in the end, SDI boils down to two very down-to-Earth concepts.

SDI AND STRATEGIC STABILITY

First, if the Soviets know a first strike will not work—because SDI is there and capable of preserving our ability to strike back—then there will be no first strike. And we will have achieved the bottom-line goal of our whole nuclear strategy.

Second, if the Soviets know that we have the resources, the technology, and the will to develop SDI—then they should realize the futility of further offensive arms buildups. That can open the door to the possibility of major strategic arms reductions.

That is why we need to pursue SDI. That is why we cannot just give it away, or bargain it away—or legislate it away.

NUCLEAR TESTING

Let me just say one final word, about another, related issue discussed in Moscow—nuclear testing. We have before us in the Senate two nuclear testing treaties: The Threshold Test Ban Treaty [TTBT], and the Peaceful Nuclear Explosions Treaty [PNET]. And what happened in Moscow, it seems to me, bears directly on how the Senate ought to act on those two treaties.

There is not much debate that those two treaties, if faithfully implemented, would well serve the interests of the United States. The issue is whether or not we can be sure the Soviets would live up to their obligations; whether they would keep their word; whether the treaties could be verified. That's the issue.

Now, there are a number of ways to skin that particular cat. In submitting the treaties for Senate advice and consent, the President came up with one: Any verification procedures worked out with the Soviets would have to come to the Senate for approval before the treaties would go into effect. Senate Republicans came up with an acceptable variant on the same theme: Let us get the verification procedures clearly in place before we give advice and consent in the first place.

Either formula was acceptable to me and—I believe—to the President. The key was this: We have all had enough of buying a "pig in the poke." Let us get all the "i's" dotted and all the "t's" crossed before signing. That is the basic point, and the one we ought to act by.

Now, there were some around the Senate who had a different idea. For them, the fact of a treaty—getting it signed; getting it ratified; and getting it all done by a certain date—that seemed to be the paramount thing.

Now, I do not quarrel with the motives of any of my colleagues. But I do quarrel with the result we would achieve if we approved those treaties before—and I emphasize before—we know they can be verified.

The President did the right thing—and Senate Republicans are doing the right thing—in insisting on verification, nailed down tight, first. When, and only when, that is accomplished—then we can put the treaties in effect.

MOSCOW TALKS UNDERSCORE IMPORTANCE OF VERIFICATION

It seems to me that Secretary Shultz' recent discussions on testing in Moscow reaffirmed the good sense of that approach.

Some progress may have been made. We have broached the idea of each side—the United States and the Soviet Union—conducting a test at each other's test site—to assure that we could effectively monitor and evaluate each other's tests. If we could reach that agreement, we would take a big step forward toward an acceptable verification regime.

But so far, we do not have that agreement. We have an idea. Both sides are exploring the idea. And we have the Soviets—as usual—sending out mixed signals. But we do not yet have a signed-and-sealed agreement.

Until we do—either on the immediate question of having these tests; or on the broader verification question—then we have no agreement; at least, no agreement that I will support, and which the Senate will support.

It is just this simple: We want to give advice and consent to the nuclear testing treaties; we want to do it soon. But we do not want to do it any sooner than is right—for the Senate, and for the security of the United States.

The President is to be commended for pursuing the question of verification of nuclear testing so aggressively with the Soviets. We all hope the ongoing negotiations will bring success.

But we serve no one's cause, except the Soviets', if we push for actually approving treaties before they are ready for final approval.

Mr. President, I did not have an opportunity to hear the distinguished majority leader earlier, but I would say that there is a lot of work yet to be done before there is any agreement. Anyone who believes that Secretary Shultz made some agreement is totally mistaken. There are going to be weeks and weeks and months and months of discussion on this floor, in committees, with the President, with experts in the field. As I said at the outset, I think there is some room for cautious optimism, and that is about as far as I would go at this point.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER (Mr. BYRD). The distinguished Senator from Wisconsin is recognized.

SENATE BANKING BILL PUTS NATION'S FINANCIAL FRAMEWORK UP TO THE CONGRESS

Mr. PROXMIRE. Mr. President, the Washington Post on April 6 issued a challenge to the Congress to step up to the plate and write legislation that brings our banking laws up to date. In an editorial labeled "The bankers' Lament," the Post reacted to the recent banking bill passed by this body. And it reacted constructively. The editorial commented specifically on the section of that bill that provided for a 1-year moratorium on new bank powers. The editorial commented that in passing this moratorium the Senate was saying that it has not thought its way through the question of what new securities powers the banks should have. But we were saying the financial world is changing and one way or another the banks have to respond to these changes. The editorial also points out that the powers that banks have are being redefined right now. "It's happening not by any rational plan but through a process of picking loopholes in obsolete laws." The editorial concludes with this clear challenge to this Congress:

> The only justification for enacting it (the moratorium) into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within the next year. Otherwise this moratorium would be a mere procrastination.

To which this Senator says: "Amen."

Having said as much, Mr. President, this Senator does not underestimate the long uphill climb necessary to enact such a reform. In the 30 years experience this Senator has had on the Banking Committee, I have learned that no matter how much the Senate provides for the banks, it will not be enough for many of them. And no matter how little we provide in new powers for the banks it will be too much for the securities dealers, the real estate interests, and the insurance business. I have also learned that there is nothing easier in facing this kind of legislative problem than doing nothing.

So what practical steps could the Congress take the rest of this year to provide for a modernization of our financial legislation that would improve the economic world for depositors, borrowers, home buyers, and investors as well as a fair chance to compete for the various supplies of these financial services?

First, there are some powers now denied to banks simply because some of the legislation governing bank participation was enacted before the activities came into existence. If these activities do not adversely affect the safety and soundness of banks or involve a conflict of interest why should not banks be allowed to offer these services? I refer specifically to such powers as the legal right to underwrite revenue bonds. At the time of Glass-Steagall, revenue bonds were of virtually no consequence. General obligation bonds were of consequence and Glass-Steagall permitted banks to underwrite them. Revenue bonds are generally of equal, sometime superior, safety to general obligation bonds. Today the annual volume of revenue bonds underwriting is in the hundreds of billions of dollars. It is very big business. Banks should be allowed in.

Then there are mortgage-backed securities—a bond backed by a pool of mortgages. Here is another security that has only flourished in a significant way in the past 4 or 5 years, actuall very recently. Again there would be no safety and soundness and no conflict of interest involved if banks were permitted to underwrite. And banks could bring a special expertise to the process. After all, banks' knowledge of mortgage lending is far greater than that of the investment banking houses that now underwrite these securities.

And how about permitting banks to underwrite commercial paper? Is it not true that the most common activity of banks is making commercial loans? This is their business. And what is commercial paper? It is a substitute for short-term commercial loans. Excluding banks from this activity removes a highly competent agency. Bank participation in the commercial paper market raises no safety and soundness or conflict of interest problem.

What reason is there to exclude banks from selling mutual funds? By their very nature mutual funds are diversified. That generally makes them safer than investments tied to a single specific institution. The diversification also mitigates any conflict of interest problem. So here again it seems that banks should be allowed entry.

On the other hand, should banks be excluded from underwriting long-term debt or equity of a specific corporation? This Senator has an open mind on this issue. Such debt can be and often is unsafe. A bank that underwrites such debt—when the issuing corporation goes sour—may be tempted to unload the securities onto its trust accounts. Was not this precisely the situation that brought on the Glass-Steagall Act as well as much other security legislation in the early 1930's? Bankers believe that the situation has changed since the Great Depression. They should be challenged to make their case.

It may be that the Congress after establishing a record in hearings and in committee and floor debate will give banks one or two of the enumerated powers or all of them or none of them. Whatever the result, and however the Congress decides, the orderly policy of parliamentary deliberation should provide a far better framework for our financial legislation than the "process of picking loopholes in obsolete laws" as the Post put it.

If the moratorium provided in the Senate bill—but omitted by the House—holds in the conference between the House and the Senate and the President signs the legislation, the Congress will have until March 5, 1988, to act. If we fail to act, the American people who use our financial markets will be the losers.

Mr. President, I ask unanimous consent that the editorial to which I referred from the April 6, 1987, issue of the Washington Post be printed in the RECORD at this point.

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

[From the Washington Post, Apr. 6, 1987]

BANKERS' LAMENT

The banks' campaign to diversify their business is not going well. They want to get into insurance, real estate and, above all, securities. Their lawyers have been pressing the regulators to let them go ahead. But the Senate has now passed an 11-month moratorium against any further expansion into these greener fields.

The Senate was responding to the shrieks of protest from the people whose turf is threatened—the securities industry, and the insurance and real estate agents. But it is also deeply uneasy about the haphazard and piecemeal way that banks' powers are being redefined. It's happening not by any rational plan but through a process of picking loopholes in obsolete laws. The senators are right to worry about the stability of the result.

The banks argue, with good reason, that conventional lending is becoming less profitable for them. Many borrowers can now raise loans by selling securities directly to

investors in Wall Street. That cuts out the banks. They want to follow their customers into the securities market. Fair enough, but there's another side to the case. The economy is now in the fifth year of expansion, interest rates are (by the standards of the 1980s) low, and the stock market is booming. Yet amid all that prosperity, bank failures are currently running at the highest level since the Depression. If that many bankers have got themselves into serious trouble through misjudgments in lending, the part of the business they know best, it's fair to ask whether admitting banks to new and unfamiliar kinds of businesses will necessarily make them stronger and sounder.

In principle, there's a good case for letting the banks go into other financial businesses—but only with certain careful conditions. If banks are to underwrite securities, they should not be permitted to do it with federally insured deposits. Deposit insurance would act as a subsidy to which the other players in the securities game don't have access. The tie-in rules need to be sharper and clearer. A bank should not be permitted to make a loan to a company contingent on, let's say, getting that company's insurance business. And in these exciting new ventures, how safe will the customers' deposits be? In passing the moratorium, the Senate was saying that it hasn't thought its way through these questions. But the financial world is changing and, one way or another, the banks have to respond to those changes.

The House is apparently going to pass a bill with no reference to a moratorium, leaving the final decision on it to the conference committee. The only justification for enacting it into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within the next year. Otherwise, this moratorium would be mere procrastination.

FINANCIAL HOLDINGS OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1970, and yearly since 1972, I have submitted for the RECORD a history of my financial holdings from the time I was first elected to the Senate in 1957 until April of 1986. In order to bring the full record up to date, I submit herewith the history of my financial holdings since April of 1986.

My assets include ownership of a home in Madison, WI, on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, DC, on which I owe a mortgage to the Perpetual American Bank; ownership of a 1980 automobile; ownership of one checking account in a Washington, DC bank; one checking account in a Madison, WI, bank, and one savings account in a Madison, WI, bank. I hold State and municipal bonds totaling $65,000 and two Shearson Lehman Managed Municipal Fund accounts totaling $79,685.

I estimate my net worth to be about $680,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

I herewith submit a balance sheet showing my net worth and how it was arrived at and a copy of my 1986 Federal income tax return.

I paid $35,384 to the Federal Government in taxes on my 1986 income. In addition, I paid $10,375 to the State of Wisconsin on 1986 income. My wife and I also paid $2,706 to the District of Columbia in income taxes; $6,347 to the District and to Madison in property taxes and $864 in sales taxes for a total payment of $55,676 in 1986 taxes. My taxable income in 1986 was $109,068.

I ask unanimous consent that the balance sheet and copy of my 1986 Federal tax return be printed in the RECORD.

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

Net worth of Senator William Proxmire as of April 1987

Municipal and State bonds	$65,000
2 checking and 1 savings account:	
National Bank of Washington	633
Madison, WI checking (approx.)	1,300
Madison, WI savings	5,813
Shearson Lehman Managed Municipal Fund No. 1	62,696
Shearson Lehman Managed Municipal Fund No. 2	16,989
1980 Buick Regal (blue book retail value)	2,800
3097 Ordway St. NW:	
Assessed value	434,304
Mortgage value	−49,974
Furnishings	25,000
118 Bradford Lane, Madison, WI:	
Assessed value	48,500
Mortgage value	−33,000
Cash deposit in Civil Service retirement	99,963
Total	680,024

U.S. INDIVIDUAL INCOME TAX RETURN 1986

William and Ellen H. Proxmire, 118 Bradford Lane, Madison, WI.

Presidential Election Campaign: Do you want $1 to go to this fund? Yes. If joint return, does your spouse want $1 to go to this fund? Yes.

Filing Status: 2. Married filing joint return (even if only one had income).

Exemptions:

6a. Yourself; 65 or over.

b. Spouse.

c. First names of your dependent children who lived with you: Douglas.

f. Total number of exemptions claimed (also complete line 36), 4.

Income:

7. Wages, salaries, tips, etc. (attach Form(s) W-2), $130,910.

8. Interest income (also attach Schedule B if over $400), $537.

9a. Dividends (also attach Schedule B if over $400), $616.

10. Taxable refunds of state and local income taxes, if any, from the worksheet on page 9 of instructions, $525.

12. Business income or (loss) (attach Schedule C), $17,500.

13. Capital gain or (loss) (attach Schedule D), $1,048.

18. Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E), −$3,452.

21a. Social security benefits (see page 10), $13,510.

b. Taxable amount, if any, from worksheet on page 11. (Tax-exempt interest, $3,469), $6,755.

23. Add the amounts shown in the far right column for lines 7 through 22. This is your total income, $154,439.

Adjustments to Income:

25. Employee business expenses (attach Form 2106), $6,950.

26. IRA deduction, from the worksheet on page 12, $2,000.

30. Deduction for a married couple when both work (attach Sch. W), $3,000.

31. Add lines 24 through 30, $11,950.

Adjusted Gross Income:

32. Subtract line 31 from line 23. This is your adjusted gross income. If this line is less than $11,000 and a child lived with you, see "Earned Income Credit" (line 58) on page 16 of instructions. If you want IRS to figure your tax, see page 13 of instructions, $142,489.

Tax Computation:

33. Amount from line 32 (adjusted gross income), $142,489.

34a. If you itemize, attach Schedule A (Form 1040) and enter the amount from Schedule A, line 26, $29,101.

35. Subtract line 34a or line 34d, whichever applies, from line 33, $113,388.

36. Multiply $1,080 by the total number of exemptions claimed on line 6f (see page 14), $4,320.

37. Taxable Income. Subtract line 36 from line 35. Enter the result (but not less than zero), $109,068.

38. Enter tax here. Check if from (Tax Rate Schedule X, Y, or Z, or), $35,484.

40. Add lines 38 and 39. Enter the total, $35,484.

Credits:

43. Partial credit for political contributions for which you have receipts, $100.

44. Add lines 41 through 43. Enter the total, $100.

45. Subtract line 44 from line 40. Enter the result (but not less than zero), $35,384.

49. Subtract line 48 from line 45, $35,384.

Other Taxes:

55. Add lines 49 through 54. Total tax, $35,384.

Payments:

56. Federal income tax withheld, $39,147.

57. 1986 estimated tax payments and amount applied from 1985 return, $6,420.

63. Add lines 56 through 62. Total payments, $45,567.

Refund or Amount You Owe:

64. If line 63 is larger than line 55, enter amount overpaid, $10,183.

65. Amount of line 64 to be refunded to you, $10,183.

SCHEDULE A—ITEMIZED DEDUCTIONS

Name(s) as shown on Form 1040:

William and Ellen H. Proxmire.

Medical and Dental Expenses:

2a. Doctors, dentists, nurses, hospitals, insurance premiums you paid for medical and dental care, etc., $2,081.

c. Other (list—include hearing aids, dentures, eyeglasses, etc.) eyeglasses, $234.

3. Add lines 1 through 2c, and enter the total here, $2,315.

4. Multiply the amount on Form 1040, line 33, by 5% (.05), $7,124.

Taxes You Paid:

6. State and local income taxes, $13,593.

7. Real estate taxes, $4,968.

8a. General sales tax (see sales tax tables in instruction booklet), $864.

10. Add the amounts on lines 6 through 9. Enter the total here. Total taxes, $19,425.

Interest You Paid:

11a. Home mortgage interest paid to financial institutions, $4,211.

13. Other interest you paid: Bk of Wilmington, $1,917; NBW, $1,168; see attached, $2,250.

14. Add the amounts on lines 11a through 13. Enter the total here. Total interest, $9,546.

Contributions You Made:

15a. Cash contributions. (If you gave $3,000 or more to any one organization, report those contributions on line 15b.) See attached, $1,740.

18. Add the amounts on lines 15a through 17. Enter the total here. Total contributions, $1,740.

Miscellaneous Deductions:

21. Tax return preparation fee, $1,500.

22. Other: Senate office exp., $71; see attached 2106, $489.

23. Add the amounts on lines 20 through 22. Enter the total here. Total miscellaneous, $2,060.

Summary of Itemized Deductions:

24. Add the amounts on lines 5, 10, 14, 18, 19, and 23. Enter your answer here, $32,771.

25. If you checked Form 1040 (Filing Status box 2 or 5, enter $3,670. Filing Status box 1 or 4, enter $2,480. Filing Status box 3, enter $1,835.), $3,670.

26. Subtract line 25 from line 24. Enter your answer here and on Form 1040, line 34a. (If line 25 is more than line 24, see the instructions for line 26 on page 22.), $29, 101.

William and Ellen H. Proxmire.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Part I Interest Income:

2. Other interest income: DC Natl Bk, $293; United Bk 271-601, $150; United Bk 176-014; $94.

3. Add the amounts on lines 1 and 2. Enter the total here and on Form 1040, line 8, $537.

Part II Dividend Income:

4. Dividend income: Shearson—81054, $1,901; Shearson—81713, $364.

5. Add the amounts on line 4. Enter the total here, $2,265.

6. Capital gain distributions. Enter here and on line 13, Schedule D, $1,649.

8. Add the amounts on lines 6 and 7. Enter the total here, $1,649.

9. Substract line 8 from line 5. Enter the result here and on Form 1040, line 9a, $616.

Part III Foreign Accounts and Foreign Trusts:

10. At any time during the tax year, did you have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See pages 23 of the instructions for exceptions and filing requirements for Form TD F 90-22.1.) No.

11. Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? If "Yes," you may have to file Forms 3520, 2520-A, or 926. No.

SCHEDULE C—PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Name of proprietor:

William Proxmire.

A. Principal business or profession, including product or service (see instructions): Speaker services.

B. Principal business code (from page 2): 7880.

C. Business name and address: Sen. William Proxmire, SD 530 Dirksen Bldg., Washington, DC 20510.

F. Accounting method: Cash.

G. Was there any change in determining quantities, costs, or valuations between opening and closing inventory? No.

H. Did you deduct expenses for an office in your home? No.

Part I Income:

1a. Gross receipts or sales, $17,600.

c. Subtract line 1b from line 1a and enter the balance here, $17,600.

3. Subtract line 2 from line 1c and enter the gross profit here, $17,600.

5. Add lines 3, 4a, and 4b. This is the gross income, $17,600.

Part II Deductions:

25. Taxes (Do not include windfall profit tax here See line 29.), $100.

31. Add amounts in columns for lines 6 through 30d. These are the total deductions, $100.

32. Net profit or (loss). Subtract line 31 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, line 2 (or line 5 of Form 1041 or Form 1041S). If a loss, you must go on to line 33, $17,500.

SCHEDULE D—CAPITAL GAINS AND LOSSES AND RECONCILIATION OF FORMS 1099-B

Name(s) as shown on Form 1040: William and Ellen H. Proxmire.

1. Report here, the total sales of stocks, bonds, etc., reported for 1986 by your broker to you on Form(s) 1099-B or an equivalent substitute statement(s), $20,507.

Part II Long-term Capital Gains and Losses—Assets Held More Than Six Months:

9a. Form 1099-B Transactions (Sales of Stocks, Bonds, etc.):

5000 SH—NJ Health, 6/15/76, 4/14/86: Sales price, $4,900; cost or other basis, $5,039; loss $139.

Shearson Municipal, 7/10/85, 6/04/86: Sales price, $3,500; cost or other basis, $3,339; gain, $161.

Shearson Municipal, 7/10/85, 8/08/86: Sales price, $7,000; cost or other basis, $6,566; gain, $434.

Shearson Municipal, 7/10/85, 9/04/86: Sales price, $400; cost or other basis, $364; gain, $36.

Shearson Municipal, 7/10/85, 12/15/86: Sales price, $4,707; cost or other basis, $4,227; gain, $480.

9b. Total (add column (d)), $20,507.

13. Capital gain distributions, $1,649.

16. Add all of the transactions on lines 9a and 9c and lines 10 through 15 in columns (f) and (g): Loss, $139; gain, $2,760.

17. Net long-term gain or (loss), combine columns (f) and (g) of line 16, $2,621.

Part III Summary of Parts I and II:

18. Combine lines 8 and 17, and enter the net gain or (loss) here, $2,621.

19. If line 18 shows a gain, enter the smaller of line 17 or line 18. Enter zero if there is a loss or no entry on line 17, $2,621.

20. Enter 60% of line 19, $1,573.

21. Subtract line 20 from line 18. Enter here and on Form 1040, line 13, $1,048.

SCHEDULE E—SUPPLEMENTAL INCOME SCHEDULE

Name(s) as shown on Form 1040: William and Ellen H. Proxmire.

Part I Rental and Royalty Income or (Loss):

Property A: MAD, WISC-118 Brad. No.

Rental and Royalty Income:

3a. Rents received, $4,680.

Rental and Royalty Expenses:

8. Insurance, $204.

10. Mortgage interest paid to financial institutions (see Instructions), $4,959.

14. Taxes (Do not include windfall profit tax here. See Part III, line 34.), $1,379.

18. Total expenses other than depreciation and depletion. Add lines 4 through 17, $6,542.

19. Depreciation expense (see Part V Instructions), or depletion (see Publication 535), $1,590.

20. Total. Add lines 18 and 19, $8,132.

21. Income or (loss) from rental or royalty properties. Subtract line 20 from line 3a (rents) or 3b (royalties), −$3,452.

23. Add properties with losses on line 21, and enter the total (losses) here, −$3,452.

24. Combine amounts on lines 22 and 23, and enter the net profit or (loss) here, −$3,452.

26. Total rental or royalty income or (loss). Combine amounts on lines 24 and 25, and enter the total here. If Parts II and III on page 2 do not apply to you, enter the amount from line 26 on Form 1040, line 18. Otherwise, include the amount from line 26 in line 36 on page 2 of Schedule E, −$3,452.

Part IV Summary:

36. Total Income or (loss). Combine lines 28, 30, 32, and 35. Enter total here and on Form 1040, line 18, −$3,452.

SCHEDULE W—DEDUCTION FOR A MARRIED COUPLE WHEN BOTH WORK

Names as shown on Form 1040: William and Ellen H. Proxmire.

Step 1 Figure your earned income:

1. Wages, salaries, tips, etc., from Form 1040, line 7 (do not include pensions or annuities reported on Form 1040, line 16 or lines 17a and 17b): You, $75,100; your spouse, $55,810.

2. Net profit or (loss) from self-employment (from Schedules C and F (Form 1040), Schedule K-1 (Form 1065), and any other earned income): You, $17,500.

3. Add lines 1 and 2. This is your total earned income: You, $92,600; your spouse, $55,810.

Step 2 Figure your qualified earned income:

4. Add amounts entered on Form 1040, lines 25, 26, 27, and any repayment of supplemental unemployment benefits (sub-pay) included on line 31. Enter the total (see instructions below): You, $3,000; your spouse, $5,950.

5. Subtract line 4 from line 3. This is your qualified earned income. If the amount in column (a) or (b) is zero (-0-) or less, stop here. You may not take this deduction: You, $89,600; your spouse, $49,860.

Step 3 Figure your deduction:

6. Compare the amounts in columns (a) and (b) of line 5 above. Enter the smaller amount here. (Enter either amount if 5(a) and 5(b) are the same.) Do not enter more than $30,000, $30,000.

7. Percentage used to figure the deduction (10%).

8. Multiply the amount on line 6 by the percentage on line 7. This is the amount of your deduction. Enter the answer here and on Form 1040, line 30, $3,000.

FORM 2106—EMPLOYEE BUSINESS EXPENSES

William Proxmire.

Part I Employee Business Expenses Deductible in Figuring Adjusted Gross Income:

4. Travel expenses while away from home overnight including meals, lodging, airline, car rental, taxi, etc., $3,000.

7. Add lines 1 through 6, $3,000.

9. If line 7 is more than line 8, enter difference here and on form 1040, line 25 and incl. it on form 1040, ln 7, $3,000.

FORM 2106—EMPLOYEE BUSINESS EXPENSES

Ellen H. Proxmire

Part 1: Employee Business Deductible in Figuring Adjusted Gross Income:

1. Vehicle expenses from Part II, lines 15 or 22, $3,950.

7. Add lines 1 though 6, $3,950.

9. If line 7 is more than line 8, enter difference here and on form 1040, line 25 and incl. it on form 1040, in 7, $3,950.

Part II: Vehicle Expenses (Use either your actual expenses or the standard mileage rate):

Section A.—General Information:

2. Total mileage vehicle was used during 1986, 8,000 miles.

3. Miles included on line 2 that vehicle was used for business, 5,600 miles.

4. Percent of business use (divide line 3 by line 2), 70 percent.

5. Average daily round trip commuting distance, 5 miles.

6. Miles included on line 2 that vehicle was used for commuting, 1,250 miles.

7. Other personal mileage (subtract line 6 plus line 3 from line 2), 1,150 miles.

8. Do you (or your spouse) have another vehicle available for personal purposes? Yes.

9. If your employer provided you with a vehicle, is personal use during off duty hours permitted? Not applicable.

10. Do you have evidence to support your deduction? Yes. If yes, is the evidence written? Yes.

Section C.—Actual Expenses:

16. Gasoline, oil, repairs, vehicle insurance, etc. See attchd. $5,643.

19. Add lines 16 through 18, $5,643.

20. Multiply line 19 by the percentage on Part II, line 4, $3,950.

22. Add lines 20 and 21. Enter total here and on Part I, line 1, $3,950.

FORM 4562—DEPRECIATION AND AMORTIZATION

Names(s) as shown on return:

Section C.—Depreciation of Nonrecovery Property:

8. Other depreciation (see instruction), $1,590.

Section D.—Summary:

10. Total (add deductions on lines 3 through 9). Enter here and on the Depreciation line of your return (Partnerships and S corporations—Do NOT include any amounts entered on line 3), $1,590.

FORM 4952—INVESTMENT INTEREST EXPENSE DEDUCTION

Name(s) as shown on return: William and Ellen H. Proxmire.

Kind of return: Individual.

Part II: Interest on Investment Debts Incurred After September 10, 1975:

5. Interest expense on investment debts incurred after September 10, 1975, $4,959.

7. Total investment interest expense (add lines 5 and 6), $4,959.

8a. Individuals enter $10,000 ($5,000 if married filing separately), $10,000.

10a. Total net investment income (amount from line 4 if Part I is used) $2,660.

11. Excess expenses from "net lease property", $1,862.

12. Limitation on deduction (add lines 8(a), (b), 9, 10(b) and 11), $14,522.

13. Allowable investment interest deduction—enter the smaller of line 7 or line 12 (see instructions), $4,959.

FORM 2106—SUPPLEMENTAL SCHEDULE

Auto expenses car 1	Amount
Gasoline, oil, repairs, etc	1,693
	3,950
Total to part II, line 16, form 2106	5,643

Other business expenses	Federal	State
Dues and publication	426	426
Entertainment	63	63
Total to itemized deductions	489	489
Total to part I, line 5, form 2106	0	0

EARNINGS

	Gross	Fed. wt.	FICA	St. wt.	City wt.
U.S. Senate (H)	75,100	27,406	3,003	5,618	
Washington, Inc (W)	55,810	11,741	3,003		
Total	130,910	39,147	6,006	5,618	

SCHEDULE A—ITEMIZED DEDUCTIONS SUPPORTING SCHEDULE—1986

Contributions	50 pct.	30 Pct. Cap. gain	30 Pct. Other	20 pct.	Non-cash	Total
By check (H)	1,240					
By check (W)	500					
Total	1,740					1,740
Carryover	0					0
Allowable	1,740					
Alllowable contributions to schedule A, line 18						1,740

Interest expense

Payee	Home mortgage paid to individuals	Other
Credit cards		1,568
Marine Bank		682
Total to sched. A, line 11B	0	
Total to sched. A, line 13		2,250

NET INVESTMENT INCOME AND QUALIFIED NET INVESTMENT INCOME SCHEDULE

Description	Gross rent/ royalty	Straight line deprec./cost depletion	Nontax pref. deprec. and depletion
Dividends—Net			
Mad., Wisc—118 Brad	4,680	1,590	1,590
Interest income—Net			
Cap. gain net income			

Description	Other allow. investment expenses	Net investment income loss	Qualify net investment income loss
Dividends—Net		616	616
Mad., WI—118 Brad	1,583	1,507	−3,452
Interest income—Net		537	537
Cap. gain net income			2,621
Total net investment income		2,660	
Total qualified net investment income			322

Name: Senator William and Ellen Proxmire. SSN: (H) [redacted].

Address: 118 Bradford Lane. SSN: (W) [redacted].

City, State, Zip: Madison, Wisconsin 53714.

CERTIFICATE

I hereby certify that I was in travel status in the Washington, D.C. area, away from my home state of Wisconsin, in the performance of my official duties as a Member of Congress for 226 days during the year 1986 and that my deductable living expenses while in such travel status amounted to $3,000.

(Signature of Member)

NOTE.—If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000.

MARK HATFIELD—SPOKESMAN FOR PEACE

Mr. PROXMIRE. Mr. President, from time to time the Senate is graced with an individual who stands out from the crowd—who makes a difference by his leadership and personal example. Paul Douglas was such a man. So was Jake Javits. And we have such a person serving in the Senate today—MARK HATFIELD of Oregon.

The evidence for this conclusion is not hard to find. It is obvious to any of us who have served with MARK HATFIELD for any period of time. But perhaps it has never been better cataloged than in the recent interview of the ranking member of the Appropriations Committee in Arms Control Today. Consider what Senator was the lone vote against the first defense budget presented by President Reagan in 1981. Or the first to introduce legislation to stop funding the MX missile and nerve gas. And the only Governor in the Nation to vote against the Gulf of Tonkin Resolution at the National Governors' Meeting. Or the leader in the Senate of those who felt that SALT II did not curb the arms race but simply redirected it.

Only MARK HATFIELD fits that description. Arms Control Today tells us why. MARK HATFIELD was one of the first Americans to enter Hiroshima after the bomb:

In front of me in Hiroshima that day was the raw sight of war. Remember it was something more than visual, it was the smell too, because the bodies had not all been recovered. You saw the real evil side of war, what it does to strip people of their sophistication, of facades of education, and culture, because here were American service personnel looking for gold teeth out of bodies to make a little earring. The bomb didn't create that. It was a manifestation of what war in general does to reduce the culture of human life to animalistic tendencies.

And what is the key to the arms race? MARK HATFIELD marks it accurately:

The key is technology. And of all the initiatives we talk about these days, virtually none are designed to limit technology.

This led him to conclude that:

While SALT II attempted to limit the weapons of the time but it had nothing to do with the accelerator, the trigger, the ignition, the fuel: technology.

How does one translate firm conviction based on personal experience into political reality? The Senator from Oregon tells us the answer:

The philosophy of some political people is that until we know that we can win a point,

we don't create a confrontation on the issue. We had to count heads. Others will say, and I happen to belong to this other school of thought, that you raise your head up from the herd, even though you know you are going to get shot at. Because at some point if you are going to change the direction of that herd, there's got to be a head up. And then pretty soon there will be a second, and a third, a fourth, and pretty soon you can shift the direction of the herd.

MARK couples this view of individulism with an overriding concern for the welfare of mankind. That is what gives rise to his question: "What is national defense?" He answers his own question succinctly by observing that:

As long as we look at national defense in a narrow perspective of military weaponry, then we are never going to have enough money in the military budget. Until you look at national defenses in the broader context of the infrastructure, a productive economy, a good education system, a healthy well-nourished people, a well-housed people, careful monitoring and stewardship of natural resources—these are all part of our national defense.

Mr. President, few have put it so well and certainly none with more conviction. Those of us who have been privileged to serve with him know his commitment to peace. It is an example to us all.

Mr. President, I ask unanimous consent that the Arms Control Today interview be printed in the RECORD.

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

[From Arms Control Today, April 1987]

THE PEACE POLITICS OF MARK HATFIELD

Senator Mark O. Hatfield, Republican of Oregon, is a maverick who often stands alone or first in his positions on arms control and foreign issues. Senator Hatfield is now the ranking minority member of the Senate Appropriations Committee and the Energy and Water Resources Subcommittee. He was chairman of the Appropriations Committee from 1981-1986. In 1981 when the Senate approved President Reagan's first defense budget by 96-1, Hatfield provided the only dissenting vote. While most Republicans were supporting the Reagan military buildup, Hatfield was the first to introduce an amendment to ban funding for the production of the MX missile and stood at the forefront of an effort to prevent nerve gas production.

Hatfield's role as dissenter can be traced to his involvement in Oregon politics. In 1964, as governor of Oregon, Hatfield was the only governor to vote against the Gulf of Tonkin Resolution at the National Governors' Meeting. He was the only senator to vote against reaffirmation of the Gulf of Tonkin Resolution during his firt year in the Senate in 1966. He was the first to introduce legislation to end the Vietnam War through the McGovern-Hatfield amendment. The Carter administration was unable to complete assembly of the neutron bomb in 1977 principally because Hatfield had garnered enough votes to thwart that effort.

During the SALT II debate, Hatfield billed SALT II the "illusion of arms control," not because it did not constrain the Soviets, as most Republicans argued, but because it did not contain the development of counterforce weaponry. Thus, in 1979, he was the only U.S. Senator to introduce a nuclear freeze amendment. Later in 1982 he consponsored a nuclear freeze resolution with Senator Edward M. Kennedy (D-MA). Also with Kennedy he coauthored *Freeze! How You Can Prevent Nuclear War.*

Hatfield commanded landing craft in the Pacific through some of the bloodiest battles of World War II at Iwo Jima.

Arms Control Today: *You were one of the first Americans to witness the devastation at Hiroshima in 1945. What impact did that experience have in developing your perspective on nuclear arms issued?*

Hatfield: Let me give you an idea of the situation leading up to that day. We had been in Battangas, Philippines staging for the invasion of Honshu Island, the invasion of Japan. I was in amphibious landing craft warfare. On September 2, 1945, I was in the first squadron of ships to bring the Occupation Forces into Tokyo. We literally sailed past the bow of the Missouri while General MacArthur was signing the armistice. When we were moving into Tokyo through those channels that had just been cleared by the minesweepers, we could see on all sides of us the horrendous obvious crossfire that people would have suffered in the invasion strategy. And we all said, thank God they ended this, because it would probably have ended with us invading Japan, and Okinawa. He was among the first American military personnel to witness the devastation at Hiroshima after the atomic bomb was dropped. That experience of war coupled with his religious commitment and educational background, was instrumental in developing the perspective which he holds today.

Hatfield earned his B.A. from Willamette University in 1943 and an M.A. from Stanford University in 1948. Prior to becoming governor of Oregon he was associate professor of political science at Willamette University from 1949-1957. Hatfield is author of *Conflict and Conscience* (1971) *The Causes of World Hunger* (1982), and *What About the Russians?* (1982). This interview was conducted on February 25, 1987 by Robert Guldin and Alex Milulich.

We didn't understand the scope of the bomb. Even the announcement that we had dropped these two bombs was not understood. But we knew that action had triggered some cessation of the fighting. And by doing that, our lives had been saved. So we had the upbeat idea that what ended the war was good.

Then a week or so later, around September 10, we went into Hiroshima. We saw the defeat, the indiscriminate devastation in every direction. And you try to comprehend that one bomb had done that. The devastation was beyond comprehension. We had bombed the island of Iwo Jima prior to the invasion for 78 straight days. And we could see the quantitative factor there, of bombing day after day. We could see that where hundreds, and perhaps thousands, of bombs had been dropped on a very limited part of real estate in the Pacific, it had not really mattered in a relationship to casualties we suffered. The bloodiest square footage that we ever took was in Iwo Jima. Then to try to translate that thinking about conventional warfare into a bomb, one bomb, that had done all of this, made it more dramatic in trying to get a handle all on that. We couldn't.

I was a political science major, I don't understand the basic principle of the telephone, let alone some high technical piece of equipment. I had no scientific analysis of this new weapon, but I had a gut reaction of high ambivalence. Even on that day in Hiroshima, it kept coming to me that this is a whole new generation of weapons. Questions came into my mind. What happens to the world? Where do we go from here? I had been interested in world politics. I had grown up under the writings of those who were talking about how the munition makers had created wars in Europe for generations. I'd grown up being wary about munitions makers. Here was a munition that was going to change the whole world. I had real feelings of ambivalence.

In front of me in Hiroshima that day was the raw sight of war. Remember it was something more than visual, it was smell too, because the bodies had not all been recovered. You saw the real evil side of war, what it does to strip people of their sophistication, of facades of education, and culture, because here were American service personnel looking for gold teeth out of bodies to make a little earring. The bomb itself didn't create that. It was a manifestation of what war in general does to reduce the culture of human life to animalistic tendencies.

ACT: *In recent years the moral issues of nuclear deterrence have been addressed from more perspectives than ever before. How has that affected your thinking?*

Hatfield: I come from another generation. The philosophy even when we fought in World War I and World War II was that we primarily engaged military targets. Certainly civilians suffered, but our goal was to avoid victimizing the civilian populations. Americans were assured that our bombs were bombing military targets, production targets. We didn't always do it, but that was the philosophy.

The bomb changed all that. We had tried to maintain a degree of morality even in warfare. The bomb obliterated that fine but sometimes fuzzy line. The major sufferers were civilians. We eliminated any division between just and unjust wars. Here the moral question really comes into focus for me. From Augustine onward, we could always somehow apply a moral dimension, even when we were killing. But no longer can we do that. Potential warfare now is all immoral if you are going to adopt any ethical perspective. Why? Because it's totally indiscriminate. And it cannot be selective. It cannot be targeted.

It even goes beyond that: if the two superpowers were to engage in a major exchange, it would affect all the rest of the world. And it would ultimately be self-destructive because the launchers of that attack, even if there were not a response, would ultimately be infected and impacted through the ecosystem. Everyone. We would destroy all human creation, the entire ecosystem, either directly or indirectly. Now, then you come down to a basic question, which can be phrased in any known institutional religious context. Is this not the ultimate obscenity, and the ultimate arrogation of power when the creation can say to the creator, "I have a right to divest you of the creation." We didn't create ourselves, and however you believe we came into existence, we now hold in our hands the ultimate power. To me that's the ultimate obscenity. The superpowers have now reached that capacity, to destroy not just targets, or not just all of the enemy, but destroy the whole global life. And how can anybody avoid the moral dimension of that?

ACT: *Do you think the goal of arms control should be to displace deterrence or at*

least move it away from the center of the U.S.-Soviet relationship?

Hatfield: Because we are living on the edge of the abyss, it seems to me that we can and should have only one goal: ridding ourselves of this curse, of this power to destroy ourselves and all creation. And I don't think that goal ought to be restricted to the superpowers. I think every person on this planet now has an interest in this that somehow has to be mobilized into a strategy. Our commonality, is the human race, not whether we are communists or capitalists or neutralists. As members of the human race, we have to look at the bottom line objective of protecting the future of this planet. In that context, you can't say that it's all right to have any level of nuclear weapons.

The Hiroshima bomb and the Nagasaki bomb were almost slingshots in comparison to the power of bombs today. I think we have reached a point where, not by strategy, but by possible error, we could launch a nuclear exchanger or initial attack. Arthur Macy Cox writes this very clearly in his book *Russian Roulette,* detailing the number of misrepresentations of early warnings of Soviet attacks.

Remember this: you can get into the numbers games, but that's not the key. The key is technology. And of all the initiatives we talk about these days, virtually none are designed to limit technology. We argue between research and development, and development and deployment. There is no idea that I have seen except the underground nuclear testing ban, which really addresses the key factor of retarding, and ultimately, obliterating all of these weapons.

A great example of our inability to deal with the technology behind the arms race is the SALT II Treaty. SALT II attempted to limit the weapons of the time but it had nothing to do with the accelerator, the trigger, the ignition, the fuel: technology.

I argued against SALT II, initially, because it incorporated everything almost except the kitchen sink. Carter was giving away everything to the hardliners up here, the Scoop Jacksons, and all the other Democrats and Republicans leading the charge. Well, now we look back, even though we didn't ratify it, we have deployed about every one of those weapons that I was arguing about back in SALT II days—the MX, the D-5. The administration was happy to abide by the limits of the SALT II Treaty because it didn't limit new technology. But we have now reached the point where even those superficial limits might get in the way, and so the administration scrapped that too.

The administration knows that the whole concept of SDI still has to be implemented through technology, and they want to move it from research to deployment. There are those who try to play the game by arguing let's research it, and let's develop it, but let's not deploy it. That's a political game, where I think people are trying to deal with a limited quantity of pregnancy, short of abortion, and you can't deal with it on that basis.

ACT: *Now that there has been a turnover in the Senate with the Democrats back in control, do you feel that that's going to make a significant difference for prospects in arms control? It seems that you, as a Republican, have been a more staunch supporter of many arms control measures than many of the Democrats in the Congress right now.*

Hatfield: I don't think it makes that much difference. The philosophy of some political people is that until we know that we can win a point, we don't create a confrontation on the issue. We had to count heads. Others will say, and I happen to belong to this other school of thought, that you raise your head up from the herd, even though you know you are going to get shot at. Because at some point if you are going to change the direction of that herd, there's got to be a head up. And then pretty soon, there will be a second, and a third, a fourth, and pretty soon you can shift that direction of the herd. But that's a philosophical point. It's a style of political action.

When George McGovern and I first introduced the amendment to cut off funds for the war in Vietnam, I think we had seven co-sponsors. A lot of people who were supportive of that said, hey, this is too early, we can't win. They said it will reinforce the White House belief that there was strong reinforcement behind its position in Congress. In a vote, they would win and we would lose. I don't think the Democrats, as a group, can get away from that legacy and it haunts them on arms control. A fourth don't want a vote on anything which could lose, another fourth do not want arms control at all, another fourth are committed but isolated, and the last fourth have no idea what they think or want. The result is paralysis.

There is a second point, and that is the Democrats have been hurt politically so frequently by the Republican anti-communist charge that they have a real political sensitivity to how far they can go in meaningful arms control. That's inherent in some of their reticence to make a confrontation.

ACT: *Are you talking about the recent Senate vote in favor of the Reagan arms control agenda?*

Hatfield: Yes, now that the Democrats control the Senate, they had to show that they stand for arms control. What we had there were political responses and political maneuvers.

I don't think the Democrats are that different than Republicans in style or in philosophy. There are those who are worthy to stand up, be counted, and take our lumps, and be the minority, be the one-vote, the two-vote, the three-vote person in a 90 to 3 vote. There are those who say later on, I'll take that position when it can be 51 to 49. I think the administration has outmaneuvered the Congress and taken advantage of its weaknesses—Republicans and Democrats.

ACT: *What do you think is going to happen on the reinterpretation of the ABM Treaty and Secretary Weinberger's effort to get early deployment of the SDI (Strategic Defense Initiative)?*

Hatfield: That will play out on the appropriation level. There is a division in the administration between Weinberger and Abrahamson on one side and Secretary Shultz and Admiral Crowe on the other side. The targeted date that Weinberger talks about, 1994, I think is keyed into these rather significant increases in certain technologies requested in the $6 billion '88 budget. The emphasis is on those technical systems that have to be in place to deploy by that target date. Will we provide the funding necessary to develop those technologies inextricably linked to early deployment? That's where the decision is going to be made.

You are going to have people who say, let's look at total levels, and say we reduce SDI by $200 million over request, and then we'll be able to tell the public, well, we've cut the administration back. But then you are not addressing the key points of where these monies are allocated within the SDI program. Then that gets to the question of whether you are going to have early deployment or not.

ACT: *Do you have a sense of whether the administration will get an increase in funding for SDI in the coming year's appropriations?*

Hatfield: That plays out in a bigger context. The administration has asked for a $22 billion total increase in military spending, up to $312 billion for FY88. But to meet a lot of needs, whether it's for the increase in research for AIDS, or whether it's restoring the Pell grant reductions, the administration's proposal to cut education by 26 percent over current level of funding, you've got some very important political forces that have to be balanced out. Obviously, the target will be "military spending." It's very simple to say we have cut the administration's request for military spending in the last six or seven years by some $50-$60 billion dollars over request level. But they have still advanced every weapon system they wanted within that so-called reduced total level. So I think we have to be far more specific to address the runaway arms buildup.

ACT: *The total level of defense budget authority from FY80 to FY87 increased 69 percent in real terms. Was that development necessary? And if so, what did it accomplish for the country to have this buildup?*

Hatfield: I don't think it was necessary. In spite of the fact we have reduced President Reagan's request level year after year on military spending, we moved from $116 billion up to $282 billion in that span of years, a 69 percent increase in real terms. That is mind boggling.

The fundamental question to me is what *is* national defense? As long as we look at national defense in a narrow perspective of military weaponry, then we are never going to have enough money in the military budget. Until you look at national defense in the broader context of the infrastructure, a productive economy, a good education system, a healthy well-nourished people, a well-housed people, careful monitoring and stewardship of natural resources—these are all part of our national defense.

The only President in my lifetime who understood that was Dwight Eisenhower. People forget that when he went out to Topeka, Kansas to announce the interstate highway system, he announced it as a national defense program. For he said, to tie this country together in an intricate transportation system is fundamental to our national defense. He made the same application in some of his educational initiatives, because he spoke many times about national defense as more than the arsenal. In fact, he made a very good, what would in today's context of White House leadership would be a bizarre statement: "Every gun that is fired, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. The world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children." The question of what constitutes national security should be the great debate. But it isn't. We're narrowed down to a weapon-by-weapon program. And that's because those of us in the arms control community have not really sat down to develop a strategy. To the average American, this is

still an esoteric discussion. It is so technical, it is beyond the ability to grasp. Until we can tie the political policy of this arms race to the local job opportunities, the local educational quality, to the health, to the housing, to the resource problems, until we broaden that to show the implication and interrelatedness, we are never going to win this battle, I think, with the limited base of this community of people concerned about arms races.

ACT: *One of the questions the Senate is facing right now is the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Do you think they should be ratified with reservations calling for more verification, or can they be ratified just as they were originally proposed in the 1970s?*

Hatfield: The entire question must be viewed in the context of the political game plan of the administration. The administration is very good at diverting our attention, and the Democrats are too disorganized or too timid to force the issues. Let me give you an example. When the twelve-month testing moratorium was passed by the House last year and it looked like it might have some chance in the Senate, the administration agreed to send up the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty for ratification. The administration was not about to be put on the defensive. So as it ended up, Congress was on the defensive and we had a comprehensive test ban resolution without any teeth and the promise of two treaties which have essentially been rendered obsolete. It was a brilliant distraction on the administration's part.

We have never shown restraint in taking risks that could lead to war. But to match that, we ought to be willing to take a risk on occasion—or at least a step that could be considered a risk—that could lead to peace. The fact that the Soviet Union took a unilateral action for all these months on underground testing, to me, was a tremendous opportunity to match that risk for peace. I think the most significant thing is the underground testing, because that's where Soviets have realistically demonstrated their willingness to engage in an agreement. We are always saying that we have to find some comprehensive agreement before we take any step. If the Soviet Union opens a window here, we ought to match it.

New interpretations on the ABM Treaty are significant. The SDI initiatives are very significant. But I think the most significant action we could take in the Congress would be to bring about this ban on underground testing.

ACT: *We understand that you will soon become chairman of the Congressional Arms Control and Foreign Policy Caucus.*

Hatfield: This is a group I've been associated with previously as chairman, in fact. It's a very useful organization that represents about 130 members of Congress from both political parties.

When you match the congressional resources against the administration's resources, there is a fantastic discrepancy there. The arms control caucus can not only be effective in research, as it has over the years, to provide the congressional members with information; it can also be a way to raise, in a responsible legitimate way, a contrary political viewpoint that can be projected outside of the Congress, to encourage groups outside of the Congress. The simplistic approach that the world is evil and good, and black and white, and we and they, and East and West—the simplistic world viewed by the administration and some in the military—always is so much easier to communicate to people because you play to their fears. But as a bipartisan group we can offer encouragement to those people outside of government who refuse to see the world in such simple terms.

Finally, such an organization can be a source of encouragement to its members. We have taken a defeat time after time. We have had a few victories like slowing the production of nerve gas or SDI. We need to have mutual encouragement. The caucus can be that.

ACT: *Do you think that the Senate should play an active role on insisting that the original and accepted interpretation of the ABM Treaty should be complied with?*

Hatfield: The Congress should play a role in the scene. We can't avoid it. We're constitutionally required to play a role in it, vis-a-vis at least the appropriations. Sam Nunn and others have urged the administration to not take action on this until we've consulted with our allies. I'm not overly impressed that strategy is going to change the position the administration has taken. From our own experience with chemical weapons last year, I'm pretty jaded about the integrity of our "consultations" with the NATO alliance. Because chemical weapons require forward deployment, we tied some fencing language around production funds in 1985. We told the administration that it had to get NATO approval before it went ahead and began production of these ghastly weapons. But if you look at the way the administration secured NATO approval, you will understand my skepticism about these "consultations." I am worried that the same thing will happen with the ABM Treaty. We will shove it down the throats of their military leaders, and the political angle will shut down completely. And there is always the possibility of another toothless "consensus" which will allow us in Senate to look like we support arms control and the narrow interpretation but will allow the administration to go full steam ahead.

Again, there is always the appropriations process. Even if you make a political decision, you need money to back it up. There is always the possibility of just denying funds for those initiatives which would be allowed only under that new interpretation. We may be forced to deal with it on that level.

Mr. PROXMIRE. Mr. President, I want to thank the majority leader who has been most gracious and generous in permitting me to make these statements while he presided. I thank him very much.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished Senator from West Virginia is recognized.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, that Senators may be permitted to speak therein, and that the period may extend for 15 minutes.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET HEARINGS HELD THROUGHOUT PENNSYLVANIA

Mr. SPECTER. Mr. President, it is too easy for those of us in the Senate to view budget issues only as abstractions. It is important, I think, to go directly to the people affected by our budget decisions—local officials, interest groups, and average citizens—to hear their views firsthand. To do this, I have made it a practice in recent years to hold budget hearings throughout the Commonwealth of Pennsylvania. I am pleased today to report on my most recent series of hearings. These hearings included 6 different Pennsylvania cities and more than 60 witnesses: Individuals and organizations who eloquently expressed their views on the impact of the administration's proposed fiscal year 1988 budget. Specifically, I received testimony from 8 witnesses in Pittston, 6 witnesses in Harrisburg, 6 witnesses in Allentown, 13 witnesses in Philadelphia, 17 witnesses in Pittsburgh, and 5 witnesses in Erie.

While I can report that there is a very strong sense in my State that the Federal deficit must be addressed and eradicated, there also was great concern that our efforts to cut the budget deficit be fair—that they be equitably distributed rather than falling disproportionately on domestic programs, many of which are so essential to our efforts to bring economic recovery to States such as Pennsylvania. As reflected by Mayor Louis Tullio of Erie, PA, the administration's budget proposal would balance the budget at the expense of those programs which provide the most for those who have the least.

Pennsylvania continues to suffer substantial unemployment levels and a subsequent loss in its tax base. The situation in Pennsylvania, of course, is not unique; other areas throughout the country have not yet shared fully in the economic recovery. It is therefore essential, in my view, that we not eliminate Federal programs which address the special needs and concerns of these regions. As the local government officials who testified at my hearings made clear, we cannot reasonably expect local governments to absorb cuts of the type and degree proposed in this budget.

Those of us who have been charged with the responsibility of authorizing

and allocating Federal spending must work diligently to ensure careful targeting in establishing budget priorities for the coming year. The testimony I received during my budget hearings will be of great assistance to me in this regard.

Mr. President, I will briefly describe the wide range of programs and budgetary issues which was covered by my hearings.

AGRICULTURE

Food production, processing and distribution have been and will remain one of Pennsylvania's and the United States' most vital industries. Representatives of the agricultural community testified about the need to maintain and increase funding for agriculture research, particularly in the areas of animal and plant research.

In addition, these officials expressed concern over the proposed cut in funding for the Agricultural Stabilization and Conservation Service Programs. Such a reduction would significantly decrease the funds available to farmers for these purposes, and would cause even more extreme financial hardship than currently is being experienced by the agriculture community.

URBAN DEVELOPMENT

City officials from around the State objected to the proposed $400 million reduction in funds for the Community Development Block Grant Program. Testimony reflected the view that the Urban Development Action Grant Program is a valuable tool for distressed cities—creating jobs, leveraging private resources, and encouraging working relationships between public and private sectors. According to Mr. Robert Ploehn, executive director of the Erie County Economic Development, funds from these programs are being used to create industrial and export-service jobs which will increase the overall wealth of Pennsylvania and the Nation at-large.

Officials stated that the proposed cutbacks could mean that cities would have to curtail programs for housing rehabilitation, demolition, public improvements, recreation, public service, and economic development, which already are financially weak. Further testimony suggested that the proposed termination of funding for ecomomic development agency programs would compound current economic problems relating to unemployment and industrial stagnation. For example, Mayor Thomas McLaughlin, of Wilkes-Barre, PA, testified that it would be impossible for cities like Wilkes-Barre to provide the additional funds to replace those which would be cut in the proposed budget.

FEDERAL RETIREES

Representatives of Pennsylvania's Federal retirees testified that the proposed change in the cost-of-living adjustment—to equal the Consumer Price Index minus 1 percent—would place an unfair burden upon this group of dedicated workers, who still pay their full share of taxes of their retirement annuity. These witnesses strongly believe that the current cost-of-living adjustments should be maintained, so that they are able to keep pace with the cost of living in the same manner as recipients of Social Security. In short, they believe it would be extremely unfair to impose further permanent reductions in their retirement benefits.

HEALTH AND HUMAN SERVICES

There was a chorus of objections to the administration's request for deep cuts in critical health and medical care programs such as Medicare and Medicaid. Mr. Gorham L. Black, the former secretary of the Pennsylvania Department of Aging and vice chairman of the Pennsylvania Legislative Committee of the American Association of Retired Persons, testified that the proposed budget represents an unacceptable deficit reduction strategy, imposing a disproportionate burden upon older Americans through a heavy reliance on health cuts.

Medical experts throughout my State also were concerned that the administration's budget proposal would have a grave impact on the quality and availability of medical care. These experts indicated that further reductions in Medicare benefits would place a particular hardship on hospitals that provide substantial amounts of uncompensated care. This would be particularly significant in Pennsylvania, whose hospitals cater to the needs of a substantial elderly and rural population.

In addition, the medical expert witnesses testified that reimbursement under the prospective payment system represents only a 1.5-percent increase, which is less than the inflation rate for 1986. If correct, this raises serious questions about the proposed cuts impact on the quality and accessibility of medical care for beneficiaries who depend upon such payments to meet their ever increasing health costs. The witnesses believe that it would be unsound to eliminate hospital-based medical education reimbursements without having an alternative policy in place, because it would further jeopardize medical care.

Testimony also was received in opposition to the administration's proposal of a 25-percent cut in Medicare benefits, given that Medicare represents only 7 percent of total Federal spending. Furthermore, health and human services officials decried the proposed reduction in Women, Infants and Children Program funding, noting that in areas such as Pittsburgh the rate of infant mortality continues at an unacceptable rate of more than 23.4 infants deaths per 1,000 live births. These officials see the Women, Infants and Children Program as a decisive tool in their battle to reduce infant mortality rates.

With regard to proposed cuts in the Social Services Block Grant Program, Mr. Allen R. Smith, executive director of the Family and Children's Service of Pittsburgh, PA, stated bluntly that, "We no longer can hope to offset government revenue shrinkage. We are getting out of the drug and alcohol treatment and prevention business. There is simply no money, public or private, to sustain it."

Representatives of the senior citizens' community indicated their dismay with regard to proposals to convert the Older Americans Act programs into a block grant program, fearing that the result would be a decrease in programs and services.

HOUSING

Housing officials expressed great disappointment with the administration's budget proposal's treatment of housing programs. Specifically, they objected to the recision of funding for the Rental Rehabilitation Grant Program, the Community Development Block Program, and the deferral of units under the section 202 housing program. According to these officials, the budget proposal, if adopted, would fail to address the housing needs of the Americans who are most in need of assistance.

EDUCATION

The administration has requested cuts in fiscal year 1988 student aid programs, including a $1.2 billion cut in the fiscal year 1988 Pell Grant Program. According to Mr. Kenneth Reeher, director of the Commonwealth of Pennsylvania's Higher Education Assistance Agency, these cuts would be disastrous, with no positive effects on student aid programs or upon the other participants in the Federal-State-private institution partnership that has developed over the past three decades. The total Federal aid available in 1987-88 would drop by another $135.4 million, or 17 percent, and awards would decrease by 24 percent. Several factors contribute to these losses. Recisions of funding for the supplemental educational opportunity grant, State student incentive grant, and College Work Study Program programs will cost Pennsylvania students about $61.4 million in aid. Applying more restrictive eligibility criteria to Guaranteed Student Loan Program borrowers and changing the definition of independent students will result in a $74 million loss of GSLP aid. Further, parent loans for undergraduate students should increase as borrowers stricken from the GSLP Program seek alternative sources of funds.

Dr. William Garvey, president of Mercyhurst College, raised concerns that the administration's student aid

policies will deny students freedom of choice with regard to educational institutions. Dr. Garvey's assessment is that these policies will drive all but the most affluent students out of private colleges, the middle-class and working-class students into the forced choice of attending a State supported college, and poor students—and minorities disproportionately—out of higher education altogether.

Educators throughout the State voiced their concern that the proposal to withdraw Federal funding from vocational education would limit opportunities for our youth and communities to grow financially and educationally. The dreams of our youth and the vitality of our communities are too important to sacrifice to vocational education budget cuts. In economically disadvantaged areas like Pittsburgh, where vocational education has been extremely effective in preparing young people for jobs and in addressing the problems of high youth unemployment, the elimination of vocational education funding would only exacerbate problems.

JUSTICE

The acting executive director of Community Legal Services in Philadelphia, PA, stated that Philadelphia has only one Legal Services lawyer for every 7,829 poor persons. Nationwide, there is an average of 1 lawyer for every 375 residents. Yet for the sixth consecutive year, the administration has recommended zero funding for Legal Services even as the workload of Legal Services lawyers continues to increase.

Bonnie McDonald, director of Turning Point of Lehigh Valley, which provides essential legal services for the victims of violent crimes, testified that the proposed cap of $35 million on the Victims of Crime Assistance Programs will have a "devastating effect on domestic violence programs across the country." Other legal experts from around Pennsylvania expressed similar dismay with the budget proposal's treatment of law enforcement programs. For example, Philadelphia district attorney, Ron Castille, expressed his disappointment over the proposed funding for Justice programs:

> How do I explain to the mother of that fifteen-year old boy that we must accept the conditions under which her child died because the money which is needed to help put her son's killer and his drug dealing accomplices in jail has been eliminated?

These experts were adamant in their opposition to the administration's decision to eliminate second-year funding for law enforcement drug eradication programs.

ENERGY

The consensus of those who testified regarding the Low-Income Home Energy and Weatherization Assistance Programs was that the administration's budget proposal was totally inadequate for the Commonwealth's disadvantaged families. If the proposed 32-percent cut in the Low-Income Home Energy Assistance Program were to go into effect, Pennsylvania alone would lose $40 million in Federal funding, a devastating blow for those families who will need assistance with their energy bills. Other witnesses voiced strong disapproval of the proposed elimination of the Low-Income Weatherization Program, which has been instrumental in weatherizing homes.

Representatives of the coal industry testified in support of the President's proposal of an additional $400 million for the Clean Coal Technology Program, which will fund research and demonstration experiments that would facilitate the development of ways to burn coal more cleanly and more efficiently. Coal fired powerplants, they noted, provides 56 percent of the United States' electric generating capacity. These same witnesses urged Congress not to adopt the proposed budget reduction in research funding for the Bureau of Mines. They were especially concerned that funding for research regarding the treatment of acid rain damage not be reduced.

The administration's proposed budget also would eliminate the subsidized direct loans from the Rural Electric Administration and replace them with privately generated loans that would be 70 percent guaranteed by Rural Electric Administration. According to testimony given by the Pennsylvania Rural Electric Association, this change would render the program ineffective, and thus would adversely impact upon farmers and other rural families who are in need of REA assistance.

MASS TRANSIT

Mass transit officials underscored the fact that without Amtrak, enormous air and highway congestion would add to the Nation's already complex and difficult transportation problems, particularly in the congested Northeast corridor. Their analysis indicated that the administration's proposal would cost the Southeastern Pennsylvania Transit Authority an additional $24.9 million a year, which would result in more than 3,200 layoffs in Pennsylvania alone. These same officials indicated that, if the administration continues to advocate the elimination of Federal operating assistance, fares would have to be increased to a level beyond the means of many citizens who are dependent on mass transit. In combination with service reductions, ridership inevitably would be lost.

Transit officials also indicated that: First, the proposed elimination of the Section 3 Capital Discretionary Program would mean that Port Authority Transit could no longer undertake any major improvements; and second, the proposed repeal of the exemption for mass transit from the Federal motor fuels tax would increase port authority transit's operating expenses by nearly $1.5 million. In their view, the Federal Government, which has invested so much in public transportation, would be turning its back on mass transit if the proposed changes were approved.

VETERANS' AFFAIRS

Veterans expressed great concern regarding proposed reductions in medical care and medical treatment. As a member of the Senate Veterans' Affairs Committee, I am keenly aware of the need to uphold our commitment to provide services to those who gave so unselfishly in defending our country.

Mr. Elmer G. Smith, Jr., director of the Pennsylvania Governor's Veterans Outreach and Assistance Center in Erie, PA, indicated his belief that while the budget proposal allocated a $414 million increase in funds for the Veterans Administration Department of Medicare and Surgery, more than 95 percent of these funds have been slated for payroll increases. He further reflected that the $14 million balance of the increase in the budget allowance would be inadequate in keeping pace with the escalating costs of health care and would contribute to the reduction in quality health care eligible to veterans. In addition, there was considerable testimony during the hearings expressing dismay over the proposed $75 million cut in Veterans' Administration health care. Southwest Pennsylvania veterans, in particular, are acutely aware of the need for these funds, since they lack a Veterans' Administration domiciliary health care facility.

In sum, the budget hearings which I held throughout Pennsylvania provided me with extremely valuable and poignant advice on the anticipated effects of the administration's budget proposal. In my view, this budget is in desperate need of repair, as it does not reflect the need to achieve fairness and equity in distributing budget cuts.

Mr. President, I have attached a list of the witnesses who testified, as well as the locations of the hearings. I have also included a representative sampling of the extensive testimony which was given. I ask unanimous consent that it be included in the RECORD.

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

BUDGET HEARING WITNESS LIST MONDAY, JANUARY 19, 1987—PITTSTON, PA

Honorable John Ford, Mayor, City of Hazleton.

Honorable Thomas McLaughlin, Mayor, City of Wilkes-Barre.

Howard Grossman, Executive Director, Economic Development Council of Northeastern Pennsylvania.

Terry Singer, Dean, School of Social Work, Marywood College.

George Haskett, School of Social Work, Marywood College.

Harold Edwards, Director, Luzerne County Transit Authority.

Henry Chance, Director, Financial Aid, King's College.

Keith Eckel, President, Pennsylvania Farmers Association.

Written testimony presented by: Joseph Krella, Executive Director, Hospital Council of Northeastern Pennsylvania.

BUDGET HEARING WITNESS LIST MONDAY, JANUARY 19, 1987—HARRISBURG, PA

James Hoffer, Executive Director, Cumberland, Dauphin, Harrisburg Transit Authority.

James Redmond, Executive Vice President & Chief of Operations and Brian Tiboni, Executive Director, Office of Corporate Legislative Council, Hospital Association of Pennsylvania.

Edward T. Hoak, State Adjutant, Pennsylvania American Legion.

Jesse C. Tilton, III, President, and Joe Dudick, Director of Public Affairs, Pennsylvania Rural Electric Association.

Gorham L. Black, Jr., Former Secretary of the Department of Aging and Vice Chairman of the Pennsylvania Legislative Committee of the American Association of Retired Persons.

James Scahill, Vice President, Pennsylvania Coal Mining Association.

Written testimony presented by: Brenda Shambaugh, Legislative Director, Pennsylvania State Grange.

Kenneth K. Reecher, Executive Director, Pennsylvania Higher Education Assistance Agency.

James H. Olson, State Conservationist, U.S. Department of Agriculture Soil Conservation Service-Harrisburg.

Don Potter, Executive Director, National Guard Association of Pennsylvania.

BUDGET HEARING WITNESS LIST FRIDAY, JANUARY 19, 1987—ALLENTOWN, PA

Honorable Joseph S. Daddona, Mayor, City of Allentown.

Kurt M. Thiede, Director of Admissions, Muhlenberg College.

Bernadette McNulty, Student, Muhlenberg College.

John M. Ashcraft, Chairman, and Armando V. Greco, Lehigh & Northampton Transportation Authority.

Charles E. Vuksta, Secretary, Joint Veterans Council, Post Commander.

Ronald J. Heintzelman, President, Lehigh County Farmers Association.

Written testimony presented by: Terence B. Pike, Director of Administration, Lehigh County Office of Children & Youth Services.

Bonnie McDonald, Executive Director, Turning Point of Lehigh Valley, Inc.

Peter D. Johnston, Executive Director, Lehigh County Department of Human Services, Area Agency on Aging.

Donald P. Benner, Executive Vice President, Industrial Development Corporation of Lehigh County.

Fern Louise Mann, President, Allentown Education Association.

BUDGET HEARING WITNESS LIST SATURDAY, JANUARY 24, 1987—PHILADELPHIA, PA

Carlo R. Gambetta, Director of Finance, City of Philadelphia.

Nicholas De Benedicts, President, Chamber of Commerce of Greater Philadelphia.

Kenneth Staley, Vice President, Kinzy Staley & Son, Inc.

Pamela Davis, Vice President, and Doris Piasecki, Meridian Bank.

Robert T. Wooten, Assistant General Manager for Public Affairs and Management Services, Southeastern Pennsylvania Transit Authority.

Ross Capon, Executive Director, National Association of Railroad Passengers.

Lawrence T. Joyce, Treasurer, Keystone Association of Railroad Passengers.

Bob Sorrell, President, National Urban League of Philadelphia.

Karen Eisner Zucker, Coordinator, Emergency Fuel Group.

John Morris, Financial Aid Director, Temple University.

Thomas Rosica, Executive Director, Office of Categorical Programs, School District of Philadelphia.

John Boyle, President, Action Alliance of Senior Citizens of Greater Philadelphia.

Arthur L. Wilson, First District Vice President, National Association of Retired Federal Employees, Chapter 664.

Written testimony submitted by: Honorable Ronald D. Castille, District Attorney, City of Philadelphia.

Anthony J. Gigliotti, President, United Hospitals, Inc.

Roseanna M. D'Allessandro, Chair of the Government Realations Committee, United Way of Southeastern Pennsylvania.

Louis S. Rulli, Esquire, Acting Executive Director, Community Legal Services, Inc.

W. Graham Claytor, Jr., President and Chairman, National Railroad Passenger Corporation (Amtrak).

Janet Parrish, Executive Director, Utility Emergency Services Fund.

Anthony Lewis, Managing Director, Housing Association of Delaware Valley.

BUDGET HEARING WITNESS LIST FRIDAY, FEBRUARY 6, 1987—PITTSBURGH, PA

David Donahue, Administrative Assistant, Mayor Richard Caliguiri of Pittsburgh.

Joe Holmann, Director Allegheny County Development Department for Commissioner Thomas Foerster.

Honorable Peter Flaherty, Allegheny County Commissioner.

Honorable Barbara Hafer, Allegheny County Commissioner.

James Rodey, Chairman, Pittsburgh Port Authority Transit.

Sharon Stevick, Area Agency on Aging of Allegheny County.

John McCormick, Executive Director, Health Welfare Planning Association.

Ellen Frank, Associate Professor of Psychiatry at the University of Pittsburgh.

Starr Marshall, Vice President for Administration, National Urban League of Pittsburgh.

Sister MaryLouise Fennell, President, Carlow College.

J. Matthew Simon, President, Point Park College.

Richard Drnevich, Director, Redevelopment Authority of Allegheny County.

Jonathan Zimmer, Executive Director, ACTION-Housing.

Larry Swanson, President, Low-Income Housing Coalition.

Joseph Pulgini, Executive Director, Allegheny County Veterans Affairs.

Ronald Conley, Past President, American Legion of Allegheny County.

Vince Doran, Center Director, Pittsburgh Job Corps Center.

Written testimony was presented by: Betsy A. Porter, Director of Admissions and Student Aid, University of Pittsburgh.

Bernard Hoffman, Supervisor, Broad Top Township Supervisors.

Herman L. Reid, Jr., Ed.D., Executive Director, Negro Educational Emergency Drive (NEED).

Frank Irey, Jr., President Mon Valley Progress Council, Inc.

Frank Malinzak, Pennsylvania Association of Conservation District Directors, Inc.

Monsignor John C. McCarren, Secretary Diocesan Secretary for Human Services, Roman Catholic Diocese of Pittsburgh.

Betty Havryluk, Vice President, Public Affairs, The Hospital Council of Western Pennsylvania.

John A. Burkholder, M.D., Allegheny County Medical Society.

David Price, Chairman, Citizens Advisory Committee, Allegheny County Office of Assistance.

Wilfred Payne Executive Director, Alma Illery Medical Center.

Timothy Merlin, Administrative Director, Mon Yough/Westmoreland Drug and Alcohol Services.

Ralph Dickerson, Executive Vice President, United Way of Allegheny County.

John Golden, Jr., Executive Director, Pittsburgh Community Services, Inc.

Gertrude Patty, President, Western Pennsylvania Legislative Council of American Association of Retired Persons (AARP).

Charlottee Arnold, Executive Director, The Program for Female Offenders, Inc.

Honorable Scott L. Brown, Mayor of Greensburg.

E.W. Harkless, Borough Manager, City of Indiana.

John T. Bullock, Jr., Executive Director, Pittsburgh Opportunities Industrialization Center, Inc. (OIC).

Allen R. Smith, Executive Director, Family and Children's Services.

John Soboslay, Director of Government Liaison, Pittsburgh Public Schools.

Michael Flaherty, Executive Director, St. Francis General Hospital Chemical Dependency Program.

Luther Sheets, Associate Director, Public Affairs, Family Health Council of Western Pennsylvania.

Juanita McCarter, President, Seniors in Action.

Ruben Scott, Chairperson, Allegheny Council of Senior Citizens.

Richard P. Drnevich, President, Penn West Association of Community and Redevelopment Agencies.

James C. Rodey, Board Chairman, Allegheny County Port Authority.

Starr D. Marshall, Vice President for Administration, Urban League of Pittsburgh, Inc.

BUDGET HEARING WITNESS LIST MONDAY, MARCH 23, 1987—ERIE, PA

Honorable Louis J. Tullio, Mayor, City of Erie.

William Garvey, President, Mercyhurst College.

Robert Ploehn, Executive Director, Erie County Industrial Development Corporation.

Elmer Smith, Jr., Executive Director, Pennsylvania Veterans Outreach and Assistance Center.

Robert Morrow, Director and Manager, Brevillier Village Retirement Center.

Written testimony submitted by: David Sundean, Assistant Executive Director/Director of Special Education, Northwest Tri-County Intermediate Unit.

Maureen Barber, Executive Director, Gertrude Barber, President/Founder, Dr. Gertrude A. Barber Center.

James Mack, Director, Erie County Day Care Center.

John Petulla, Executive Director, Erie County Department of Human Services, Office of Children and Youth.

TRIBUTE TO THE LATE GEN. MAXWELL TAYLOR

Mr. THURMOND. Mr. President, I rise today to pay tribute to Gen. Maxwell D. Taylor, former Chairman of the Joint Chiefs of Staff and Chief of Staff of the Army, who died last Sunday after a long fight with Lou Gehrig's disease. To his family, especially his wife, Lydia, I extend my deepest sympathy at his passing.

General Taylor was a distinguished military officer and strategist, but a man who nonetheless viewed himself as a simple soldier, devoted above all else to his country and his fellow citizens. His death is a great personal loss for those who knew and admired him—either personally or by reputation. I count myself among those who were fortunate enough to know Max Taylor and the courage, conviction, vision, and brilliance that typified his life and military career.

A distinguished author, General Taylor helped shape the defense posture of this Nation. He was an articulate advocate for the so-called flexible response—a defensive strategy which argued for a buildup of conventional forces, not a reliance on the use of nuclear weapons for all military challenges. His valuable insights into the military allowed him to serve two Presidents in very senior positions and later as U.S. Ambassador to Saigon. Earlier in his career, he became a much-decorated veteran of World War II. He helped win victory at the famous Battle of the Bulge, an engagement in which I fought as part of the 1st U.S. Army. With his able and courageous deputy—General Anthony McAuliffe—General Taylor and the 101st Airborne Division fought back seemingly insurmountable odds and secured America's victory in that historical fight.

General Taylor's distinguished military career spans many decades, and he retired from active duty as one of the most decorated officers in the service of this Nation. We owe him a great debt of gratitude for his unselfish devotion and service to America and, in turn, to each of us.

Mr. President, I ask unanimous consent that a newspaper article detailing General Taylor's life and career be included in the RECORD at the conclusion of my remarks. However, it only seems fitting that I close this tribute with some paraphrased remarks written more than a century ago by the poet Sir Walter Scott, who eulogized a fallen soldier. They carry a simple message of a brave soldier—one I think applies most aptly to Gen. Maxwell Taylor:

"Soldier, rest! thy warfare o'er,
Sleep the sleep that knows not breaking,
Dream of battled fields no more,
Days of danger, nights of waking.
Stood for his Country's glory fast,
And nail'd her colors to the mast,
But search the land of living men,
Where wilt thou find (his) like again."

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

[From the Washington Post, Apr. 21, 1987]

GEN. MAXWELL TAYLOR DIES HERE AT AGE 85

Gen. Maxwell D. Taylor, 85, a paratroop hero in World War II and a principal adviser to two administrations during the massive American buildup in Vietnam, died Sunday at Walter Reed Army Medical Center. He has been hospitalized since January with amyotrophic lateral sclerosis, which is also known as Lou Gehrig's disease.

Taylor capped a brilliant military career by serving as chief of staff of the Army from 1955 to 1959, when he retired. In that year he published "The Uncertain Trumpet," a forthright criticism of the U.S. policy of relying on the nuclear threat to deter communism. Instead, he argued, the country should build up conventional forces so that it could launch a "flexible response" to military challenges.

This idea appealed to President Kennedy, who in 1961 brought Taylor back into government as his military representative. From 1962 to 1964, he was chairman of the Joint Chiefs of Staff and from 1964 to 1965 he served President Johnson as U.S. ambassador in Saigon. For the next four years, Taylor was a consultant to the President and a member and chairman of the Foreign Intelligence Advisory Board. Taylor thus took part in the line of decisions that began in the Kennedy administration and led to the massive U.S. intervention in Vietnman with conventional forces in 1965 and subsequent years. He believed that the Vietcong and North Vietnamese could be stopped if sufficient American troops were sent. Although he expressed reservations when the buildup began, he continued to support an aggressive policy until 1968, when Johnson himself decided that the war could not be won and that the United States must disengage.

It was another six years—and many thousands of casualties—before the U.S. presence in Vietnam ended. Helicopters plucked the last to leave from the roof of the embassy in Saigon as refugees battered at the gates and communist forces took over the city.

Taylor's assessment of the American effort is quoted by Stan Karnow in his book, "Vietnam, a History":

First, we didn't know ourselves. We thought we were going into another Korean war, but this was a different country. Secondly, we didn't know our South Vietnamese allies. We never understood them, and that was another surprise. And we knew even less about North Vietnam." Who was Ho Chi Minh? Nobody really knew. So, until we know the enemy and know our allies and know ourselves, we'd better keep out of this dirty kind of business. It's very dangerous."

The Army yesterday ordered flags flown at half staff at all its installations until after Taylor is buried Thursday at Arlington National Cemetery.

Defense Secretary Caspar W. Weinberger issued a statement that the general would be remembered as "one of the great military men in American history" and that he "epitomized what it means to be a soldier, a diplomat and a scholar."

Sen. Edward M. Kennedy (D-Mass.) said, "America has lost one of the greatest soldier-statesmen in its history, and the Kennedy family has lost one of its closest and dearest friends. Taylor was that rare and gifted leader in the nuclear age who also understood the importance of nuclear arms control. As chairman of the Joint Chiefs of Staff, his support made the Nuclear Test Ban Treaty of 1963 possible. . . ."

The second phase of Taylor's career—the Vietnam years—was fashioned in a time of national agony. The first part of his life was simpler although it was just as dangerous. Slender, handsome and athletic, the general was the very picture of a soldier. From the time he graduated No. 4 in the class of 1922 at the Military Academy at West Point, N.Y., until he retired as chief of staff in 1959, he gave his best to the Army and he often was seen as the best that the service had to offer.

Maxwell Davenport Taylor was born on Aug. 26, 1901, in Keytesville, Mo. He attended Kansas City Junior College before receiving an appointment as a cadet at West Point. Like other top graduates, he went into the Corps of Engineers when he left the academy, but he transferred to the field artillery in 1926.

Then as now, the Army offered more than ordinary soldiering for those capable of taking advantage of it. In the late 1920s, Taylor went to France to study French and then to West Point as a language instructor. In the 1930s, with Japan and China at war, he was sent to Tokyo to study Japanese and the Japanese army and to Peking as an assistant military attache. He also graduated from the artillery school, the Army War College and the Command and General Staff School.

When this country entered World War II, Taylor had a staff position in Washington. But in 1942 he was ordered to help form the 82nd Air Borne Division, the first of its kind in the Army. He commanded the division's artillery in Sicily and Italy and then, in September 1943, he undertook a spectacular secret mission to Rome.

The Italian capital was under German occupation at that time. Taylor's orders were to contact Italian leaders who had surrendered the country to the Allies and to assess the chances of airborne troops parachuting onto the airfields around Rome. British and Italian ships landed him behind the enemy lines. He found that the German presence in the Eternal City was far heavier than expected and this led to the airborne operation being canceled.

In his memoir, "Crusade in Europe," Gen. Dwight D. Eisenhower, the supreme allied commander in Europe, wrote that the risks Taylor ran "were greater than I asked any other agent or emissary to undertake during the war—he carried weighty responsibilities and discharged them with unerring judgment, and every minute was in imminent danger of discovery and death."

After brief service on the Allied Control Commission for Italy, Taylor was ordered to England to take command of the 101st Airborne Division. He led it in parachuting into Normandy on D-Day, June 6, 1944. He also led it in the "Market Garden" operation, the unsuccessful British-led effort to take the Rhine at Arnhem in Holland.

In December 1944, the 101st was heavily engaged in the Battle of the Bulge. Taylor was in the United States at the time. While he was absent, his second-in-command, Gen.

Anthony C. McAuliffe, was asked by the Germans to surrender his strong point at Bastogne and he made this famous reply: "Nuts!" Taylor returned while the battle was still raging and led the division for the rest of the war.

There followed a tour as superintendent of West Point, one of the most prized assignments in the Army. In 1949, he was named deputy chief of staff of U.S. forces in Europe. This was followed by command of the U.S. military government in Berlin. This was the bitter period of the Soviet blockade of land access to the former German capital and the Allied effort to supply the city by air.

In 1951, Taylor was named deputy chief of staff of the Army. In 1953, he returned to war as commanding general of the Eighth Army in Korea. He held that post through the signing of the armistice in July 1953. He later commanded all U.S. forces in the Far East and then all United Nations forces in the area. His next job was as chief of staff of the Army.

Taylor's military decorations include the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, The Distinguished Service Medal with Oak Leaf Cluster, the Bronze Star and the Purple Heart as well as numerous foreign honors.

In retirement, Taylor lived in Washington. He wrote frequently on public affairs, and his articles often appeared in The Washington Post. In addition to "The Uncertain Trumpet," his books include "Responsibility and Response" (1967) and "Swords and Plowshares" (1972).

Surviviors include his wife, the former Lydia Gardner Happer, whom he married in 1925, of Washington; two sons, John Maxwell Taylor of McLean and Thomas Happer Taylor of Berkeley, Calif., and three grandchildren.

SOVIET ARMS NEGOTIATIONS

Mr. HOLLINGS. Mr. President, the recent arms negotiations in Moscow have been touted as the breakthrough—the first real step—in breaking the impasse on reaching a significant arms control treaty. The President's advisers are using it to show he's definitely in charge and committed to reducing nuclear arms. While all of us support a significant reduction in nuclear weapons, I would suggest that a rush toward an arms settlement for the sake of achieving an agreement in the next 18 months is not either in our best interest or that of our allies.

We must remember that the strength of our deterrence lies in combined nuclear/conventional forces. Any reduction on one side must be compensated by a buildup of the other. In this case, such a buildup of our conventional forces to effectively counterbalance present Soviet conventional advantages would require massive levels of funding and large increases in manpower. I seriously question whether we are prepared to meet such needs. Other obstacles that must be confronted and solutions achieved include: first, the numerous Soviet violations of existing treaties; second, the need that any treaty require mutual actions and be verifiable; and third, the maintenance of the strongest U.S. technological base possible. It should be remembered that the main thrust of the Soviet Union in essentially every recent arms treaty has been to stop or slow down American technology. Equally important to Soviet's objectives have been their successful attempts to preclude any limitations on their technology.

An April 27, 1987 Newsweek article by George Will aptly describes the pitfalls that face President Reagan in his zeal to make a deal. Reducing arms and maintaining a reliable deterrent capability and mix of nuclear and conventional forces cannot be accomplished overnight—especially when dealing with the Russians. Mr. Will's article is right on target and I ask unanimous consent that it be printed in the RECORD.

The article follows:

[From Newsweek, Apr. 27, 1987]

THE OPIATE OF ARMS CONTROL

(By George F. Will)

The prudent person's answer to Gorbachev's question—"What are you afraid of?"—is: "You—and perhaps Ronald Reagan." The president who pledged to close the "window of vulnerability" may be opening a barn door of danger and encouraging attitudes that will impede compensating defense efforts.

People are conservative about what they understand: they have the caution that comes from appreciation of complexity, and anxiety about abrupt departures from settled arrangements. The current danger has become acute because of the radicalism at Reykjavik, where Reagan suddenly endorsed dismantling the strategic arrangements that have kept the peace during four decades of technological evolution. For years we have relied on the strategic "triad" of land-, air- and sea-based nuclear forces. The triad was endorsed by the Scowcroft commission, which Reagan endorsed. Yet with the idea of eliminating ballistic missiles, Reagan approved sawing off two legs (land and sea) of the triad. The administration has shelved the idea of eliminating ballistic missiles, but the idea is alive and well in the European theater and cannot easily be confined there.

Elimination of ballistic missiles would place all our strategic eggs in one unreliable basket. All would be carried by air-breathing systems—bombers and cruise missiles. Bombers with their expensive crews and fuel bills are costly components of deterrence. We would need lots of them, and expensive defensive hardware. Soviet defenses against air-breathing systems include hundreds of radars, thousands of interceptor aircraft, tens of thousands of surface-to-air missiles. U.S. defenses are virtually nonexistent. And Congress would not embark on a crash program of costly rectification of defense deficiencies at a time when cuts in nuclear weapons were being hailed as yet another end of the cold war.

Reagan seems to accept the core of the catechism of the antinuclear left, the notion that the threat to peace is technological, not political—the notion that the threat is the existence of nuclear weapons, not the nature of the Soviet regime. Reagan seems to believe that peace necessarily becomes more secure as the number of nuclear weapons declines. But that is false. The lower the levels in any arms-control agreement, the larger the leverage gained from cheating, and cheating is a Soviet constant. (The difference between the number of SS-20s the Soviets say they have deployed and the number they have produced suggests serveral hundred may be hidden.) However, even assuming Soviet compliance with an agreement, withdrawal of the Pershing II's in exchange for the SS-20s would be unwise. It took three years of delicate dealings to produce the allies' decisons to deploy Pershings. The Soviets could redeploy SS-20s in Europe in a few weeks. The Soviets act on national decisions; we react on alliance decisions. Besides, SS-20s deployed east of the Urals could strike London.

The grave danger is not the Pershings-for-SS-20s deal. It is the subliminal message that this is just a first step and that a "nuclear-free world" is possible and desirable. Reagan should stipulate: NATO is committed to integrated nuclear and conventional forces. Gorbachev, with his eye on NATO's more than 4,000 nuclear bombs, artillery shells and short-range missiles, has raised the ante by asking, Why not a denuclearized Europe? That would leave the United States with no "graduated response" to Soviet aggression. Confronting the overwhelming Soviet advantage in conventional and chemical forces, the U.S. choice in a crisis would be to surrender Europe or use strategic weapons. Europeans would reasonably doubt America's readiness to sacrifice Chicago to protect, or avenge Hamburg. We are sleepwalking back to the 1950's when U.S. troops in Europe were a "tripwire" to trigger massive retaliation by U.S. strategic forces. But in the 1950s we had overwhelming strategic superiority. Today we are strategically inferior.

THE SOVIET ADVANTAGE

John Keegan, defense correspondent for The Daily Telegraph of London, notes that in tanks, the best index of raw offensive potential, the Soviets have a three-to-one advantage, "concentrated in a cutting wedge opposite the most tankable terrain in the central region." George Shultz, thinking like an economist, which alas he is, says NATO nations can afford to match Warsaw Pact conventional forces. Yes, but will they? Two generations ago they decided to rely on techological superiority (now gone) rather than civic virtue (now atrophied) for safety. They are not suddenly going to make substantial sacrifices of liberty (heavy conscription) and property (heavy taxation) for conventional forces. So the alternative to nuclear weapons in Eurpoe, which provided cheap deterrence, will be European insecurity, and Finlandization.

The West needs reductions to equal levels not only of intermediate and short-range missiles, but also of conventional forces. In those forces, the Soviet advantage is not only numerical but geographical. However, the time required for reaching agreements grows exponentially as the number of matters being negotiated grows arithmetically. And the West leads the Soviet Union in impatience. Eugene Rostow notes that "A nearly mystical faith in arms control has become the opiate of Western opinion," especially American opinion. From the 1783 proposal to demilitarize the Great Lakes, to the Baruch plan for giving an international agency control of all nuclear energy, and beyond, U.S. policy has been driven by faith in law as the tamer of the world. Henry Kis-

singer notes an asymmetric result: "No new Soviet weapons program has ever been challenged or stopped by Western efforts. But from the neutron weapon to medium-range missiles in Europe to SDI, the Soviet Union has sought to stop—and has succeeded in slowing down—new Western technology by the simple device of declaring it an 'obstacle' to the 'arms-control process'."

What happened in the United States first as farce may be recurring as tragedy. Despising Eisenhower was the liberals' hobby—until the final hours of his presidency, when he warned against "the military-industrial complex." Reagan, too, may leave office basking in the approval of former despisers. If so, his successors will have to cope with his handiwork, which will include the advancement of two central Soviet goals—the denuclearization of Europe and the stigmatization of nuclear weapons.

HOMELESSNESS ON THE RESERVATION

Mr. DASCHLE. Mr. President, on Thursday, April 9, just before the recess, the Senate passed, without objection, an amendment I offered to the Urgent Relief for the Homeless Act. I would like to take this opportunity to explain my amendment more fully for the record.

The amendment is simple but important. It requires that 1½ percent of the funds authorized under titles III, IV, V, and VII of the homeless bill—funds for emergency shelter, housing, health, and job training programs—be allocated to Indian tribes.

The amendment is necessary because of the bill's language directing the agencies allocating funds under this act to distribute the funds through State and local governments. The trust relationship between the Federal Government and Indian tribes is a very complicated one. While no one intends to exclude Indians from Federal programs such as this one, that has been an inadvertent result of the funding processes of many other programs. This amendment will ensure that homeless people who happen to live on Indian reservations will have access to the same assistance offered other homeless Americans.

The Urgent Relief for the Homeless Act authorizes approximately $410 million through titles III, IV, V, and VII. The 1½-percent set-aside passed by the Senate will make available to Indian tribes approximately $1.05 million for emergency shelter programs, $3.375 million for housing assistance, $1,575 million for health programs, and $150,000 for job training programs. While this money will not eliminate homelessness among native Americans, it will enable tribal governments to strengthen their existing programs to addess this growing problem.

Mr. President, if anyone has any doubt about the need to provide assistance to homeless Indians, I would invite them to join me on one of my trips to South Dakota. There are over 300 homeless people on 8 Indian reservations in South Dakota alone. While this may not seem like a huge number, it is highly significant in a State as small as mine. Moreover, these people do not have the opportunity to move to an urban center as many other homeless people do. They are restricted to the stark conditions on the reservation, and they take shelter in abandoned cars, under trailer home heating ducts, and in the streets.

It is also important to note that the root causes of homelessness—unemployment, a lack of physical and mental health services, poor access to social services, and inadequate housing—are as prevalent on the reservation as anywhere else in the country. If we are to attack these underlying problems, it is necessary to acknowledge tribes as legitimate providers of services to the homeless. With this amendment, we have done that, and we have ensured that homeless people on reservations will be entitled to benefits under the homeless bill.

In closing, I want to thank everyone who supported this amendment. I appreciate the assistance offered by the majority leader, Senators CRANSTON, GLENN, PROXMIRE, and KENNEDY as well as their respective staffs. Finally, Mr. President, this amendment would not have been possible without the special efforts of Senators INOUYE and EVANS and the staffs of the Senate Select Committee on Indian Affairs and the House Committee on the Interior.

RECESS UNTIL 11 A.M.

Mr. BYRD. Mr. President, matters at the moment are not such that we can proceed at this particular time to the consideration of legislation, and so I think it best that the Senate stand in recess for a little while until we can work out something. I ask unanimous consent that the Senate stand in recess until 11 a.m. today.

There being no objection, the Senate, at 10:21 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FOWLER).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S. 742

Mr. BYRD. Mr. President, I have discussed the following unanimous-consent request with the distinguished Republican leader, who is on the floor, and I am ready to proceed to propound the request.

I ask unanimous consent that when the Senate considers S. 742, a bill relating to the FCC's fairness doctrine, there be a time limitation of 4 hours for debate on the bill to be equally divided between the chairman of the committee, Mr. HOLLINGS, and Mr. DANFORTH, or their designees; that no amendment to the bill be in order, no motions to recommit the bill with or without instructions be in order, and that there be no time for debate on the motion to reconsider.

Mr. President, I also ask unanimous consent that out of the 2 hours under the control of Mr. DANFORTH, 1 hour be under the control of Mr. PACKWOOD.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader. I hope that shortly we will be able to proceed to the consideration of this measure. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, let me indicate to the distinguished majority leader, we are going to try to accommodate all Senators because if it starts piling up around here, then we will be wondering why we are not out on Friday evening sometime.

Mr. BYRD. I thank the leader.

Mr. DOLE. It is my hope that we may be able to move to this bill after the policy luncheons, and I will be visiting with both Senators PACKWOOD and STEVENS. There is another complication just arisen that I think would help us get to it this afternoon.

Mr. BYRD. Yes.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order until 12 o'clock noon and that they may introduce bills and resolutions as in morning business.

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

FAIRNESS IN BROADCASTING ACT

Mr. BYRD. Mr. President, with the concurrence of the distinguished Republican leader, I ask unanimous consent that at 2 o'clock p.m. today, the Senate proceed to the consideration of S. 742, a bill relating to the Federal Communication Commission's fairness doctrine.

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

Mr. BYRD. I thank the Republican leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

FAIRNESS IN BROADCASTING ACT

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed to the consideration of S. 742, which the clerk will report.

The assistant legislative clerk read as follows:

A bill, S. 742, to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that insure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Missouri, our ranking member, Senator DANFORTH, will be in momentarily. In drawing up this bill, in just a few words, what we really have is a codification of a doctrine found necessary and worthy over the many years since we brought in the Communciations Act. Specifically to the point, it requires that we have rebuttal time to broadcast editorials, that we have quasi-equal time for supporters of candidates and reply time for attacks on persons' honesty and integrity.

It has given balance to the broadcast media on the premise that, of course, the broadcast media, the airwaves themselves, belong to the American public. The opposition has always taken the position that, "Look, we put our money into this, we developed it, and it belongs to us. We are like newspapers." The truth of the matter is they are not like newspapers. You can go in and organize a newspaper any time you want to, if you have the money. You can have all the money in the world. And the State of Delaware, the very first State in our Union, has yet to get a broadcast license because of the scarcity or lack of availability for broadcast licensing. Anyone can only look to their own hometown and see, yes, that while we have increased the number of radio stations, the number of TV stations is still limited.

So to allow other than the station owner to be heard in this public media, we have more or less postured the broadcaster himself in the role of a trustee somewhat like you and I as Senators here on the floor. We have the office of the U.S. Senator for a trust of some 6 years. They have it for a trust of some 5 years. But it is a trust. I do not own this office. Of course, the broadcaster does not own the station. And the fairness doctrine is more or less established and has been accepted throughout the land. In fact, it has had a tremendously good influence on editorials of newspapers, the journalists themselves, because they have gone to op-ed pages to give balanced views now to their particular editorial comment.

It has been found worthy and not burdensome. In the initial days it was thought, heavens, we cannot talk because if we talk we then have to give up time to another to counter those particular views. But the experience, of course, has been otherwise. We have "60 minutes," Ted Koppel, and we can name program after program as controversial as you can possibly imagine, that have come to the fore. The responsible stations over the land, rather than getting lockjaw, have been expressing their opinions and offering equal time. It has all been to the public good.

A recent decision in our circuit court of appeals indicated that the fairness doctrine had not been codified. We thought back in 1959 it had been codified, treated it as such and they said no, the Congress had ratified but not codified the fairness doctrine itself.

Along came our distinguished chairman of the Federal Communications Commission, who has just retired now, Mr. Mark Fowler, who definitely had the view that what we should do is abolish the fairness doctrine in the pellmell race for deregulation.

We had it in the airline industry. I hope you have not had my experience because it has upped my cost, lowered my service, and wrecked my daily habits in that I spend more time in Charlotte, NC, than I do in South Carlina, waiting on a connection and paying for it through the nose so the long-term hauler down to Miami, FL, let us say from Washington, will get there an hour-and-a-half earlier while I am paying for his flight.

What happened in airline deregulation is 75 to 80 percent of the medium- and small-sized airports in the towns and communities in America have come to subsidize the long haul to Las Vegas.

I do not think that was in the public interest, and I think the public is beginning to feel that more keenly. But be that as it may, like pellmell, like the sheepdog that tasted blood, now they want to go ahead and deregulate everything. This particular doctrine has been established over the years. We want to try to shortstop any kind of administrative ruling that would do away with what we thought at all times had been codified.

Mr. President, never, to my knowledge, has any member of this body ever qustioned whether the fairness doctrine is an explicit requirement of the Communications Act. We have always known that it is. Why? Because Congress itself placed the fairness doctrine in section 315(a) of the act back in 1959. Ask Senator PROXMIRE. He played the crucial role in codifying the fairness doctrine.

Now, we are faced with a ruling by Judge Bork of the U.S. Court of Appeals in the TRAC case that says just the opposite is true—that we never codified the fairness doctrine in 1959, that it is only part of the general public interest standard, and that the FCC can repeal it without our approval.

This decision is just plan wrong. It is distorted. It is illogical.

But, I would not be so concerned if I believed the current FCC could deal fairly and properly with this matter. I have no doubt it will not. Over the past 6 years, the FCC Commissioners have demonstrated unequivocally that they are neither reasonable nor enlightened on the issue of the fairness doctrine. Rather, the Chairman and his fellow Commissioners approach this issue with closed minds and misguided views. They have only one goal: Repeal the fairness doctrine and do not let the facts stand in the way.

Let me elaborate further on this FCC's actions regarding the fairness doctrine, and you will see why we have a problem.

First, this FCC began its tenure by promptly voting to find the fairness doctrine unconstitutional and recommending that Congress repeal it. It was only after this vote that the FCC decided it better open an inquiry to gather the facts about this issue. Shoot first, and ask questions later.

Second, the FCC concluded its inquiry by finding—not surprisingly—the fairness doctrine to be unconstitutional, but it also found that since the fairness doctrine is an explicit part of the Communications Act, it was up to Congress to make the final decision. The Commission then, however, turned right around and said it really did not mean for Congress to be the arbiter of this issue. The Commission used its discretion to make the inquiry a final agency decision subject to court review. Thus, the courts—not Congress—would be the arbiter of this issue.

Third, while the FCC decided it should do a fairness doctrine inquiry, it did not have the intellectual honesty to do it correctly. It never examined whether there were alternative ways

of administering and enforcing the fairness doctrine so as to lessen any concerns. It took an act of Congress to achieve this, and the FCC has until the end of this fiscal year to complete this study.

Fourth, despite an act of Congress, the FCC took its time—more than 3 months after the legislation was signed into law—before it initiated this study into the alternatives. At the same time, the FCC took only 6 days after the recent appeals court decision in Meredith to begin an inquiry into whether the FCC should find the fairness doctrine not in the public interest or unconstitutional. The FCC acted despite the clear intent of Congress that the Commission take no action regarding the fairness doctrine until it completes the study mandated by law.

Fifth, the FCC was under no mandate of the court to begin its inquiry in such a short time. The Meredith decision had yet to become effective. In fact, this decision did not become effective until just a couple of weeks ago.

The Commission's relentless and misguided vendetta against the fairness doctrine is truly astounding. Under this regime, statutory language and congressional intent are not taken seriously. We have reached the point where we all know what the Chairman and the Commissioners will do with fairness doctrine—repeal it. That is why S. 742 is now before this body. This legislation, which passed the Commerce Committee by a 14 to 4 vote, would preserve the fairness doctrine by making it an explicit requirement in the Communications Act.

Over the past 6 years, I have heard time and again the arguments of those who seek repeal of the fairness doctrine: The spectrum is longer scarce; the broadcast marketplace is competitive; the fairness doctrine chills speech. The facts, however, belie these claims.

The Government's oversight of the broadcast industry and the establishment of the fairness doctrine rests on four fundamental conclusions:

First, a valuable public resource, the electromagnetic spectrum, remains scarce relative to demand; broadcast channels are limited, despite the introduction of new video and audio services;

Second, Congress in the communications Act has chosen a system where a select few are licensed to utilize the broadcast spectrum in exchange for a commitment to operate in the pubic interest as public trustees;

Third, the doctrine has permitted those who do not own broadcast stations to have an opportunity to participate in important public debate and has provided the public with a greater range of views upon which to make informed decisions; and

Fourth, the doctrine is no more than good journalistic practice that does not chill the speech of broadcasters.

The American system of broadcasting is unique. In the 1920's and 1930's for radio and in the 1940's and 1950's for television, the FCC, with the approval of Congress, developed a system of broadcasting that depended generally on a limited number of full power stations. Congress could just as easily have mandated alternative uses of the broadcast spectrum to produce a greater number of broadcast stations, akin, for example, to cellular radio, although at far less power. Congress could have also decided that this spectrum could be used for a video programming service provided by common carriers under tariff. Under such a scheme, the licensee would have had no control over content. It is also possible that Congress could have required sharing of these frequencies, as is often done in the private radio field. Finally, Congress could have severely restricted or prohibited renewal of licenses or the ownership of licenses. In each of these theoretical examples, there would have been the opportunities for a far greater number of people to broadcast, albeit with the likelihood of a much smaller audience. Instead, it was concluded that the public interest would be best served by fewer stations with greater power each under the control of a single owner. While the opportunity for members of the public to air their views was thereby limited, broadcasters were required by statute to act as trustees for all the public in exchange for the valuable privilege conferred gratis by the grant of a broadcast license.

As part of this obligation to serve the public, broadcasters must adhere to the fairness doctrine. The doctrine serves as a surrogate for other methods of licensing that would have permitted more people to own stations. In effect, it permits nonowners to become temporary licensees and the public to receive additional views. By codifying the fairness doctrine, the committee intends to preserve this original allocation of rights and responsibilities.

It is indisputable that the Government needs to control the electromagnetic spectrum. In the early days of broadcasting when there was no such control, people established stations with little or no regard to their effect on other operators. The result was chaos. It was clear that Government oversight was essential to prevent interference and permit the operators and the public to have a clear signal.

The Government's oversight of the spectrum not only extends to preventing interference within a service but to allocating spectrum to prevent interference among services. In making these spectrum judgments, the Government faces an extraordinarily difficult task. The prime spectrum was the first occupied and is now the most crowded. There are virtually no open bands in the first 1000 MHz of the spectrum, even though many users still want access.

In parcelling out this prime territory, the Government's aim has been to ensure that each service was in the best interests of the public. Broadcasting, telephones, safety and rescue services, and business uses have taken precedence. In each instance, the Government has established rules for the use of the spectrum concommitant with the type of service offered: Public trustee rules for broadcasters; obligations to service all at tariffed rates for common carriers. Where the Government permitted the spectrum to be licensed to many people and where each license served only a limited number of people, the Government generally eased its requirements that a licensee serve as a fiduciary for the public at large.

To have a better grasp of this oversight of the spectrum, one should look at the example raised at the March 18 hearing by Senator PACKWOOD. The Senator asked whether the fairness doctrine should be applied to a newspaper transmitted for publishing via satellite, since the transmission involves use of the spectrum. While this transmission involves spectrum, it is spectrum operated by a common carrier that must permit anyone to have access to it at tariffed rates. The sending of the newspaper is comparable to any telephone conversation, where there are few restrictions on the speaker's message and where the licensee has no control of the message's content. It should also be noted that the newspaper being transmitted goes from one point to about 10 specifically designated locations; it is not sent unfettered to the general public. This transmission, in addition, takes little time, freeing the same spectrum for many other users.

There are two other considerations that need to be accounted for in adopting regulations for the use of spectrum in the public interest. First, the regulation must be effective. It should accomplish the purpose for which it was designed. If not, it should be amended or be replaced. Second, the regulation should be narrowly tailored so as to impose the minimal burden on the licensee. While this poses problems in a nationwide scheme of spectrum regulation, the Government still has a duty to fashion its regulations in conformity with this objective.

The underpinnings for Government control of the spectrum are firm. Its rulings have been upheld time and time again by the courts. They have proven to be of great use to the public. Let me now turn to the rationale for

the fairness doctrine and demonstrate why its remains sound.

SPECTRUM SCARCITY

While we have seen greater use of the spectrum, we have also seen tremendously greater demand. Experience has shown that the hardest fought battles at the FCC are about spectrum. The result is that scarcity continues. One FCC official put it best when he said about the spectrum,

They (users seeking spectrum) don't want a lot. The problem is, there isn't a lot left.

The FCC, in fact, has used the scarcity rationale to justify recent actions. For example, in the 1984 FM subcarrier proceeding, the FCC stated:

* * * the mandate of Section 301 that we provide for the use of channels authorizes the Commission to allocate the Nation's scarce spectrum resources. In attempting to satisfy that mandate, the public's need for new or additional services must be balanced against the limited spectrum available.

The broadcast community also acknowledges this fact. In a recent speech, the president of the National Associations of Broadcasters prominently noted that the spectrum remains scarce.

The fact of the matter is that you just cannot walk in to the FCC and obtain a license to operate a television or radio station in a major market. There are very few available. In the top 50 markets, there are only about 10 full power, albeit UHF, commercial television channels available. All toll, there are 136 commercial television channels vacant. A similar situation exists for radio.

Not only must the gross number of stations be viewed in context of the demand, it also must be viewed in the context of the actual market served. It is, for example, misleading to state that a market has competition because there are a large number of radio stations. The reality of the radio market is that people rarely turn the dial. Over a short period—the time an issue may be important—people listen to, on average, less than 3 radio stations. In addition, almost all people in a market listen to their few stations on most days. In sum, it is clear that there are well-defined submarkets for radio with loyal, intense, and significant audiences. In light of this fact, comments about gross numbers somehow being equated with competition have little meaning.

The FCC and opponents of the fairness doctrine also cite new methods of transmitting information—"new technologies"—as another factor that undercuts the scarcity rationale. We reject those arguments for several reasons. First, scarcity is not a matter of the absolute number of broadcast outlets or new forms of electronic media; as long as more people seek licenses to use the spectrum than can be accomdated there is scarcity. Second, as noted above, the arguments ignore the fact that broadcasters are statutorily obligated to serve as public trustees, granted the use of a valuable resource, and, in return, can and should be subject to modest requirements to assure that thesir trust is exercised in the public interest. Third, we disagree that scarcity is a thing of the past, even in absolute terms. Of these new technologies, cited by the FCC, only cable television has even begun to reach a significant number of households, and a great deal of what cable offers and what its audience watches is retransmitted conventional television stations.

The opponents of the fairness doctrine regularly argue that it is newspapers that are truly scarce, not broadcast stations. They base this on the fact that the number of daily newspapers in this country has decreased significantly over the past 30 years, that few cities have more than one daily newpaper, and that it is very difficult to start a new daily newspaper. While comparisons between the broadcast media and daily newspapers may seem relevant to the question of the appropriate scope of Government control over broadcast licensees, in fact, they have little validity.

Comparisons of broadcasting outlets and daily newspapers completely ignores the Government's essential and long-established role in allocating and licensing spectrum, including the broadcast frequencies. As was discussed above, the American system of broadcasting is an artificial construct resulting from this Government control. There did not have to be such a system; in fact, nothing required the creation of broadcasting at all. Video programming could have traveled into our homes by wire, as with cable television. Competition for this spectrum has been fierce. Many spectrum users and potential users would want these broadcast frequencies and use them extensively. As a tradeoff for the unique system of broadcasting our Government created, licensees have certain obligations. So long as potential licensees have no alternative media to use, these obligations need to remain in effect.

In contrast, there are no similar, Government created limitations to entry into the newspaper field. No Government license is required. While the current economics of the daily newspaper market are such that it is difficult today for more than one daily to exist in each market, anyone can freely enter. That is what the Washington Times did. By comparison, entry into broadcasting is limited by a physical scarcity of spectrum that is allocated solely by the Government. In the same market in which the Washington Times was able to begin publishing only a few years ago, for instance, there are no open broadcast frequencies.

To demonstrate further that there are few, if any, alternatives to holding a broadcast license, one should examine the committee's 1985 hearings on the Clean Campaign Act, legislation concerning the use of broadcasting during election campaigns. Throughout these hearings, the committee heard testimony that broadcast media and other media were not comparable, that election campaigns were largely run with broadcast advertisements, and that this was where between 50 percent and 90 percent of a candidate's funding was spent. The most telling statement about this fact was made by Curtis Gans, vice president, and executive director of the Committee for the Study of the American Electorate, who said:

* * * television is not simply another means of communication. It is to conventional means of communication what nuclear weaponry is to conventional weaponry.

While this evidence may be seen as support for broadcasting's importance or effectiveness, that is not why it is mentioned and supportive of the committee's finding. Rather, it establishes a rationale for the tremendous demand to hold broadcast licenses and helps explain why all the alternatives given by the Commission in its 1985 fairness doctrine report are not comparable in fact.

THE FAIRNESS DOCTRINE ENHANCES SPEECH

At the March 18 hearing on S. 742, Charles Ferris, a former Chairman of the FCC, articulated the beauty of the fairness doctrine:

It furthers First Amendment Principles, because it requires more information * * * the only remedy under the Fairness Doctrine, if you go through the process * * * is: Go out and cover the story some more, more information; do not let it be one sided, do not let it be out of balance.

An examination of the day-to-day workings of the fairness doctrine demonstrates that Mr. Ferris is correct. Rather than operating to restrict speech, the fairness doctrine increases speech on issues of public importance. The fairness doctrine has effectively served the substantial Government interest recognized in Red Lion and League of Women Voters in guaranteeing that the public receives contrasting viewpoints on controversial issues of public importance and has also vindicated the interests of nonmedia speakers in airing their viewpoints. The Supreme Court, based upon 20 years of experience with the doctrine, found this to be the case in Red Lion, as did the Federal Communications Commission in its 1974 fairness report.

No material changes in circumstances have undermined these conclusions. While the fairness doctrine does not confer upon any particular group or individual a right to air their views, both the courts and the Commission have recognized that broadcasters

should, as one means of complying with fairness doctrine obligations, allow speakers to present their own views directly to the public. For example, the Commission has stated that:

As a public trustee [the broadcaster] must present representative community views and voices on controversial issues which are of importance to his listeners * * * and this means also that some of the voices must be partisan. A licensee policy of excluding partisan voices and always itself presenting views in a bland inoffensive manner would run counter to the "profound national commitment that debate on public interest issues should be uninhibited, robust, and wide open."

At its heart, the fairness doctrine is no more than good journalistic practice. It is just for this reason that many broadcasters support it. One prominent television journalist, Fred W. Friendly, put it best in a statement to the Commerce Committee:

Let me assure you that I am opposed to all prior restraints or any FCC review on a program by program basis. But I think we've seen over the past five years (since 1979) that the fairness doctrine is no longer the chilling threat that broadcasters screamed about. It is true that in the 1960's and the 1970's zealots at the FCC tried to execute the doctrine as though it were a law with sharp teeth * * *. But in 1982, the fairness doctrine is once again only a doctrine and one that every responsible journalist should strive for * * *.

I would not dispute that there have been specific instancs when the fairness doctrine has made a broadcaster wary about airing a program or advertisement. But, the times have been rare. In fact, a 1984 study by the National Broadcast Editorial Association showed that the two greatest reasons for not airing editorials were: The time it took and the perceived lack of audience interest. Furthermore, it must be remembered that the doctrine obligates broadcasters to air matters of public importance. Any claims that it inhibits the airing of programs or advertises are therefore questionable.

CONCLUSION

The debate on the fairness doctrine is, at its roots, a debate over Government control over a public resource, the spectrum. Under the current, American system of broadcasting, the FCC has decided to allocate a relatively limited amount of this spectrum and permit each licensee to control the content of what is transmitted over this spectrum. To balance the limited number of opportunities the public has to become licensees and to provide the public with a greater number of voices, the Commission has required these broadcast licensees act as public trustees. The fairness doctrine is a fundamental requirement of this public trust. Without it, the public trust would mean little.

We have clearly demonstrated that the underpinnings of the fairness doctrine remain strong. Scarcity of the spectrum, few alternatives to broadcast licenses, the effectiveness of the doctrine, and the deminimus burden on broadcasters, all are as sound rationale as when the doctrine was adopted and when it was upheld by the Supreme Court. It is for these reasons that we need to ensure the continuation of the fairness doctrine. A doctrine that has proven over its history that it enhances speech and the provision of information to the public.

With the FCC's elimination of many of the public trust requirements of broadcasters, there has been a tremendous turnover in the ownership of broadcast stations. In a sense, the risk of having a license taken away by the Commission has been significantly reduced, and consequently, they are being treated somewhat like other commodities. As a result of this great change in ownership, the industry is no longer dominated by those who have had a commitment to serve the public. Many of the new owners are faceless corporations who have regard only for the value of the license and the ability to turn it over for profit, not for the service responsibilities that are entailed.

This is a troubling trend. Along with most of my colleagues, I do not agree with the Chairman of the FCC, Mr. Fowler, that broadcast stations should be treated like toasters. While I have sanctioned much of the deregulatory measures for the broadcast service, I continue to strongly believe that the broadcast marketplace is not so competitive as to relieve broadcasters of their public trust obligations. The fairness doctrine is at the heart of these obligations, a fact noted by the FCC in keeping the fairness doctrine as a safety valve for the deregulatory steps that have occurred so far. The doctrine takes on added importance in this new broadcast environment. For all of the reasons given here, I believe the fairness doctrine must be retained and S. 742 enacted.

Let me commend my former chairman and ranking colleague, Senator DANFORTH. He has worked hard. The chairman of our subcommittee, Senator INOUYE, is momentarily at another hearing. I believe I will try to substitute for him if he would like to come and say a few words on this particular measure. We would be glad to debate it. I know the Senator from Oregon feels very keenly about it, as well as several other of our colleagues, and the Senator from Wisconsin. But we have had this debate momentarily on the floor of the Senate by way of an amendment from time to time.

I think what we ought to do is draw it to a head here in this particular bill, S. 742, and codify the fairness doctrine so everyone will understand it because there is a scarcity of spectrum. The public should be heard. It belongs to the public. It does not belong to the individual broadcaster.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the first thing that should be said in support of the bill that is now before us is that this is hardly radical legislation. It merely codifies what was widely assumed to be a matter of statutory law anyhow. It codifies what has been the practice of the Federal Communications Commission since 1949. The fairness doctrine is not something that is being developed on the floor of the Senate. It is not something that has come to us out of the blue. There is nothing particularly innovative, there is nothing in the least bit innovative about this legislation. This is simply a restatement, a codification, of something that has been in the law now since 1949.

Some people say, "Oh, this is terrible legislation. This is awful legislation that we are about to enact." What is so terrible about putting in the statutes what was assumed to be in the statutes? What is so terrible about putting into the statutes what has been a matter of practice since 1949?

Mr. President, what is the fairness doctrine? The fairness doctrine means two things: First, it means that the broadcast media must cover matters of public importance. Issues of public importance must be covered. And the second thing that it provides is that coverage of matters of public importance must fairly reflect differing viewpoints.

Mr. President, again, is that so terrible? Does that sound so radical? Is this doctrine that has now been with us for 38 years something that is strange? I would submit that there is nothing strange about it; that the broadcast media is an exceptionally important part of our national life. I would venture to say that most Americans get most of their information about what is going on in the world and what is going on in their Government from the broadcast media. Stations are licensed by the Federal Government. You cannot just go out and start a television station. There are a limited number of them. It does not seem to me to be at all unreasonable to say that if a broadcast station holds a license under the Federal Government, it has an obligation to this country to inform the people. That does not seem to be radical to me.

It does not seem to be a strange doctrine that requires that American people should be informed about matters of public importance. Indeed, this country depends on an informed public; it depends on an informed electorate. This was the basic idea going back to the beginning. This is Jeffersonian democracy, that if the American people know the issues, they can make

informed decisions about those issues and they can guide those of us who are elected to public office. The only difference is, of course, in Thomas Jefferson's days people got information primarily from the newspapers or primarily from books. People read more in those days than they do today. Now people turn on the television.

We say, "Well, there are numerous sources for information that the American people can avail themselves of. They can go to the newspapers, they can go to news magazines. There are all kinds of television stations. There is public television. There are all kinds of sources of information that the American people can avail themselves of."

But I would ask Members of the Senate, all of whom are politicians, all of whom run for public office, all of whom attempt to communicate as part of their jobs with the public at large—I would ask Members of the Senate, what importance do you give as a Member of the Senate, what importance do you give as an elected public official, to the broadcast media? If a television station in your community announced that it would run a program and that you would be featured on that program, would you treat this as a newspaper interview? If a television station in your community wanted to run a program and you were going to be on that program, would you not consider that to be a major event?

Television is so important, the mass media are so important, to this country, to our ability as public officials to influence and to communicate with audiences. We recognize that as a matter of course. We will drop anything. Ask us to be on a morning talk show, ask us to get up at a quarter of six in the morning in order to go down to a television network for a morning talk show so we can speak for 5 minutes or less to the people of this country. Do we not believe that is important? Do we not believe that is an essential part of our job, that kind of communication? Yes, television is important; yes, the mass media are important—important in the communications of ideas.

The first part of the fairness doctrine says very simply that if a station holds a license, as they all do, that an obligation that goes with that license is to cover matters of public importance. Not just the sports, not just the soap operas, not just the game shows, but that matters of public importance be brought before the American people. Hardly radical, I would submit, but basic Jeffersonian doctrine.

The second part says simply that the coverage must fairly reflect differing viewpoints. Again, the mass media, terribly important in this country, very powerful in this country, is able to address thousands, tens of thousands, hundreds of thousands, millions of people at the same time. What the fairness doctrine says is that differing viewpoints be fairly covered.

Is that not what we want? Is that not what we want as a country, that differing viewpoints be fairly covered? Do we want an ideologically committed media? Do we want a relative handful of people to have that kind of power, that kind of control, to be gatekeepers of the political discussions of this country; to be gatekeepers of the issues and discussions of this country; to be able to say that one side of an issue can be covered but not other sides of an issue?

I do not believe that is what we want. I think that would be a radical decision.

So, Mr. President, I strongly support S. 742. It is sound legislation. It is traditional legislation. It is legislation that is significant to having a well-informed public.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I rise in opposition to S. 742, the Fairness in Broadcasting Act. I oppose this bill because it is not fair to broadcast journalists or to the public they serve. In reporting out this bill, the majority of members of the Commerce Committee have ignored the evidence which calls not for the codification of the fairness doctrine but, instead, for its repeal.

I have worked for many years to extend to the electronic media the full protection of the first amendment guarantees of free speech and free press. As chairman of the Commerce Committee, I held six hearings on the fairness doctrine—three in 1982 and three in 1984. During those hearings, the committee heard from more than 50 witnesses on both sides of the issue. We heard scientists and engineers declare that the electromagnetic spectrum is no longer scarce; we can create many more broadcast outlets than we currently have. We heard constitutional scholars discuss the blurring of print and electronic media; they insisted that Government content controls pose a very real danger to electronically delivered newspapers, teletext, videotex, and various satellite technologies. We also heard small local broadcasters make unmistakably clear that the fairness doctrine chills the exercise of first amendment rights by discouraging the coverage of controversial issues.

The one hearing held by the Communications Subcommittee on March 18, did little to tip the scales in favor of the fairness doctrine. In fact, anyone who examines the entire record, including the FCC's 1985 fairness doctrine report, would have to conclude that the proponents of this bill have failed to satisfy the strict burden of proof mandated by the Constitution for legislative acts that implicate cherished first amendment rights.

The questions posed by S. 742 are basic to democracy and civil liberties in this country. Those liberties can be traced back to the Magna Carta and the English bill of rights. The founders of our country did not want to entrust those liberties to the whims of a minority or to the Federal Government. So our founders protected them by writing them into our Constitution. In 1791, our founders added the first amendment to the Constitution to protect the only forms of communication known to them at the time—speech and press. They did not consider scarcity a viable rationale for Government restrictions. At the time, newspapers themselves were scarce. There were only eight daily newspapers and a handful of weekly newspapers in the entire United States—all of them highly partisan. And yet, the founders chose to protect them.

Regulation of the electronic media began in the 1920's with the rise of commercial radio broadcasting. The Government claimed that it owned the airwaves or, if it did not own them outright, it was the public's fiduciary and it had the right to allocate the use of these airwaves.

In the early days of radio regulation, the number of frequencies that could be allocated to radio stations was presumed to be limited. Therefore, those who received licenses were obligated to act in the "public interest," as that term was defined by the Government. Later, the same rules were applied to television. From that obligation to act in the "public interest" has come a host of rules and regulations which permit the Government to affect the decisions of the electronic publisher.

New communications methods have increased the number of people who can use the spectrum, but restrictions based upon scarcity have not been removed. In 1982 and 1984, the Commerce Committee heard the testimony of several expert witnesses on the communications technologies of the present and the furture. These witnesses questioned the continued validity of the scarcity principle by pointing to technological advances which have allowed us to greatly expand our use of the spectrum. In addition to this expanded spectrum, we have seen the advent of cable TV, and other developing satellite and electronic information services. The notion that the Government must regulate electronically transmitted information because of spectrum scarcity simply ignores today's reality.

The second major issue raised by S. 742 is whether to recognize the testimony of broadcast journalists, the Chairman of the FCC, and others who have presented undeniable proof that

the enforcement of the fairness doctrine has a chilling effect on broadcast speech, or to ignore the evidence and continue to stifle the free flow of ideas. In the Commerce Committee;s 1984 hearings, small local broadcasters referred to the fairness doctrine as the "fearness doctrine" because of the ease with which it is used to harass and intimidate them to back away from the coverage of controversial issues.

In addition to the testimony received by the Commerce Committee, the FCC's 1985 fairness report contains a great deal of evidence on the chilling effect of the fairness doctrine. The FCC found that there are substantial burdens associated with the doctrine. It found that broadcasters fear the Government sanctions inherent in fairness enforcement, which includes the possibility of loss of license. The report also revealed that many broadcasters are inhibited from carrying controversial material by the high costs of fairness doctrine litigation.

After reviewing the evidence gathered by this committee in 1982, 1984, and 1987, and the FCC in its 1985 fairness doctrine report, it is clear that far from furthering the discussion of public issues, the fairness doctrine actually inhibits broadcasters from presenting controversial issues of public importance. The doctrine has an unconstitutional chilling effect on speech.

Another issue raised by S. 742 involves the application of the fairness doctrine to cable television. While I find the arguments in favor of applying the fairness doctrine to traditional broadcasters unconvincing, there is no basis for applying the doctrine to cable television or to other cable technologies, which do not even use the supposedly scarce airwaves.

Finally, Mr. President, I would like to share with my colleagues what I see as the future danger of the continued enforcement of the fairness doctrine. Technology is blurring the traditional definitions of communications media. The press, radio, television, and various other forms of communication are now still quite distinguishable, but advances in technology will render these media much, much less distinct to the end user, the consumer.

As the distinction between broadcasting and all other forms of communication disappears, and as the lion's share of all communication is transmitted electronically, the assumption that the first amendment rights of broadcasters must differ from those of other speakers will be impossible to indulge. At that point, one of two things must happen: Either we back off the regulation of broadcasters or we undertake the regulation of print and other forms of communication.

Mr. President, this is what the future holds for us unless we act now to extend to the electronic media the same freedoms we have always accorded the print media. I feel strongly that by ignoring the evidence that scarcity no longer exists, that the fairness doctrine has a chilling effect on the flow of ideas, Congress is endorsing an unconstitutional act, which if it does become law, will ultimately be overturned by the courts as violating the first amendment. I would prefer that Congress correct this situation by rejecting S. 742 and repealing the fairness doctrine. Thankfully, in this country the Federal judiciary is given the power to interpret the Constitution, and thereby, the authority to protect the first amendment rights of all communicators.

If the debate on this issue has taught me anything, it is that both the far left and the far right want very much to continue Federal control of the content of the electronic media. Content control allows them to use the media to further their objectives. And they see nothing wrong with expanding the Government's content doctrines to cover not just broadcasting, but newspapers, data transmissions, satellite communications and other vital sources of information. That is why I believe S. 742 is a betrayal of the spirit and intent of our founders.

The real danger to our liberties arises when these groups achieve political power. As I have stated before, those who control the Government can control the flow and content of the information that is communicated electronically. When it comes down to a choice between speech that is regulated by a Government agency or the dictates of the minds and hearts of the public at large, the choice is a simple one for me to make. On balance, I would rather trust the journalists and everybody else to determine the content of the stories that appear in our newspapers and air on our radio and television shows, than have the Government mandate what we see and hear. For this reason, I urge my colleagues to oppose this bill.

Mr. President, the Senator from Missouri and the Senator from South Carolina are correct when they say this is the codification of what is at the moment an administrative rule. Whether Congress thought at one time or another that they had codified this or not was a moot point in the past because the Court of Appeals has said we did not. It is strictly an administrative rule and the Federal Communications Commission can change it as it wants. Senator DANFORTH and Senator HOLLINGS, as sponsors of this bill, want to make sure it is codified. They want to codify what the Senator from Missouri has characterized as the fairness doctrine. That doctrine says two things: One, broadcasters have to cover controversial issues and cover them fairly, as the Federal Government sees it, as the Federal Government tells them they must cover it.

Let us not make any mistake as to what this power is that we are codifying. I hope that if we do codify it, and I fear that the votes are here to do so; that it goes through the courts and to the Supreme Court and that it is thrown out as an unconstitutional abridgement of the first amendment rights of freedom of speech and of the press.

Under this doctrine, the fairness doctrine, the Federal Government is, in essence, saying to itself we have the right, the power, and the wisdom to tell radio, television, cable, and all other broadcasters what it is they shall program. Do we want them to do an hour or two of children's programs? Tell them to do it. If we want them to do an hour or two of news, tell them to do it. And tell them how to do it, how to cover it, how many minutes to give it, and what emphasis to give each side.

Mr. President, that is a terrible power to put in the hands of Government in this country, any government, conservative, liberal, or otherwise. If I have discovered anything in my 18½ years in the Senate, it is that the philosophical extremes, the far right and the far left, both support the power of Government to use the mass media to achieve their ends. They are not hesitant about it at all. They regard it as a natural corollary when they are in power in Government to be able to tell the news media how to portray the news, that the news is as they see it.

Our founders understood this very well.

We talk about scarcity now. Mr. President, everything is scarce. Newsprint is scarce. There are not enough trees in this world for everybody to print a newspaper if they want to. They are scarce. If you want to talk about scarcity in this country, we have about 1,650 daily newspapers. We have over 10,000 radio stations. We have close to 1,800 television stations, not counting cable.

If there is anything scarce in this country today, it is daily newspapers.

The Commerce Committee had one hearing, half a day of hearings on the subject of the fairness doctrine, four witnesses on each side sitting as a panel of eight across. And that was it. That was the sum total of the hearings.

When I was chairman of the Commerce Committee in 1981 through 1985, we had six long hearings of over 50 witnesses that, by and large, came to a different conclusion than we come to today about the fairness doctrine. The Federal Communications Commission held a long series of hearings and came to a different conclusion about the fairness doctrine, namely,

that the fairness doctrine has a chilling effect on broadcasters, it does not achieve its purpose. The effect of the doctrine on broadcasters, and we had broadcaster after broadcaster after broadcaster testify in those hearings, is that when faced with a decision about what controversial issues to cover, they know that they can get in more trouble covering an issue or not covering it right as the Government sees it, than in not covering it at all.

Mr. President, you can talk all you want about the obligation to cover controversial issues. A great many broadcasters simply make the decision: I am not going to touch that issue at all. I am broadcasting in a town of 15,000. I have got nine employees, just hired a young kid out of college, paying her $15,000 a year, and I don't have the money to pay lawyers to defend me before the Federal Communications Commission against the threat of somebody demanding that I observe the fairness doctrine, so I avoid the controversy.

If what you want in this country is diversity, we have got it today on radio.

Do you have any trouble in Washington, DC; New York, Portland, OR; Salem, OR; Medford, OR turning your radio dial or your television dial and getting diversity of opinion: news, weather, classical music, country western, call-in shows, interview shows?

You have got diversity all over the radio dial. You have got diversity all over the television dial. Anyone in this country who thinks that all of radio and television speak with one voice has never gone to the annual convention of the National Association of Broadcasters. The owners of the stations are as diverse as the publishers of newspapers. They have right-wing opinions, left-wing opinions, moderate opinions, single-issue opinions. But there is not a citizen in this country who is deprived today of diversity of opinion without the imposition by law of the fairness doctrine. And I want to emphasize again, Mr. President, that this could just be the start. If we have the constitutional power to impose anything we want on broadcasters.

An example of the kind of thinking that the Federal Communications Commission can use in making licensing decisions was evident in a case almost 10 years ago now involving Simon Geller, a broadcaster in Gloucester, MA. He broadcast classical music all day long. He did not broadcast weather reports, or news, or traffic reports. He did not have any call-in shows. When his license went up for renewal before the Federal Communications Commission, he was challenged. There had not been one complaint with the Federal Communications Commission from any listener who could hear this station in Gloucester, not one complaint about his playing classical music all day long.

Then in the initial proceeding he was challenged by somebody who said, "I will put on traffic, weather, news," and initially Mr. Geller lost his license. The Federal Communications Commission said he was not programming properly, despite the fact that Gloucester gets 40 radio stations, most of which program the weather, the news, and traffic reports. The listeners in Gloucester were not being denied an opportunity for diversity. When the case finally wended its way through the Federal Communications Commission, after practically going bankrupt, Mr. Geller got his license back. But I use this as an example of what the Federal Communications Commission in the wrong hands—and I frankly think it has been in the right hands for the last few years—can attempt to do.

Now, as I indicated, our founders, when they passed the first amendment, understood scarcity. The only kind of communication we had in those days was speech and press. They could not, with all their wisdom, envision electronic communication. That was beyond their camp. And at the time this country was founded there were eight daily newspapers—eight—a handful of weeklies, and this was the principal method of communication. You did not have Time magazines, U.S. News and World Report magazines, Newsweek magazines, New Yorker magazines. You had a few pamphleteers and eight daily newspapers. And those newspapers were partisan, slashing.

They put any paper published today in the United States to shame in terms of rhetoric and meanness. They attacked the founders of this country. And yet our founders regarded it as a necessity that these publishers be allowed to speak and print as they wanted to. They adopted the first amendment and said you cannot in any way, shape or form tell these publishers what to do. That is the same thing our founders would have done with broadcasting. Had it existed at the time, they would not have allowed the Federal Government to regulate what you can say, when you can say it, how you can say it, what you must cover, how you must cover it.

My good friend from Missouri uses the argument that all of us in politics realize the dominance of broadcasting; we will get up at quarter of 6 in the morning to be on a talk show. Any radio station that wants to interview us, we hop, skip and jump down to the studio. That is not quite the truth, I think. In many markets with 10 or 20 or 30 stations, I will wager even my good friend from Missouri has turned down numerous opportunities to appear on radio shows, even television shows. But for the moment let us give him his argument. His argument is this: radio and television are so powerful, so pervasive in our thinking that the Federal Government must tell them what to do, what to say, how to think, how we shall think. It stands the first amendment on its head to say that if broadcasting and television were not powerful, were not important, we would not worry about it, we would not try to regulate them. It is only if they are important and powerful and can communicate ideas that the Federal Government is going to tell them how to communicate those ideas.

Mr. President, there could not be a more pernicious concept in the hands not just of an evil government but even worse, in the hands of governments that are good, that know what people think, that know what people should think, and that are going to use the power of government to have the broadcasters tell people what the government knows they should think.

Do I overdraw the fairness doctrine? Of course I do, because we are only talking about at the moment "the fairness doctrine." You must cover a controversial issue and you must cover it fairly as the Federal Government sees it. But I want to emphasize again that if we have the constitutional right to impose the fairness doctrine, there is no control of broadcasting that we cannot impose. And before the decade is out—we may be there now, but surely before the decade is out we are going to face a very difficult question. That is the question of what do we do about print when it begins to communicate more and more electronically. We are there now with what we call video text. You can subscribe to a service on your television set. You can get certain types of news printed on your set. The full ramification of this power was very, very graphically portrayed by Prof. Robert Shayon when he testified in the Commerce Committee hearings. I asked him a question about the New York Times and Wall Street Journal, although many other big papers do it, transmitting their stories by satellite. That is how they are able to print all over the country. Satellite companies, of course, are licensed and have the right to buy transponder space. The transponder is nothing more than a gadget attached to the side of the satellite that receives the signal and sends it back down, but it is scarce. Everybody cannot have a satellite. Everybody cannot have a transponder.

I asked Professor Shayon if, given the theory of scarcity, the Federal Government would have the right to tell the New York Times and the Wall Street Journal, because they are using the scare spectrum, what they could beam up and what they could beam down. And I specifically said if they

beam up a particular story involving the Contras in Nicaragua, and someone does not like their story, could they come and demand that the "other side" be beamed up? And after shilly shallying a bit in his answers he finally said yes.

Mr. President, that is what we are going to come to. Either we are going to come to a situation where the first amendment liberties—and, Mr. President, they are the most critical liberties to the freedom of this country—are going to be extended to broadcasters—and I hope they are—or we are going to go the other way and impose upon the print media, as they become more electronic, the government limitations that we now impose on broadcasters. If that day ever comes, it will be a sorry day for freedom and liberty in this country. And if we pass this bill today, it is a step toward that debacle.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. I thank the Chair. We are awaiting the attendance of the distinguished Senator from South Dakota, who wanted time yielded to him.

Let me say simply that the fairness doctrine is protecting the public's freedom of speech. If you employ the rationale of the distinguished Senator from Oregon, then the failure to give you a license or me a license, having given a license to someone else, is unconstitutional. Let us start there. Let us start at the point of actual licensing of the spectrum. My distinguished colleague assumes that there is an abundance of spectrum and it is all around, but the allocation scheme he does not even want to think about. He just wants to think about the modest requirement of the fairness doctrine and says that the doctrine in and of itself is all of a sudden a horrendous thing that the Supreme Court would immediately kick out. The truth of the matter is if they kick that out, I hope somebody from Delaware brings a particular petition asserting that it is unconstitutional for a sovereign to be denied, under the equal protection clause of the 14th amendment, a license.

Certainly, everybody should be able to get a license. The reasons why they cannot is that there is a fundamental scarcity of spectrum itself, and this is what we are dealing with. We tried it the other way—I should mention it historically, if we have a moment to touch upon it—when Secretary of Commerce Herbert Hoover was in office in the mid-1920s. We just had an open spectrum no regulations. It was the broadcasters who said, "Heavens above, regulate us," because all they had as a result of everybody coming in, on a very limited spectrum was jamming—no one could be heard. So, in order to provide freedom of speech for the public, Congress, in its wisdom, allowed what is now the Federal Communications Commission to be instituted and allocate a limited number of spectrum slots under the megahertz of 1000.

The spectrum is totally jammed at this point. You cannot get a channel for Delaware or hardly anywhere else in this country particularly the VHF channels. They said, "We will allocate them in a limited way, but public trust licensing from time to time."

If the argument of the Senator from Oregon had any validity whatsoever, it would be unconstitutional to limit to 5 years or have anyone question how broadcasters should operate it—whether they use the four-letter words.

I can tell you what happened due to the deregulation. I talked about the aircraft industry. We have it in radio broadcasting because this Senator supported it, because we have 9,000 stations. That does not bring diversity, necessarily, to every community.

If you have 100 stations in New York City, you cannot turn on the radio and get 100 to select from. You get one in the Bronx that addresses local issues. So that diversity argument does not really apply in reality.

Coming right down to it, we have 25,000 complaints now, and you have filth all over the radio, and the FCC has to move back into this field and reregulate where these deregulators are jumping up and down like puppets on a string—deregulate, deregulate, deregulate.

I happen to believe in Government and in regulation, and particularly in the communication field, because we have tried it otherwise. There was total chaos. It is working exceedingly well and is extremely valuable. It does not cost a penny, that license.

That is why we have more broadcasting stations than newspapers. They cannot sell daily newspapers. Organize one and see how many you can sell in a community. They go broke. A broadcast station can beam into everybody's living room, dining room, early morning, night, or whatever. You do not have to bother yourself. You just have to be awake and you can hear. You do not have to study it. Sometimes you turn it on. When I was going to school some students turned on the radio and studied. I could not do that. I tried it. You have those kinds of folks.

The fact is that it is the public's right to freedom of speech that is being protected. That is why we have the fairness doctrine. The fairness doctrine does not have a chilling effect on freedom of speech of the broadcasters. What we are trying to do with that limited spectrum is to provide as much freedom of speech as possible to the public, and therein is the constitutionality of freedom of speech.

If, under the argument of the Senator from Oregon, you are going to take it that he has a license, he owns the license, and there are no requirements because if there are any, it is chilling, why do you have the Government, in the first instance, granting the license? That seems to me to be the fundamental that is ignored by the Senator from Oregon in his presentation here this afternoon.

What we are really trying to do is protect the freedom of speech. I am not going to use the dominance of the market; but there is an element that the Supreme Court made a bad mistake on—and I hope my colleagues will help me—and that is in equating freedom of speech with money, or the failure to equate it, with respect to the decision in Buckley versus Valeo.

The intent of the fairness doctrine in Congress—and I was a Member at the time—was to make absolutely certain that the rich could not buy it. What happened? They came with the Buckley versus Valeo decision and said that is exactly who can buy it, because you limited the freedom of speech.

Broadcasting is in politics—85 percent of your budget and mine. That is how we got here. If you do not have that money to get on television and radio, you do not have a campaign. It is abhorrent. We all resent it. But that is what it was. If you have the money to get on the tube, you have the freedom of speech. If you do not have the money, you have the freedom to shut up. There is not any freedom of speech.

It is time the Supreme Court came into the real world, and we hope Congress will take this one-line constitutional amendment, that Congress is hereby empowered to regulate or otherwise control expenditures in Federal elections. If we had that one-line amendment, we could come back.

In the Presidential race, it would have been limited to $696,000 in a State like South Carolina. Just a couple of years ago, Senator THURMOND and I had to spend $2 million, and it has taken the people out of politics. You have no time to collect money and you have to collect money to get on TV and radio. I guess the distinguished Presiding Officer [Mr. DASCHLE] knows exactly what I am talking about. It is a tragic thing.

But, back to the fairness doctrine: When I speak in a campaign, then the genesis of the equal time provision comes out. We can say: "We bought five 30-second spots, and you're entitled to five 30-second spots." So you can balance that off, and that has worked extremely well.

I yield the floor.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to oppose this measure because I believe it will accomplish the opposite of what is intended.

I paid careful attention, as I always do, to the distinguished Senator from South Carolina, who made some very important points. I think a number of the points he made might be more applicable to campaign finance reform, as opposed to the so-called fairness doctrine.

I do not think there is any Member of this body who is opposed to the intent of the fairness doctrine. However, I think it also might be important to examine whether the fairness doctrine has indeed achieved the goals for which it was intended or whether the opposite effect has taken place. I think a compelling case can be made that the opposite effect has happened because of the fairness doctrine. That is because of the fear of broadcasters, both television and radio broadcasters throughout this country, about having to comply with the fairness doctrine and defend themselves against the suits that are brought, sometimes in a less than serious fashion.

The estimate that we have received from the Radio-Television News Directors Association is that it costs $60,000 for one station to defend itself against one frivolous suit. That is not big money in our Nation's Capital, or perhaps in Phoenix or Charleston, SC; but in Globe, in Willcox, and in Yuma, $60,000 is a significant and sometimes unbearable burden. What are broadcasters going to do when faced with the threat of a frivolous suit? They are going to duck the issue.

Those of us who are not particularly satisfied with the comments or the ventilation of the issues in the media today perhaps might look at some of the reasons. It is not just because of a lack of audiences. A lot of it can be attributed to the fact that there is an evident avoidance of issues which can be viewed as controversial because of the demands which will be made for employment of the so-called fairness doctrine.

How can we assure fairness and the right to respond and ensure that both sides of an issue are ventilated in the media?

I think that is why we have a licensing and relicensing process. One set up to protect the public interest. Every time there is a relicensing procedure, I believe this should be one of the major factors. Whether the television or radio station has given the viewers or the listeners adequate ventilation of opposing points of view should be considered.

The question we faced here is not the necessity of an informed public or the responsibility of radio and TV to achieve that goal. The question is whether this bill promotes that goal. I believe this bill does not achieve those goals and should be rejected.

Mr. HOLLINGS. Mr. President, I am glad to yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, will the distinguished chairman respond to a question?

Mr. HOLLINGS. Yes, I will try.

Mr. MELCHER. I might ask the distinguished chairman, is the fairness doctrine working now?

Mr. HOLLINGS. Yes, it is working now. In answering your question and in commenting on the observation of the Senator from Arizona, there has been only one fairness doctrine case since 1980. And, incidentally, no license has been lifted on account of the fairness doctrine in the history of the doctrine itself. It has worked.

Mr. MELCHER. If the chairman will continue to yield for a question, if the fairness doctrine is working based on—what is it, section 315 of the Communications Act?

Mr. HOLLINGS. That is right.

Mr. MELCHER. What will this add to the doctrine?

Mr. HOLLINGS. It will clarify the actual legal standing of the doctrine. At the present time, the court, at least an intermediate appeals court, found it to be ratified by the Congress but not codified into law. Namely, the Federal Communications Commission itself has the authority under this ruling to repeal it. And, of course, it is looking with an indication that we have from its statements and everything else made, it is looking toward the repeal.

And a majority, I think—I could be wrong—in both Houses; namely, the House and the Senate, want to make sure that the stability is given back to this all-important doctrine that brings about balance, if nothing else, certainly in reporting participation by both sides on all important public issues.

Mr. MELCHER. I thank the chairman.

Mr. President, the fairness doctrine, as I understand it, was adopted in 1949 and has been used since then by broadcasters, and all of us subscribe to the principles of the fairness doctrine.

The chairman of the committee was most gracious in answering my question about the fear that somehow the Federal Communications Commission might not continue to view the fairness doctrine in the same manner as they have over the past 30-odd years. The chairman also said that since 1980 there has only been one lawsuit based on the doctrine.

My concern in asking the question of the chairman was to justify the need to codify what has been successfully used based on the Communications Act of 1934, which has been a doctrine that has been successfully used since 1949. There has been nothing in the report on the bill that would indicate that the doctrine is going to change. And while I recognize that the chairman and members of the committee may have some concern that the Commission might view it differently or might implement it differently or might somehow change the doctrine that would be objectionable to us here in Congress and the public at large, that I believe is a little bit ahead of its time.

I have some concern that passage of the bill, as short as it is, will cause the Commission to look over their regulations and to look over their requirements that they impose on broadcasters. In our State of Montana, our broadcasters are small, both in capital and in viewing public or listening public. To add any degree of new paperwork on them is just another thorn in their side. I would hate to be part of that.

Perhaps, in all fairness, I should say that there is another doctrine that sometimes guides us in how we vote, and that is a rather quaint doctrine that is stated: "If it ain't broke, don't fix it." And perhaps this legislation fits that mold.

There is nothing to indicate that the fairness doctrine is not working and there is very little to indicate that it will not continue to work under the present law as it is. Out of fear that the FCC may be guided to make more requirements of small broadcasters as a result of the passage of this act, I shall vote no on the final passage.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, in order to correct that record, "If it ain't broke, don't fix it," it is broke. I have in my hand the Federal Communication Commission decision and inquiry concerning section 73.1910, whereby they found the fairness doctrine unconstitutional. The FCC felt that they did not have the authority to carry it through since it was an enactment by the Congress.

Now, subsequent thereto, under the 1986 decision, the TRAC case, which is cited in the early part of the report on page 3, the Telecommunications Research and Action Center versus FCC in 80 Fed. 2d 501, the report reads:

> The court concluded that Congress merely ratified the doctrine in making its 1959 amendments to section 315(a) of the Communications Act and that the doctrine stems from the general public interest standard in the act.

Now, the Commission has come along, we saw this—and I do not know who voted for it, but let us say the Congress voted to make an inquiry to see just exactly how the fairness doctrine would be implemented, if it could

be done otherwise. And instead of regarding that direct admonition we put into the FCC's appropriations last year, the FCC did absolutely nothing about it and are frank to testify, as Chairman Fowler has before us in the Commerce Committee that he is ready to do away with the fairness doctrine. I thought he would have gotten a ruling by the Commission before he left town.

There is no question, though, that there is that indecision, there is the court ruling, and there is the finding by the FCC that it is broke and that is why we are here, to fix it today.

Mr. PACKWOOD. Mr. President, would my good friend, the chairman, yield for a question?

Mr. HOLLINGS. Yes.

Mr. PACKWOOD. I am curious, if you use scarcity as the rationale for the fairness doctrine, how do you impose that on cable when it is not using this spectrum?

Mr. HOLLINGS. Well, the doctrine of scarcity on cable itself? I do not get the connection.

Mr. PACKWOOD. Let me rephrase the question. Cable is not scarce. You can have as many cable stations as people want to have. Perhaps the local city council says you are only going to have one, two, or three, but it is not scarce in the sense that it uses the spectrum.

How, therefore, can you justify applying these doctrines to a cable company if it does not use the spectrum?

Mr. HOLLINGS. Well, of course, without looking at the particulars, my immediate answer is that it is about as scarce as I know. I cannot find cable in the great city of Washington, DC, where I live. I cannot get cable. You say there is an abundance of it around. I can tell you here and now, there is a sparsity thereof.

Mr. PACKWOOD. Is it scarce?

Mr. HOLLINGS. Scarce? I cannot find it. I cannot get cable. I have been living up here 20 years and cannot get it.

Mr. PACKWOOD. Now you are talking about the kind of scarcity I am talking about. Newspapers are scarce, also.

Mr. HOLLINGS. No, I am talking about cable TV. Do not run to the newspapers.

Mr. PACKWOOD. I understand what you are talking about.

Mr. HOLLINGS. We used to get more newspapers.

Mr. PACKWOOD. Is it scarce because you use the spectrum, and ultimately there is a limited amount of the spectrum and you cannot get it, or is it scarce because, one way or another, people have not brought it or the city has not allowed it?

Mr. HOLLINGS. This is a scarcity of spectrum that you cannot even reach. That, of course, is the initiative of the cable television itself, to take that particular signal that could not be reached by the regular broadcasts, the VHF megahertz telecommunication spectrum. It could not be reached and therefore cable was brought in and adhered to this particular doctrine and it works extremely well.

No one in cable has brought your particular case. You are a good lawyer. Maybe you could go out and bring that case.

But I think you are raising the point that reaffirms our particular position that the fairness doctrine has worked and works extremely well and cable operators are delighted to comply therewith.

Mr. PACKWOOD. Mr. President, I think my good friend has answered my question by not answering it. Cable television does not use the spectrum to broadcast to your home. It goes through a wire. And you can have as many cable companies in the city of Charleston or Portland or Washington, DC, as the local government wants to allow. They are franchised by the local government and the local government can franchise 50 or 100 or 1 or as many as it chooses. But it is not using a scarce spectrum, yet my good friend would apply the same doctrine to cable television.

You sit at home and get your picture on your television set and you are unaware of whether it is coming through the wire or whether it is coming through the air. Proponents of this bill would apply the same fairness doctrine to cable even when there is no scarcity. And this is the fear that I have. Because of their intense desire to make sure that the person that is at home watching his or her television set sees what the Government determines they should see, my good friends want to impose controls on anyone who attempts to reach that home, regardless of whether they use a scarce spectrum or not.

Mr. HOLLINGS. Mr. President, I am glad to yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I rise in support of this piece of legislation. I voted for it in the Commerce Committee. It is a difficult issue.

I supported deregulation of radio and TV some years ago. I think it has worked out well. But what we are doing here is merely codifying and we are not really changing the present situation. In fact, for 38 years we have had this as a doctrine and it has had the effect of law. That is the way it has been interpreted by the FCC. Incidentally, we are holding the authorization hearing for the FCC this afternoon in the Commerce, Science, and Transportation Committee, which I just left to come over here to speak on this issue. The fairness doctrine does guarantee that differing viewpoints be represented. Mr. President, as one who represents Indians, farmers, small businessmen,—a diverse constituency—I am very concerned about this. I think the fairness doctrine has worked out well. I believe it has served our Nation well and we should continue it.

We are not really debating a new doctrine here. We are not putting something new into place. We are continuing to codify what has been the practice and what has worked out very well, and what, to all groups, has indicated a sense of fairness.

Mr. President, I placed some additional views in the Commerce Committee's report when it left the Commerce Committee. At that point I said:

> This legislation is a clarification of the long-standing congressional endorsement of the Fairness Doctrine, a cornerstone of broadcasting professionalism for many decades. It does not impose an undue burden on broadcasters. It does impose a public interest obligation on broadcasters to present balanced views on controversial issues and provides for guidelines to those entrusted to the scarce resource while allowing broad latitude in its interpretation.

Let me say, Mr. President, that I think the broad latitude has been the rule, and it will be the rule. There is great latitude given to our broadcasters under this. Many of our fine broadcasters have had no trouble living with this rule.

> To me, it is disturbing that single issue special groups have been going into small, relatively inexpensive markets to buy air time in an attempt to influence public opinion. Such air time is crafted to appear as news reports but they present facts in a misleading manner.
>
> This Senator believes that without the Fairness Doctrine, groups or individuals with varying viewpoints have no means of responding if they lack financing and organization. Sixty-five percent of the public rely on television as the source of most of their news, while 40 percent rely exclusively on television for news.
>
> The airwaves are a scarce resource which is and must continue to be allocated based on a public interest standard.

Mr. President, I ask unanimous consent that my additional views be placed in the RECORD at this point.

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

ADDITIONAL VIEWS OF MR. PRESSLER

This legislation is but a clarification of the long-standing Congressional endorsement of the Fairness Doctrine, a cornerstone of broadcasting professionalism for many decades. Initially articulated by the FCC in 1949, the Fairness Doctrine was presumed by many to have been codified by Congress in 1959. It was not until the recent *TRAC* decision finding that Congress had "ratified" rather than "codified" the Doctrine that the need for this legislation became apparent. The Supreme Court's *Red Lion* decision has clearly established its constitutional legtimacy, and we are now simply restating in unequivocal statutory terms

what I believe Congress intended to do nearly three decades ago.

I am not persuaded that the Fairness Doctrine imposes an undue burden on broadcasters. As former FCC Chairman, Charles Ferris, stated before this Committee, "[t]he Fairness Doctrine, reduced to its essentials, is little more than a statement of journalistic ethics." To be sure, it does impose a public interest obligation on broadcaster to present balanced views on often controversial issues. But this obligation is not unduly burdensome. It provides important guidance to those entrusted with a scarce resource, while allowing broad latitude in its implementation.

Given recent trends in the communications industry, the Fairness Doctrine had taken on a new significance. As Mr. Ferris notes, "[i]n this era of deregulation, it is the only remaining safety net left for the public interest standard and our society's expectations that broadcasters will serve as trustees for the public."

A recent practice which is gaining increased popularity in the smaller markets provides one example of why I believe we need to codify the Fairness Doctrine. Many single issue special interest groups have found it very effective to go into small, relatively inexpensive markets to buy air time in an attempt to influence public opinion in their favor. This, in itself, is not necessarily bad. The problem is that these commercial advertisements are often crafted to appear as news reports, and present the "facts" in a very misleading manner. In addition, groups or individuals with varying viewpoints often have no means of responding if they are not as well financed or organized. The Fairness Doctrine is the only means available to guarantee a balanced response. This is a clear illustration of the "safety net" to which Mr. Ferris referred.

States with smaller markets are particularly susceptible to this type of practice because of a single issue group's ability to blanket the State or targeted area at a relatively low cost. Without the Fairness Doctrine, they are emboldened—indeed, even encouraged—to distort the facts on complicated national issues, and present them in a very misleading manner. Opposing groups or individuals often cannot afford to respond by purchasing commercial air time. Many broadcasters in these areas do not maintain national affiliates to cover the issue adequately in their regular news stories, so they escape worry on that front as well. This type of practice serves no public interest. Indeed, it does a disservice to the American public.

There are exceptions to this scenario. One that particularly stands out in my state is KELO TV and radio Midcontinent Broadcasting Company in Sioux Falls, SD. KELO exemplifies the high standard of "journalistic efforts" referred to by Mr. Ferris in his Committee testimony. It has consistently provided full and balanced reporting on both local and national issues of importance to my State, and goes the extra mile by utilizing national affiliate reporters to cover issues in places where it is impossible for them to maintain a permanent presence. If there were more KELOs in the business, I would feel much more comfortable in taking a different position on issues such as this. But it is an unfortunate fact of business life that not all broadcasters can or will operate with the same degree of professional public service responsibility as KELO. Economic pressures encourage a preference for requiring a commercial response to one-sided representations of the issues rather than providing for fuller access to responding viewpoints on local issues. Some stations cannot afford or will not spend the money for a national affiliate to cover both sides of controversial national issues.

Opponents of the Doctrine argue that it has a "chilling effect" on broadcasters' desire to cover controversial issues. Doubtless, the requirements of the Fairness Doctrine may weight into broadcaster's decisions on airing controversial issues. But under some circumstances, such as the problem I outlined above, I believe it should. If the issue is presented fairly, the Doctrine imposes no additional burdens on responsible broadcasters. If it is not, it does the viewers a greater injustice to present a distorted view of the issues, and runs the risk of putting even more power in the hands of well financed single issue groups.

Contrary to arguments raised by the Doctrine's opponents, this approach does not violate the letter or spirit of the first amendment. The Supreme Court's *Red Lion* decision has resolved that issue. Broadcasting is the dominant media in today's society. Newspapers and other media do not supply an effective counter-balance to the power—particularly in rural America. For example, as pointed out in Mr. Ferris' testimony, "65 percent of the public [rely on] television as the source of most of their news, while 40 percent rely exclusively on television for news." The airwaves comprise a scarce resource which is and must continue to be allocated based upon a public interest standard. The Fairness Doctrine is the cornerstone of that standard, and should not be repealed until industry changes or technological advancements negate the need for its existence. We have not yet reached that point.

Mr. PRESSLER. Mr. President, let me sum up by saying that we have many fine radio and TV stations in our country. Many set a great example. I think we have the best overall system of broadcasting and fairness in the world. In fact, my staff and I examined the practices of some other countries which I think in part has come about because of the fairness doctrine. I do not think we have to be afraid of it. It is not deregulation.

As I stated, I voted for deregulation of TV and radio some years ago. We are merely continuing the present policy, a policy that our people have confidence in. We are protecting minorities. We are protecting those who do not have the organization or the money to buy time, and we are protecting democracy.

For 38 years this has been the doctrine that we have followed, and I shall vote proudly to continue it today.

Mr. President, I yield back my time.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). Who yields time? The Senator from Missouri.

Mr. DANFORTH. Mr. President, the basic argument of the Senator from Oregon against this bill is a parade of horrible arguments, that is to say, the Senator from Oregon claims that if this bill is passed a variety of things could happen which he believes would be disastrous, and I suppose which all of us would believe to be disastrous. He claims that this is the foot in the door; this is the first step on the slippery slope. He claims that if we pass this legislation we have given Government carte blanche to regulate anything and everything to do with communications; that if we do this, we are telling television stations and radio stations exactly what to say and when to say it, that children's television will be next, that we are telling them how to cover the news, what you must say and when you must say it, and that the next step according to the Senator from Oregon is not just going to be the broadcast media, but it is going to be the print media as well. That is the parade or horribles.

If those horribles all kicked in, if they all took place, 100 Members of the U.S. Senate would come parading over to the Senate floor when the bell rings and everybody, even those of us who have cosponsored this legislation, would end up voting against it.

The parade of horribles argument is the easiest argument to make. Create a straw man, knock over the straw man, and you win. And it is a straw man argument.

Mr. President, I can create my own parade of horribles. My parade of horribles is that a television station is purchased by, say, the Reverend Moon. Is that hard to imagine? Is it hard to imagine the Reverend Moon getting into the business of communications? It is not hard to imagine because the Reverend Moon has already done it. He has bought a newspaper. He has bought a newspaper here in the city of Washington, the Washington Times. It is put out every day. It is heavily subsidized, I am told, by the Unification Church. Why would he do it? Why does he enter the newspaper business? Why does he lose money printing newspapers? In order to communicate his ideology to his public, such as his public is.

So the parade of horribles would be that the Reverend Moon buys a television station, two television stations, three television stations, and uses his television stations to propagandize the American people. That is the other parade of horribles. Is that particularly desirable? I do not think so.

What does the fairness doctrine say? Does it say that the Reverend Moon cannot buy a TV station? No. Does it say that he cannot present his ideas on television? No. The fairness doctrine says only two things. It says that the media must cover issues of public importance. It does not say how to do it. It does not direct exactly what the content is. It does not say that the media cannot run editorials, or present their own ideas. It says you have to cover matters of public importance; second, that when you do so, you have

to fairly reflect differing viewpoints. That is what it says.

So, Mr. President, we have two parades of horribles here. We have one, a kind of slippery slope position presented by the Senator from Oregon. A position that claims that if we pass this legislation it is going to apply to newspapers. If we pass this legislation, the Senator from Oregon claims everything from top to bottom is going to be governed by the Federal Government, everything that is said on television, children's television on down, is going to be directed by some bureaucracy in Washington. That is his parade of horribles. Mine is the Reverend Moon parade of horribles; namely, that television will become a vehicle not simply for presenting news and presenting ideas, but for the systematic indoctrination of the public.

I ask which of the two parades of horribles is most likely to come into existence. Hopefully none. But I would say that the least likely is the one that is presented to us by the Senator from Oregon. Why do I say that? Because the fairness doctrine is not some novel idea. This is not an experiment with a new doctrine. We have a track record. We know what the fairness doctrine is. It has been around not for a few years, not even for a decade or two. It has been around for 38 years. We have tried out the fairness doctrine for 38 years. And the parade of horribles has not come into being—the parade of horribles described by the Senator from Oregon.

The scarcity argument is another example of putting up a straw man, and knocking down a straw man. It seems to me that the best arguments in favor of the fairness doctrine have to do with the power of the media, and the idea of the media as a public trust. I do not think the power can be seriously disputed. I do not think that the fact that there are alternative sources of information in any way contradicts the concept of the power of the mass media. Clearly it is a powerful tool. Clearly the medium of television, in particular, is a very powerful tool. Clearly the ability to come into people's living rooms on the screen when people are watching television, 2, 3, 4 hours a day is a powerful tool. Clearly the ability to broadcast the news is a powerful tool.

What makes the system fair is the fairness doctrine. What makes the system fair is that the media is supposed to be balanced; that it is supposed to present more than just one view, that it is supposed to cover the news, not indoctrinate the American people.

That is what tempers the power of the media.

So the concept of power, not the concept of scarcity, the concept of power, to me, is the key to this argument. And also key is the concept of trust; that there are those in this country whose power is not naked power, it is not raw power, it is power that is held by a trustee for the benefit of the public good.

It is not just a matter of trying to manipulate the public, it is a public trust. It is a public trust that is conferred by license. It is a public trust that carries with it certain responsibilities, and those responsibilities are really very few. They do not have anything to do with children's television. They do not have anything to do with specifically how the news is covered. It is a very broad trusteeship, a very broad responsibility. Define it yourself, basically. But do so within very broad parameters, within a very broad basic principle.

That principle is to give adequate coverage to issues of public importance, and when broadcasters present such an issue, they must present ideas that fairly represent differing viewpoints. That is all that is involved. It is not scary. There is nothing scary about it. This is not a new venture out into the field of first amendment violations. This is not something where if somebody wanted to challenge it they could not challenge the fairness doctrine now. It is nothing new. It is nothing novel. It is nothing different. It is nothing scary. It is simply saying that the public deserves to hear issues of basic importance, and the public deserves to have those issues presented in a balanced fashion. That is all the fairness doctrine is. It is not new—it is 38 years old. It is not scary. It is tried and true. It is not based on scarcely, though some people would argue that point. It is based on power and the exercise of power alone.

Mr. PACKWOOD addressed the Chair.

Mr. PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I wish to announce that the administration opposes enactment of S. 742, because the fairness doctrine: First, is unnecessary in light of the dramatic increase in the number of information sources in recent years; second, does not promote, but actually inhibits, the free and open discussion of important and controversial issues; and third, may contravene important constitutional principles by inappropriately restricting the journalistic freedoms of broadcasters.

Mr. President, let me respond to my friend from Missouri.

He said the fairness doctrine requires broadcasters to treat the news fairly, to cover controversial issues, to cover both sides or all sides of an issue. But there is one little phrase he does not add. That is "as the Government sees it."

Maybe my good friend from South Carolina will help me on the name of the case involving a radio station's coverage of strip mining, which was a controversial issue. First, the station did not cover it at all. They did not want to get into it. They figured it was a loser. They got attacked under the fairness doctrine and the FCC said, "You have to cover it." So they covered it. They covered what they thought was fair.

Then they got attacked under the fairness doctrine for not having covered it fairly. They were found guilty by the Government of not having reported the story right, as the Government saw it. That happened, Mr. President.

Simon Geller is not a parade of horribles, Mr. President. That happened. Had the personnel in the Federal Communication Commission not changed and unholy pressure not been brought on them by myself and others, frankly, they were going to take away his license because he was broadcasting classical music all day long, and in the Government's eyes that was not seen as sufficiently serving the public interest.

This fairness doctrine is a toe in the water, because if we have the right to impose the fairness doctrine on broadcasters, and I hope we do not have the right—I hope the court finds it unconstitutional—if we have the right, then we have the right to tell them that they have to program 2 hours of rock, 2 hours of classical, 2 hours of country. Every station has to be diverse.

It is not enough that you can have one station that is all country, one that is all classical, one that is all rock, one that is all talk. They all have to have everything because that is the way we see it.

This bill, Mr. President, involves more than just the codification of the fairness doctrine. It is symbolic of whether or not the Federal Government has the constitutional power to tell broadcasters what they must program, when they must program, how they must report the news, which views they must give, and which views they cannot give. That is a terrible power, a dangerous power, Mr. President, to put in the hands of any government—ours or any others.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. Mr. President, I rise today in support of S. 742, the Fairness in Broadcasting Act of 1987. This legislation would clarify the congressional intent and codify certain requirements of the Communications Act of 1934.

The fairness doctrine was adopted by the Federal Communications Commission [FCC] to ensure that broadcasters cover issues of public importance and fairly reflect differing viewpoints on those issues. The adoption by the FCC of the fairness doctrine reflected the decision of Congress to

adopt a broadcast system whereby a select few companies and individuals were licensed to utilize the limited broadcast system in exchange for a commitment to operate in the public interest and as public trustees.

The fairness doctrine has permitted those who do not own broadcast stations the opportunity to participate in important public debate, and has provided the public with a greater range of views upon which to make informed decisions.

The Supreme Court has long held that the fairness doctrine actually advances public debate and first amendment values by requiring a broadcaster to present both sides of a controversial issue.

Although there are more radio and television stations in the United States today than there are daily newspapers, the fact remains that broadcasting frequencies are scarce and there is fierce competition to obtain a station. A small town in Delaware recently had 14 applicants for a broadcast license; when a Jackson, WY, station was up for sale, 3 applicants sought the license.

In contrast to the limited broadcast spectrum, there is nothing—except the financial wherewithal—that prevents a person or a company from starting a newspaper, although many cities cannot support more than one newspaper. For example, when Washington, DC, lost the Washington Star, another group decided to start their own newspaper, the Washington Times. By contrast, there is not a single open broadcasting frequency available in Washington, DC.

Ultimately, the debate on the fairness doctrine is a debate over Government control over a public resource—the broadcast spectrum. To balance the limited number of opportunities, the public must become licensees. And to provide the public with a greater number of views, the FCC has required broadcast licensees to act as public trustees.

The fairness doctrine is a fundamental requirement of the public trust by insuring that when an important public policy issue is aired, all sides are given a fair chance to present their views. Unlike the equal time provision which affects political candidates, the fairness doctrine does not require broadcasters to provide every side of an issue with the exact amount of time in precisely the same time period. Instead, broadcasters simply must ensure that their programming, taken as a whole, presents issues of public importance and does so in a balanced fashion.

As former Chief Justice Burger stated:

> By whatever name of classification, broadcasts are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept. The fairness doctrine plays a large role in assuring the public resource granted to licensees at no cost will be used in the public interest.

Mr. President, I do not believe we can afford to end the responsibility of public broadcasters to maintain their fiduciary responsibility to the public to fairly present both sides of important public issues. For that reason, I strongly support maintenance of the fairness doctrine.

Mr. INOUYE. Mr. President, the bill before the Senate today, S. 742, is very straightforward. It codifies the fairness doctrine, a principle which has served the public interest and been a cornerstone of broadcasting for almost 40 years.

The fairness doctrine is a specific application of the public trustee concept that enhances speech and furthers first amendment principles. It is a reasonable condition on the use of a valuable public resource, the electromagnetic spectrum. Moreover, the doctrine serves to increase speech on issues of public importance. As such, it is no more than good journalistic practice.

As my distinguished colleagues are aware, the fairness doctrine requires broadcasters to afford citizens reasonable opportunities to hear and discuss issues of public importance. Adopted by the Federal Communications Commission in 1949, it requires broadcasters to first, cover issues of public importance and second, fairly reflect differing viewpoints on those issues. The fairness doctrine does not require that broadcasters provide every side of an issue with exactly the same amount of time in the same time period. Instead, broadcasters simply must ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion. Thus, in the real world, if a licensee airs only one side of a controversial issue, he must permit, if requested, members of the public a reasonable opportunity to present an opposing viewpoint.

Mr. President, we are here today because the U.S. Court of Appeals ruled last year in the TRAC case that Congress had never actually codified the fairness doctrine. Although we can debate this ruling and the intention of the 1959 amendments to the 1934 Communications Act, Judge Bork's decision leaves the doctrine as merely a component of the public interest standard administered by the FCC, not as part of the law. The Commission can thus repeal it without congressional approval, something which it has sought to do in recent years. The time has thus come to make the fairness doctrine an explicit part of our Nation's communications law.

Mr. President, a few Senators have suggested that the fairness doctrine violates the first amendment and actually chills free speech. Nothing could be further from the truth. Seventeen years ago, the Supreme Court unanimously upheld the fairness doctrine against first amendment challenge in Red Lion Broadcasting Co. against FCC. The Court held that in the context of broadcasting, the rights of the viewing public to hear contrasting viewpoints on issues of public importance, not the rights of broadcasters, are paramount, and that the fairness doctrine is both a permissible and effective means of vindicating those rights. The fact that far more people are willing and able to engage in broadcasting than can possibly be accommodated by the limited spectrum available justifies a regulatory scheme that requires licensees to serve as trustees and obligates them to present the views of those who are excluded from the airways. Since Red Lion, the Supreme Court has consistently reaffirmed the scarcity and public trustee rationale, while upholding regulation of broadcasters against first amendment attack.

In a hearing on March 18, 1987, the Communications Subcommittee gathered evidence which demonstrates that the doctrine increases debate on issues of public importance. The fairness doctrine has created substantial opportunities for expression by those "who wish to exercise their freedom of speech even though they are not members of the press." While the fairness doctrine does not confer upon any particular group or individual a right to air their views, both the courts and the Commission have recognized that broadcasters should, as one means of complying with fairness doctrine obligations, allow speakers to present their own views directly to the public.

Supporters of the fairness doctrine accept that it may impose a mild burden on licensees. However, we believe that the burden is both necessary and minimal. As the Supreme Court stated in Red Lion, "[it] is the right of the viewers and listeners, not the right of the broadcasters which is paramount." While the Communications Act limits the rights of the viewers and listeners by excluding speakers from the airwaves, it mitigates this damage by enhancing speech through the fairness doctrine.

The Commission and the courts have carefully circumscribed the scope of the doctrine in order to minimize intrusion into the editorial discretion of broadcasters. For example, in determining whether there has been a violation of the fairness doctrine, the FCC does not monitor broadcasts. The Commission only acts if it first, receives a complaint and second, determines that the complaint presents prima facie evidence of a violation. Only a tiny portion of complaints result in any FCC action. In 1986, the

FCC requested only 6 broadcasters to respond to fairness doctrine and political broadcasting complaints even though the Commission received an estimated 5,509 complaints in all. During the past 6 years, only one fairness doctrine complaint has resulted in litigation. In reality, there are very few instances where fairness doctrine complaints result in any action by the FCC or the courts. None of the witnesses at the hearing on March 18, 1987, who presently own or are employed by broadcast stations, have ever been asked by the FCC to respond to a complaint.

Thus, the doctrine can only "chill" broadcasters' speech when they are unwilling to air both sides of an issue. In fact, broadcasters need only fear the consequences of presenting a single side of an issue in their overall programming. A broadcaster who acts according to the standards of his or her profession, on the other hand, has nothing to fear from the fairness doctrine, since it is only applied in the most egregious cases of imbalance. The "chill" argument is thus an attempt to clothe the first amendment language in an economically motivated refusal to fulfill the commitments they gave in return for the free grant of a valuable public resource.

Mr. President, the public interest standard ordained by Congress for broadcasting means that licensees are public trustees with unique public responsibilities. As Judge Burger stated in the 1966 United Church of Christ decision: "The fairness doctrine plays a very large role in assuring the public resource granted to licensees at no cost will be used in the public interest." The point is fundamental: without the fairness doctrine, there is nothing to prevent a broadcaster from grossly abusing the public trust embodied in a broadcast license. If the legal requirement that the Commission grant licensees in the public interest cannot prevent such use of a broadcast facility, the public interest concept means nothing at all.

Mr. President, the time is long overdue for Congress to codify the fairness doctrine. I urge my colleagues to support this bipartisan effort and vote for S. 742 without amendment.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Hawaii for chairing our subcommittee. He is working on the special committee, of course, so he has been going weekends and around the clock and still giving time to the subcommittee work on hearings on the fairness doctrine and other matters. We admire his agilities.

Let me state that the Geller case, if I remember correctly, was back in 1975. It was resolved finally in 1983. But in the 1970's they had rules, Mr. President, about public programming, the weather, news, public service programming requirements. It was not a fairness doctrine case. This individual operator was carrying nothing, as the Senator has indicated, but classical music, not providing any kind of public service programming.

Since then, we in the Congress changed those rules, and so has the Federal Communications Commission. So the Geller case is not a good case to cite here in this particular debate.

The Senator from Missouri is right on target. The fairness doctrine has worked. That is what the Senator from Montana said. That has worked for 40 years now, extremely well. We are only codifying in law what has been found by administrative rules. The threat to it is a finding by the Federal Communications Commission that somehow through strained rationale it is unconstitutional.

Let me move, then, to the matter of the cable television operation which, of course, is a surrogate, Mr. President, of the broadcasting media, itself.

Cable television operators have deliberately integrated their offerings with the broadcasters. That is how they came to be. Of course, as they carry the broadcast signal, which is already subject to the fairness doctrine, they are in compliance. There is only a minimum amount of programming by the cable operators, locally produced material, that is subject to the Fairness Doctrine.

Of course, the Court found in city of Los Angeles versus Preferred Communications in a 1986 decision, the FCC's goal to promote diversity in programming was constitutional. In fact, in United States versus Midwest Video Corp., in 1972, the Supreme Court upheld the application of the FCC's requirements to cable operators carriage of local programming.

Think of the things that the Government comes and tells you to do. The Government tells you to stop at the stop sign for public safety. This is a public interest involved. The Government tells us to file an income tax return, and people brought a lot of so-called spurious income tax cases claiming individuals cannot be required to file returns, and, of course, the Court found the public purpose involved, after the finding by the Congress, itself.

Here we have another case where the Senator from Oregon is contending that it is unconstitutional, just like the FCC.

I think it ought to be clarified.

Momentarily, I have about two more speakers to come to the floor. Unless there is someone who wishes to be heard at this particular moment, I suggest——

Mr. DANFORTH. Mr. President, will the Senator withhold?

Mr. HOLLINGS. I withhold.

Mr. DANFORTH. The Senator from South Carolina indicates that he knows of two more speakers. I know of none. Maybe there are Senators who want to debate this issue. It seems to me that there is a very good likelihood that we can wrap this bill up with a little luck in the very near future. Perhaps if we put in a quorum call now and all those people who would like to participate can come on over, maybe we can end up voting on it about 4 o'clock or so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum?

Mr. HOLLINGS. If the Senator will yield just a moment. I ask unanimous consent that a document about the applicability of S. 742 to cable television be printed in the RECORD.

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

THE APPLICABILITY OF S. 742 TO CABLE TELEVISION

Cable television operators are currently obligated to follow the Fairness Doctrine, and S. 742 makes no change in this requirement. While the application of the doctrine to cable operators may appear to cover a wide range of programming, in effect, it applies in only one key respect: locally originated material ("origination cablecasting", *See* 47 CFR 76.209). Whenever a cable operator originates a local program or inserts local material into programming originated elsewhere, he is obligated to comply the doctrine's requirements.

The application to cable operators rests on three grounds. First, cable television operators have deliberately integrated their offerings with those of broadcasters. Most of the programming viewed by cable television audiences is retransmitted television signals. When these audiences "turn the dial", they do not differentiate between these retransmitted programs and other offerings. Thus, cable television is a surrogate for broadcasting and, from a public interest viewpoint, needs to follow similar requirements.

Second, it is important that any local broadcasts or locally originated programming uphold the purposes of the Communications Act. This viewpoint was best expressed in United States v. Midwest Video Corp., 406 U.S. 649 (1972), where the Supreme Court upheld the FCC's requirement that cable operators originate local programming if they wish to carry broadcast signals. The rationale for this requirement was that the FCC could oversee cable television "with a view not merely to protect but to promote the objectives for which the Commission had been assigned jurisdiction over broadcasting." Id. at 667.

Third, as with its grant of broadcasting licenses, the Federal government has established extensive requirements for cable television systems to ensure the public interest is served. These include elaborate rules for the granting of a franchise to use public resources. The 1984 Cable Communications Policy Act (P.L. 98-549), which contains these policies, has a basic purpose to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public". Congress viewed the affirmative obligations to enhance diversity as a

tradeoff for the benefits granted to cable television operators. Moreover, the Fairness Doctrine obligations are directed only toward locally produced material, a very small part of cable television operations, and are a limited intrusion. In balancing these various interests, it is clear they place a minimal burden on cable television operators while forwarding the interests of the public in receiving a greater diversity of views. See City of Los Angeles v. Preferred Communications, 106 S. Ct. 2034 (1986).

In sum, the relatively limited application of the Fairness Doctrine to cable operators can be justified on a number of grounds. The authors of this legislation believe the Fairness Doctrine application here furthers the important goal of enhancing speech and providing additional views to the public.

Mr. DANFORTH. Mr. President, I have no more to say. My suggestion would be that we have a quorum call for about 20 minutes and if nobody shows up we then proceed to vote at that time.

Mr. HOLLINGS. That is good.

Mr. DANFORTH. I suggest the absence of a quorum.

Mr. HOLLINGS. Charged to both sides.

The PRESIDING OFFICER. The absence of a quorum is noted. The time will be charged to both sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I have talked with the distinguished chairman of the committee, Mr. HOLLINGS, the distinguished ranking member of the committee, Mr. DANFORTH, and others, and they are all of a mind to set the vote at 4:45 this afternoon, without further debate.

Therefore, I ask unanimous consent that the vote on passage of this bill occur at the hour of 4:45 p.m. today and that paragraph 4 of rule XII be waived.

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

Mr. DANFORTH. 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.

RECESS UNTIL 4:45 P.M.

Mr. BYRD. Mr. President, so far as I can determine, no other Senator wishes to speak. I therefore ask unanimous consent that the Senate stand in recess until the hour of 4:45 today, but I also ask unanimous consent that there be no quorum call before the rollcall vote at 4:45.

There being no objection, the Senate recessed at 3:46 p.m. until 4:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

The Senate continued with the consideration of S. 742.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the vote occurs on the passage of S. 742.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ARMSTRONG (when his name was called). Present.

Mr. BYRD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Kentucky [Mr. MCCONNELL] are necessarily absent.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 31, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—59

Adams	Glenn	Pell
Bentsen	Gore	Pressler
Bingaman	Graham	Pryor
Breaux	Grassley	Reid
Bumpers	Harkin	Riegle
Burdick	Hatfield	Rockefeller
Byrd	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Hollings	Sanford
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Conrad	Kennedy	Shelby
Danforth	Kerry	Simpson
Daschle	Levin	Stafford
DeConcini	Matsunaga	Thurmond
Dodd	Metzenbaum	Trible
Durenberger	Mikulski	Warner
Exon	Mitchell	Wilson
Ford	Moynihan	Wirth
Fowler	Nunn	

NAYS—31

Baucus	Hecht	Packwood
Bond	Heflin	Proxmire
Boschwitz	Karnes	Quayle
D'Amato	Kassebaum	Specter
Dixon	Kasten	Stennis
Dole	Lugar	Stevens
Domenici	McCain	Symms
Evans	McClure	Wallop
Garn	Melcher	Weicker
Gramm	Murkowski	
Hatch	Nickles	

ANSWERED "PRESENT"—1

Armstrong

NOT VOTING—9

Biden	Cranston	Leahy
Boren	Humphrey	McConnell
Bradley	Lautenberg	Simon

So the bill (S. 742) was passed, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fairness in Broadcasting Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite technological advances, the electomagnetic spectrum remains a scarce and valuable public resource;

(2) there are still substantially more people who want to broadcast than there are frequencies to allocate;

(3) a broadcast license confers the right to use a valuable public resource and a broadcaster is therefore required to utilize that resource as a trustee for the American people;

(4) there is a substantial governmental interest in conditioning the award or renewal of a broadcast license on the requirement that the licensee ensure the widest possible dissemination of information from diverse and antagonistic sources by presenting a reasonable opportunity for the discussion of conflicting views on issues of public importance;

(5) while new video and audio services have been proposed and introduced, many have not succeeded, and even those that are operating reach a far smaller audience than broadcast stations;

(6) even when and where new vido and audio services are available, they do not provide meaningful alternatives to broadcast stations for the dissemination of news and public affairs;

(7) for more than thirty years, the Fairness Doctrine and its corollaries, as developed by the Federal Communications Commission on the basis of the provisions of the Communications Act of 1934, have enhanced free speech by securing the paramount right of the broadcast audience to robust debate on issues of public importance; and

(8) the Fairness Doctrine (A) fairly reflects the statutory obligations of broadcasters under that Act to operate in the public interest, (B) was given statutory approval by the Congress in making certain amendments to that Act in 1959, and (C) strikes a reasonable balance among the first amendment rights of the public, broadcast licensees, and speakers other than owners of broadcast facilities.

SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.

(a) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting before subsection (b) the following new subsection:

"(a)(1) A broadcast licensee shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(2) The enforcement and application of the requirement imposed by this subsection shall be consistent with the rules and policies of the commission in effect on January 1, 1987.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendment to the Communications Act of 1934 added by this Act shall take effect upon the date of enactment

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

FARM DISASTER ASSISTANCE ACT

Mr. BYRD. Mr. President, for the information of Senators, the Senate will be on the acreage diversion bill tomorrow, the Winter Wheat Program legislation. And it should be on that legislation by no later than 10:30.

I have discussed this with the distinguished Republican leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1157 with the understanding that there will be no more rollcall votes today, that there will be no action on the bill today, and that action on the bill will begin tomorrow at 10:30 a.m.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The Senate proceeded to consider the bill.

Mr. BYRD. Mr. President, does the able Republican leader have anything else he would like to lay before the Senate?

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I believe we have cleared three nominations on the Executive Calendar, Calendar Nos. 85, 86, and 87, if they are cleared on the Democratic side.

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

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under The Judiciary and Department of Justice, Calendar Nos. 85, 86, and 87.

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

Mr. BYRD. Mr. President, I ask unanimous consent that those nominations be considered en bloc and confirmed en bloc and that a motion to reconsider be laid on the table.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

James B. Zagel, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

DEPARTMENT OF JUSTICE

D. Michael Crites, of Ohio, to be U.S. Attorney for the Southern District of Ohio.

William J. Jonas, Jr., of Texas, to be U.S. Marshal for the Western District of Texas.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominees.

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

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

SEQUENTIAL REFERRAL OF S. 12

Mr. BYRD. Mr. President, on behalf of Senators NUNN, CRANSTON, WARNER, and MURKOWSKI, I ask unanimous consent that Calendar No. 34, S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All Volunteer Force, be sequentially referred to the Armed Services Committee for a period of time not to extend beyond June 1, and if that committee has not reported by that date, that it be automatically discharged from further consideration.

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

DESIGNATION OF SANTA FE NATIONAL HISTORIC TRAIL

Mr. BYRD. Mr. President, I am informed by the Republican leader that Calendar Order No. 91, H.R. 240, has been cleared on the other side of the aisle and is ready for action.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 91, H.R. 240.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 240) to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

The Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, the Santa Fe Trail was the first of the great trails opening up the western frontier. From its opening in 1821, the trail served as a major commercial highway. It runs from Franklin, MO to Santa Fe, NM, with a little over half the 900-mile route falling within the present boundaries of Kansas and extending near the communities of Independence, Lenexa, Olathe, Gardner, Baldwin City, Overbrook, Burlingame, Council Grove, Hillsboro, McPherson, Lyons, Great Bend, Pawnee Rock, Larned, Dodge City, Garden City, and Lakin.

Unlike its predecessors, the California and Oregon trails, the Santa Fe Trail began in the United States and ended in a foreign country, Mexico. The 25 years that Mexico controlled the western end of the trail are generally considered as the most exciting years of the trail's existence. This period is marked by many significant events marking the travels of those farmers, miners, ranchers, and settlers who pushed toward the Pacific with their dreams of a better life.

Whether it was harrowing Indian battles or the numerous weather disasters that several caravans experienced, the trail was filled with excitement and danger for those who traveled West.

The Mexican War brought the Southwest under United States rule and the character of the Santa Fe Trail changed. A more varied type of traveler appeared on the trail. U.S. Army soldiers, Government officials, religious missionaries and emigrant families were added to the mix. Forts sprang up along the trail to protect travelers from Indian attack and mail and stagecoach service was begun.

When the railroads came in the 1870's, each successive railhead that advanced westward shortened the Santa Fe Trail. In 1879, the train that reached Las Vegas left only 65 miles by wagon to Santa Fe. In February 1880, the trains finally closed the gap and newspapers in New Mexico's capital boldly proclaimed "the Santa Fe Trail passes into oblivion."

Today we have the opportunity to designate the Santa Fe Trail a national historic trail. The trail had a long and important place in our national historical development. This legislation will allow future generations to follow for themselves the path our forefathers traveled west.

Mr. BINGAMAN. Mr. President, I am pleased to urge the passage of H.R. 240 designating the Santa Fe Trail as a National Historic Trail.

This bill, introduced by my distinguished colleague from New Mexico, Congressman RICHARDSON, was passed by the House of Representatives on March 10, 1987 and has been favorably reported by the Senate Committee on Energy and Natural Resources, on which I serve. A similar bill, which I cosponsored, was also introduced in the Senate by the distinguished Senator from Kansas, earlier this year.

Both the House bill and the Senate legislation would grant historical status to the 950 mile Santa Fe Trail. The famed intercontinental passageway to the West began near Old Franklin, MO, and ran through Kansas, Oklahoma, and Colorado, to Santa Fe, NM. The trail followed two routes into New Mexico, one passing through Raton to Cimarron, Taos, Fort Union, La Junta (now Watrous), Las Vegas, across the Pecos River through Glorieta Pass into Santa Fe. The other route carried travelers into eastern New Mexico to the Canadian Cross, through Wagon Mound, La Junta (Watrous), Las Vegas, the Glorieta Pass, and into Santa Fe.

The trail, opened in 1821, became one of the great trans-Mississippi pathways to the American West. It was once the major overland route between the central United States and the Western frontier.

This celebrated overland route is rich in historic and cultural value. It not only played a central role in the expansion of the West, but it was a major thoroughfare for commerce between the United States and the Republic of Mexico.

The historic trail designation would help to preserve the trail and be a spur to increased tourism in New Mexico and elsewhere along its route. According to the New Mexico Economic Development and Tourism Department, the trail designation would mean an additional $160,000 for the travel industry annually in northeast New Mexico, particularly in economically depressed Colfax, Mora, and San Miguel Counties.

The designation would also be a great distinction for the trail and the State, since National Historic Trail status is shared by only two other trails in America—the Oregon and California Trails. The legislation complies with the National Trails System Act, which requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan before requesting funding.

The legislation is also carefully crafted not to disturb the land rights of individual landowners. The bill, as drafted, insures that no private land would be appropriated for the trail without the consent of the landowner. In addition, before acquiring any easement or entering into any cooperative agreement with a private landowner, the Secretary would be required to notify the landowners of any potential liability for public injury from physical conditions that may exist on the landowner's land.

The Santa Fe Trail is the last major overland wagon road to be considered for National Historic Trail designation. I feel it is particularly deserving of this distinction. Passage of this bill would preserve and protect the trail. It would bring needed tourism to rural areas of New Mexico and other States. And it has strong local community support.

I encourage my colleagues to support this worthwhile legislation.

Mr. DOMENICI. Mr. President, the Santa Fe Trail was the first of the great trans-Mississippi pathways to the West. Founded in 1822, it was used primarily as a route for commerce between Missouri and Santa Fe, in what was then Mexico.

During its history, the trail originated at several different points in Missouri until travelers finally settled upon Independence, MO as the staging point. From there it traversed southwest across Kansas before branching off near Fort Dodge. The mountain branch then proceeded through Colorado, and the Cimarron Cutoff passed through the Oklahoma panhandle. The two braches rejoined near Fort Union in what is now New Mexico and the trail continued to Santa Fe from there.

For over 50 years, the Santa Fe Trail served as a commercial, military, and migration route to the Southwest. It played a pivotal role in the opening and development of the area that eventually became New Mexico. It effectively linked the Spanish and American cultures and fused them into a distinct culture with customs that still exist in New Mexico today.

Many of the forefathers of present-day New Mexicans originally traveled to New Mexico over the Santa Fe Trail. General Kearny led his army, which brought New Mexico under United States rule in 1846, along the Santa Fe Trail. The Battle of Glorieta Pass, which was the turning point of the Civil War in the Southwest, was fought along the trail in northeastern New Mexico. At Glorieta Pass, Union forces stopped the advance of Confederate forces from Texas toward Denver. The trail fell into disuse after 1880, when the Atchison, Topeka, and Santa Fe Railroad reached Santa Fe.

While short, scattered segments remain where original rail ruts can be seen, most of the trail has been obliterated by weather and development. It is estimated that over 90 percent of the trail route is currently in private ownership.

In 1976, the Santa Fe Trail was studied for inclusion in the National Trail System. At that time, there were only two categories of national trails: national scenic trails and national recreation trails. The study found that, while the trail did not qualify for designation as a national scenic or recreational trail, it was of national significance and should be recognized in some manner.

The finding of nonsuitability as a scenic or recreational trail was based upon the number of incompatible developments along the trail, the lack of public ownership, and the fact that long stretches of the trail traversed dry, unvarying terrain. Rather than Federal designation as a component of the National Trails System, the study recommended that short segments of the route which possess scenic and historical features be recommended for recreation development or historical commemoration by Federal, State, or local agencies.

It should be noted that, at the time of the study, Congress had yet to create the National Historic Trails, and the trail consequently was not evaluated for designation as a National Historic Trail. The conclusions reached in the 1976 study under criteria applicable to national scenic and recreation trails, therefore, are not necessarily applicable to the suitability of the Santa Fe Trail as a National Historic Trail.

In 1978, Congress created the new category of National Historic Trails. The purpose of the National Historic Trails is to preserve and promote an appreciation of the historic resources of our Nation by the designation of routes which played an important role in our history.

National Historic Trails—there currently are five of them—follow as closely as possible and practical the original trail route. The historic routes are identified and protected for public use and enjoyment. Only the parts of an historic trail that are on federally owned land are provided Federal protection. The Santa Fe Trail is eligible for designation as a National Historic Trail since its primary importance is of an historic nature.

Last year, a bill was to designate the Santa Fe Trail as a National Historic Trail was introduced in the House. That bill was strongly opposed by local ranchers and other private interests because it would have allowed the Federal Government to acquire private land along the trail by condemnation. The private landowners were also concerned about their potential liability to visitors and the ability of the Secretary of the Interior to expand the trail without further congressional action.

These concerns were well founded. The loss of land, plus the increased cost of doing business related to those liability questions, would be unnecessary burdens to add to the livestock industry, which is already reeling from low beef prices and falling land values.

Fortunately, the bill was amended in committee to address these concerns, and the modified version was passed by the House. Although the modified version was introduced in the Senate last year, there was inadequate time to enact the bill into law before the final adjournment of the 99th Congress.

The Santa Fe Trail bill which we have before us today is identical, except for some technical changes, to

the modified bill from the 99th Congress.

This bill designates approximately 950 miles of the Santa Fe Trail as a National Historic Trail. In addition, the bill states that the Federal Government can acquire lands along the trail only with the consent of the landowner. This overrides the provision of the National Trails System Act that provides that the Park Service can acquire up to 125 acres per mile by condemnation.

It also states that the Secretary of the Interior, prior to entering into a cooperative agreement or acquiring an easement in the trail, must inform the affected landowner of the landowner's potential liability for injuries to the public which occur on his property.

Establishment of the trail would allow visitors from all over the Nation to experience the trail. They will be able to hike along short sections of the trail and retrace the path of the pioneers. They also will be able to learn about the history of the trail and its significance in our history through displays and exhibits at National Park units along the trail, such as Fort Union and Pecos National Monuments.

It will cost approximately $100,000 to establish the trail. Ongoing operation and maintenance expenses are not expected to be significant.

I would like to point out that this bill has the support of the New Mexico Cattle Growers' Association, which represents a number of the land owners along the trail in New Mexico.

Mr. President, designation of the Santa Fe Trail as a National Historic Trail will increase the opportunities of visitors to the areas along the trail to learn more about the trail and its place in the history of our country. It will spur tourism and boost the economy of surrounding regions. This bill also will commemorate a part of our history that was pivotal in linking our Nation together.

I am proud to be a cosponsor of this bill and encourage all the Members of the Senate to support this measure.

Mr. ARMSTRONG. Mr. President, the Santa Fe Trail's contribution to American history is secure, and I am pleased to join my colleague Senator KASSEBAUM and my colleague in the House, Representative BROWN of Colorado, in formally recognizing the Santa Fe Trail for National Historic Trail status.

The Santa Fe Trail is important to the Nation for the lands it opened to the country, the courage and vision of the trail's pioneers in the face of contrary opinion and considerable dangers, the adventure and tales the Trail added to our national lore, and the bridge it provided us to the Spanish speaking peoples to our south.

Villa Real de la Santa Fe de San Francisco de Asis held claim throughout the 17th century as the most isolated, civilized city in the world due to its location in the middle of an unexplored continent and inaccessibility by water. The capital of the New Mexico province was founded in 1609 on the upper Rio Grande River by the Spanish just 2 years after the settlement of the Jamestown Colony in Virginia's tidewaters and served primarily to educate local Indian populations. Situated 1,000 untraveled miles from Louisiana and 1,500 miles from Mexico City, supplies were far and few between. At best, a supply train would come every 3 years, but 6 or 7 years would usually lapse between new supplies.

The Santa Fe Trail we are honoring today encompasses the 950-mile overland route from Missouri to Santa Fe that started with a journey by William Becknell in 1821. Known as the "Father of the Santa Fe Trail," Becknell may actually share establishment of the trail with several others. All the early travelers benefited from the Iturbide Revolution in Mexico in 1821 that ushered out the Spanish and brought a more lenient policy towards international trade.

Becknell's group, numbering only five, left St. Louis on October 1, 1821, arrived in Santa Fe on November 18, and returned to St. Louis in the early spring of 1822. Once back in St. Louis, Becknell quickly organized a trading party of 21 men and this was the first commercially successful trade trip to Santa Fe.

Not until 1824 did the lucrativeness of the Santa Fe trade become firmly established and the travel on the trail begin in earnest. For the next 20 years the trail enjoyed a million dollar a year business. Caravans left Missouri with hardware, dry goods, and textiles and returned from Santa Fe with furs, skins, gold, and silver. Trade was slowed by the Mexican American War, although some trade revived to supply American military posts along the route. The final end of the trade would not come until 1879 when the Atchison, Topeka, and Sante Fe Railroad passed near Santa Fe.

The route known as the Santa Fe Trail established by Becknell and the other early travelers traversed through the five current States of Missouri, Kansas, Oklahoma, Colorado, and New Mexico. There were two principal branches to the Trail: "The Mountain Branch", the original trail pioneered by Bucknell which followed the Arkansas River into present day Colorado to near La Junta and then south over Raton Pass and down to Santa Fe; and "The Cimarron Cutoff", a shorter route that cutoff from the Arkansas River near present day Cimarron, Kansas and travelled a more direct route to Santa Fe.

The Santa Fe Trail had a particularly important role in the development and exploration of Colorado because of the fur trade conducted from Santa Fe. The demand for beaver pelts in eastern markets made furs as essential element to the commerce along the Santa Fe Trail. When the Santa Fe Trail came into being, the center of the fur trade had moved south to the southern Rockies and much of it centered in Taos near Santa Fe. From Taos trappers could hunt in several directions, including many of the rivers and valleys of southern and western Colorado. Some trappers, hoping to get closer to their source and eastern markets, would spend their winters at posts on the Arkansas River near the present day sites of Pueblo, La Junta, and Las Animas.

The Santa Fe Trail is an important part of our past, but the history of the Santa Fe Trail is still alive along the trail today. In Trinidad, CO, a Santa Fe Trail Council has been formed with representatives from all the trail States. There work includes symposiums, raising funds for markers, and as an information center on the Santa Fe Trail.

Although historic designation is very timely and appropriate in view of the Santa Fe Trail's role in the development of the West, I wanted to bring to the Senate's attention of an annual observance of the Santa Fe Trail's place in history.

Santa Fe Trail Day will be celebrated for the 53d consecutive year this Friday, April 24, in Las Animas in Southeastern Colorado. And although the Santa Fe Trail has been romanticized in movies and books, the theme for the 53d Santa Fe Trail Day is "Broken Axles and Saddle Sores" which probably captures a more realistic view of the hardship of traveling this trail more than 100 years ago.

Santa Fe Trail Day is a community-wide event in Las Animas and has become a much anticipated annual spring rite. Las Animas is the seat of Bent County, named after Charles and William Bent who constructed the "Citadel of the Santa Fe Trail", Bent's Fort, in 1833. This institution is part of not only the lives of local citizens, but is ingrained in those who were born and raised in Southeastern Colorado and who now live elsewhere.

What makes Santa Fe Trail Day even more unique is that the entire event is sponsored by the Las Animas High School Student Council. Although the Chamber of Commerce, civic organizations and local governmental entities get heavily involved, it is the students of Las Animas High School who run the show. For the past 53 years on the last Friday in April these students have paid tribute to their region's history by sponsoring this tradition.

This year's Grand Marshall of the Santa Fe Trail Day parade is Bill

Setchfield, a respected local businessman and community activist who hails from one of Bent County's oldest families. The settlement of Colorado's Arkansas Valley by families such as the Setchfields began with the establishment of the Santa Fe Trail in 1821.

So, Mr. President, while the Senate will be considering official historic status for the Santa Fe Trail, I wanted my colleagues to know that the proud history of this Western pioneer highway has been commemorated annually for 53 years in Las Animas, CO. Historic Trail designation will follow an already established tradition in Southeastern Colorado.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on third reading and passage.

The bill (H.R. 240) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

BILL INDEFINITELY POSTPONED—S. 410

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 24, S. 410, be indefinitely postponed.

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

BILL HELD AT DESK—H.R. 1846

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 1846, when received from the House of Representatives, be held at the desk.

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

ORDER FOR STAR PRINT—S.J. RES. 98

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Joint Resolution 98 be star printed to reflect the following changes which I send to the desk on behalf of Senator HATCH.

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

DUAL SHOPS

Mr. DOLE. Mr. President, the issue of "double-breasting" or "dual shops" has received some publicity lately as a result of the reintroduction of S. 492, the "building and construction industry labor law amendments of 1987," and its counterpart in the House, H.R. 281.

Recently, I received a letter from Labor Secretary Bill Brock stating the administration's view of the proposed legislation, and I thought my colleagues would be interested in what Secretary Brock had to say.

The letter states that the administration strongly opposes the proposed legislation. Secretary Brock notes that the legislation would do two things. First, it would deny construction company owners the ability to operate two separate construction businesses, one subject to a collective-bargaining agreement and one not subject to such an agreement. Second, the proposed legislation would prohibit a unilateral repudiation of a "pre-hire" agreement.

Secretary Brock points out that requiring the terms of a collective-bargaining agreement to be applied to employees of a nonunionized company violates the right of employees to have a voice in deciding who, if anyone, should represent them with their employer. He concludes that the proposed legislation would "disturb fundamental underpinnings of a law which has served us well."

On the second point, the ability of one party to repudiate a pre-hire agreement, Secretary Brock notes that a recent National Labor Relations Board decision makes the legislation unnecessary. On the other hand, he also notes that the legislation would go further and establish a presumption that a union has majority status, rather than giving employees covered by a pre-hire agreement "the right to decide, through an NLRB-conducted election, whether they wish to continue to be represented by a union."

It is probably inevitable that issues involving labor relations become emotional ones. However, that does not relieve us of the responsibility to do what is right, based upon a full analysis of the impact of both present law and proposed changes. I believe Secretary Brock has added significantly to the debate, and I ask unanimous consent that the text of this letter be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, April 10, 1987.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR BOB: S. 492, the "Building and Construction Industry Labor Law Amendments of 1987," would prohibit "double-breasting" in the construction industry. The Administration strongly opposes this legislation and supports current law and enforcement procedures as provided through the National Labor Relations Act.

S. 492 is a two-part bill. The first part would make it illegal for construction company owners to operate a double-breasted, or dual shop, company. A dual shop consist of two separate operations using two different labor procedures. One operates under the terms and conditions of a collective bargaining agreement, and the other operates with no such agreement. This dual arrangement is legal as long as—and only as long as—the two entities meet the National Labor Relations Board's standards for separateness. If the relationship is determined to be insufficiently separate, current law requires that the two operations be treated as one, with the terms of the collective bargaining agreement applied to employees of both entities.

Under S. 492, however, dual shops could not exist. The terms of the collective bargaining agreement of the unionized company could be applied to the employees of the non-unionized company without conducting a separate election. Normally, all employees have a voice—through their vote—to decide who, if anyone, will represent them before their employer. S. 492 would disturb these fundamental underpinnings of a law which has served us well.

The second part of the bill would prohibit a unilateral repudiation of a pre-hire agreement. A pre-hire agreement, unique to the building and construction industry, is one by which an employer and a union enter into a collective bargaining agreement although the employees to be hired have not had an opportunity to select or reject the union as their bargaining representative. In its recent Deklewa decision, the NLRB held that pre-hire agreements cannot be unilaterally terminated during the term of that agreement. However, unlike the legislation which would permit the union to enjoy a presumption of majority status, the NLRB held that employees covered by a pre-hire agreement would have a right to decide, through an NLRB-conducted election, whether they wish to continue to be represented by a union. This right to an election could be exercised by the employees at any time during the term of the pre-hire agreement, or upon its expiration. Thus, individual employee rights are protected by the NLRB ruling.

In sum, the NLRB's decisions, as affirmed by the courts, confirm that our labor laws are working as they should to assure a balance among the interests of employers and employees. S. 492 would upset this balance and would be an unfortunate precedent for other industries as well.

S. 492 should be defeated.

The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress, and that enactment of S. 492 would not be in accord with the program of the President.

Very truly yours,

WILLIAM E. BROCK.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1987, the Secretary of the Senate, on April 15, 1987, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received on April 15, 1987, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I am pleased to transmit herewith the 21st Annual Report of the National Endowment for the Humanities covering the year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

NOTICE OF CONTINUATION OF DECLARATION OF A NATIONAL EMERGENCY IN NICARAGUA—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Nicaraguan emergency is to continue in effect beyond May 1, 1987, to the *Federal Register* for publication. A similar notice was sent to the Congress and the *Federal Register* on April 22, 1986, extending the emergency beyond May 1, 1986.

The actions and policies of the Government of Nicaragua continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. If the Nicaraguan emergency were allowed to lapse, the present Nicaraguan trade controls would also lapse, impairing our Government's ability to apply economic pressure on the Sandinista government and reducing the effectiveness of our support for the forces of the democratic opposition in Nicaragua. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed in the process of dealing with the situation in Nicaragua.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to Section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Spain on Social Security which consists of two separate instruments. The Agreement was signed at Madrid on September 30, 1986.

The U.S.-Spain Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, the Federal Republic of Germany, Italy, Norway, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Spain Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1987.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 4, 1987, the Secretary of the Senate, on April 15, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 93. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990.

MESSAGE FROM THE HOUSE

At circa 4:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1963. An act to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine reclamation, Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 93. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, and 1990.

The following bill was placed on the calendar by unanimous consent:

H.R. 1963. An act to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The President pro tempore [Mr. STENNIS] reported that, pursuant to the authority of the order of the Senate of February 3, 1987, that he had signed the following enrolled bill and joint resolution on April 14, 1987, during the adjournment of the Senate:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; and

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25,

1987, as "National Minority Cancer Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1023. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to amend the Older Americans Act and the National School Lunch Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1024. A communication from the Chief, Program Liaison Division, Department of the Air Force transmitting, pursuant to law, a report on its intention to file a draft environmental impact statement on the proposed final deployment of the Ground Wave Emergency Network; to the Committee on Armed Services.

EC-1025. A communication from the Executive Director of the Securities and Exchange Commission transmitting, pursuant to law, a draft of proposed legislation requesting authorization of appropriations; to the Committee on Banking, Housing, and Urban Affairs.

EC-1026. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal the Salmon Vessel Buy-Back Program; to the Committee on Commerce, Science, and Transportation.

EC-1027. A communication from the Comptroller of the Currency transmitting, pursuant to law, the Office's 1986 report on the processing of consumer complaints; to the Committee on Commerce, Science, and Transportation.

EC-1028. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fy 1988; to the Committee on Commerce, Science, and Transportation.

EC-1029. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1986 annual report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-1030. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the provision to Chad of emergency military assistance; to the Committee on Foreign Relations.

EC-1031. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report providing projections of Federal investment spending and a review of public civilian investment needs; to the Committee on Governmental Affairs.

EC-1032. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for the Emergency Food and Shelter Program for fy 1988; to the Committee on Governmental Affairs.

EC-1033. A communication from the Deputy Assistant Secretary of Agriculture transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1034. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the Commission's 1986 Government in the Sunshine Act report; to the Committee on Governmental Affairs.

EC-1035. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the Commission's 1986 Freedom of Information Act report; to the Committee on the Judiciary.

EC-1036. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on an order granting defector status to an alien; to the Committee on the Judiciary.

EC-1037. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the Commission's 1986 Freedom of Information Act report; to the Committee on the Judiciary.

EC-1038. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to include U.S. Bankruptcy Judges and U.S. Magistrates in the judicial retirement system now applicable to territorial district judges; to the Committee on the Judiciary.

EC-1039. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the Department's Freedom of Information Act report; to the Committee on the Judiciary.

EC-1040. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a report on the new Institute of American Indian and Alaska Native Culture and Art Development; to the Committee on Labor and Human Resources.

EC-1041. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a review and evaluation of alcohol, drug abuse and mental health services block grant allocation formulas; to the Committee on Labor and Human Resources.

EC-1042. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Endowment Challenge Grant Program; to the Committee on Labor and Human Resources.

EC-1043. A communication from the Administrator of Veterans Affairs transmitting a draft of proposed legislation to authorize him to take certain administrative actions; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 10, 1987, the following reports of committees were submitted on April 15, 1987:

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Con. Res. 48. An original concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1988, 1989, 1990, 1991. (Rept. No. 100-40).

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Report on Legislative Activities of the Committee on Environment and Public Works During the 99th Congress (Rept. No. 100-41).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 853. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes (Rept. No. 100-42).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendments:

S. 1041. An original bill to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles, and for other purposes (Rept. No. 100-43).

By Mr. CHILES, from the Committeee on the Budget, without amendment, and without recommendation:

S. Con. Res. 49. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

S. Con. Res. 50. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

S. Con. Res. 51. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1988, 1989, 1990, 1991.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 778) to authorize a star schools program under the grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purpose (with minority views) (Rept. No. 100-44).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 90. A bill to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes (Rept. No. 100-45).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GARN, Mr. LEVIN, and Mr. MCCAIN):

S. 1042. A bill to amend the Trade Act of 1974 to take into account the injury caused by subsidized excess capacity to produce nonagricultural, fungible goods, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GARN, Mr. LEVIN, and Mr. MCCAIN):

S. 1043. A bill to amend the Bretton Woods Agreements Act to limit the use of the compensatory financing facility of the International Monetary Fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. HEINZ:

S. 1044. A bill to provide for medicare coverage of influenza vaccine and its administration; to the Committee on Finance.

S. 1045. A bill to appropriate additional amounts for fiscal year 1987 for the National Institute on Aging; to the Committee on Appropriations.

By Mr. SHELBY (for himself, Mr. HELFIN, and Mr. KERRY):

S. 1046. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

By Mr. JOHNSTON (by request):

S. 1047. A bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. DANFORTH, and Mr. PACKWOOD):

S. 1048. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S. 1049. A bill to suspend temporarily the duty on lasamid; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. GLENN):

S. 1050. A bill to temporarily suspend the duty on certain stuffed toy figures; to the Committee on Finance.

S. 1051. A bill to suspend temporarily the duty on stuffed dolls and toy figures; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 1052. A bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. ROCKEFELLER, Mr. MITCHELL, and Mr. SPECTER):

S. 1053. A bill to waive certain time limitations imposed under the Trade Adjustment Assistance Program for certain workers whose employment terminated between 1981 and 1986, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. WEICKER, and Mr. DODD):

S. 1054. A bill to amend the Trade Act of 1974 to allow watches to be designated as eligible articles for purposes of the generalized system of preferences; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 1055. A bill for the relief of Julieta Rabara Rasay; to the Committee on the Judiciary.

S. 1056. A bill for the relief of Imelda Villanueva Locquiao; to the Committee on the Judiciary.

S. 1057. A bill for the relief of Ronilo Ancheta; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 1058. A bill to amend the Internal Revenue Code of 1986 to allow a deduction of at least $15,000 for interest paid or accrued on indebtedness incurred to acquire a 50 percent or more ownership interest in a corporation; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1059. A bill to terminate the application of certain Veterans' Administration regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care; to the Committee on Veterans' Affairs.

By Mr. SASSER (for himself and Mr. GORE):

S. 1060. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to deduct either State and local sales taxes or State income taxes; to the Committee on Finance.

By Mr. TRIBLE (for himself, Mr. ARMSTRONG, and Mr. MCCONNELL):

S. 1061. A bill relating to enforcement of the restrictions against imported pornography; to the Committee on the Judiciary.

By Mr. CRANSTON (by request):

S. 1062. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees; to the Committee on Veterans' Affairs.

S. 1063. A bill to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; to the Committee on Veterans' Affairs.

S. 1064. A bill to amend title 38, United States Code, to extend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

S. 1065. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to provide on call pay to certain civil service health-care personnel; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GARN, Mr. LEVIN, and Mr. MCCAIN):

S. 1042. A bill to amend the Trade Act of 1974 to take into account the injury caused by subsidized excess capacity to produce nonagricultural, fungible goods, and for other purposes; to the Committee on Finance.

S. 1043. A bill to amend the Bretton Woods Agreements Act to limit the use of compensatory financing facility of the International Monetary Fund, and for other other purposes; to the Committee on Foreign Relations.

MINERALS AND MATERIALS FAIR COMPETITION LEGISLATION

Mr. DOMENICI. Mr. President, I am going to introduce a bill today on behalf of myself, the junior Senator from New Mexico, Senator BINGAMAN, the senior Senator from Arizona, Senator DECONCINI, and the senior Senator from Utah, Senator GARN.

I assume that before the day is out that a number of other Senators might desire to cosponsor this bill. I found that this was the most convenient time. So perhaps before the day is out we will ask consent that others who want to join in it be added as if they were original cosponsors.

This particular bill has to do with unfair competition in minerals and related materials and we call it the Minerals and Materials Fair Competition Act.

Basically, Mr. President, the U.S. copper producers have made substantial gains in their attempts to increase productivity and to reduce costs. Competitiveness seems to have many definitions, but it is clear that the ability of our industries to compete in the world market is a function not only of the rules of business in the United States but also the rules of business in other countries.

The playing field, in other words, is not level. Copper producers in the United States are at a terrible disadvantage trying to compete with foreign countries willing and able to subsidize excess capacity to produce copper.

The Minerals and Materials Fair Competition Act approaches the problem on several fronts. Sections 210 and 301 and the antidumping and countervailing duty provisions are amended and negotiation objectives are changed. The United States participation in multilateral development banks is addressed and significant changes are made with reference to the approach that they must take before they can lend additional money to produce significant new capacity where a glut already exists. The bill's language, I stress, is generic. It covers copper, potash, and other commodities similarly affected. They each face the same challenge in trying to compete with subsidized excess capacity.

The trade situation we face has caused considerable damage to the industries in the State of New Mexico and throughout the United States. Clearly it is time to deal with the unfair practices of our trading partners and to take steps to improve enforcement of our trade agreements.

This bill would amend our trade laws to ensure domestic industries are adequately defended against the effects of subsidized overcapacity in other countries. The bill also provides for changes to the Bretton Woods Agreement. These would ensure that U.S. representatives to multilateral development banks oppose funding or support of plans to develop excess world capacity for the production of minerals and materials.

I am particularly concerned about the practice of foreign governments subsidizing excess capacity to produce goods like copper, potash, and other minerals. Over the years, our domestic producers have worked hard to reduce their costs and to increase their productivity. However, we cannot expect them to compete with foreign-government subsidies.

These fungible goods are especially vulnerable to such unfair practices because they are essentially identical, regardless of their source. They are truly world commodities, traded in world markets. Subsidized excess capacity overseas leads to high worldwide inventories and low prices. Such conditions make it impossible for our producers to compete in the near term

and to raise capital for future operations.

I ask unanimous consent to include in the RECORD at the conclusion of my remarks a related Wall Street Journal article. It is entitled "Glutted Markets, A Global Overcapacity Hurts Many Industries; No Easy Cure Is Seen" and it was in the March 9, 1987 issue. It provides an excellent discussion of this subject, and I urge my fellow Senators to review it.

Mr. President, certain provisions in the bill will carry this concern through to our objectives in trade agreement negotiations. Taken together, the provisions in the legislation provide for comprehensive and consistent treatment of the unfair practice of subsidizing excess capacity. To address this problem in a more limited way would be ineffective.

This legislation will establish the opportunity for our industries to compete in domestic and world markets. It is not designed to, nor would it, provide protection for the U.S. industries.

The mining industry is the backbone of much of our Nation's industrial base. Throughout the past two decades, the industry has suffered from unfair foreign competition, dumping by foreign producers, and a general lack of support at home. If we fail to come to the aid of the Nation's basic industries, we will unnecessarily jeopardize the strength and well-being of our country.

Mining employment in New Mexico is only half what it was just 5 years ago. Total employment over the same period has grown by more than 10 percent. To say the mining industry is in trouble is a terrible understatement.

The copper industry is one that has been severely injured. Copper is classified as a strategic and critical commodity vital to the national defense. Copper continues to be a critical component in electrical and construction applications. The shutdowns in U.S. copper capacity, and those currently threatened, will make us more dependent on foreign-produced copper.

Imported refined copper reached a record of more than half a million metric tons in 1986. This is an increase of 10 to 20 percent, compared to recent years. It is particularly significant because the apparent consumption of copper has grown very little during the same period.

The industry has responded to the world market conditions by taking steps to reduce costs and increase productivity. They have done this by consolidating (through mergers and shutdowns) and changing technology to increase productivity (throughout the process of mining, milling, and smelting). Our industry is competitive in the real sense of that word. It still struggles to compete with unfair foreign government practices.

The current trade laws need to be strengthened. The legislation I am introducing will do this on several fronts and in a concerted way. There are many examples of where our current laws have failed to produce the desired results. There are similar examples of situations where actions of U.S. representatives to the multilateral development banks have been contrary to the needs of our own industries, and to the economic laws of supply and demand.

The copper industry sought import relief in 1984, under section 201 of the trade law. Despite a unanimous finding in the industry's favor by the International Trade Commission, the President decided to deny relief.

In testimony before the Finance Committee on April 2, Ambassador Yeutter cited opposition by copper fabricators as the primary reason for denying relief. I would like to know how long we can maintain a viable fabricating sector without a domestic source of raw materials. There are innumerable examples of this type of manufacturing moving off our shores, including lead and zinc production.

In fact, it is already happening. We are being absolutely naive to believe copper fabricators will be immune to this in the future. Over the past 5 years, imports of refined copper have nearly doubled while domestic refining has fallen by a similar amount. How can we not believe it?

Employment in the U.S. copper industry totaled an estimated 9,800 in 1986, compared to more than 30,000 as recently as 1981 and 15,000 in 1984.

In New Mexico, one copper company is the largest single employer in the State's varied manufacturing sector. Phelps Dodge Corp. employs 2,159 people in the mining and smelting of copper. That is 8 percent more than the next largest employer and twice the number employed by the fourth largest employer.

This is a very important industry to New Mexico and to the Nation. Employment is only the tip of the iceberg. The contributions to the economy go beyond the payroll totals. The economic impact in 1985 related to Phelps Dodge's operations in New Mexico totaled $220,364,000. The payroll accounted for 32 percent; construction expenditures, 32 percent; utilities purchases, 23 percent; taxes, 5 percent; and other purchases, 8 percent.

More recently, U.S. potash producers petitioned the International Trade Commission and the Department of Commerce for relief from Canadian dumping of potash in the United States market. On March 23, the Commission announced its findings regarding injury and the threat of injury to the domestic producers. The Commission ruled unanimously in favor of the petitioners.

The Commission found the U.S. potash industry has been injured. Between 1984 and 1986, U.S. potash production dropped 26 percent, shipments fell 55 percent, and the workforce declined 23 percent. At the same time, as the size of the U.S. market held steady, the Canadians increased their production capabilities and their share of the United States market.

The Commission also found that Canadian potash was being sold in the United States market, at prices below those of United States producers for most products.

The petition now is in the hands of the Department of Commerce to determine if and to what extent dumping has occurred. It is my sincere hope that if the Department of Commerce determines that dumping has occurred, relief will be granted.

Free trade and fair competition do not exist in today's world markets. We must make our laws work for us and penalize those who pursue unfair practices. The legislation I am introducing would tighten the procedures for the United States Trade Representative and the President is cases like this one. It would require them to act more promptly and responsibly toward U.S. industries injured by such unfair practices.

For all those who would argue these unfair practices are acceptable or even preferable because the consumer benefits from lower short-term prices. I ask you to consider our experiences with dependence on imported oil. Does anyone really believe the price of oil will remain at current low levels after we have allowed our domestic oil industry to whither and die? We are faced with essentially the same situation in other critical minerals and materials.

The trade deficit problem will be mitigated somewhat by the provisions in this legislation. More importantly, the domestic minerals and materials industries will be provided with the opportunity to compete. At the same time, the risks associated with import reliance will be reduced.

Mr. President, basically, it seems that copper and other commodity producers in the United States do their very best to become competitive. They change their way of doing business, they modernize, they even use new techniques. And yet we find in this world market that a product like copper must compete with production from around the world.

And we find a foreign country, even when there is a glut in the market, will go out and borrow in the world market, the World Bank will participate, they will subsidize and increase capacity in a foreign country. Often, they do not have a capitalistic system, do not have a bottom line of profits and losses, and continue to increase capacity. This creates the so-called glut issue.

Obviously, we need some generic way to deal with that. This is another one of those issues where you need a concept, a new concept of what unfair trade practices are.

If we stay with the old, simple definitions of dumping, selling at below cost, they will not solve the problem. What we need is a new order of things in the world marketplace for a decade or so, so that demand for these commodities will catch up with the productive capacity that already exists. This will address the glut situation without doing away with competition. We want it to be competitive so that our consumers and the consumers in the world get the best possible prices under those circumstances.

We think, after months of study and evaluation by experts, that we have something that our Finance Committee ought to seriously consider with reference to materials of this type. That is nonagricultural fungible commodities in the world marketplace, that are very similar from country-to-country. Basically the methods of financing and subsidizing capacity are very different from country to country, and the United States needs some tools in order to be able to compete.

There is a separate section of the bill, Title V, which I have introduced which clearly should be referred separately. And I only call it to the attention of the Parliamentarian, because I am also introducing it as a separate bill, so that it could be referred to the Foreign Affairs Committee.

Mr. President, I ask unanimous consent that the text of the bills, and a summary of the provisions of the Minerals and Materials Fair Competition Act and a document provided by an American copper company indicating the innovative changes that have occurred in the industry be printed in the RECORD.

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

S. 1042

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minerals and Materials Fair Competition Act of 1987".

TITLE I—ACTIONS AGAINST UNREASONABLE TRADE PRACTICES

SEC. 101. ACTIONS REQUIRED TO BE TAKEN BY THE PRESIDENT IN RESPONSE TO CERTAIN DETERMINATIONS.

(a) IN GENERAL.—Subsection (a) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) SUBSIDIZED EXCESS PRODUCTION CAPACITY CASES.—By no later than the date that is 21 days after the date on which the United States Trade Representative makes an affirmative determination under section 304(c)(1) with respect to any nonagricultural, fungible goods of a foreign country, the President—

"(A) shall impose by proclamation or Executive order a limitation on the quantity of such goods that may be entered equal to the quantity of such goods that entered during a representative period occurring before the period in which the acts, policies, and practices that are the subject of such affirmative determination were engaged in by the foreign country, and

"(B) may take such other actions described in subsection (b) or (c) that are necessary to offset such acts, policies, and practices.".

(b) COMMENTS.—Paragraph (1) of section 301(d) of the Trade Act of 1974 (19 U.S.C. 2411(d)(1)) is amended by inserting "by interested persons" after "presentation of views".

(c) ENTERED.—Section 601 of the Tariff Act of 1974 (19 U.S.C. 2481) is amended by adding at the end thereof the following new paragraphs:

"(11) The term 'entered' means entered, or withdrawn from warehouse, for consumption into the customs territory of the United States.

"(12) The term 'customs territory of the United States' means the States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 102. UNREASONABLE PRACTICES.

Paragraph (3) of section 301(e) of the Trade Act of 1974 (19 U.S.C. 2411(e)(3)) is amended to read as follows:

"(3) UNREASONABLE.—

"(A) IN GENERAL.—An act, policy, or practice is unreasonable if the act, policy, or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair and inequitable.

"(B) INCLUSIONS.—Acts, policies, and practices that are unreasonable include, but are not limited to, any act, policy, or practice which—

"(i) denies fair and equitable—

"(I) market opportunities, or

"(II) opportunities for the establishment of an enterprise,

"(ii) fails to provide adequate and effective protection of intellectual property rights, or

"(iii) provides, directly or indirectly, any subsidy (including the provision of funds on terms inconsistent with commercial considerations) to increase the capacity to produce a nonagricultural, fungible good for which the existing worldwide production capacity (or a reasonable expectation of future worldwide production capacity) significantly exceeds existing worldwide demand (or a reasonable expectation of future worldwide demand).

"(C) SPECIAL RULE.—Any act, policy, or practice described in subparagraph (B)(iii) shall be treated as burdening or restricting United States commerce if such act, policy, or practice threatens to have an adverse impact on United States commerce.".

SEC. 103. OBTAINING INFORMATION FOR INVESTIGATIONS.

Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended by adding at the end thereof the following new subsection:

"(d) OBTAINING INFORMATION.—

"(1) IN GENERAL.—In the course of any investigation initiated under subsection (b)(2), the Trade Representative shall direct to the foreign countries relevant to the investigation such inquiries as the Trade Representative considers appropriate for the purpose of obtaining information relevant to the determinations and recommendations required under section 304.

"(2) VERIFICATION AND USE OF BEST INFORMATION OTHERWISE AVAILABLE.—The Trade Representative may request that the foreign country furnishing information in response to an inquiry under paragraph (1) provide such documentation, or permit such verification, of the information as the Trade Representative considers appropriate. If any information requested under paragraph (1)—

"(A) is not furnished in a timely manner,

"(B) is furnished in incomplete or inadequate form, or

"(C) is not documented or verified to the extent considered sufficient by the Trade Representative;

the Trade Representative may disregard all or any part of such information, and instead utilize the best information otherwise available for purposes of making the determination and recommendations required under section 304.".

SEC. 104. TIME LIMITATION ON RECOMMENDATIONS IN EXCESS PRODUCTION CAPACITY CASES; PUBLICATION.

Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended by adding at the end thereof the following new subsections:

"(c) DETERMINATION AND RECOMMENDATIONS CONCERNING SUBSIDIZED EXCESS PRODUCTION CAPACITY.—Notwithstanding any other provision of this section, in the case of an investigation initiated under section 302 with respect to a petition alleging that a foreign country is engaging in an act, policy, or practice described in section 301(e)(3)(B)(iii), the Trade Representative shall, by no later than the date that is 8 months after the date on which such investigation is initiated—

"(1) make a determination of whether the foreign country is engaging in such act, policy, or practice, and

"(2) if the determination under subparagraph (A) is affirmative, recommend actions that the President should take under section 301 to eliminate such acts, policies, and practices.

"(d) PUBLICATION.—The Trade Representative shall publish in the Federal Register each determination and recommendation made by the Trade Representative under this section, including the facts and reasons upon which the determination or recommendation is based.".

TITLE II—NEGOTIATING OBJECTIVES

SEC. 201. MULTILATERAL AGREEMENT REGARDING SUBSIDIES FOR EXCESS PRODUCTION CAPACITY.

(a) IN GENERAL.—Chapter 1 of title I of the Trade Act of 1974 is amended by inserting after section 104A the following new section:

"SEC. 104B. NEGOTIATION OBJECTIVE REGARDING EXCESS CAPACITY TO PRODUCE NONAGRICULTURAL, FUNGIBLE GOODS.

"A principal negotiating objective under section 102 of this Act shall be to obtain an agreement as part of the General Agreement on Tariffs and Trade that imposes sanctions against the provision, directly or indirectly, of government subsidies (including the provision of funds on terms inconsistent with commercial considerations) to increase the capacity to produce a nonagricultural, fungible good for which the existing worldwide production capacity (or a reasonable expectation of future worldwide production capacity) significantly exceeds

existing worldwide demand (or a reasonable expectation of future worldwide demand).".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to item 104A the following new item:

"Sec. 104B. Negotiation objective regarding excess capacity to produce nonagricultural, fungible goods.".

TITLE III—RELIEF FROM IMPORT COMPETITION

SEC. 301. DETERMINATIONS OF INJURY.

(a) IN GENERAL.—Subparagraphs (B) and (C) of section 201(b)(2) of the Trade Act of 1974 (19 U.S.C. 2251(b)(2)) are amended to read as follows:

"(B) with respect to the threat of serious injury—

"(i) a decline in sales in the domestic industry concerned;

"(ii) a higher and growing inventory in the domestic industry concerned (whether maintained by domestic producers, importers, wholesalers, or retailers);

"(iii) a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

"(iv) an increase in the worldwide capacity to produce the article under investigation if—

"(I) the article is a nonagricultural, fungible article, and

"(II) such increase is likely to result in increased imports of the article into the United States or a reduction or suppression of the price of the article in domestic or worldwide markets;

"(C) with respect to substantial cause—

"(i) an increase in imports (either actual or relative to domestic production),

"(ii) a decline in the proportion of the domestic market supplied by domestic producers, and

"(iii) an increase in the worldwide capacity to produce the article under investigation if—

"(I) the article is a nonagricultural, fungible article, and

"(II) such increase has had, or will have, the effect of decreasing or suppressing the price of the article in domestic or worldwide markets;".

SEC. 302. DETERMINATIONS OF RELIEF BY THE PRESIDENT.

Subsection (c) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252(c)) is amended to read as follows:

"(c)(1) In determining what actions to take under section 203 and the method and duration of such actions, the President shall—

"(A) consult with the interagency trade organization established pursuant to section 242(d) of the Trade Expansion Act of 1962, and consider the recommendations and written analyses of such organization or members of such organization with regard to the subject of such determination, and

"(B) take into account, in addition to such other considerations as the President may consider relevant—

"(i) a written analysis, which the Secretary of Labor shall prepare and submit to the President with respect to each affirmative determination made by the Commission under section 201(d)(1), on—

"(I) the potential impact on domestic employment of various remedies available to the President, and

"(II) the extent to which workers in the domestic industry have applied for, are receiving, or are likely to receive, adjustment assistance under chapter 2 or benefits from other manpower programs,

"(ii) information and advice, which the Secretary of Commerce shall provide to the President with respect to each of such affirmative determinations, on the extent to which firms in the industry have applied for, are receiving, or are likely to receive, adjustment assistance under chapter 3,

"(iii) a written analysis, which the Secretary of Commerce shall provide to the President with respect to each of such affirmative determinations, on—

"(I) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States), and

"(II) competition in the domestic markets for such articles;

"(iv) a written analysis, which the United States Trade Representative shall prepare and submit to the President with respect to each of such affirmative determinations, on the probable effectiveness of import relief as a means of promoting adjustment or modernization in order to improve competitive abilities;

"(v) the efforts being made, or to be implemented, by the domestic industry to adjust to import competition, and other considerations relative to the position of the industry in the United States economy; and

"(vi) the efforts being made by firms in the domestic industry to provide retraining to workers in the industry.

"(2) In preparing the written analyses required under paragraph (1), the Secretary of Labor, the Secretary of Commerce, and the United States Trade Representative shall solicit, receive, and evaluate comments from interested parties. These written analyses and any other recommendations, comments, or analyses submitted to the President by members of the interagency trade organization established under section 242 of the Trade Expansion Act of 1962 shall be made available to the public at the time they are submitted to the President.".

SEC. 303. EXPANSION OF RELIEF OPTIONS.

(a) IN GENERAL.—Subsection (a) of section 203 of the Trade Act of 1974 (19 U.S.C. 2253(a)) is amended—

(1) by striking out "or" at the end of paragraph (4),

(2) by redesignating paragraph (5) as paragraph (6), and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) enter into multilateral negotiations to prevent or remedy the injury, or threat of injury, if the injury or threat of injury is not susceptible to unilateral solution by the United States, including injury or threat of injury from excess worldwide capacity to produce such article; or".

(b) COMMISSION RECOMMENDATIONS.—Paragraph (1) of section 201(d) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (A), and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) if the Commission determines that the serious injury, or threat of serious injury, cannot be remedied by unilateral actions by the United States, recommend that the President enter into multilateral negotiations to prevent or remedy the injury, or threat of injury,".

(c) CONFORMING AMENDMENTS.—Subsections (e) and (g) of section 203 of the Trade Act of 1974 (19 U.S.C. 2253) are each amended by striking out "(5)" each place it appears and inserting in lieu thereof "(6)".

SEC. 304. EVASION OF REMEDIES.

(a) RECOMMENDATIONS BY THE COMMISSION.—Subsection (d) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251) is amended by adding at the end thereof the following new paragraph:

"(3) In making recommendations under paragraph (1), the Commission shall consider the potential for significant evasion of the remedies described in section 203(a) and shall include in such recommendations any means that could be used by the President to prevent such evasion.".

(b) ACTIONS BY THE PRESIDENT.—Section 203 of the Trade Act of 1974 (19 U.S.C. 2253) is amended by adding at the end thereof the following new subsection:

"(l) If the President determines, during the period in which relief provided under subsection (a) is in effect, that an article not subject to the relief has had the effect of supplanting, in whole or in part, the injury to the domestic industry caused or threatened by the imports subject to the relief, the President shall take any combination of actions described in subsection (a) with respect to the article that is necessary to prevent such evasion.".

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

SEC. 401. MATERIAL INJURY.

(a) PRICE EFFECTS.—Clause (ii) of section 771(7)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(ii)) is amended—

(1) by striking out "and" at the end of subclause (I),

(2) by striking out the period at the end of subclause (II) and inserting in lieu thereof ", and", and

(3) by inserting after subclause (II) the following new subclause:

"(III) excess worldwide capacity to produce the merchandise has had an effect on reducing or suppressing the price of the merchandise in the United States.".

(b) THREAT OF INJURY.—Clause (i) of section 771(7)(F) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(i)) is amended—

(1) by redesignating subclauses (VII) and (VIII) as subclauses (VIII) and (IX), and

(2) by inserting after subclause (VI) the following new subclause:

"(VII) excess worldwide capacity for producing the merchandise that is likely to result in increased imports of the merchandise into the United States or reduction or suppression of the price of the merchandise in United States and world markets,".

SEC. 402. SUBSIDIES BY ENTITIES FUNDED BY GOVERNMENTS.

Subsection (a) of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671(a)) is amended—

(1) by striking out "or" at the end of subparagraph (A),

(2) by adding "or" at the end of subparagraph (B), and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) an entity (including any multinational or regional lending institutions) funded in whole or in part by contributions of such a country,".

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. COMPENSATORY FINANCING FACILITY OF THE INTERNATIONAL MONETARY FUND.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"USE OF THE COMPENSATORY FINANCING FACILITY OF THE FUND

"SEC. 51. (a) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present proposals to the Executive Board of the Fund at the earliest practicable time to ensure that countries experiencing a shortfall in export earnings from non-agricultural fungible commodities, as determined under policies of the Fund regarding the use of its compensatory financing facility, may not borrow from the compensatory financing facility if such shortfall was produced by declining prices of a non-agricultural fungible commodity in surplus on world markets, unless the borrowing country enters into an agreement with the Fund to adjust production and not to add further to excess capacity and to take other necessary action to stabilize the market for such commodity.

"(b) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against the provision of any loans or other financing assistance from the compensatory facility of the Fund to countries producing surplus commodities before the Executive Board completes action that would implement the provisions of subsection (a).".

SEC. 502. REPORTING REQUIREMENT.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, and at intervals of 90 days thereafter until a date 3 years after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the President and to the Congress a report—

(1) listing all appraisal reports which have been circulated during the preceding 90 days within the international financial institutions described in subsection (c)(2) for project assistance which would establish or enhance the capacity of any country other than the United States to produce a commodity for export, if—

(A) such commodity is in surplus on world markets or is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative; and

(B) such assistance will cause substantial injury to United States producers of the same, similar, or competing commodity; and

(2) describing requests by any of the major copper producing countries for assistance from the International Monetary Fund.

(b) INSTRUCTIONS.—The Secretary of the Treasury shall instruct the representatives of the United States to international financial institutions described in subsection (c)(2) to take into account, in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to (1) minimize any projected adverse impacts on such sectors or markets of making such loans, credits, or utilization of resources and (2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) DEFINITIONS.—

(1) For purposes of paragraph (2) of subsection (a), the term "major copper producing countries" refers to Chile, Indonesia, Papua New Guinea, Peru, the Philippines, Zaire, and Zambia.

(2) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(d) CONFORMING AMENDMENT.—Section 50(a) of the Bretton Woods Agreements Act is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"USE OF THE COMPENSATORY FINANCING FACILITY OF THE FUND

"SEC. 51. (a) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present proposals to the Executive Board of the Fund at the earliest practicable time to ensure that countries experiencing a shortfall in export earnings from nonagricultural fungible commodities, as determined under policies of the Fund regarding the use of its compensatory financing facility, may not borrow from the compensatory financing facility if such shortfall was produced by declining prices of a nonagricultural fungible commodity in surplus on world markets, unless the borrowing country enters into an agreement with the Fund to adjust production and not to add further to excess capacity and to take other necessary action to stabilize the market for such commodity.

"(b) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against the provision of any loans or other financing assistance from the compensatory facility of the Fund to countries producing surplus commodities before the Executive Board completes action that would implement the provisions of subsection (a).".

SEC. 2. (a) Beginning 90 days after the date of enactment of this Act, and at intervals of 90 days thereafter until a date 3 years after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the President and to the Congress a report—

(1) listing all appraisal reports which have been circulated during the preceding 90 days within the international financial institutions described in subsection (c)(2) for project assistance which would establish or enhance the capacity of any country other than the United States to produce a commodity for export, if—

(A) such commodity is in surplus on world markets or is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative; and

(B) such assistance will cause substantial injury to United States producers of the same, similar, or competing commodity; and

(2) describing requests by any of the major copper producing countries for assistance from the International Monetary Fund.

(b) The Secretary of the Treasury shall instruct the representatives of the United States to international financial institutions described in subsection (c)(2) to take into account, in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to (1) minimize any projected adverse impacts on such sectors or markets of making such loans, credits, or utilization of resources and (2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c)(1) For purposes of paragraph (2) of subsection (a), the term "major copper producing countries" refers to Chile, Indonesia, Papua New Guinea, Peru, the Philippines, Zaire, and Zambia.

(2) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(d) Section 50(a) of the Bretton Woods Agreements Act is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

SUMMARY OF PROVISIONS—THE MINERALS AND MATERIALS FAIR COMPETITION ACT

TITLE I—ACTIONS AGAINST UNREASONABLE TRADE PRACTICES

Establishes subsidization of excess capacity to produce non-agricultural fungible goods as an unreasonable practice.

Requires the President to take action following an affirmative determination by the United States Trade Representative in such cases.

Directs the Trade Representative to obtain, verify, and consider information relevant to the determination being made.

Requires the Trade Representative to make a determination within 8 months of initiation of the investigation. And, if the decision is affirmative, to recommend actions the President should take.

Requires the publication in the Federal Register of the Trade Representative's determination and recommendations.

TITLE II—NEGOTIATING OBJECTIVES

Establishes a principle negotiating objective to obtain an agreement in GATT negotiations that imposes sanctions against the subsidization of excess capacity.

TITLE III—RELIEF FROM IMPORT COMPETITION

Establishes that an increase in worldwide capacity that is likely to lead to increased imports in the United States or the reduction of prices constitutes a threat of serious injury.

Establishes that an increase in worldwide capacity that has had or will have the effect of reducing prices constitutes substantial cause of injury.

Requires the Secretary of Labor to provide the President with a written analysis with respect to effects on domestic employment of various remedies and the extent to which adjustment assistance is or may be provided to workers in the domestic industry.

Requires the Secretary of Commerce to provide the President with information and advice regarding the extent to which firms in the industry are or may be receiving adjustment assistance. Also, requires a written analysis be provided with respect to the ef-

fects of import relief on consumers and competition in the domestic market.

Requires the Trade Representative to provide the President with a written analysis with respect to the probable effectiveness of the relief, efforts of the domestic industry to adjust to the import competition, and efforts to provide retraining to workers in the industry.

Requires the President, in determining what relief to grant, to consult with the interagency trade organization and to consider the written analyses of the Trade Representative and the Secretaries of Labor and Commerce.

Requires the Trade Representative and the Secretaries of Commerce and Labor to solicit, receive, and evaluate comments from interested parties as a part of their analyses.

Expands relief options to include the use of multilateral negotiations to prevent or remedy the injury or threat of injury from excess worldwide capacity.

Requires the International Trade Commission to consider the potential for significant evasion of the remedies and to recommend actions to prevent such evasion.

Authorizes the President to take actions to prevent evasion against the same or like articles.

TITLE IV—ANTIDUMPING AND COUNTERVAILING DUTIES

With respect to material injury, establishes the price effect of excess worldwide capacity reducing prices, and the threat of injury due to excess worldwide capacity that is likely to increase imports into the United States or reduce prices.

Includes subsidies provided by multinational or regional lending institutions as subsidies by entities funded by governments.

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

Restricts to use of the Compensatory Financing Facility (CFF) to ensure that CFF funds are used to add to excess capacity or to produce surplus commodities.

Requires the Secretary of the Treasury to report to the President and to the Congress regarding proposed project assistance that would contribute to excess capacity and be harmful to U.S. producers.

Instructs our representatives to multilateral development institutions to consider the market conditions for such goods and avoid actions that would adversely impact such sectors or markets.

REMARKS ON THE COPPER INDUSTRY FOR SENATOR DOMENICI'S OFFICE

During the past year the United States domestic copper industry has begun to show signs of life following a period in which it teetered on the brink of extinction—indeed, a number of metals analysts who follow the industry for their clients were predicting its demise as a significant contributor to our country's economy.

This crisis came about as a result of two major changes in the world copper market: (1) During the early 1970s major copper mines in Chile and in central Africa were nationalized by their governments. Unlike a private owner which must make a profit to stay in business, a government that owns a mine generally operates it without regard to whether it makes a profit or a loss; the mine becomes an instrument for that government's political and social objectives. Such mines do not respond to market conditions when supply exceeds demand; instead, they keep producing at full capacity, increasing the oversupplies, driving prices even lower and delaying improvement in prices once demand catches up with production. These are the very policies practiced by those countries since they expropriated the copper mines. As a result it is only recently that world inventories of copper have declined to a pont where improvement in copper prices may be hoped for. (2) The second fundamental change contributing to the copper industry's depression has been a slowing of the rate of growth of consumption of the metal, traceable to the introduction of substitute materials in applications where copper formerly was used exclusively, along with users' ability to get by with less copper in applications where substitutes can't be used.

These two developments have produced basic changes in the copper markets that will affect the domestic copper industry for years to come. Reflecting the pervasive effects of these fundamental supply-demand shifts, the companies competing in the domestic copper industry have changed dramatically in recent years. For example, of the top twenty copper mines in the U.S. in 1976, ten have changed ownership in whole or in part in the ensuing ten years, and ten of the top twenty, including some that were sold, are currently shut down. The change in the domestic copper smelting picture has been just as acute. There were sixteen primary copper smelters operating in the U.S. in 1976; today only seven of those sixteen are operating, with an eighth scheduled to reopen later this year.

As the rules of the game have changed in the copper industry, the companies that formerly competed in that industry have reacted in different ways. Many companies have sold their interests in copper and have diverted their resources to other industries. Those that remain appear to continue to believe that the domestic copper industry has a future and want to be a part of that future. To do so they have cut costs in existing operations, developed new low-cost copper resources, and generally found better and cheaper ways to produce their copper.

Typical of the latter is Phelps Dodge Corporation. Phelps Dodge first mined copper in New Mexico in 1912, and opened its pit mine at Tyrone in 1968 and its Hidalgo smelter south of Lordsburg in 1976. On January 1, 1987 Phelps Dodge expanded its presence in the state by purchasing the interest formerly owned by Kennecott in the Chino Mines Company in Grant County. Phelps Dodge now owns or has a majority interest in mines in New Mexico that in 1986 supplied nearly one-fourth of all of the copper produced in the United States.

Today's Phelps Dodge is much different from the company that existed as recently as three years ago. In 1984 Phelps Dodge mined about 20% of the copper produced in the United States; this year its mines will produce nearly half of the copper mined in the U.S. In 1984 Phelps Dodge lost $267.8 million from its operations and from write-offs as a result of closing uneconomic parts of its operations and selling some interests not directly related to its core copper business; in 1985 and 1986 it recorded profits of $29.5 million and $61.4 million. These results were achieved despite the depressed Comex spot price for copper which hovered around 61 cents a pound during each of those three years. (In terms of constant dollars 61 cents approaches the lowest price received for copper since the great depression of the 1930s).

Phelps Dodge achieved profitability by investing its resources in those operations whose unit costs could be lowered to make money in a world where copper sells for less than 65 cents a pound; operations that had no chance to be profitable in that world were shut down. Some of the things Phelps Dodge did to lower unit costs at its operation properties include:

Tailing disposal facilities at its Tyrone mine in Grant County were expanded to allow the mine to operate continuously. Concentrate production was increased by 40% at little increased cost;

A solvent extraction/electrowinning plant to recover copper from low-grade rock was constructed and then expanded at Tyrone to produce 35,000 tons of copper per year at a cost of less than thirty cents a pound;

The company's Hidalgo Smelter south of Lordsburg in Hidalgo County was overhauled and equipment was added to produce oxygen-enriched air. This resulted in reduced emissions to the atmosphere, reduced energy consumption, increased efficiencies and lower unit costs;

The Morenci, Arizona mine was converted from a rail haulage operation to a modern truck haulage operation, lowering unit costs there;

The Company is constructing a large solvent extraction/electrowinning plant at Morenci which will produce 50,000 tons of electrowon copper per year at costs comparable to those realized by the Tyrone plant;

It made staff reductions of 45% at its New York Headquarters and its Western General Offices, reducing overhead by $10 million;

It installed a computerized system to dispatch trucks at all its mines to achieve maximum haulage efficiencies.

It is studying the feasibility of constructing a solvent extraction/electrowinning plant at Chino to further reduce its unit costs.

Phelps Dodge also credits its return to profitability to the enthusiasm and cooperation of all its employees in increasing productivity and lowering unit costs. New production records were set in 1985 and broken in 1986. In appreciation for their contributions to the Company's recovery, the Company has twice in the past eighteen months paid each hourly employee in its copper production operations a surprise bonus equivalent to twenty hours pay.

As a result of these and other changes already made Phelps Dodge's unit production costs were one-third lower in 1986 than they were in 1981.

The magnitude of Phelps Dodge's contribution to New Mexico's economy is illustrated by the following statistics:

Of all of New Mexico's manufacturing and mining companies—Phelps Dodge:

Is the largest employer;

Ranks second in total payroll;

Ranks first in expenditures for utilities;

Is the fourth largest customer of other New Mexico businesses;

Ranks third in the amount of taxes paid to state government; and

Ranks first over the past three years in spending on construction in the state.

In Grant and Hidalgo Counties Phelps Dodge pays more than half the property taxes and gross receipts and compensating taxes received by those Counties.

Phelps Dodge's total economic impact in New Mexico in 1986 in terms of direct and indirect contributions to the state's economy amounted to three-quarters of a billion dollars.

WHAT PHELPS DODGE MEANS TO NEW MEXICO

PHELPS DODGE PROFILE

Phelps Dodge Corporation, the largest domestic copper producer, mines about one-third of the nation's copper. Phelps Dodge smelts and refines most of its own product and treats material for others contractually. The company is also a leading producer of continuous cast copper rod and magnetic wire. The company produces silver, gold and molybdenum as copper mining by-products, and conducts metal and minerals exploration worldwide. Phelps Dodge also has related mining and manufacturing interests on several continents.

NEW MEXICO OPERATIONS

With the recent acquisition of Chino Mines from Kennecott, Phelps Dodge is now New Mexico's largest industrial employer, supplying the state with a total of 2,159 jobs. Phelps Dodge has a particularly strong presence in Grant and Hidalgo Counties. The company employs 1,660 workers at the Tyrone and Chino mining operations in Grant County—representing over 20 percent of that county's total jobs. Phelps Dodge also employs 499 workers at its smelter in Hidalgo County—more than 27 percent of that county's total jobs.

Phelps Dodge's Tyrone operation, which employs 728 workers, produced over 125,000 tons of copper contained in concentrate or precipitates, 30 percent of the company's total production in 1985. The solvent-extraction electrowinning (BX/EW) technology, that is designed to extract low grade ore, produced 35,000 tons of efficiently mined copper in 1985. This was the second operating year capacity was doubled. Also at the Tyrone facility, production hit a record and unit costs tumbled mostly due to SX/EW technology. Though the Tyrone ore body will be depleted in the early 1990's, SX/EW production will continue there for many years. Phelps Dodge, in the meantime, expanded its tailings disposal facilities in 1984 to achieve enhanced output and improved unit costs by changing to a continuous operating schedule.

Phelps Dodge also operates a large smelter in Hidalgo County. This plant underwent a $27 million refurbishing project, and it smelted at a record 169,000 tons of copper in 1984. Other plant investment included a $10 million project to relocate from Morenci, Arizona, an oxygen enrichment plant that improves energy and pollution control efficiencies benefitting unit production costs.

Recently, in late 1986, Phelps Dodge purchased from Kennecott two-thirds interest (Mitsubishi has a one-third interest) and is principal operator of New Mexico's Chino Mines which currently mines 145,000 tons of copper annually and now employs 932 workers. In effect, acquiring the Chino Mines doubles Phelps Dodge's investment and economic impact in New Mexico.

ECONOMIC IMPACT

Phelps Dodge has about a quarter of a billion dollar direct impact on New Mexico's economy. Dollar figures include the combined operations of Phelps Dodge and the recently acquired Chino Mines. The company's total payroll, which was $70,534,000 in 1985 and rose to $71,043,000 in 1986. * * * Phelps Dodge bought $19,715,878 in goods and services from New Mexico businesses in 1985.

The total amount paid by Phelps Dodge in state and local taxes in 1985 was $10,015,945, of which over a third went towards property taxes in Grant and Hidalgo Counties. The company paid property taxes in Grant County amounting to $2,453,468 in 1985 and $2,810,952 in 1986. In Hidalgo County, the company paid property taxes of $678,432 in 1985 and $626,258 in 1986. Phelps Dodge accounts for about half of all property taxes paid in each of these counties. The majority of taxes paid by Phelps Dodge, therefore, benefit even parts of New Mexico where Phelps Dodge does not have facilities, so the enter state gains from Phelps Dodge mining activity.

The direct payment to Phelps Dodge's employees, suppliers, construction workers, and to government entities also have a ripple or indirect affect on New Mexico's economy. The total impact of Phelps Dodge's operations on the New Mexico economy is on the order of three-quarters of a billion dollars.

PHELPS DODGE COMPARED

The Bureau of Business and Economic Research at the University of New Mexico conducted a survey of large industrial firms in New Mexico. As the table below indicates, Phelps Dodge is New Mexico's largest industrial employer. Based upon the survey of industrial employers, Phelps Dodge had the state's 2nd largest payroll in 1985. The company also ranked 1st in the amount paid to New Mexico utilities and was 1st in expenditure on new construction based upon a three year average from 1983-85. Phelps Dodge ranked 4th in purchasing goods and services from New Mexico businesses and was 3rd highest in payment of total state and local taxes in 1985 of which over one-third of total taxes paid were property taxes in Grant and Hidalgo Counties.

MAJOR NEW MEXICO INDUSTRIAL AND MINING EMPLOYERS

Company	Location	Employment
1. Phelps Dodge	Tyrone	2,159
2. Honeywell-Sperry	Albuquerque	2,000
3. General Electric	Albuquerque	1,650
4. Transportation Mfg. Co.	Roswell	1,005
5. L'Eggs Products	Masilla Park	900
6. Albuquerque Publishing Co.	Albuquerque	900
7. Utah International	Fruitland	883
8. Intel Corporation	Albuquerque	743

[From the Wall Street Journal, Mar. 9, 1987]

GLUTTED MARKETS: A GLOBAL OVERCAPACITY HURTS MANY INDUSTRIES; NO EASY CURE IS SEEN—AMONG THOSE HIT ARE AUTOS, STEEL, COMPUTERS, CHIPS; SOME CHEMICALS RECOVER—ONE WINNER: THE CONSUMER

Raise the subject of America's industrial problems, and you hear a lot of complaints. You are told that much of U.S. industry is performing sluggishly because Americans don't want to work anymore or have forgotten how; that foreign rivals are competing unfairly through government machinations, ridiculously low wages or both; that the U.S. just hasn't surmounted the legacy of an overvalued dollar.

But all this emphasis on what is going wrong in the U.S. and in its relations with trading partners—especially Japan, with its mercantilist drive to export—tends to obscure a world-wide problem: Many major industries, all around the globe, are burdened with far too much capacity.

"Overcapacity is a world-wide problem, and it's getting worse," says Lester Thurow, an economist at the Massachusetts Institute of Technology. "We're still investing as if the world economy were growing at 4 percent a year instead of the actual rate of about 2 percent."

DEMAND SLUGGISH

While a lot of automated capacity has been added, effective demand has been sluggish. Knocking many buyers out of the market have been the debt burdens in Latin America, the political and economic slide of much of Africa, and the torpor of most Communist economies.

Even then, the forces of supply and demand should, theoretically, produce prices that clear the markets. But they seem not to be doing so, or are working only slowly and painfully, partly because of protectionism, government subsidies and other forms of political interference with the process of economic adjustment. In many industries, moreover, declining prices have rendered some high-cost facilities uneconomic.

Not everyone is rattled by the overcapacity, however, Marvin Runyon, a former Ford executive who runs Nissan's plant in Smyrna, Tenn., says: "You read that we're putting too much capacity in place, but that's the way it has to be in a competitive industry. I say hooray for the American consumer, because somebody is going to have to do things better than somebody else. The consumer will benefit."

MANY INDUSTRIES AFFLICTED

Whether good or bad, overcapacity is obvious in many industries. Among them:

Autos.—Roger Vincent, an expert at Bankers Trust Co., estimates that world automotive demand stands in the "low 30 millions" of vehicles annually, while capacity "is in the low to mid-40s." By 1990, capacity should rise to the mid-40's, he says, and demand won't grow very much. Thus, world overcapacity could expand to about 15 million units from about 10 million currently, he believes.

Steel.—Estimates vary, but most economists calculate the annual global overcapacity at 75 million to 200 million metric tons—compared with total capacity of 570 million tons in non-Communist countries and 455 million tons in industrialized nations. John Jacobson, an economist at Chase Econometrics, figures that only if the entire U.S. steel industry shut down would demand equal supply in the non-Communist world.

Computers.—Although no figures on the industry's capacity use are published, most computer makers are clearly being plagued with overcapacity. The problem is reflected in declining orders and intense competition.

Semiconductors.—In the U.S. and Japan, which together account for 87 percent of global chip making, the equipment-use rate—the best measure of overcapacity—skidded from nearly 100 percent in 1984 to about 60 percent in 1985. However, Dataquest, Inc., a market-research firm, says it is now back up to roughly 70 percent and rising.

Heavy Equipment.—Makers of farm and construction equipment are buried in overcapacity, but, surprisingly, some countries, especially South Korea, are nonetheless believed to be planning more plants.

Textiles.—In the textile industry, cheap-labor foreign competition is causing the howls. Overcapacity lingers on as more and more mills are built in less developed nations, with more and more mills in the U.S. thus turned into surplus capacity.

REBOUND IN CHEMICALS

However, some once-glutted industries have got supply and demand back into balance. For example, much of the chemical

and plastics group has cut capacity and expanded sales, and the glut of a few years ago has been largely cured.

Looking at many troubled industries, Joseph L. Bower, a Harvard Business School professor, attributes much of the excess capacity to "country after country building world-scale facilities." Newly industrializing countries have ample reason for fostering development, of course. They want to create industrial jobs at a time of rapidly expanding populations, of an influx into the cities and of rising educational levels, which create labor forces sufficiently skilled for factory work. The weakness in many commodity markets also encourages the idea that any hope for economic growth lies in industry.

Industrialization has been rapid, Mr. Bower adds, "because technology and capital are now highly mobile—it's staggering how fast they can move around the world nowadays." No longer, he says, is the game played by "just four or five good players." He urges that American companies "understand that we've moved from Ivy League football to the Big Ten."

Many economists trace the overcapacity back to the booming early 1970's, when many manufacturers saw tremendous growth in demand ahead and expanded accordingly. Other analysts go back much further. Jay W. Forrester, also of MIT, traces the problem—which he thinks will get worse—largely to "the big buildup of capacity during and after World War II." He recalls that "the idea took hold that more capital plant was invariably desirable," and building it was facilitated by "the enormous forced savings that had accumulated during the war years."

Also greasing the path to industrial overcapacity are plentiful supplies and low prices of many raw materials—an incentive for marginal manufacturers to keep producing and for newcomers to enter the game. The gluts affect a wide range of commodities. For example, producers of nickel and molybdenum, both used in producing steel, are operating at roughly 70 percent to 75 percent of capacity world-wide, estimates Robin Adams, the president of Resource Strategies Inc., a consulting firm in Exton, Pa. The copper industry is operating at a little over 80 percent of capacity, he adds.

The stage for the commodity gluts was set in the inflationary 1970s, when price shocks stimulated investment in production capacity in many commodities. But in many cases, demand hasn't grown to meet the increased production.

PRESSURE TO PRODUCE

Moreover, many debt-laden countries increased the output of commodities to avoid spending precious foreign exchange on imports. Others invested in commodity-producing capacity to generate export cash regardless of price. Many countries "only had one option, and that was to produce more. So we didn't follow the normal corrective path," says Donald Ratajczak, the head forecaster at Georgia State University. Copper, for example, has responded slowly to reduced demand.

Oil is abundant, too. The Organization of Petroleum Exporting Countries is producing less than 15.8 million barrels of oil a day, compared with capacity of nearly 30 million. However, the surplus is mainly in crude oil—both in the ground, in production capacity, and above it, in inventories. In petroleum refining, much of the overcapacity has been trimmed back U.S. refineries are operating at about 80 percent of capacity, a relatively high level, and as gasoline demand rises, processing facilities may be approaching their effective limits.

But the oil-service sector remains awash in red ink. After the collapse in petroleum prices last year, oil companies slashed exploration and production spending by 40 percent to 50 percent. This year, spending remains depressed. Thus, only 25 percent of the U.S. drilling-rig fleet is active, and manufacturers of oil-field equipment have several times the capacity currently needed.

Here is a detailed look at the overcapacity problems in major industries.

AUTOS

Automotive experts agree that the industry suffers from vast overcapacity world-wide and that Japan, like North America and Europe, will soon be hit as it builds more U.S. plants. But they disagree about the extent of the overcapacity: some measure cars, for example, and others measure all vehicles.

Ford, which gauges capacity quite differently from Bankers Trust, estimates 1985 world-wide overcapacity at 3.8 million cars and trucks, and it believes that by 1990, world-wide excess capacity will rise to six million units, 5.7 million of which will be aimed at North America.

The principal force behind the projected increase is the expansion of Japanese auto manufacturing. The Japanese, having pushed aggressively into the U.S. auto market, are reacting to the voluntary export restraints and the threat of more American protectionism. "The building of Japanese plants in the U.S. wasn't motivated by economics," Bankers Trust's Mr. Vincent says. "It was motivated by concern over future protectionism."

As a result, the auto glut bedeviling the U.S. industry is being worsened. Starting in 1989, Daihatsu Motor will be producing cars in Canada, thus becoming the last of Japan's nine auto makers to put an assembly plant in North America.

JAPANESE AUTO MAKERS

A comprehensive listing of Japanese companies that build cars in North America or are planning production:

Company and year	*Total Capacity*
Honda of America, Marysville, OH—1986	220,000
Nissan Motor Mfg. U.S.A., Smyrna, TN—1986	65,690
Toyota Motor Mfg. U.S.A.:[1]	
Fremont, CA—1987	50,000
Georgetown, KY:	
1988	75,000
1989	200,000
Mazda Motor Mfg.[2] Flat Rock, MI:	
1988	135,000
1989	240,000
Diamond Star Motor,[3] Bloomington-Normal, IL—1989	182,400
Daihatsu Motor,[4] Valcourt, PQ—1989	37,200
Isuzu-Subaru, Lafayette, IN—1990	240,000
Suzuki/GM, Ingersoll, ONT—1990	200,000

[1] Joint venture with General Motors.
[2] Joint venture between Mazda and Ford.
[3] Joint venture between Mitsubishi Motors and Chrysler.
[4] Joint venture with Bombardier.

Meanwhile, other players keep getting into the game. In the wake of the success of South Korea's Hyundai Excel, Kia Motors of Korea is planning to export cars and vans world-wide by the end of this decade. Yugoslavia is exporting its Yugos to the U.S. and Malaysia plans to send its Proton Sagas here next year. Thailand and Taiwan also are trying to export.

"Newly industrialized countries all want auto companies so they can have steel industries and reasons to build roads and purchase technology from the outside world," says Susan Jacobs, the manager of automotive research at Merrill Lynch Economics Inc.

However, she also attributes the excess capacity to sluggish world-wide demand. In addition, she says, new plants were built to make the small cars that became popular during the energy crisis of the 1970s and to enter new market niches, such as that for light trucks.

Japan hasn't had more automobile start-up companies than Europe or the U.S. Mr. Vincent says. "It's just that they all managed to survive"—with government help. Other nations have done much the same, However. The U.S. government saved Chrysler. And Donald Petersen, Ford's chairman, notes the heavy French subsidies for Renault and American Motors and says he expects the two French producers, Renault and Peugeot, to survive "as long as there is a France."

Japan and South Korea also have stimulated their auto industries by closing their home markets to outsiders and encouraging exports. Moreover, the Japanese also have helped South Korea develop its auto industry. Mr. Vincent believes that the Japanese are saying. "It's inevitable, and why not be part of it?"

Mr. Vincent notes that in the past, American auto companies, looking forward to the next auto-buying boom, often created excess capacity. If the market grew, "you are bailed out by higher demand; otherwise, you get stuck with overcapacity—which is what has happened to some companies." he says.

But the patterns have shifted. Ford reacted to flatter demand by changing its philosophy—keeping capacity tight, forgoing some sales but betting that lower capacity would cut costs and keep it profitable when demand fell. But until recently, General Motors keep more capacity running than its sales warranted. Now, however, GM also is closing more plants.

James P. Womack, the research director of the international motor-vehicle program at MIT, believes that apparent world overcapacity might not be as large as it seems because "some plants are dedicated [to a certain type of vehicle] and can't be switched from product to product." While the Japanese have built flexible plants that can make more than one vehicle, he says "the North American philosophy has been not to complicate matters by mixing products"—a policy that aggravates the over-capacity.

STEEL

The global glut of steel reflects poor investment decisions in the 1970s, dwindling use of steel in industrialized economies, burgeoning production in industrializing countries, and high financial and political barriers to closing mills.

Anticipating shortages, steelmakers in Europe and Japan greatly expanded capacity in the 1970s, and U.S. producers modernized existing mills. Not only did scarcity never come, but consumption fell sharply in industrialized countries. Between 1970 and 1980, according to the World Bank and International Iron and Steel Institute, ca-

pacity in industrialized nations climbed 14 percent to 485 million metric tons, while consumption dropped 8 prcent to 334 million metric tons.

Yet despite mounting evidence of a "phony boom," steel executives "just wouldn't give up the illusion that the market was headed up," says Hans Mueller, a steel-industry consultant.

Plunging consumption in industrialized nations, which is expected to continue into the 1990s, reflects the maturation of their economies. Construction of railroads and highways has largely been completed. And in other big steel markets—autos and containers, for example—alternative materials are increasingly supplanting steel. Donald F. Barnett, a World Bank consultant, calculates that had U.S. steel usage since 1960 matched the growth in gross national product, steel consumption in 1985 would have been some 70 percent higher.

Faced with excess capacity, European and Japanese steelmakers, in particular, have turned to export markets. But there they are increasingly finding limits. U.S. producers have won import curbs, and less developed countries, though consuming more and more steel, are producing much of it themselves.

Some, moreover, are becoming major exporters, penetrating traditional European and Japanese export markets. In 1976. Brazil, for instance, produced 7.3 million metric tons of steel products and exported a mere 264,000 tons. Today, it is the world's fifth-largest non-Communist steelmaker, and it exported 40 percent of the 17.3 million tons it produced in 1985.

Rapid growth in steelmaking capacity may have as much to do with nationalism and industrial prestige as economic growth. Today, Zimbabwe and Qatar have steel industries. "Every industrializing country wants an airline and a steel mill," Chase's Mr. Jacobson says. "It's something that planning ministers push for."

Capacity has fallen modestly among industrialized nations since 1980, and the reductions are continuing. In the U.S., steelmaking capacity (including recently announced cutbacks) is being slashed to 111.9 million short tons from its 1977 peak of 160 million tons. Even with the cutbacks that have been carried out, the U.S. industry is operating at only 55 percent of capacity, Georgia State's Mr. Ratajczak estimates.

In Japan, all five major steelmakers are cutting production capacity, although only one. Nippon Steel, has specified its plan in terms of crude steel-production capacity: it is cutting back to 24 million metric tons annually from 34 million tons.

Louis L. Schorsch, a consultant at McKinsey & Co., expects future mill closings to be much more difficult. In the U.S., many steelmakers, saddled with huge unfunded pension liabilities, are reluctant to shut even unprofitable plants because they can't absorb the cost of paying off workers and other expenses. Chase Econometrics estimates the total cost of closing a mill at $75,000 per employee. "Given an average of 4,000 employees per plant," Mr. Jacobson says, "we estimate that a typical integrated-plant closure today would cost over $300 million."

Mr. Barnett adds: "So far, steelmakers have closed mostly old plants that hadn't been in operation anyway. Now, they've got to get rid of relatively modern capacity that can still make a satisfactory product. The hard part is just beginning."

COMPUTERS

Seduced by huge sales gains during the 1983-84 boom, computer companies expanded rapidly. Most "invested in growth rates that aren't materializing," says Ulric Weil, a Washington-based securities analyst. "Demand just didn't develop." According to Commerce Department figures, factory orders for the office equipment and computer industry plunged 15 percent in the two-year period ended in 1986.

A good barometer is International Business Machines, which accounts for 40 percent of the world's computer sales. Last year, IBM's revenue rose only 2 percent to $51.25 billion, and profit slumped. This isn't the type of growth IBM anticipated. In the past five years. IBM spent more than $20 billion on plant and equipment, says Steven Milunovich, a First Boston analyst. * * *

Nevertheless, many computer makers expanded in the fight for sales. "People who participated in niches in the past want to expand and provide complete systems for their customers," says David Penning, the director of manufacturing automation service at Dataquest. For instance, he adds, some personal computer companies now make work stations, while some computer makers best known for mainframes make personal computers.

Technological advances have aggravated the overcapacity. With more power being stored on silicon chips, computer companies can make smaller, more powerful machines. "Any given square footage of plant can produce a lot more stuff in terms of horsepower," Mr. Well says. The minicomputer market is being squeezed from two sides: on the lower end, by more powerful personal computers, and on the upper end, by lower prices on computers with the power once associated with mainframes.

The emergence of manufacturers in the Far East, especially those in Japan and South Korea, has compounded the overcapacity problem for U.S. computer makers. Last year, the U.S. computer and parts trade deficit with Far Eastern countries soared 77 percent to $5.3 billion, according to the Commerce Department. Japan's exports to the U.S., ranging from parts to portable personal computers to supercomputers, surged 43 percent to $4.75 billion last year.

Moreover, countries that had primarily produced peripherals are exporting full machines now, says Tim Miles, a program manager in the department's Office of Computers. "The South Koreans began penetrating the U.S. market in terminals and other areas," Mr. Miles says. "Now, they're producing complete PC systems."

Not all computer makers have been suffering, however. Some companies, such as Tandy Corp., which makes personal computers, and Digital Equipment Corp., a minicomputer maker, have grown rapidly, primarily because of revamped product lines. Moreover, the pressure on the industry would be reduced by any pickup in sales. Already, there are signs of rebounding volume in personal computers.

SEMICONDUCTORS

The glut in the semiconductor industry eased last year, as orders picked up from a disastrous 1985, but most chip makers remain deeply troubled. The roots of the problems are twofold: Huge miscalculations of future demand and Japanese producer's targeting practices, under which they ignored market conditions while aggressively pursuing market share.

The introduction of the personal computer early this decade spawned a sudden surge in demand for chips. Global chip consumption jumped from about $15 billion in 1982 to $29 billion in 1984. Thus, chip makers rushed to add capacity to meet growing, apparently insatiable demand. Japanese chip makers' capital spending rose a total of 116 percent in 1983 and 1984, while U.S. chip-company spending doubled in 1984. World-wide capacity to produce chips increased about one-third in 1984 alone.

Then, when falling personal computer sales sent global chip demand plummeting about 14 percent to 25 billion, in 1985, chip companies started losing big money. Dataquest says the chip industries in Japan and the U.S. each lost about $1 billion last year.

Moreover, Japanese producers exacerbated the industry's overcapacity problems by continuing to add production and slash prices on certain products right through the slump. Taking advantage of their lower-cost capital, patient stockholders and government research assistance, the Japanese drove U.S. producers out of some major commodity markets by drastically undersellling them.

Indeed, the U S. government found that Japanese companies "dumped" certain chips in the U.S. and other markets, and the U.S. may soon penalize them if they don't raise their prices. Japan's Ministry of International Trade and Industry, trying to save a semiconducter trade pact signed last summer, has told Japanese chip makers to cut production 10 percent.

HEAVY EQUIPMENT

Plunging demand has blighted the farm equipment industry with huge world-wide overcapacity. The glut has persisted despite sharp cutbacks in number of factories producing tractors, combines and other agricultural equipment.

Sales have consistently trailed even the most pessimistic forecasts. In retrospect, that isn't surprising. The world is awash in food. A few years ago, fears of shortages, embargoes and price gouging led many food-importing countries, such as Japan, to give agriculture a high priority. Many nations imported new agricultural technology that now has borne fruit.

The global surplus of food and feed grains is expected to surge to a 13-week supply this year; an eight-week supply would be ample. The U.S. has more than a one-year supply of wheat, enough for both exports and domestic consumption.

With farmers in dire financial trouble, the business of supplying them with new equipment is as dead as last year's cornfield. World-wide tractor output fell to 120,000 units last year from 230,000 in 1979. For larger equipment, the declines have been even sharper. Manufacturers produced 20,000 over-100-horsepower tractors last year, down from 80,000 in 1979.

"The downturn has been so dramatic that no one has done anything about cut back," says John Ruth, Massey-Ferguson's president. He says he doesn't know of any additions to industry capacity anywhere in the past five years. Because of high costs, some U.S. facilities were among the first to close, with part of their production moving to existing foreign plants.

Mr. Ruth sees further cutbacks in capacity needed for anyone to make a profit. But for now, companies are playing an industry-wide game of chicken. No one wants to get out of the business so that rivals can make money again.

In construction equipment, too, demand is down, but, suprisingly, capacity is still rising.

In the late 1970s, construction-equipment sales surged, and plants were operating at close to capacity even through Japan was working hard to build a construction-equipment industry. But from 1960 to 1983, demand plunged 70.7 percent beaten down by reduced demand for coal as well as a decline in world-wide construction activity. Construction was hurt in part by declinng oil profits and international-debt problems.

Now, demand has recovered a bit, but the industry is still running only at about 60 percent of capacity. Nevertheless, some countries are planning to expand even more. Industry analysts expect South Korea soon to begin an assault on the market. "Korea is a big emerging threat," says Frank Manfredi, the publisher of Machinery Outlook, an industry newsletter. "Everyone is expecting them to come into the market like gangbusters." Other countries that have added capacity in construction equipment are China and Italy.

"It's ironic that even though sales have been lousy, there's more capacity in the industry than there was five years ago," says Mitchell Quainn, a securities analyst at Wertheim Shroder & Co. "It's almost as if every country wants to have its own bulldozer manufacturer."

TEXTILES

Seeking crucial foreign exchange and jobs for surging populations, many developing nations are producing textiles and apparel at rates far above domestic demand. Building a textile industry "is the first thing that a developing nation does" as it moves toward industrialization, says Ron Levine, a Commerce Department official. He notes the abundance of raw materials and such countries' cheap labor.

Cheap labor is at the heart of the over-capacity problem cited by the U.S. industry. For six years, foreign producers have flooded the American market with goods, principally apparel fabrics and finished garments, and forced the domestic industry to shrink dramatically to survive.

Arriving in the U.S. last year were some 12.7 billion square yards of imports, 17 percent more than in 1985 and more than double the 1980 level. "Imports have achieved a successively increasing share of the [U.S.] market," says Donald R. Hughes, the chief financial officer at Burlington Industries, the nation's largest publicly held textile concern. In six years, imports have taken 55 percent of the total market, up from about 25 percent in 1980, he says.

"Historically, the level of increase in [U.S.] demands has been about 1 percent annually. Yet imports have been growing at a rate of 15 percent," he adds.

Domestic textile leaders blame the Reagan administration's trade policies for the surge in imports. And the drop in the dollar hasn't slowed the imports because most of them come from Asian nations with currencies pegged to the dollar.

The glut of imports has forced the domestic industry to reassess its basic structure and make sweeping changes. Domestic companies have closed dozens of plants—at a cost of about 700,000 jobs—and installed high-tech equipment designed to make mills more efficient and versatile. They also are emphasizing marketing and customer services, and some analysts see domestic retailers and garment makers gradually shifting back to buying from U.S. sources because of improved quality and quicker deliveries.

CHEMICALS

Chemical companies have scrapped scores of plants in recent years, spurring a long-awaited growth in plant-capacity use. Last year, chemical-plant use rates rose to an estimated 80.5 percent from 66 percent five years ago, according to the Chemical Manufacturers Association. The trade group expects plant use to reach 82.3 percent this year, Myron Foveaux, a spokesman, says.

The wave of plant closures reflects retrenchment from the industry's building boom in the mid-1970s. The recessions of the early 1980s convinced many chemical producers that the industry was awash in capacity, says Sano Shimoda, an analyst at Anantha Raman & Co., of Parsippany, N.J. Total U.S. chemical-plant capacity fell 3 percent between 1984 and 1986, he estimates.

The retrenchments were especially successful in plastics. During the 1960s and 1970s, plastics appeared to be one of the most promising growth industries. Plastics were replacing glass, paper, metals and other materials in applications ranging from plumbing to auto parts. Chemical manufacturers, oil and gas producers, and tire makers built plastics plants. Few old facilities were shut down.

Demand did grow, but not as fast as forecast. By 1960, there was overcapacity for many plastics, and prices plunged. Some companies pulled out of the business, and most others halted plant construction. In both Europe and North America, some old plants were closed. Gradually, the cutbacks and rising consumption brought supply and demand for some common resins in better balance.

Polyvinyl chloride illustrates the trend. U.S. capacity more than doubled between 1965 and 1974, dipped briefly during the 1973-75 recession and then doubled again. By the end of 1983, U.S. capacity was about 6.5 billion pounds a year, up from two billion in 1965. But although PVC has grown rapidly in pipe, siding and other construction applications, no major plan has been built since 1983, and U.S. PVC plants are running at close to 90 percent of capacity. In Europe, there still is some overcapacity, but some plant closings are planned. World-wide capacity is likely to be tight for five years or so, according to Richard Roman, the manager of marketing research for the Geon Vinyl division of B.F. Goodrich.

Among the large-volume resins, polystyrene, used for many inexpensive molded products, now is in the tightest supply. Down Chemical, a major producer, is running its polystyrene plants at about 94 percent of capacity, "right at the ragged edge of what we can do," a spokesman says.

In contrast, the fertilizer industry, suffering along with the farmers, is still in trouble. Between 1984 and 1986, capacity reductions reached 7 percent, but plant-use rates are still only 74 percent, Mr. Shimoda says.

By spurring demand for chemicals, lower oil prices have helped U.S. chemical producers increase plant use. Mr. Foveaux says. Cheaper oil, along with chemical producers' sweeping cutbacks in personnel and productivity gains stemming from development of improved chemical catalysts, has enabled the companies to reduce plant break-even points to 70 percent from 75 percent five years ago, Mr. Foveaux says. "It's still not ringing bells, but, as a whole, the industry is much better off," he adds.

Although some small specialty chemical plants are likely to be built soon. both Messrs. Foveaux and Shimoda expect U.S. basic-chemical production to shrink further. "Profitability is improving, but people are still very hesitant to build." Mr. Shimoda says.

THE OUTLOOK

In view of the problems, what is the outlook for American companies struggling in industries with global overcapacity?

Noting that "manufacturers have sharply reduced, operating costs and restructured their industries," Alan Greenspan, a New York consultant, says, "We still have problems because the real cost of capital is too high. That slows the replacement of obsolete capacity." He adds:

"Funds are diverted away from research, away from long-term projects. The emphasis is on high-tech investments that pay off fast—and become obsolete quickly. There's no incentive for the sort of investments that would bring back the Rust Belt. Economic policy really does matter."

Saying that "a variety of industries still have huge readjustment problems . . . associated with the excess capacity," Karl Brunner of the University of Rochester adds:

"If we want to be competitive in the world, we have to stand back and let the adjustment take place. We can't protect these industries from change, any more than we protected the Pony Express riders of a century ago. We have to improve our use of resources and our productivity.

"Sure, it would help if we could distribute more products overseas to people who need them. But we aren't going to solve the U.S. auto industry's problems by selling more cars to Africa in the next decade. We have to begin with adjustments here at home. We have to mitigatge the hardships for the people caught in these adjustments, but we can't let that stand in the way of the adjustments being made."

DEFINING OVERCAPACITY IS A VERY TRICKY PROPOSITION

Industrial overcapacity is a little like pornography: You may know it when you see it, but defining it precisely is a slippery proposition.

"Capacity is an ambiguous term. What is 'excess'?" comments Alan Greenspan, a New York economic consultant. "Excess capacity doesn't mean anything without cost considerations."

He adds: "Capacity can be called excess only when it doesn't fit its environment. When capacity doesn't fit, we get rid of it and replace it with capacity that does." He says a lot of obsolete, high cost or redundant industrial capacity "should be written down, but companies haven't done it."

Statistics on overcapacity are tricky partly because the problem is strongly affected by the business cycle. A plant unneeded during a recession may become a productive asset again during an economic boom; in a boom, prices rise, and high-cost productive capacity may be competitive. Figures also are scarce because many industries turn out such a wide range of products that overcapacity can't be quantified on an industry-wide basis. And many companies, fearful of divulging information useful to competitors, don't want to disclose date on capacity and operating rates.

THE CLUB OF ROME'S NOTORIOUS FORECAST

Amid the current global glut of industrial capacity, the gloomy, limits-to-growth forecasts put out by the Club of Rome experts in the early 1970s are widely viewed as being off by 180 degrees.

Perhaps a fairer estimate would be that they were off only 120 degrees.

For one thing, their most explicit forecasts concerned the year 2100 and not the 1980s. On the other hand, the forecasts were presented in a way that strongly implied that the problems were imminent.

Moreover, the analysts weren't discussing industrial capacity per se. "The Club of Rome people were talking about physical quantities. There was so much iron, so much oil in the world, and at the rates of consumption then existing, the world's resources would be used up," explains Alan Greenspan, a New York economic consultant. But he adds: "What they didn't anticipate was our capacity for downsizing. When oil prices rose in the 1970s, we showed we could build smaller cars that used less energy."

Donald Ratajczak, the head forecaster at Georgia State University, agrees. Citing energy as "the most dramatic example," he says the price-induced drop in consumption goes far beyond cars. "In 1972," he says, "it cost us almost 1 percent growth in energy consumption to create 1 percent growth in GNP [gross national product]. Now, we can create a 1 percent growth in GNP with almost no incremental growth in energy consumption." Plastics or cheaper metals have been substituted for copper in many applications, silver usage in photographic film has been cut dramatically, and so on.

However, Jay W. Forrester, an economist at the Massachusetts Institute of Technology and an early participant in the Club of Rome, disagrees that the current overcapacity negates the study's warning of "limits to growth." The study, he says, involved "a much longer-term view, that industrialization was pushing up against the environment, as manifested today by such increasing problems as industrial-waste disposal and falling water tables." He also warns that "the long-range problem with oil supplies hasn't gone away."

● Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleagues of the Senate Copper Caucus in introducing the Minerals and Materials Fair Competition Act of 1987. This important legislation addresses the strategic threat to our domestic minerals industry by foreign competition.

DOMESTIC COPPER INDUSTRY

Mr. President, the domestic copper industry has been absolutely devastated. In 1981, the industry was at its peak, employing over 90,000 people, with total production exceeding $10 billion. There were over 25 major mines in operation, 17 smelters, and 22 refineries.

Since then, the domestic industry has declined dramatically. Domestic and world production began to ebb in 1979, and dropped even further during the 1982 recession. The price of copper also peaked in 1980, then plummeted over 50 percent by the end of 1984. However, despite the decline in consumption and price, copper production in the rest of the world continued to increase.

The impact of imports on our domestic copper industry has been severe. Imports of refined copper now account for 25.3 percent of total U.S. consumption, and imports from our three major competitors have increased significantly since 1985: Canadian imports are up 56 percent, imports from Peru, 39 percent, and imports from Chile, 7.8 percent.

As foreign imports have risen, U.S. production has dropped. In 1982, domestic mine production fell to its lowest levels since the 1960's, and the United States lost its position as the world's leading copper producer. From March 1981 to January 1983, 28 domestic mines closed or cut back production, and total U.S. utilized mine capacity stood at 65 percent. At the end of 1982, about 42 percent of the total copper workforce had been laid off.

However, the domestic copper industry is fighting back, with a commitment to increasing its competitive position with lower production costs and increased technological efficiency. U.S. production costs in general have declined from 92 cents in 1982 to 61 cents per pound today.

NEW MEXICO

In New Mexico, we have one major producer, Phelps Dodge, operating two mines and one smelter. Phelps Dodge recently acquired Kennecott, thereby becoming New Mexico's largest industrial employer. The copper industry in New Mexico now provides over 2,250 jobs, a significant increase over 1982, when most of the industry in the State was shut down. Capital expenditures of $70 million on new technology have made the State's operation one of the most efficient in the United States and reduced significantly the production costs of copper produced in New Mexico.

LEGISLATION

But the situation in the U.S. copper industry remains critical because of unfair, subsidized foreign competition, and the legislation we introduce today attempts to deal effectively with the problem. The bills' four major components.

First, it calls for specific action against unreasonable trade practices. It makes subsidization of excess capacity an unreasonable practice. It also requires the President to act against such subsidization.

Second, it sets negotiating objectives. It establishes as a principal objective of GATT to obtain an agreement that imposes sanctions against the subsidization of excess capacity.

Third, it provides relief from import competition. It requires the Secretary of Labor to supply the President with an analysis of the impact of imports on domestic employment and the remedies available to the domestic industry. It requires the Secretary of Commerce to assess the extent to which import relief affects consumers and competition in the domestic market. It requires the U.S. Trade Representative to provide the President with an analysis of the probable effectiveness of potential relief and the efforts to retrain domestic workers. It expands relief options to include multilateral negotiations to prevent or remedy the injury or threat of injury from excess worldwide capacity. It also, authorizes the President to act to prevent evasion of the remedies.

Fourth, it establishes new antidumping and countervailing duties. It establishes the price effect of excess worldwide capacity, and the threat of injury from this excess capacity. It also characterizes subsidies by multinational or regional lending institutions as subsidies funded by governments.

Another important aspect of this problem is the role of International Financial Institutions. Legislation is being introduced separately on this issue.

The legislation being introduced today is a comprehensive approach to dealing with the growing problem of unreasonable trade practices against our domestic copper and other mineral industries. My colleagues and I are only seeking to insure fair competition. I believe this legislation does that.

I urge support for this legislation.●

● Mr. DECONCINI. Mr. President, I want to take a few moments today to speak about copper—more precisely—the survival of our domestic copper industry and its ability to compete internationally on the uneven playing field forced upon it.

Copper is a vital metal, essential to any industrialized economy. Key industrial sectors which use copper include building construction, electrical and electronic products, industrial machinery, transportation and consumer products. Copper also has many defense applications, and because of its military importance, is classified as a strategic and critical commodity. Copper is designated as one of four "controlled materials" whose central management has been essential to past mobilization efforts.

Since 1982, the U.S. economy has gone through and emerged from a painful recession. Copper demand has likewise recovered, and commodity experts project a healthy growth rate for copper in the domestic economy. Unfortunately, overproduction from government-owned and subsidized producers in the Third World, and elsewhere, has kept copper prices close to depression era levels in real terms. The market-motivated producers, primarily in the Western United States, have been forced to curtail production, close mines and lay off workers in an attempt to bring world supply and demand into balance.

Despite tremendous accomplishments in improved production and cost control, the U.S. copper industry, once the world's largest, continues to be

deeply troubled. Approximately, 50 percent of domestic copper mine capacity that has been in place in 1982 is now shut down, and most of the companies probably never will reopen. The decline of the U.S. copper industry has been felt most severely by those who lost their jobs. In 1981, the domestic industry's mines, mills, smelters, and refineries, employed nearly 45,000. The real tragedy can be found in the shattered lives of thousands of copper workers and their families because, today, over half of those jobs have been lost, creating devastation to rural areas in the West where the copper industry was the focus of the economy.

Although the U.S. demand for copper and copper products is regaining strength, this demand increasingly is being satisfied by imports. Refined copper imports, which as recently as 1979 represented only about 10 percent of consumption, have surged to a present level of more than 25 percent of present consumption and, according to the Department of Commerce, will reach nearly 36 percent in 1989.

In 1984, 11 domestic copper producers filed a petition before the U.S. International Trade Commission (ITC), under section 201, the so-called escape clauses of the Trade Act, alleging that refined and blister copper imports were causing significant injury. The ITC, in a unanimous decision, found that imports were a substantial cause of serious injury to the domestic industry. Although their finding of injury was not disputed, the President chose not to act on the ITC recommendations and provide temporary relief to the industry.

Despite that setback, the domestic copper industry was determined to survive. U.S. producers embarked on a vigorous program of modernization. By closing unprofitable mines and implementing cost saving measures, the domestic industry has lowered production costs by over 25 percent between 1981 and 1985, according to the U.S. Bureau of Mines. In today's market, some of our domestic producers have begun to report modest profits and others hope to reach that position in the near future. However, these valiant efforts could be turned to naught if, during the next economic downturn, the world finds itself awash in excess copper.

The current state of the U.S. copper industry is a direct result of the changed structure of the copper industry worldwide. Throughout the 1950's and 1960's American companies controlled a large percentage of foreign copper production. But this was changed by a wave of nationalizations, particularly those that began in Chile in 1969, and today over 40 percent of free world copper production is under the ownership or effective control of the governments of less developed countries (LDC's). In two major economic recessions since those nationalizations, it has become clear that these State-controlled copper properties are not run under economic principles of supply and demand. Instead, they continue to maximize production: both to maintain full employment and in the misguided belief that maximizing production will maximize foreign exchange revenues. Operating in this manner hurts the entire industry by creating worldwide surpluses that demonstrably drive prices to destructively low levels. Such an operating philosophy leaves to the private sector alone, largely in the Southwestern United Sates, the task of curtailing production in an attempt to match reduced demand, which in turn forces a disproportionate share of mine shutdowns and worker layoffs onto the private sector.

The irony of this record is that it is made possible, to a considerable extent, by support mechanisms that our own Government has helped put into place in a misguided effort to aid and assist developing countries—mechanisms such as the IMF, with its Compensatory Financing Facility (CFF), the International Finance Corporation (IFC), and other MDB's. Notwithstanding the crisis in the world copper industry, these multilateral institutions have continued business as usual, financing shortfalls in export revenues of LCD's copper through the CFF and approving loans for the development of still more production capacity (through the MDB's).

Most major U.S. copper mines are, we believe, generally cost competitive with the mines of the rest of the world. It is true, however, that domestic mines face much higher labor costs and incur pollution control costs of 10–15 cents per pound which are not incurred by most foreign mines. Millions of dollars have already been invested by domestic copper producers to comply with stringent U.S. air, water and waste regulations.

Our trade laws are designed to determine injury and provide a remedy to a domestic industry suffering from problems related to import competition. However, they do not adequately address the problems faced by producers of fungible commodities, such as copper. It is for these reasons that I and others have sponsored a series of amendments to our trade laws to address these conditions and provide a fair and flexible response to a difficult trade problem. Legislation introduced today by my distinguished colleague and friend, Mr. DOMENICI, entitled the "Minerals and Materials Fair Competition Act of 1987", of which I am pleased to be an original cosponsor, will help restore balance between worldwide capacity and demand for copper.

Our legislation would amend section 301 of the 1974 Trade Act to allow the administration to respond promptly to complaints in which foreign governments are contributing to the global oversupply of a nonagricultural fungible commodity.

The amendment would establish a new basis for action under section 301 by amending the definition of "unreasonable practice" to include:

> Any act, policy, or practice which provides directly or indirectly, moneys on terms inconsistent with commercial considerations to increase capacity of fungible good, except agricultural commodities, if (a) this subsidized capacity would contribute to a world oversupply of that good, or (b) existing world capacity (or reasonable expectation of future world demand) for that good.

It also amends section 201 to allow the ITC, in the event that injury is found, to recommend that the President enter into multilateral negotiations to resolve problems of global oversupply, in lieu of tariffs or quotas. It would also permit the President to implement such action.

Under the General Agreement on Tariffs and Trade [GATT], there is currently a code of conduct which seeks to discourage the use of subsidies but it does not address the subsidization of excess capacity. In an attempt to seek a long-term solution to this problem, a third amendment would seek to establish under GATT a new multilateral code of conduct, with an appropriate enforcement mechanism, to discourage the subsidization by governments of expanded production of a nonagricultural fungible product that would contribute to oversupply conditions.

It would further require the Secretary of Treasury to instruct the U.S. directors of multilateral lending institutions to oppose any assistance for the production of any commodity already in global oversupply.

Let me repeat—despite several encouraging reports, the condition of the U.S. copper mining industry is still critical. While the industry's competitive position has improved, it still faces competition from subsidized production in the international marketplace. If the current overcapacity of copper becomes a chronic condition, it would permanently cripple the U.S. copper industry, resulting in supply and price dislocations, not only here but throughout the world.

The loss of a viable domestic copper industry would be a tragedy if measured only in terms of lost jobs and economic depression in several of our Western States. It would be a major disaster if measured in terms of the strategic integrity of the nation.

I believe the amendments we are suggesting are constructive and would serve to broaden the framework of our trade laws. These amendments would assist future administrations in dealing with global overcapacity problems

without mandating tariffs, quotas, or other protectionist measures.

Mr. President, it is my sincere hope that the amendments we are proposing today will be seriously considered and included in the context of any Omnibus trade legislation debated by the Congress this year. This legislation provides the only hope for a stable and secure domestic supply of this strategically important material.●

By Mr. HEINZ:

S. 1044. A bill to provide for medicare coverage of influenza vaccine and its administration; to the Committee on Finance.

S. 1045. A bill to appropriate additional amounts for fiscal year 1987 for the National Institute on Aging; to the Committee on Appropriations.

SENIOR CITIZEN HEALTH LEGISLATION

Mr. HEINZ. Mr. President, this morning I am introducing two bills. Both of them have to do with the health of Americans and for the most part, although not entirely so, the health of senior citizens.

The first is legislation to include in Medicare influenza coverage. I start with this bill first because, notwithstanding all the strengths of the Medicare program, that program contains a major flaw. It does almost nothing to prevent illness. It does a good deal to treat illness. For that reason, I am introducing legislation to provide Medicare coverage of influenza vaccination and for the administration of that.

I am pleased to be joined in this effort by Congressman Regula, Congressman Pepper, and 116 of their colleagues in the House of Representatives.

The Medicare Influenza Coverage Act I am introducing today is of vital importance to the health of millions of Americans. The Immunization Practices Advisory Committee [ACAP], which advises the Centers for Disease Control [CDC] above vaccine policies, recommends annual influenza vaccination for persons who have a high risk of severe complications if they contract influenza. The high-risk group includes persons with chronic heart, pulmonary, renal, and metabolic diseases or chronic anemia; those with conditions compromising the immune mechanism; and individuals older than 65 years.

The Medicare Program does not reimburse currently flu vaccinations. Medicare does pay, though, for vaccination agaisnt pneumonia and hepatitis. The number of deaths from these two diseases combined are far below the influenza-related death rate. From 1971 through 1978, influenza resulted in an annual average of 16,000 deaths and 15 million days of work loss. Ninety percent of influenza-related deaths occur among those over 65 years of age. An OTA study published in the Journal of the American Medical Association on June 17, 1983, estimated that during the period 1971-78, a vaccination increased the days of healthy life for a person 65 or older quite substantially. Furthermore, the OTA study found that annual flu vaccines during that period for persons who were 65 and older, saved about $6.6 million in net medical costs. These savings occurred with only a 22-percent vaccination rate.

Mr. President, seldom is the evidence supporting legislation so convincing. Medicare coverage of influenza vaccinations will not only save thousands of lives every year, but will also save millions of dollars which would otherwise be spent in medical treatment caused by epidemic influenza. This legislation facilitates the practice of preventive medicine. The benefit to our Nation's health alone is worth the change; the savings to Medicare are a bonus. I urge my colleagues to support this legislation.

Mr. President, I am pleased to introduce legislation to increase the appropriation levels targeted for Alzheimer's research.

Mr. President, some years ago, I was forcefully reminded of the tragedy of Alzheimer's disease at a September 1983 hearing of the Senate Special Committee on Aging, which I chaired.

Our hearing emphasized with powerful clarify, that Alzhemier's disease kills with a two-edged sword. While it destroys the minds and then the bodies of its victims, too often it also kills the spirit of the caretaker as well. We need to blunt both edges of this sword—and the obvious first step is to determine a cause and cure.

Today, an estimated 1.5 million Americans suffer from severe dementia. Their lives are an irreversible path into darkness, a path that begins with simple forgetfulness and progresses to total loss of the ability to communicate, profound changes in personality, and finally, to death. An additional 1 to 5 million have mild or moderate dementia, and require assistance with daily living.

By the year 2000—just 13 years from now—the Office of Technology Assessment estimates a 60 percent increase in the number of people with severe dementia. Unless cures or means of prevention are found for the common causes of dementia, 7.4 million Americans will be affected by the year 2040—five times as many as today.

Public awareness of the problems posed by dementing illnesses is recent. Up until the past few years, grandmother's forgetfulness, Uncle Henry's wanderings—classic symptoms of Alzeheimer's—were written off as part of the "aging process." With increased public awareness has come increased attention to dementia as a disease, not an inevitable process—on the part of health professionals. Professional recognition of the problems posed by dementia, in turn, is reflected in increased funding for biomedical research and training.

Federally funded research on dementing conditions has increased from $3.9 million in 1976 to an estimated $67 million in 1987. Federal funding has been supplemented by support from nongovernment organizations and foundations such as ADRDA, the American Federation for Aging Research, and the John Douglas French Foundation on Alzheimer's Disease.

Estimates about the financing of care—including costs of diagnosis, treatment, nursing home care, and lost wages—for those with Alzheimer's disease and other dementing disorders range from $24 to $48 billion each year. And, as America's population ages, these costs and related social ramifications are expected to increase dramatically.

However, dramatic breakthroughs within the last couple of years offer hope for families suffering through the terrible effects of dementia, and for those families yet to suffer. But to build on the progress we have made recently, we must increase the current funding levels directed toward Alzheimer's research. It is the intent of this legislation to do just that.

In 1984, the Department of Health and Human Services established five Alzheimer's Disease Research Centers of Excellence. Five more have been opened since then. These centers are designed to pool resources for established investigators working on basic clinical and behavioral studies of Alzheimer's Disease and related disorders. The centers are a source of funding for new research projects and a training ground for scientists and health care providers. Originally, each of these 10 centers was to be funded at $1 million per fiscal year.

Presently, the total budget for all 10 centers is $8.5 million. We need an additional $2 million to bring funding up to the $1 million goal. An additional $0.8 million would go toward clinical trials of experimental drugs, including THA, which appears to have some startling success in restoring memory functions among some severely demented individuals.

Let me stress that, as we stand on the brink of remarkable breakthroughs in research, Federal dollars are more critical than ever.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1044

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

SECTION 1. MEDICARE COVERAGE OF INFLUENZA VACCINE AND ITS ADMINISTRATION.

(a) IN GENERAL.—Section 1861(s)(10)(A) of the Social Security Act (42 U.S.C. 1395x(s)(10)(A)) is amended by striking the words "vaccine and its administration." and inserting therein "and influenza vaccine and their administration.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to items and services furnished on or after October 1, 1987.

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to any other amount appropriated for the National Institute on Aging under any other provision of law, there are appropriated $2,800,000 for the National Institute on Aging for fiscal year 1987, of which $2,000,000 shall be available for centers under section 445 of the Public Health Service Act and of which $800,000 shall be available for clinical trials to test promising drugs to arrest the progression of, that treat, Alzheimer's disease and related dementias.

By Mr. SHELBY (for himself, Mr. HELFLIN, and Mr. KERRY):

S. 1046. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

RELIEF OF JOHN H. TEELE

● Mr. SHELBY. Mr. President, today I am introducing legislation that would ask congressional intervention on behalf of Mr. John H. Teele. I am pleased that my distinguished colleagues, Senator HEFLIN and Senator KERRY, are joining me as original cosponsors of this relief legislation.

To reiterate the facts as presented in the decision of the Comptroller General, this claim involves Mr. John H. Teele, who was employed in the private sector and resided in Chelmsford, MA. Mr. Teele applied and was selected for Federal employment with the U.S. Missile Command, Department of the Army. The Redstone Arsenal in Huntsville, AL was to be Mr. Teele's first duty station in his position as an electronics engineer. In good faith, John Teele relocated himself, his wife and four children to Huntsville based on travel orders which were issued on April 29, 1985, by the Department of the Army. Upon reporting for duty and submitting his travel voucher claim, it was administratively determined that John Teele's travel orders contained erroneous information, as the purpose for this travel was a first duty station move in a manpower shortage position, not an employee move as a result of a transfer from one official duty station to another for permanent duty. Although unfamiliar with the laws governing travel and relocation expense reimbursements, John Teele was, I believe, unintentionally misled by the Department of the Army to his financial detriment.

Mr. President, I urge my colleagues to take swift action to correct this injustice, hardship and unjustified economic loss suffered by Mr. Teele. I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay John H. Teele of Huntsville, Alabama, out of money not otherwise appropriated, the sum of $12,692, in full satisfaction of all legal and equitable claims of said John H. Teele, arising against the United States for losses sustained by the above that resulted from the erroneous advice given him by the Department of the Army.

SEC. 2. No part of the amount appropriated in this Act, in excess of 10 percent thereof, shall be paid to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed $1,000.●

By Mr. JOHNSTON:

S. 1047. A bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

MODIFICATION TO CONVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA

● Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of the Interior, I send to the desk a bill to modify section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Assistant Secretary be printed in the RECORD.

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

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved in Public Law 94-241 (90 Stat. 263), is amended (effective November 3, 1986) by adding at the end of such section (without numerical designation) the following language:

"For the purposes of this section, a person who was born in the Trust Territory of the Pacific Islands (Trust Territory) is considered to have been a citizen of the Trust Territory on November 3, 1986, and not to owe allegiance to a foreign state, if (1) one parent of such person was born in the Trust Territory, and (2) such person took no affirmative steps to acquire or preserve foreign nationality after his or her eighteenth birthday."

SEC. 2. The reference to "all persons" in section 301 of the Covenant referred to in section 1 of this Act shall be construed to refer to any person and his or her child.

"SEC. 301. The following persons and their children under the age of 18 years on the effective date of this section, who are not citizens or nationals of the United States under any other provision of law, and who on that date do not owe allegiance to any foreign state, are declared to be citizens of the United States, except as otherwise provided in section 302:

"(a) all persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this section, and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

"(b) all persons who are citizens of the Trust Territory of the Pacific Islands on the days preceding the effective date of this section, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975; and

"(c) all persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this section, who although not citizens of the Trust Territory of the Pacific Islands, on that date have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 25, 1987.

Hon. GEORGE BUSH,
President of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To modify section 301 of the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America,* and for other purposes." The Covenant was approved with the signing of Public Law 94-241 on March 24, 1976.

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

It was generally assumed by those who drafted the Covenant and those who voted in the related 1975 Northern Mariana Islands plebiscite that pursuant to Covenant section 301 (text enclosed) virtually all persons born in the Northern Mariana Islands who were citizens of the Trust Territory, or citizens of the Trust Territory of the Pacific Islands who had resided in the Northern Mariana Islands for five years would qualify for United States passports upon termination of the trusteeship agreement with the United Nations.

It was understood at that time that the exception in section 301, relating to persons who owe allegiance to any foreign state,

would not affect any persons other than those who had taken affirmative steps to acquire or preserve a foreign nationality. The draftsmen of the Covenant apparently were also unaware of section 1 of title 53 of the Trust Territory Code denying Trust Territory citizenship to persons who at birth acquired another nationality.

After the termination of the Trusteeship Agreement, when inhabitants of the Commonwealth of the Northern Mariana Islands applied for United States passports, it appeared unexpectedly that a substantial number of inhabitants of the Trust Territory had married citizens of foreign countries. Pursuant to the nationality laws of a number of these foreign countries, the children of these marriages acquired the citizenship of such foreign country at birth. Those children, accordingly, were and are not entitled to United States passports under Covenant section 301, because they owe allegiance to another nation, and because, having acquired a foreign nationality at birth, they are not citizens of the Trust Territory. It is estimated that this complication affects 1,000 to possibly 5,000 persons, a substantial percentage of the Commonwealth's population.

The attached draft bill would remedy this problem by adding to Covenant section 301 a new paragraph specifically stating that a person born in the Trust Territory will be considered a citizen of the Trust Territory not owing allegiance to a foreign state if (1) such person has one parent who was born in the Trust Territory, and (2) such person has not taken affirmative steps to acquire or affirm foreign nationality after his or her eighteenth birthday.

This modification would have the effect of entitling to United States passports all persons born prior to the termination of the trusteeship in the Northern Mariana Islands, and those born in Micronesia who complied with the requirements of section 301(b), even if they had acquired a foreign nationality at birth, as long as such person did not take any affirmative step to acquire or preserve a foreign nationality after his or her eighteenth birthday. The bill would also correct the problem presented by section 1 of title 53 of the Trust Territory Code. This proposal would not affect the other requirements of section 301.

It should be noted that under Covenant section 303, a person born in the Commonwealth of the Northern Mariana Islands after the termination of the trusteeship is entitled to the benefits of section 301, even if only one parent qualifies for those benefits.

Section 2 is designed to clarify a potential misunderstanding by stating specifically that children under the age of 18 years are entitled to the United States passport, even if only one parent qualifies for such a passport under Covenant section 301.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

RICK MONTOYA,
Assistant Secretary.●

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. DANFORTH, and Mr. PACKWOOD):

S. 1048. A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

● Mr. INOUYE. Mr. President, I am introducing today legislation to reauthorize the Federal Communications Commission for fiscal years 1988 and 1989. The level of funding for fiscal year 1988 is $107,250,000 for the amount for fiscal year 1989 is $109,250,000. The amount for fiscal year 1988 is the same as the President's request. It represents an increase of approximately $5 million over the fiscal year 1987 budget. This additional amount is necessary to fund increases in compensation and benefits, to fund new positions to assist in the collection of fees, and to permit the reallocation of a monitoring station. This legislation also includes a 2-year extension in the travel reimbursement program, which permits private parties to reimburse Commission employees for certain travel expenses.

Since the last time the Congress reauthorized the Commission, it has engaged in a vast number of proceedings. The Communications Subcommittee intends to scrutinize closely Commission actions in regard to the new access charge plan, they must carry rules, the third computer inquiry, and the satellite television scrambling report. The subcommittee also will question the Commission concerning important pending actions, such as the "preference" inquiry and the deregulation of dominant common carriers.

Before 1981, the FCC had a continuing authorization. The Congress initiated a biennial authorization so that it could better oversee the many significant actions of the Commission. I believe this process has worked well. The Communications Subcommittee will hold a hearing on this bill on April 21 at 2:30 p.m. We will then consider whether any amendments are needed and try to move this legislation ahead promptly.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Communications Commission Authorization Act of 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated for the administration of this Act by the Commission $107,250,000 for fiscal year 1988 and $109,250,000 for fiscal year 1989, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1988 and 1989.".

(b) The amendment made by subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1987.

TRAVEL REIMBURSEMENT PROGRAM

SEC. 3. Section 4(g)(2) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)) is amended in subparagraph (D), by striking "1987" and inserting in lieu thereof "1989".●

By Mr. CHAFEE:

S. 1049. A bill to suspend temporarily the duty on lasamid; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON LASAMID

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would suspend temporarily the duty on lasamid. Lasamid is a chemical is used in the manufacture of furosemide, a widely-used potent diuretic, primarily prescribed in the the treatment of patients who have suffered from congestive heart failures.

Furosemide is currently sold in the United States by Hoechst-Roussel Pharmaceuticals Inc. [H-RPI] and by several other generic drug companies. However, the only company which manufactures furosemide in the United States is H-RPI's parent, Hoechst Celanese Corp. All other furosemide sold in the United States is imported.

Hoechst Celanese produces furosemide in my State of Rhode Island by a process which involves the intensive treatment of the precursor chemical lasamid. There are no known American producers of lasamid, and its only use is as a precursor to the production of furosemide. Since there are no domestic producers of lasamid, no domestic interests would be adversely affected by this bill. By elminating the duty on lasamid, this U.S. producer will become more competitive with foreign producers, thereby benefiting the American workers who manufacture this product. It will also contribute to keeping down medical costs, by reducing costs to produce a major drug relied upon by many Americans.

I introduced similar legislation in the last Congress. Although there was no objection to the duty suspension, the measure was never enacted. Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 1049

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

SECTION 1. LASAMID.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"907.81	2,4 Dichloro-5-sufamoyl benzoic acid (provided for in item 406.56).	Free ..... No change...	On or before 12/31/90"

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. CHAFEE (for himself and Mr. GLENN):

S. 1050. A bill to temporarily suspend the duty on certain stuffed toy figures; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON STUFFED TOY FIGURES

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would temporarily suspend until December 31, 1990, the duty on certain stuffed toy figures of animate objects not exceeding 25 inches in either length, width, or height.

Major toy companies in the United States import their line of stuffed toy animals because there is no significant domestic manufacturer of these items. Since there is no domestic production, no domestic interests would be adversely affected by this bill. Furthermore, elimination of duty on stuffed toy animals will result in lower consumer prices for children's toys.

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

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

S. 1050

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

SECTION 1. CERTAIN STUFFED TOY FIGURES.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"912.32	Stuffed or filled toy figures of animate objects (except dolls) not having a spring mechanism and not exceeding 25 inches in either length, width, or height (provided for in item 737.30 or 737.40, part 5E, schedule 7).	Free ..... No change...	On or before 12/31/90".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. CHAFEE (for himself and Mr. GLENN):

S. 1051. A bill to suspend temporarily the duty on stuffed dolls and toy figures; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON STUFFED DOLLS AND TOY FIGURES

● Mr. CHAFEE. Mr. President, I am pleased to offer legislation today that would renew for 5 years a previous suspension of the duty on stuffed dolls, certain toy figures, and the outer covering or skins of such dolls and figures.

The previous duty-free treatment for these items was enacted in January 1983 and expired at the end of 1985. I introduced legislation in the last Congress to reinstate the suspension, and although there was no objection to suspension, the legislation was not adopted. The bill I am introducing today would thus have a retroactive application.

Major toy companies in the United States import their line of stuffed dolls, toy figures, and outer skins because there is no significant domestic manufacturer of these items. The outer skins that are imported are then filled and assembled here, providing jobs for U.S. workers.

Since there are no significant domestic manufacturers of these items, no domestic interests would be adversely affected by this bill. In addition, elimination of the duty on stuffed dolls, toy figures, and the outer coverings of dolls will result in lower consumer prices for children's toys.

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

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

S. 1051

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

SECTION 1. STUFFED DOLLS AND TOY FIGURES.

Items 912.30, 912.34, and 912.36 of the Appendix to the Tariff Schedules of the United States are each amended by striking out "12/31/85" and inserting in lieu thereof "12/31/90".

SEC. 2, EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of an article described in item 912.30, 912.36, of the Appendix to the Tariff Schedules of the United States (as amended by this Act) that was made-

(1) after December 31, 1985, and

(2) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 1052. A bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA; to the Committee on Energy and Natural Resources.

NATIONAL CENTER FOR THE UNITED STATES CONSTITUTION ESTABLISHMENT ACT

Mr. SPECTER. Mr. President, I am introducing today legislation to authorize the establishment of the National Center for the U.S. Constitution. This Center would be a permanent legacy of this year's national celebration of the bicentennial of the Constitution. The Center would focus national attention of the history and importance of the Constitution long after the bicentennial celebration is over.

The National Center for the U.S. Constitution would be located at a site in Philadelphia, where the document was debated, written, and signed. The Center's key functions would include:

Presenting exhibits, elaborating on the history and contemporary significance of the Constitution; directing a national program of public education on the Constitution, issuing traveling exhibits commissioning radio and television programs, and furnishing materials for schools; functioning as an intellectual center, drawing both academic and practitioners for debate and advice for the Center's exhibits and public education programs; and creating archives for programs on the bicentennial of the U.S. Constitution.

Mr. President, the National Center will be the only institution in the country dedicated to disseminating information about the Constitution, through existing networks, on an authoritative but nonpartisan basis. The Center will serve all sectors and groups; it will reach out to Americans in every State and territory and to school children, working people, and academics.

Creation of the National Center for the U.S. Constitution would not be a long-term financial burden for the Federal Government. The National Center eventually would be funded and operated by a uniquely qualified private nonprofit organization. This initiative is endorsed by Independence National Historical Park, Philadelphia's We The People 200 Committee, the Committee for a National Center for the U.S. Constitution, and the Pennsylvania Humanities Council.

As ranking minority member of the Judiciary Subcommittee on the Constitution and member of Philadelphia's We The People 200 Committee, I strongly believe that this bicentennial year provides an invaluable opportunity for all Americans to rediscover the unique provisions of the U.S. Constitution.

The three branches of our Federal Government are planning to partici-

pate in ceremonies throughout 1987. The U.S. Congress currently is planning to commemorate in Philadelphia on July 16 the 200th anniversary of the Constitution's "Great Compromise"—the decision during the Constitutional Convention to organize the Congress in two independent bodies.

Executive branch officials, including the President, are considering joining foreign officials in ceremonies and a parade in Philadelphia on September 17 to commemorate the 200th anniversary of the signing of the Constitution. The parade is expected to be the largest in the history of the Nation. U.S. Supreme Court Chief Justice William Rehnquist also is planning to participate in Philadelphia's bicentennial ceremonies on October 2, 1987.

Mr. President, this year will bring a heightened national awareness of the Constitution and our constutitonal government. By establishing the National Center for the U.S. Constitution, we can ensure that appreciation of one of history's greatest and most enduring political documents continues to increase in years to come.

We spend millions of dollars each year on programs to promote democracy in countries throughout the world. What better way to strengthen this effort than through a National Center to continue promoting after 1987 the drafting and signing of the most important political document in the history of the world?

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

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

S. 1052

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for the United States Constitution Establishment Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) 1987 is the bicentennial of the signing of the United States Constitution;

(2) commemoration of the Constitution's bicentennial includes events planned by the Federal Commission on the Bicentennial of the United States Constitution, and State and local bicentennial commissions;

(3) bicentennial activities include important educational and instructional programs to heighten public awareness of the Constitution and the democratic process; and

(4) educational programs for the Constitution should continue after the bicentennial is over.

(b) PURPOSE.—It is therefore the declared policy of the Congress to provide—

(1) the necessary resources to develop a national resource center to undertake educational programs on the Constitution; and

(2) exhibits of, and an archives for, programs on the bicentennial of the United States Constitution.

SEC. 3. ESTABLISHMENT OF THE CENTER.

(a) ESTABLISHMENT BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall establish a National Center for the United States Constitution (hereafter in this Act referred to as the "Center") within or in close proximity to the Independence National Historical Park. The Center shall disseminate information about the United States Constitution on an authoritative but nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.

(b) FUNCTIONS OF THE CENTER.—The functions of the Center shall include—

(1) serving as a center of exhibitory and elaborating on the history and contemporary significance of the Constitution, through use of the most advanced presentational techniques;

(2) directing a national program of public education on the Constitution, issuing traveling exhibits, commissioning radio and television programs, furnishing materials for the schools, and providing other education services;

(3) functioning as an intellectual center, drawing both academics and practitioners to debate and refine constitutional issues and, at the same time, providing intellectual advisement for the Center's exhibits and public education programs; and

(4) creating archives for programs on the bicentennial of the United States Constitution.

SEC. 4. ACQUISITION OF SITE FOR CENTER.

The Secretary is authorized to provide a site, including necessary structures, for the Center by—

(1) using an existing structure or modifying an existing structure for use; or

(2) constructing a new structure to house the Center.

The Secretary may acquire such land as is necessary to provide a site for the Center.

SEC. 5. OPERATION OF THE CENTER BY A PRIVATE NONPROFIT ORGANIZATION.

The Secretary is authorized to make grants to, enter into cooperative agreements, contracts or leases with private nonprofit organizations which shall operate the Center as provided in this Act.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as are necessary to establish and operate the Center.

By Mr. HEINZ (for himself, Mr. ROCKEFELLER, Mr. MITCHELL, and Mr. SPECTER):

S. 1053. A bill to waive certain time limitations imposed under the Trade Adjustment Assistance Program for certain workers whose employment terminated between 1981 and 1986, and for other purposes; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE IMPROVEMENT

● Mr. HEINZ. Mr. President, worker education and job training are an integral part of the current debate about American competitiveness. From the administration, from the Congress, from all sides, we hear talk about the need to improve these efforts because, unfortunately, our training programs—Trade Adjustment Assistance and the Dislocated Workers Assistance Program under JTPA—have failed to reach most of the displaced workers they were designed to help.

The real tragedy is the broken promise of Trade Adjustment Assistance. Under TAA, workers are supposed to receive extended unemployment compensation and retraining to help them begin a new career. This is particularly important to manufacturing workers whose plants not only are closed, but in many instances demolished, eliminating any chance that another company might reopen them and again provide work.

Trade Adjustment Assistance has been criticized for covering only a small fraction of displaced workers. There is a reason for this. We have placed so many restrictions on worker training and assistance under TAA that many workers can not get into the program. For instance, a displaced mineworker who was laid off several times in the early 1980's, and finally separated last year, is ineligible because the Department of Labor considers the first separation—usually a brief layoff—as the separation for TAA eligibility. Thousands of workers who experienced layoffs and recalls are caught by this trap in the law. In many cases, they have received little or no assistance. Many remain destitute.

If a worker was on layoff for more than 26 of the 52 weeks before separation, he is denied cash assistance under TAA, and must survive during training on whatever resources he may have. Often he has nothing. If he opened up unemployment insurance claim during a brief layoff, his eligibility for TAA begins upon the completion of the benefit year for that claim.

If a worker did not enter training within 210 days of separation or plant certification, he is again denied training. This may sound like a lot of time, but countless workers were laid off in the last recession while their plants remained open. It was not clear that they would not be called back, nor were they notified when their plant was certified. Thus, they were unaware of their eligibility, and have been denied training.

The program currently is out of training money. Workers who want to enter training cannot, and by the time we provide more money, their eligibility for training may be ended. This has happened before.

We can't compete in international markets with our first team—our skilled workers—permanently sidelined. For that reason, I am introducing legislation to provide training to workers who did not receive TAA benefits for which they were eligible.

There will be costs associated with this legislation. But, let me emphasize that if we are serious about retraining our work force, we must make some

provision for those who have been denied training.

Mr. President, on Sunday, April 12, the Washington Post published an article on the benefits of retraining in the Pittsburgh area. I ask unanimous consent that the article appear in the RECORD at this point.

Mr. President, the legislation I am introducing will accomplish two things:

First, it will allow TAA-eligible workers who have not received their benefits, and who enter approvable training programs, to receive Trade Adjustment Assistance while they are enrolled in training.

Second, this bill will require the Department of Labor to notify TAA-eligible workers of their benefits, both by mail and by publication in general-circulation newspapers.

This legislation is only fair. We made a promise to trade-impacted workers that the Government would fund training and education services for them for up to 2 years, to help them rebuild their careers. That promise is broken.

Mr. President, I ask that the bill be published in the RECORD at the conclusion of my remarks.

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

S. 1053

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

SECTION 1. WAIVER OF CERTAIN TIME LIMITATIONS.

(a) IN GENERAL.—The provisions of sections 223(b) and 231(a)(1)(B) of the Trade Act of 1974, and of subsections (a)(2) and (b) of section 233 of such Act, shall not apply with respect to any worker who became totally or partially separated from adversely affected employment (within the meaning of section 247 of such Act (19 U.S.C. 2319)) during the period that began on August 13, 1981, and ended on April 7, 1986.

(b) TRAINING REQUIREMENT.—

(1) Any worker who is otherwise eligible for payment of a trade readjustment allowance under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 by reason of subsection (a) of this section may receive payments of such allowance only if such worker—

(A) is enrolled in a training program approved by the Secretary under section 236(a) of such Act,

(B) has, after the date on which the worker became totally separated, or partially separated, from the adversely affected employment, completed a training program approved by the Secretary of Labor under section 236(a) of such Act, or

(C) has received a written statement certified under paragraph (3) after the date described in subparagraph (B).

(2) If the Secretary of Labor determines that—

(A) a worker—

(i) has failed to begin participation in the training program the enrollment in which meets the requirement of paragraph (1), or

(ii) has ceased to participate in such training program before completing such training program, and

(B) there is no justifiable cause for such failure or cessation,

no trade readjustment allowance may be paid to the worker under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 on or after the date on which such determination is made until the worker begins or resumes participation in a training program approved under section 236(a) of such Act.

(3) If the Secretary of Labor finds that it is not feasible or appropriate to approve a training program for a worker under section 236(a) of the Trade Act of 1974, the Secretary of Labor shall submit to such worker a written statement certifying such finding.

SEC. 2. NOTIFICATION OF TRADE ADJUSTMENT ASSISTANCE TO WORKERS.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended—

(1) by striking out "The Secretary" in the first sentence and inserting in lieu thereof "(a) The Secretary", and

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

"(b)(1) The Secretary shall provide written notice through the mail of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by a certification made under subchapter A of this chapter—

"(A) at the time such certification is made, if the worker was partially or totally separated from the adversely affected employment before such certification, or

"(B) at the time of the total or partial separation of the worker from the adversely affected employment, if subparagraph (A) does not apply.

"(2) The Secretary shall publish notice of the benefits available under this chapter to workers covered by each certification made under subchapter A in newspapers of general circulation in the areas in which such workers reside.".

(b) SPECIAL NOTICE.—The Secretary of Labor shall publish notice of the benefits available under chapter 2 of title II of the Trade Act of 1974 by reason of section 1 of this Act in newspapers of general circulation in areas in which workers who are likely beneficiaries under such chapter reside.●

By Mr. MITCHELL:

S. 1058. A bill to amend the Internal Revenue Code of 1986 to allow a deduction of at least $15,000 for interest paid or accrued on indebtedness incurred to acquire a 50 percent or more ownership interest in a corporation; to the Committee on Finance.

INVESTMENT INTEREST LIMITATION LEGISLATION

● Mr. MITCHELL. Mr. President, I am today introducing legislation to correct a problem with the new investment interest restrictions enacted in the tax reform bill. This legislation will reinstate the language of prior law section 163(d)(7) allowing a deduction for interest expenses incurred to acquire a 50 percent or more ownership interest in a corporation.

This subparagraph was repealed in the tax reform bill as part of the new limitations on deductions for investment interest expenses. Under prior law section 163, deductions for interest on debt incurred to purchase or carry property held for investment were generally limited to $10,000 per year, plus the taxpayer's net investment income. Section 163(d)(7) provided an additional $15,000 of annual deductions for interest expenses incurred to acquire a 50-percent interest in a corporation or partnership.

In the Tax Reform Act, the investment interest limitation was made more restrictive by, among other things, removing the $10,000 minimum amount. In addition, subsection (d)(7) was repealed thus removing the special rule for 50-percent-owned businesses.

Although there was a 50-percent-ownership test in prior law, this exception from the investment interest limitation was not based on any distinction between indebtedness incurred to operate a trade or business and indebtedness incurred to carry an investment. Instead, it was simply an ownership test; as long as a 50-percent interest was held, the exception would apply.

By its terms, section 163 applies to investment interest incurred to carry property held for investment whatever the character of that investment. The restrictions also apply to debt incurred to purchase stock in a corporation owned and operated by the taxpayer. The material participation of the taxpayer in the business is not relevant because it is the ownership of the stock as an investment that triggers the application of the investment interest limitation; not the degree of participation in the business by the owner of the stock. No such limitation applied to the same interest held directly in a partnership.

The effect of the prior law was thus to discourage entrepreneurs from taking on debt to acquire and actively run a business. That was tolerable as long as section 163(d)(7) at least permitted an exception for up to $15,000 of annual interest deductions. That was of benefit to modest borrowings to purchase small businesses.

The Federal income tax system should promote, not discourage, the formation of active business enterprises by individuals. However, the denial of interest deductions on debt incurred to acquire a corporation will make it more difficult for entrepreneurs to begin in business. Of course, with a little tax planning, individuals may structure a transaction in such a way as to utilize the interest deductions by placing the debt in the business or setting up the business as a passthrough entity.

But I see little reason for the tax system to encourage this kind of subterfuge and tax avoidance planning that forces taxpayers to structure transactions for tax reasons over business purpose.

More importantly, the abrupt repeal of the exception for debt used to ac-

quire a controlling interest in a corporation imposes an unfair retroactive effect on legitimate business transactions entered into under prior law. For that reason, I believe this issue needs to be addressed in legislation this year. I do not propose to dismantle the new investment interest limitations in the bill which are a cornerstone of tax reform. This bill is simply a minor adjustment that reinstates section 163(d)(7) for qualifying debt held as of the enactment of tax reform. I hope the Finance Committee will give serious consideration to this proposal.

I ask unanimous consent that a copy of the legislation be placed in the CONGRESSIONAL RECORD.

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

S. 1058

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

SECTION 1. ALLOWANCE OF ADDITIONAL $15,000 INVESTMENT INTEREST DEDUCTION ON INDEBTEDNESS TO ACQUIRE CORPORATION.

(a) GENERAL RULE.—Section 163(d) of the Internal Revenue Code of 1986 (relating to limitation on investment interest) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) SPECIAL RULE FOR INTEREST ON INDEBTEDNESS OF 50-PERCENT OWNER TO ACQUIRE CORPORATION.—

"(A) IN GENERAL.—In the case of a 50-percent owner of a corporation, the amount allowed as a deduction under this chapter for investment interest for any taxable year shall not be less than the sum of—

"(i) the amount determined without regard to this paragraph and without regard to any investment interest described in clause (ii)(II), plus

"(ii) the lesser of—

"(I) $15,000 ($7,500 in the case of a married individual filing a separate return), or

"(II) the investment interest paid or accrued during the taxable year on indebtedness incurred or continued in connection with the acquisition of such corporation or partnership.

"(B) 50-PERCENT OWNER.—For purposes of this paragraph, the term '50-percent owner' means a taxpayer who holds 50 percent or more of the total value of all classes of stock of a corporation. For purposes of this subparagraph, stock held by the spouse or children of an individual shall be treated as held by the individual."

(b) CONFORMING AMENDMENT.—Section 163(h)(6) of such Code is amended by striking out "subsection (d)(6)(B)" and inserting in lieu thereof "subsection (d)(7)(B)".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the amendments made by section 511 of the Tax Reform Act of 1986.●

By Mr. MOYNIHAN:

S. 1059. A bill to terminate the application of certain Veterans' Administration regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care; to the Committee on Veterans Affairs.

VETERANS' ADMINISTRATION REGULATIONS

● Mr. MOYNIHAN. Mr. President, I rise today to offer legislation to rescind certain Veterans' Administration regulations pertaining to beneficiary travel. Specifically, I refer to those provisions published in the Federal Register on March 12, 1987, which became effective on April 13, 1987. Under these regulations, reimbursement for beneficiary travel to and from VA facilities will be drastically curtailed. Whereas, previous regulations allowed veterans reimbursement for travel to and from VA facilities so long as prior authorization was requested and the individual facility had sufficient funding, the new regulations take the flexibility out of the program and allow travel reimbursement only in cases where specialized modes of transportation are medically indicated, travel is to and from compensation and pension examinations, and that travel in excess of a 100-mile radius from the nearest VA medical care facility.

This is, of course, a cost-saving measure brought on by the necessity of controlling the budget and misplaced priorities as we scramble here in Washington to cut, and cut again. But in return for making accessibility that much more difficult to our eligible veterans, the VA foresees a savings of approximately $90 million. That is, travel reimbursement is expected to drop from $100 million per year to $10 million. Mind, in a large State like New York, where approximately 1,915,000 veterans reside, medical care is accomplished at only 12 medical centers. In California, the State with the largest veterans population, there are 10 medical centers. Travel is very much a part of a veterans ability to obtain the benefits he or she rates. And as I travel around New York I am often reminded that this is a program our veterans want.

I do not think anyone in this body requires a discussion of what this Nation's veterans have done, indeed, all but a few Members of this body are veterans themselves; some know all too well the cost of conflict. Let me just say, that as we move to control spending, veterans benefits is not where I would choose to look first, or at all. Therefore, I introduce this legislation today to rescind the new regulation. And should such a rescission directly threaten the quality of medical care we offer our veterans, then I would urge the Committee on Veterans' Affairs and the Senate to consider a supplemental appropriation to the Veterans' Administration budget so that we might continue beneficiary travel at an estimated cost of $90 million.

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

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

S. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding any other provision of law, on and after the date of the enactment of this Act, the final regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care, published and discussed on pages 7575 through 7577 of volume 52, number 48 of the Federal Register (dated March 12, 1987), shall no longer be in effect.●

By Mr. SASSER (for himself and Mr. GORE):

S. 1060. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to deduct either State and local sales taxes or State income taxes; to the Committee on Finance.

INTERNAL REVENUE CODE AMENDMENT

● Mr. SASSER. Mr. President, today, along with my junior colleague, Senator GORE, I am introducing legislation to rectify one of the glaring inequities in the 1986 tax reform bill; the elimination of the deduction for State and local sales taxes.

Now, some of my colleagues will argue that eliminating the sales tax deduction was done in the name of fairness. Let's explore that point a bit. No other State or local tax deduction was touched in the tax reform bill. You can still deduct your State income tax, for example. And if you happen to live in a State which has no sales tax, you aren't affected at all. Where's the fairness in that approach, Mr. President.

The elimination of the sales tax deduction was blatantly unfair, particularly to States such as Tennessee which rely on sales taxes for much of their revenue. Sales taxes account for more than 50 percent of the revenue collected in Tennessee. And most of these tax dollars go to support public education in Tennessee.

There are those who have attempted to justify eliminating the sales tax deduction by arguing that Tennessee and other States should not rely so heavily on sales taxes for revenue. Mr. President, that argument not only misses the point of tax equity, it raises a very serious question about our Federal system. Should the Federal Government dictate to the States what their tax policy will or will not be? To do so would undermine a State's authority to establish its own fiscal policy. Yet, exactly this type of Federal intrusion into State affairs lies at the heart of the repeal of the sales tax deduction.

Let me also underscore the economic importance of the sales tax deduction. Before its elimination, this was the most used deduction among itemizing

taxpayers. Some 33.5 million taxpayers claimed the sales tax deduction in 1983. In my home State of Tennessee, the sales tax deduction was worth $585 per itemizing household in 1985.

The legislation I am introducing today would restore a sense of fairness to our Tax Code. it would also pull the Federal Government out of the business of setting State fiscal policy.

Basically, this legislation allows taxpayers who itemize a choice when deducting State and local taxes. Under my bill, individuals are allowed to deduct either their State and local sales taxes, or their State and local income taxes, but not both.

Mr. President, nothing could be fairer than this proposal. My bill is certainly much more equitable than singling out sales tax States for discriminatory treatment as was done in the 1986 tax reform bill. If we are truly interested in a fair tax system, we will no longer single out the sales tax as was done last year. We will move toward a system which seeks to treat all taxpayers in a similar manner. My legislation does just that. I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of this legislation appear in the RECORD.

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

S. 1060

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

SECTION 1. RESTORATION OF DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) REPEAL OF PROVISION ELIMINATING STATE AND LOCAL SALES TAX DEDUCTION.—

(1) IN GENERAL.—Section 134 of the Tax Reform Act of 1986 is hereby repealed.

(2) APPLICATION OF INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if such section 134 (and amendments made by such section) had not been enacted.

(b) ELECTION TO DEDUCT STATE INCOME TAXES OR STATE AND LOCAL SALES TAXES.—

(1) IN GENERAL.—Paragraph (4) of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended to read as follows:

"(4) At the election of the taxpayer, either—

"(A) State and local income taxes, or

"(B) State and local sales taxes.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (3) of section 164(a) of such Code is amended by striking out "State and local, and foreign" and inserting in lieu thereof "Foreign".

(B) Section 164(b)(2)(D)(ii) of such Code is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(4)(B)".

(C) Paragraph (5) of section 164(a) of such Code (as designated by section 1432(a)(1) of the Tax Reform Act of 1986) is redesignated as paragraph (6).

(D) Paragraph (4) of section 164(b) of such Code (as designated by section 1432(a)(2) of the Tax Reform Act of 1986) is redesignated as paragraph (6).

(E) Paragraph (5) of section 164(a) of such Code (as added by section 516(b)(2)(A) of P.L. 99-499 (the Superfund Amendments and Reauthorization Act of 1986)) is redesignated as paragraph (7).

(F) Paragraph (a) of section 164 of such Code is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, any tax (not described in the first sentence of this subsection) which is paid or accrued by the taxpayer in connection with an acquisition or disposition of property shall be treated as part of the cost of the acquired property or, in the case of a disposition, as a reduction in the amount realized on the disposition."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.●

By Mr. TRIBLE (for himself, Mr. ARMSTRONG, and Mr. MCCONNELL):

S. 1061. A bill relating to enforcement of the restrictions against imported pornography; to the Committee on the Judiciary.

RESTRICTIONS AGAINST IMPORTED PORNOGRAPHY

Mr. TRIBLE. Mr. President, I am introducing legislation today that will strengthen the Government's ability to penalize the importation of obscene material into the United States. This measure is identical to a proposal authored by my friend and colleague from the House, Representative FRANK WOLF.

Current law empowers the U.S. Customs Service to seize obscenity and child pornography upon its entry into the United States. That seizure mechanism is an important element of the effort to curb the importation of hardcore pornography.

The Congress has taken several steps to buttress this effort. We have enacted legislation toughening penalties against child pornographers, and the Department of Justice has reported an increase in its prosecution of child porn cases. The Department has also created a task force to help coordinate Federal prosecutions of obscenity cases.

Nevertheless, I believe that the hand of the Customs Service and the Justice Department can be strengthened further, and the legislation I am introducing today would do so.

The existing forfeiture mechanism requires that obscene material seized by customs be turned over to the U.S. Attorney in the district in which it is seized. This places a disproportionate burden on that U.S. attorney to try cases involving imports of obscenity.

This proposal would alter the seizure mechanism to provide an option of forwarding the seized material to the U.S. attorney's office in the district to which it was addressed, a move that would accomplish two important goals.

First, it would more evenly distribute the burden of prosecuting obscenity cases, rather than keeping it concentrated in a few particular districts. And second, it would permit the community standards of a greater number of venues to be brought to bear on obscenity prosecutions.

This legislation is a cost-effective means of improving the Government's ability to prosecute obscenity cases. It is an overdue step in the Government's effort to help curb the spread of hard-core pornography, and to limit the impact of such materials on families and on the Nation generally. I urge my colleagues to join me in sponsoring the bill, and I ask unanimous consent that a copy be printed in the RECORD at this time.

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

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Tariff Act of 1930 (19 U.S.C. 1305) is amended as follows:

(1) The second paragraph of subsection (a) is designated as subsection (b) and the following side heading, appropriately indented, is inserted before "Upon" at the beginning of the paragraph: "(b) ENFORCEMENT PROCEDURES.—".

(2) The second sentence of subsection (b) (as redesignated by paragraph (1)) is amended to read as follows: "Upon the seizure of such book or matter, such customs officer shall transmit information thereof to the United States attorney of the district in which is situated either—

"(1) the office at which such seizure took place; or

"(2) the place to which such book or matter is addressed;

and the United States attorney shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized.".

(3) The following new subsections are added at the end thereof:

"(c) Notwithstanding the provisions of subsections (a) and (b), whenever a customs officer discovers any obscene material after such material has been imported or brought into the United States, or attempted to be imported or brought into the United States, he may refer the matter to the United States attorney for the institution of forfeiture proceedings under this section. Such proceedings shall begin no more than 30 days after the time the material is seized; except that no seizure or forfeiture shall be invalidated for delay if the claimant is responsible for extending the action beyond the allowable time limits or if proceedings are postponed pending the consideration of constitutional issues.

"(d) Upon motion of the United States, a court shall stay such civil forfeiture proceedings commenced under this section pending the completion of any related criminal matter.".

By Mr. CRANSTON (by request):

S. 1062. A bill to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary actions

on certain probationary title 38 health care employees; to the Committee on Veterans' Affairs.

AUTHORITY FOR CERTAIN DISCIPLINARY ACTIONS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1062, a bill to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed analysis of the proposed bill.

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

S. 1062

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4106(b) of title 38, United States Code, is amended to read as follows:

"(b) Appointments under section 4104(1) of this title shall be subject to a probationary period of two years. The record of performance of each person serving under such appointment may be reviewed at any time during that period by a board or boards appointed in accordance with regulations issued by the Administrator. Procedures governing the review of employee performance during the probationary period shall be established in regulations issued by the Administrator. The board(s) shall recommend to the Chief Medical Director, or designee, action consistent with the ability of the employee, as determined by the board(s), to perform efficiently. The Chief Medical Director, or designee, may accept, reject, or modify the recommendation of the board(s). If the Chief Medical Director, or designee, takes action not recommended by the board(s), a statement of the reasons therefor shall be prepared and made part of the record."

VETERANS ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill "To amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on certain probationary title 38 health care employees" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

This proposal would clarify the authority of the Chief Medical Director or designee to accept, reject, or modify recommendations made by Professional Standards Boards as a result of their reviews of the performance of probationary medical professionals. Currently, the Chief Medical Director, who is the official responsible for the operation of the Department of Medicine and Surgery, plays no substantive role in this review process. This provision would clarify the intent of Congress that the Administrator has the power to prescribe by regulation both the procedures to be followed by the Board and the circumstances in which Board proceedings may be initiated and that final action in the review process should be taken by the Chief Medical Director.

Also, this provision would authorize these Boards to recommend corrective action other than the requirement in section 4106 that an employee be removed for unsatisfactory performance. This proposal would provide flexibility to allow the reviewing body to tailor its recommendations to fit the particular circumstances of each case.

There are no costs anticipated from the enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF THE BILL

This bill would clarify and expand the authority of the Chief Medical Director under 38 U.S.C. § 4106(b). That section establishes the probationary period for certain employees in the Department of Medicine and Surgery and requires periodic review of the performance of those employees. The employees affected are physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded function dental auxiliaries.

The authority of the Chief Medical Director to accept, reject or modify the findings and recommendations of Professional Standards Boards appointed pursuant to this section would be clarified.

Current practice under this section is in doubt because of the literal language of the statute and a court decision in the Federal Court of Appeals for the Eighth Circuit severely limiting the Chief Medical Director's discretion. The proposal would not limit an employee's rights but would clarify that the Chief Medical Director is the decision-maker rather than the Professional Standards Boards. The function of the Professional Standards Boards would be to make findings and recommendations such as do disciplinary boards appointed under 38 U.S.C. § 4110.

In addition, the provision would authorize corrective action other than removal when an employee, upon review, is found not fully qualified and satisfactory. The law now speaks only of removal upon such a finding. This limitation can color a Board's action when an employee is not performing satisfactorily because of unsuitable assignment or other reason. Under this proposal, the Board and the Chief Medical Director would have discretion to take action with regard to such an employee which could utilize available skills and abilities rather than terminating a potentially useful employee or retaining an employee when performance in his or her position at the time of review is marginal.

By Mr. CRANSTON (by request):

S. 1063. A bill to amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS ADMINISTRATION TORT CLAIMS AND HOSPITAL COST COLLECTION AMENDMENTS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1063, the proposed Veterans Administration Tort Claims and Hospital Cost Collections Amendments of 1987. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed section-by-section analysis of the proposed bill.

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

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1. (a) This Act may be cited as the "Veterans Administration Tort Claims and Hospital Cost Collections Amendments of 1987".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HOSPITAL COST COLLECTIONS

SEC. 101. Section 629(b)(2)(B) is amended by inserting "within 6 years from the last day on which care or services for which recovery is sought are furnished to the veteran by the Administrator under this chapter" after "third party".

TITLE II—TORT CLAIMS

SEC. 201. Section 4116 is amended by adding at the end thereof the following new subsection:

"(f) for purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including the conduct of clinical studies and investigations) while in the exercise of such person's duties in or for the Department of Medicine and Surgery.".

SEC. 202. Subchapter II of chapter 3 is amended by adding at the end thereof the following new section:

"§ 223. Administrative settlement of claims under the Federal Tort Claims Act

"Notwithstanding the limitations contained in section 2672 of title 28, United States Code, the Administrator may consider, ascertain, adjust, determined, compromise, and settle any claim for money damages against the United States cognizable under the Federal Torts Claims Act or section 4116(f) of this title to the extent delegated by the Attorney General; *provided*, that no such delegation may exceed the settlement authority delegated by the Attorney General to the United States Attorneys in accordance with title 28, Code of Federal Regulations."

SEC. 203. The table of sections at the beginning of chapter 3 is amended by adding as the last section listed under Subchapter II thereof the following:

"223. Administrative settlement of claims under the "Federal Tort Claims Act.".

VETERANS ADMINISTRATION,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, to make certain improvements in the administering of tort claims and hospital cost collections, and for other purposes." I request that this measure be referred to the appropriate committee for prompt consideration and enactment.

The measure is designed to clarify the statute of limitations applicable to suits brought by the United States to recover its costs of VA health care pursuant to 38 U.S.C. § 629. It would also expand the immunity from personal liability for VA health care personnel to that afforded health care personnel of other agencies. Finally, the measure would remove a statutory limitation on the authority of the Administrator to settle administrative tort claims under the Federal Tort Claims Act.

Under the provisions of 38 U.S.C. § 629, the United States may recover from crime victims' programs, automobile reparations and workers compensation laws, and health insurance plans, the cost of medical care furnished by the Veterans Administration for nonservice-connected disabilities. The statute authorizes the United States to file suit in order to enforce its right to recover, but contains no specific statute of limitations in which a suit must be brought.

For lack of a specific limitations period in the statute, the Government has argued that the 6-year statute of limitations applicable to actions by the United States founded upon an express or implied contract is applicable. The proposed bill would both establish a 6-year statute of limitations and designate the day on which the statute begins to run: the last day of treatment for which recovery is sought.

There are no costs to the VA appropriations account associated with the proposal.

The measure would also amend section 4116 of title 38, United States Code, which relates to the immunity of Veterans Administration medical personnel from personal liability for medical malpractice.

Section 4116 currently immunizes VA medical personnel from suits arising from medical malpractice by substituting the United States as the sole defendant under the Federal Tort Claims Act (FTCA), sections 1346(b) and 2671-2680, title 28, United States Code. The FTCA excludes the Government from liability, however, in situations where the act giving rise to the claim constitutes assault, battery, libel, slander, abuse of process, malicious prosecution, false arrest, false imprisonment, misrepresentation, or deceit. These are the so-called "intentional torts" excluded by section 2680(h), title 28, United States Code. Some courts have held that where, in a medical malpractice case, State law would characterize the tort as one of those excluded by section 2680(h), the allegedly responsible VA physician is not immunized by section 4116 and the suit must proceed against the physician in his or her individual capacity with the prospect for personal pecuniary liability.

The draft bill would extend the same degree of protection to VA health care personnel as is currently afforded similar personnel in other agencies. If enacted, the measure would permit claims against the United States under the FTCA arising out of negligent or wrongful acts of VA personnel furnishing medical care or treatment in or for the Department of Medicine and Surgery even though the act or omission complained of might constitute one of the torts otherwise excluded by section 2680(h).

The cost of this measure would be minimal since the problem it would alleviate arises in only a limited number of cases in certain jurisdictions.

The next section would remove the current $25,000 limitation on the Agency to settle administrative tort claims under the Federal Tort Claims Act.

The authority of all Federal agencies to settle administrative tort claims under the Federal Tort Claims Act (FTCA) is currently limited to $25,000 by 28 U.S.C. § 2672. Because the limitation on settlement authority is contained in a statute, it can be increased only through legislation. The Department of Justice has in the past proposed legislation to raise agency settlement authority to $50,000, but no proposal has been included in the Department's legislative programs since 1983. The $25,000 limitation is now 20 years old, and an increase in agency authority is long overdue.

In 1984, the Administrative Conference of the United States, in considering a study of agencies' handling of tort and other monetary claims, recommended that "Congress should systematically raise ceilings on all agency authority to settle claims where inflation has rendered obsolete the present levels." Given the inflation that has occurred since the establishment of the $25,000 limit, the need for an adjustment is obvious if agencies are to continue to dispose of major claims. This is especially true of medical malpractice claims filed with the Veterans Administration. The expertise developed by our attorneys through years of investigating such claims warrants entrustment with significant settlement authority.

On December 19, 1985, the General Counsel wrote to the Assistant Attorney General of the Civil Division urging that the Department of Justice propose and strongly support a legislative increase in settlement authority. Justice has since advised that it has no objection to this proposal.

The proposal would permit the Administrator to settle administrative tort claims to the extent delegated by the Attorney General. Settlements in excess of the delegation would continue to be subject to approval by the Department of Justice.

There are no costs to the VA appropriations account associated with this proposal since all administrative tort claims settlements in excess of $2,500 are paid by GAO out of the judgment fund.

The Office of Management and Budget advises that it has no objection to the submission of the bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

SECTION-BY-SECTION ANALYSIS

Section 101 of the bill provides for amending 38 U.S.C. § 629 to clarify the 6-year statute of limitations for the United States to sue and to specify an accrual date.

There is no statute of limitations in the current law; however, 28 U.S.C. § 2415 is the statute setting forth the period of limitations generally for the United States to bring suit in actions arising in tort (3 years) or contract (6 years). Because of uncertainty as to the nature of the Government's right of action, it is unclear whether a 6-year or 3-year limitations period would apply.

The United States has the right to recover its cost of health care furnished under circumstances creating a tort liability by virtue of the Federal Medical Care Recovery Act, 42 U.S.C. § 2651, *et seq.* The 3-year period in which suit may be brought in these cases is governed by 28 U.S.C. § 2415(b), the limitations period in which the United States must bring an action on a claim sounding in tort. Section 629 of title 38 authorizes the VA to recover the cost of medical care under crime victim, no-fault, and workers compensation laws, and health-care contracts. For lack of a specific limitations period in the statute, the Government has argued that the 6-year statute of limitations applicable to actions by the United States founded upon an express or implied contract is applicable. 28 U.S.C. § 2415(a).

Additionally, there is uncertainty as to when the statute of limitations begins to run; *i.e.*, first or last day of treatment. Section 101 of the bill specifies the time in which suit could be brought by the United States, noting that the action accrues on the date of completion of VA treatment giving rise to the claim.

Section 201 of the bill would amend 38 U.S.C. § 4116 to extend protection to VA health care personnel from suits alleging commission of certain so-called "intentional" torts during medical care or treatment.

Section 4116 currently immunizes VA medical personnel from suits for medical malpractice by substituting the United States as the sole defendant under the Federal Tort Claims Act (FTCA).

The FTCA, at 28 U.S.C. § 2680(h), excludes, however, certain so-called "intentional" torts; *e.g.*, assault, battery, libel, slander, false imprisonment, etc. Some courts hold that where State law character-

izes the act complained of as one of the excepted torts, the VA employee is not immunized and suit proceeds against him or her individually. The most common example is where State law treats an action for lack of consent to a medical procedure as sounding in battery.

The draft bill would waive the FTCA exclusions, permitting suit against the United States where the acts complained of arose in the course of medical treatment. The VA medical care provider would thereby be immunized from personal liability.

If enacted, the scope of immunity for VA medical personnel would be essentially the same as that enjoyed by personnel of other agencies whose more recent immunity statutes anticipated the problem this draft bill is designed to eliminate.

The costs are minimal since the problem only arises in a limited number of cases in certain states.

Section 202 is designed to remove the current $25,000 limitation on the Agency to settle administrative tort claims under the Federal Tort Claims Act and replace it with such monetary authority as may be delegated to the Administrator by the Attorney General. The current limitation is contained in section 2672 of title 28, United States Code, and applies to all agencies. Only a few of the agencies, however, handle a large volume of major tort claims such as those sounding in medical malpractice, and the settlement value of most such claims exceeds $25,000.

Because the limitation on settlement authority is contained in a statute, it can be increased only through legislation. The Department of Justice has in the past proposed legislation to raise agency settlement authority to $50,000, but no proposal has been included in the Department's legislative programs since 1983.

The $25,000 limitation is now almost 20 years old, and an increase in agency authority is long overdue. The United States Attorneys' settlement authority, which is delegated by the Attorney General through regulation, has increased from $20,000 to $200,000 since 1975. There is no reason to suppose that an increase in settlement authority would lead to a corresponding tendency toward unwarranted higher agency settlements. Indeed, comparisons between agency settlements and those achieved in litigation indicate that, even with regard to medical malpractice claims for personal injury or wrongful death, agency negotiated settlements tend to be lower. Administrative resolution of claims should be encouraged both as an advantage to the claimant in terms of a speedier recovery and as more economical to the Government.

In this context, it is anomalous to have agencies limited to $25,000 authority while United States Attorney offices have been delegated authority of $200,000. This large differential between agency and U.S. Attorney authority is productive of litigation, higher settlements, and increased costs.

In 1984, the Administrative Conference of the United States in considering a study of agencies' handling of tort and other monetary claims, recommended that "Congress should systematically raise ceilings on all agency authority to settle claims where inflation has rendered obsolete the present levels." Given the inflation that has occurred since the establishment of the $25,000 limit, the need for an adjustment is obvious if agencies are to continue to dispose of major claims. This is especially true of medical malpractice claims filed with the Veterans Administration. The expertise developed by Veterans Administration attorneys through years of investigating such claims warrants entrustment with significant settlement authority.

On December 19, 1985, the VA General Counsel wrote to the Assistant Attorney General of the Civil Division urging that the Department of Justice propose and strongly support a legislative increase in settlement authority.

Justice has since advised that it does not oppose the current VA proposal.

Section 202 would permit the Administrator to settle administrative tort claims to the extent delegated by the Attorney General. Settlements in excess of the delegation would continue to be subject to approval by the Department of Justice.

There are no costs to the Veterans Administration appropriations account associated with this proposal since all administrative tort claim settlements in excess of $2,500 are paid by GAO out of the judgment fund.

By Mr. CRANSTON (by request):

S. 1064. A bill to amend title 38, United States Code, to extend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities; to the Committee on Veterans' Affairs.

ALTERNATIVE CARE AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1064, the proposed "Alternative Care Amendments Act of 1987." The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provision of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed analysis of the proposed bill.

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

S. 1064

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Alternative Care Amendments Act of 1987".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) Paragraph (3) of subsection (f) of section 620 is amended by striking "1988" and inserting in lieu thereof "1991".

(b) The Veterans' Health Care Amendments of 1983 (Public Law 98-160, 97 Stat. 993) is amended in section 103(c) by striking "1988" and inserting in lieu thereof "1991".

SEC. 3. (a) Subchapter II of chapter 17 is amended by adding at the end the following new section:

"§ 620B. Contract treatment for veterans with chronic psychiatric disabilities

"(a)(1) The Administrator may contract for care, treatment, and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for any veteran described in section 612(a)(1)(B) or section 612(f)(1)(A)(ii) who is suffering from a chronic psychiatric disability.

"(2) Before furnishing such care and services to any veterans through a contract facility, the Administrator shall approve (in accordance with such criteria as the Administrator may prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Administrator may not contract for care, treatment, and rehabilitative services under subsection (a) of this section after September 30, 1991.".

(b) Not later than March 31, 1991, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation of the program authorized by this section.

(c) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 620A the following new item:

"620B. Contract treatment for veterans with chronic psychiatric disabilities.".

OFFICE OF THE ADMINISTRATOR,
VETERANS AFFAIRS,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to exend the adult day health care program and authorize contract halfway house care for veterans with chronic psychiatric disabilities" with the request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would extend one of VA's alternative care pilot programs and create authority for a new one. VA's authority to operate the adult day health care pilot program expires on September 30, 1988. This bill would extend that program until September 30, 1991. The bill would also authorize the VA to establish a pilot program to provide contract treatment in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to eligible veterans with chronic psychiatric disabilities.

Currently, VA has limited alternatives for placing veterans with chronic psychiatric problems who no longer need inpatient psychiatric care. Often, such veterans are simply discharged and seen as outpatients.

Outpatient care is frequently not intensive enough to meet such patients' needs, however, so that these veterans eventually return to the VA in need of inpatient care. Other psychiatric patients are deemed to be appropriate for discharge to community nursing homes. Few nursing homes are staffed or equipped, however, to care for psychiatric patients. Nursing homes thus often refuse to accept these patients or return them to the VA when they are unable to care for them. Finally, VA health care providers may find it necessary to retain a patient in the VA hospital as an inpatient when other alternatives are unavailable. This prevents other eligible veterans from obtaining needed hospital care.

This new pilot program would give VA another placement option by permitting VA to discharge eligible patients with chronic psychiatric conditions to halfway houses with which the VA would contract. Veterans in halfway houses would receive needed treatment for their chronic psychiatric disabilities in an environment less restrictive than a hospital psychiatric unit. In addition, we believe this pilot program would permit VA to reduce the average length of stay for inpatients with psychiatric disorders. Finally, it would be less expensive than hospital or nursing home care and probably more successful than simply releasing these patients directly into the community.

This draft bill would also extend authority for VA's adult day health care program. Public Law 98-160 gave VA authority to establish a pilot program to furnish eligible veterans with adult day health care at VA facilities and through contract facilities. VA is also required to conduct a study of the provision of this care under this authority and to report its results to the Committees on Veterans Affairs by February 1, 1988. In this report, VA must include a recommendation with respect to continuing or terminating the adult day health care program.

VA has been furnishing adult day health care in VA facilities under this authority since the summer of 1985, and soon will commence a randomized control study of the care provided. We anticipate that this rigorously designed study will begin in the spring of 1987 and continue through fiscal year 1990 in order to obtain sufficient information for the final report. With the promulgation this spring of authorizing regulations, we anticipate also beginning to provide adult day health care through contract facilities.

With these phases of the program just coming on line, VA's experience by February 1988 with the provision of adult day health care will likely be too limited a basis on which to provide data on medical efficacy and cost-effectiveness or on which to recommend whether this authority should be extended permanently. In our judgment, however, adult day health care remains a very promising alternative to institutionalization, and we urge that this authority not be permitted to expire. Extending the authority to provide adult day health care until September 30, 1991, would allow VA sufficient time to obtain the information needed for the study and the report to Congress.

We expect no additional cost to result from enacting the provision authorizing contract halfway house care for veterans with chronic psychiatric disabilities. We project that extension of authority for the Agency to operate the adult day health care program until September 30, 1991, would be $20.176 million over the three year period, with costs of $7.132 million for each of the first two fiscal years and $5.912 million in the third. Funding for this program is contained in the President's 1988 budget.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF PROPOSED BILL

Section 1(a) of the draft bill states the bill's title: "Alternative Care Amendments Act of 1987".

Section 1(b) of the draft bill provides that an amendment of a section or other provision of law made by this bill shall be considered as an amendment of a section or other provision of title 38, United States Code, unless otherwise expressly provided.

Section 2(a) of the draft bill would amend 38 U.S.C. § 620(f)(3) to extend by three years the VA's authority to provide adult day health care to eligible veterans in VA and contract facilities. Currently, the law provides that this authority will expire on September 30, 1988. Enactment of this provision would result in a cost of $20,176,000 over the three year period.

Section 2(b) would amend section 103(c) of Public Law 98-160 (the Veterans' Health Care Amendments of 1983) to extend by three years the date by which the Administrator is required to report to the Congressional Committees on Veterans Affairs on the results of the VA's study of the medical efficacy and cost-effectiveness of furnishing adult day health care.

Section 3(a) would amend chapter 17 of title 38 of the United States Code to add a new section 620B to authorize the VA to contract with halfway houses and other facilities to provide care to eligible veterans suffering from chronic psychiatric disabilities. Veterans eligible for this care would be:

Veterans with service-connected disabilities rated at 50 percent or more, 38 U.S.C. § 612(a)(1)(B), and

Veterans eligible for hospital care under 38 U.S.C. § 610 who have been furnished hospital, nursing home, domiciliary care, 38 U.S.C. § 612(f)(1)(A)(ii). The limitations set forth in section 612(f)(1)(A)(ii) on the provision of medical services to these veterans would not apply, however, to this contract authority.

This new authority would require the Administrator to approve the quality and effectiveness of the program operated by a contract facility before referring a veteran there. In addition, authority to contract for halfway house care under this new authority would expire on September 30, 1991. Enactment of this provision would not result in any additional costs to the Government.

Section 3(b) of the draft bill would require the Administrator to report to the Congressional Committees on Veterans' Affairs findings and recommendations pertaining to the operation of this new alternative care pilot program. The report would be due no later than March 31, 1991.

Section 3(c) would amend the table of sections at the beginning of chapter 17 of title 38, United States Code, to reflect the addition of section 620B.

By Mr. CRANSTON (by request):

S. 1065. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide on call pay to certain civil service health-care personnel; to the Committee on Veterans' Affairs.

ON CALL PAY FOR CERTAIN HEALTH-CARE PERSONNEL

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1065, a bill authorizing the Administrator of Veterans' Affairs to provide on call pay to certain civil service health-care personnel. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter and enclosed section-by-section analysis of the proposed bill.

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

S. 1065

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4107 of title 38, United States Code, is amended by deleting the period at the end of subsection (i), inserting a semicolon in lieu thereof, and adding the following:

"(j) Notwithstanding any other provision of law, a health care employee, or employee providing services incident to health care, employed pursuant to title 5 or section 4104(3) of this title, who is officially scheduled to be on call outside his or her regular hours or on a holiday designated by Federal statute or Executive order shall be paid at a rate equal to ten per centum of the hourly overtime rate for services in excess of his or her regularly scheduled duty for each hour of such on call duty, except for such time as he or she may be called back to work."

VETERANS' ADMINISTRATION,
Washington, DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We transmit herewith a draft bill "To amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to provide on call pay to certain civil service health-care personnel" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

The draft bill addresses a serious problem the Veterans Administration (VA) experiences in ensuring that certain health-care

support personnel, such as x-ray, laboratory, operating room and other technologists and technicians, appointed pursuant to title 5, United States Code, or section 4104(3) of title 38, United States Code, are available in medical emergencies or for unforseen medical needs which occur outside their regular duty hours. To assure that these employees are available on an "on-call" basis, the VA must place them in a "standby" duty status whereby they are physically confined status to their duty stations, and pay them standby duty premium pay mandated by section 5545 of title 5, United States Code, whether or not they are actually called back to work. However, while employees "on call" are subject to being called back to work outside regular tours of duty, their physical movements are not confined to a designated duty station, but they may arrange for others to respond to call or leave a telephone number by which they can be reached should their services be required. Civil service employees are not paid while "on call"; if called back to work, they receive overtime pay for the time actually worked. (A minimum of two hours overtime pay must be paid, regardless of the actual time worked.)

Not only does the Administrator lack authority to require civil service employees to be "on call," but the lack of pay for this duty means these employees have very little incentive to voluntarily agree to hold themselves "on call." Thus, this approach has been unsuccessful in achieving the needed coverage. As a result, VA has had to resort to standby duty pay to assure the availability of these employees in the event they must be called back to work outside their regular duty hours.

Although standby duty ensures the availability of employees, it is very expensive. The rate of standby premium pay, which becomes part of each paycheck the employee receives during the period that the employee has the recurring standby obligation as a regular part of the workweek, is at least 5 percent, and can be as high as 25 percent, of the basic rate of pay. Furthermore, standby premium pay is computed on an annual basis. Based on the current General Schedule, standby duty could thus add as much as $6,000 in annual payroll for each of the VA employees affected.

The VA's lack of authority to place civil service health-care employees "on call' to respond to medical emergencies or unforseen medical needs contrasts unfavorably with its authority to impose those duty requirements on title 38 registered nurses. Section 4107 of title 38 authorizes VA to schedule these title 38 health-care personnel on an "on call" basis individually as the need arises. In addition, it authorizes a pay rate of only 10 percent of the hourly overtime rate those employees ordinarily receive, rather than the higher rate for title 5 standby rate. Moreover, under the title 38 "on call" authority, employees receive premium pay only for each hour of actual "on call" status. This different treatment of health-care employees paid under title 38 and title 5 creates an anomaly between VA and the private sector where, we believe, health-facility managements may schedule all health-care employees as needed at substantially the same pay rates.

The draft bill would solve these problems by authorizing the Administrator to pay "on call" pay to civil service healthcare personnel in the same manner that this pay is provided to title 38 registered nurses. Under this bill, VA could schedule these health-care personnel "on call" as necessary without instituting costly standby pay or relying on the cooperation of VA employees to meet patient care needs.

(Under 38 U.S.C. § 4107(f), the VA has the authority to pay "on call" pay to employees appointed under 38 U.S.C. § 4104(3) in the same manner as it pays "on call" pay to registered nurses only when necessary to recruit or retain this section 4104(3) employees. This current authority does not extend to the circumstances which the draft bill addresses, i.e., assuring the availability of these employees outside their normal duty hours.)

In summary, we believe that the draft bill, if enacted, will provide VA clear authority to meet its patient care responsibility in a more cost efficient manner.

No increased costs are associated with the draft bill's enactment. Cost savings are estimated to be 1.1 million dollars.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

SECTION-BY-SECTION ANALYSIS

The bill would amend section 4107 of title 38, United States Code, by adding a new subsection (j) authorizing the Administrator to provide "on call" pay to Civil Service health-care employees appointed pursuant to title 5, United States Code, or section 4104(3) of title 38, United States Code, in the same manner that this pay is provided to title 38 registered nurses, under subsection 4107(e)(8). Such pay would be computed on the same basis as it is for the title 38 health-care employees, who receive "on call" pay at 10 percent of the overtime hourly rate of pay for each hour of "on call" duty, except for such time as they are called back to duty, when they receive regular overtime pay.

The intent of the proposed bill is to provide the Administrator authority to require these civil service health-care employees to remain available for "on call" duty as necessary and to pay them the same rates of pay that are paid to title 38 registered nurses, who may be required to remain "on call" as necessary, instead of standby premium pay under section 5545 of title 5, which is more costly. (Although section 4104(3) employees are appointed under title 38 and may be paid under certain title 38 pay authorities, these employees are Civil Service employees and must be paid standby premium pay under section 5545 of title 5, United States Code.

The VA authority under 38 U.S.C. § 4107(f) to pay title 38 "on call" pay to these employees is limited to situations where the VA has difficulty recruiting or retaining these employees, and does not extend to the circumstances addressed by this section, i.e., assuring the availability of these employees outside their normal duty hours.)

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 33, a bill entitled the "Social Security Trust Funds Management Act of 1987".

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 49

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 49, a bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to establish as a priority the conveyance of surplus Federal property for use as correctional facilities to alleviate the shortage of prison space resulting from the increase in drug crime convictions.

S. 51

At the request of Mr. HATCH, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 81

At the request of Mr. METZENBAUM, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's disease and related dementias home and community based services block grant.

S. 104

At the request of Mr. INOUYE, the names of the Senator from Illinois [Mr. DIXON], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Nevada [Mr. REID], and the Senator from Arizona [Mr. MCCAIN] were added as consponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 123

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 249

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 261

At the request of Mr. MATSUNAGA, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 261, a bill to authorize the establishment of a Peace

Garden on a site to be selected by the Secretary of the Interior.

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 407

At the request of Mr. GARN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Dakota [Mr. PRESSLER], were added as cosponsors of S. 407, a bill to grant a Federal charter to the Challenger Center, and for other purposes.

S. 476

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 492

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. HARKINS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Ohio [Mr. METZENBAUM], were added as cosponsors of S. 492, a bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

S. 508

At the request of Mr. LEVIN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 508, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 523

At the request of Mr. HELMS, the name of the Senator from South Carolina [Mr. HOLLINGS] was withdrawn as a cosponsor of S. 523, a bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse peronnel actions as are afforded to Federal employees under title 5, United States Code.

S. 549

At the request of Mr. HOLLINGS, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 549, a bill to remedy injury to the U.S. textile and apparel industries caused by increased imports.

S. 589

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 589, a bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution.

S. 590

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 590, a bill to authorize negotiation of a North American free trade area, to promote free trade, and for other purposes.

S. 604

At the request of Mr. PRYOR, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 703

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

S. 718

At the request of Mr. MATSUNAGA, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 718, a bill to eliminate discrimination with regard to mental illness under Medicare.

S. 778

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 778, a bill to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 794, a bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs.

S. 797

At the request of Mr. METZENBAUM, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 797, a bill to require the Attorney General to collect data and report annually about hate crimes.

S. 818

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. COCHRAN], and the Senator from California [Mr. WILSON], were added as cosponsors of S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 835

At the request of Mr. WILSON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 835, a bill to improve the safety of imported raw agricultural commodities produced with pesticides, and for other purposes.

S. 880

At the request of Mr. DURENBERGER, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New York [Mr. MOYNIHAN], were added as cosponsors of S. 880, a bill entitled the "Superconductivity Competition Act of 1987."

S. 957

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 957, a bill to name the postbaccalaureate achievement program under subpart 4 of part A of title IV of the Higher Education Act of 1965 as the "Ronald E. McNair Post-Baccalaureate Achievement Program."

S. 959

At the request of Mr. GLENN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 959, a bill to amend the Older Americans Act of 1965 to strengthen and improve the provisions relating to State long-term care ombudsman programs, and for other purposes.

S. 983

At the request of Mr. DANFORTH, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], and the

Senator from South Dakota [Mr. PRESSLER], were added as cosponsors of S. 983, a bill to provide for the establishment of rural enterprise zones, and for other purposes.

S. 1009

At the request of Mr. SYMMS, his name was withdrawn as a cosponsor of S. 1009, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 1010

At the request of Mr. CHAFEE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Hawaii [Mr. INOUYE], were added as cosponsors of S. 1010, a bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid, capitated basis.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from West Virginia [Mr. BYRD], were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 48

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. GORE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. QUAYLE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week".

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE JOINT RESOLUTION 107

At the request of Mr. SPECTER, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Arkansas [Mr. PRYOR], were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. SYMMS, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 115, a joint resolution making an urgent supplemental appropriation for emergency assistance to the Polish independent trade union organization NSZZ "Solidarnosc" for the fiscal year ending September 30, 1987, and for other purposes.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the names of the Senator from Maine [Mr. COHEN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution to endorse the national certification of teachers in elementary and secondary education in the United States.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution expressing the sense of the Congress regarding the imposition of charges for outpatient care provided in medical facilities of the uniformed services to retired members of the Armed Forces, dependents of retired members, and dependents of members serving on active duty.

SENATE RESOLUTION 174

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate condemning the Soviet-Cuban build up in Angola and the severe human rights violations of the Marxist regime in Angola.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 1987, at 2:30 p.m. to mark up defense industry and technology portions of the fiscal years 1988 and 1989 authorization legislation.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 21, 1987, at 2:30 p.m. to hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Federal Communications Commission.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 21, 1987, at 9:30 a.m. to conduct a hearing on "Mine Safety: The Wilberg Incident."

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet

during the session of the Senate on Tuesday, April 21, 1987, at 2:15 p.m. in order to continue hearings on legislation introduced in the 100th Congress relating to credit cards.

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

ADDITIONAL STATEMENTS

BASEBALL AS DIPLOMACY

● Mr. DECONCINI. Mr. President, springtime invokes many images, none more prevalent than baseball. Definitely the game of the season, it conjures feelings of camaraderie, relaxation, and friendly competition. Recently, however, I was made aware of another possible dimension of the sport, that of diplomacy.

Mr. Vince Askey, the executive director of Sports Promotions International, recently presented me with the USA/Australia Baseball Exchange, a program designed for "young amateurs to use the platform of sports to experience a better understanding of other nations and their people." Through this program American high school and college baseball players travel to Australia to compete with various teams from down under. Several of Arizona's youth have participated in this program, including Bob Lovellette, Josh Raymond, Tommy Leon, Chris Baniszewski, Fred Combs, Mark Norris, Frank Pezzorello, Don Roh, and Randy Meeker. I am proud that these Arizona athletes have been able to participate in such a worthwhile program.

In addition to expanding their athletic exposure, and hence improving their overall skill and knowledge of the game, these young men represent a microcosm of American diplomacy. Through friendly interchange, conversations, and shared experiences, both American and Australian youth can gain a deeper understanding and empathy for their respective cultures and countries. We have recently experienced through the America's Cup race how much fun and interchange can be accomplished through friendly competition with our Australian counterparts.

Mr. President, education breeds tolerance. By allowing our future leaders to experience and learn about different cultures through programs such as this, we may be providing the future of the United States with responsible representatives who will have a deeper understanding and tolerance of various ideologies and philosophies. The fun and good memories of their trip to Australia will be long lasting for these athletes, and the positive impact of this type of person-to-person exchange can only be beneficial to relations on the macro level. From this perspective, it is encouraging that Mr. Askey's organization is attempting to take a future team to the Soviet Union.

It is for these reasons that I support the USA/Australia Baseball Exchange and Sports Promotions International. This type of investment is strengthening U.S. relations with its allies is commendable, and I thank Mr. Askey for bringing the program to my attention.

Mr. President, I ask that the attached article be inserted in the RECORD.

The article follows:

AUSTRALIA TRIP HELPED DONS' NORRIS

(By Bob Snider)

Mark Norris took a baseball trip "Down Under." But for the moment, he's very much "on top."

Norris is the leading pitcher and one of the top hitters on Coronado High's baseball team. The senior right-hander has come a long way—and traveled all the way to Australia—to become one of the state's better prep hurlers.

Norris was one of three Arizona players invited to play on the USA Eagles West team on a tour of Australia Dec. 26 to Jan. 7. Norris, pitching and playing shortstop, saw more action than any other player on the team. He compiled the third-highest batting average (.423) on the squad and pitched 10 innings, allowing three runs and striking out eight batters.

"That was the best 12 days or so I've ever had," said Norris. "We played good teams. The average age (of the Australians) was about 22. Some were 30."

The tour was spent mostly in Brisbane and Sydney, too cities which Norris found "very similar to the U.S. The only difference was the way people talked. And everything is left-handed down there, which is weird."

Norris said he began to improve as a pitcher while working last summer with Kendall Carter, a Coronado High product who had a shining pitching career at Arizona State.

"He really started to help me change speeds, and then I had a pretty good winter," said Norris. "I've really worked hard on my split-finger fastball, my changeup and the placement of my fastball—getting it on their hands."

Among Norris' achievements so far this season has been a one-hitter and a two-hitter against rival Saguaro. "I'm glad I got them, I know everybody on their team," said Norris, noting that the Sabercats are coached by Bill Berger, a former Coronado assistant.

Entering Friday night's game at Camelback, Norris' earned run average was near 2.00. He's averaging a strikeout per inning while allowing one walk every two innings.

"I like getting ground balls. The last two starts I've had there's only been one ball to the outfield," said Norris. "A lot of power pitchers in high school strike out a lot of hitters and then they get 'roped' in college."

But Norris is no "junk ball" pitcher. His fastball has been clocked at 86 mph.

"I still like throwing my fastball," he smiles. "If I get it in on their hands, they're not going to hit the ball."

Norris, who hit .360 his sophomore year and .370 his junior season while playing shortshop, is batting .500 as a senior. But he's doing that as a pitcher or designated hitter.●

THE STORY BEHIND THE STORY

● Mr. ARMSTRONG. Mr. President, earlier this year, I met with a sincerely concerned group of constituents from my home State who had read news articles that stated the United States Government was funding police training in El Salvador. The articles went on to state that "99 percent of the 434 political prisoners arrested in the first 8 months of 1986 reported having been tortured." The clear indication was that United States aid was going to the same people who were perpetrating human rights abuses against the citizens of El Salvador.

As you can imagine, I was deeply disturbed by the articles. Therefore, I wrote to the Department of State to request a full report on the matter. To put it mildly, I was astonished at the response I received.

According to the Department, not only was the article misleading, but it appears to have been an intentional attempt by a suspected Marxist infiltrated so-called human rights organization to lie to the American public. I am sure that my constituents are not the only ones who are sincerely concerned about human rights, but who are being intentionally misled by elements that do not support democratic reform in El Salvador. While the evidence provided by the State Department is a bit lengthy, I urge my colleagues to read the details. I am sure they will be as surprised and as resentful as I was upon discovering the real story.

I ask to include the State Department letter and report in the RECORD.

The material follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, March 10, 1987.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate.

DEAR SENATOR ARMSTRONG: I am replying to your letter of January 28, 1987, in which you requested the Department's views on why it believes funding of police training in El Salvador is necessary.

Enclosed for your information is a copy of the Administration's most recent notification to the Congress of its intent to provide police training to El Salvador under Section 660(d) of the Foreign Assistance Act of 1961, using already allocated Military Assistance Program funds. The notification provides the Administration's justification for the training, which is a continuation of training provided in FY 1986, pursuant to the same statute. I would note that Congress itself approved the amendment to Section 660 of the Foreign Assistance Act of 1961 which provides for police training only to the security forces of El Salvador and Honduras.

As part of the notification to Congress, which was transmitted, as required by law, to the Chairmen of the authorizing committees of the House and Senate, the Secretary certified that progress in several areas of human rights had occurred during the preceding six months. Prior to the the Government's certification, the Department reviewed the "study" by the non-governmental Human Rights Commission of El Salvador (CDHES) which claimed that 99 percent

of the security detainees were tortured and determined that it lacked credibility. Our position is based upon our Embassy's monitoring of the situation, the complete lack of any corroborating evidence of such a level of mistreatment, and the lack of credibility of the CDHES. We were particularly incensed by the unfounded allegations that U.S. personnel were involved in overseeing the torture.

We have observed that some mistreatment and prisoner abuse occurs during police detention, but that it is not widespread nor is it a deliberate or systematic practice of the Salvadoran Government. Our conclusion accords with that of the United Nations Special Representative for Human Rights in El Salvador, in his 1986 report to the U.N. General Assembly, and other independent observers.

The suggestion that U.S. Government-financed police training results in torture is completely unfounded. The Salvadoran police forces' widespread and systematic human rights abuses prior to President Duarte's 1984 election are well known. The dramatic improvement in respect for human rights by the armed forces since his election has been widely hailed. The police and military forces now receive regular training, financed partially by the U.S. Government and partially by the Government of El Salvador, in community relations and human rights (information sheet enclosed). The public security forces have dismissed 1,806 members over the past two years for crimes against the public, including mistreatment of prisoners. The courts have opened cases against 201 for the most serious violations. We believe the professionalization of the security forces, encouraged by our police training, also has a great deal to do with the much improved human rights perspective.

Finally, according to intelligence reports and guerrilla defector testimony (enclosed), the CDHES has been infiltrated by the Marxist FMLN guerrillas and now serves as an FMLN front organization, disseminating disinformation about the elected Government. The FMLN itself demanded the release of arrested CDHES members, among others, in exchange for the kidnapped director of civil aviation whom the guerrillas had held hostage for 15 months. Although the CDHES "study" was sent unsolicited to major U.S. media, including news organizations with resident reporters in El Salvador, few U.S. publications gave it enough credence to report on it. The very overstatement of the case, claiming that 99 percent of all prisoners are tortured and that U.S. military advisors oversee such torture, undermines the "study's" credibility. The U.N. Special Representative likewise discounted the report, noting that many of the security prisoners he interviewed said they had not been mistreated.

I hope you will have the opportunity to review the enclosed documents. I would be happy to arrange a briefing by a Department officer if you so desire.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

THE SECRETARY OF STATE,
Washington.

CERTIFICATION BY THE SECRETARY OF STATE TO MAKE AVAILABLE ASSISTANCE TO THE PUBLIC SECURITY FORCES OF EL SALVADOR

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended, I hereby certify, under the authority delegated by Presidential Determination 86-2, that the Government of El Salvador has made significant progress during the six-month period preceding this determination in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

This certification shall be reported to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after this notification is made to the Congress, as required by law.

This certification shall be published in the Federal Register.

GEORGE P. SHULTZ.

NOVEMBER 22, 1986.

FACTSHEET: HUMAN RIGHTS TRAINING FOR SECURITY FORCES

On November 20, 1986, in a ceremony presided over by President Jose Napoleon Duarte, the Salvadoran National Police inaugurated a 26-week course of instruction in which thousands of military and police officials will receive human rights training. Defense Minister Gen. Eugenio Vides Casanova, Armed Forces Chief of Staff Gen. Adolfo Blandon, and Salvadoran Conference of Bishops President Mons. Marco Rene Revelo also participated in the ceremony.

The Director General of the National Police (PN), Col. Rodolfo Revelo, said that over the next six months every member of the almost 6,000-man PN will receive 48 hours of training on various aspects of human rights. The National Guard and Treasury Police will also participate in the program. Instruction will be given by representatives of the International Committee of the Red Cross (ICRC), the Salvadoran Red Cross, the Catholic Church, and the Government Human Rights Commission.

In his remarks, President Duarte recalled how he had been a victim of human rights abuse by the authorities, but noted that the Armed Forces—which include the three public security forces—were now committed to professionalism and the elimination of abuses. The President praised the security forces for their consistent restraint in the face of numerous actions by the Marxist guerrillas designed to provoke violent repression. Duarte emphasized that the Armed Forces and the Government are united in their goal of making respect for human rights a tenet of the Salvadoran democratic system.

The program is the latest demonstration of the Salvadoran Government's commitment to eliminate human rights abuses by the police and armed forces. Examples include the following: The creation of the Governmental Human Rights Commission, which has elicited the cooperation of the military and investigates abuses from its several regional offices; the thorough house-cleaning of the security forces' leadership carried out by Presidents Magana and Duarte; the naming of a Vice Minister of Defense for Public Security to bring the security forces under a unified structure accountable to the Ministry of Defense, the promulgation of strict rules of engagement for Air Force bombing; the promulgation of clearly defined arrest procedures to eliminate abuses in cases of persons suspected of guerrilla activities; a training program in which more than a dozen Catholic priests and ICRC representatives regularly give human rights training to military units; and the government's open cooperation with independent human rights monitors such as the Inter-American Human Rights Commission and the U.N. Special Rapporteur on Human Rights.

JUSTIFICATION FOR DETERMINATION TO PROVIDE ASSISTANCE TO PUBLIC SECURITY FORCES OF EL SALVADOR

Section 660(d) of the Foreign Assistance Act of 1961 authorizes the President to provide assistance to public security forces of El Salvador, upon determination that there has been significant progress during the proceding six months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the nonviolent expresson of their political views, or prolonged detention without trial. The authority to make this determination has been delegated to the Secretary of State by the President.

HUMAN RIGHTS OVERVIEW

During the past six months, the Salvadoran Government has continued its program to eliminate human rights abuses by extremists of both the far left and the far right. This is strongly demonstrated by the continued reduction in the level of political violence. Between January and July 1986, according to press reports monitored by our embassy, there were 151 civilian deaths due to possible political violence by the left, the right, abusers of authority, unidentified assailants, and civilians caught in crossfire in military actions. This compares with 205 deaths due to political violence during the same period of 1985. A large proportion of the apparently politically motivated murders were apparently committed by the guerrillas. It is possible, given the circumstances of the incidents, that some of the deaths were criminally rather than politically motivated. Similar progress is expected in the July 16 to November 16 period; the reports are still being analyzed.

The government of President Jose Napoleon Duarte is committed to protecting the civilian population as much as possible from the violence of the internal conflict. In September 1984, President Duarte issued stringent rules of engagement for the use of aerial firepower, intended to reduce as much as possible the loss of civilian lives. These guidelines have been effective. Although guerrilla sources have alleged that "indiscriminate bombing" has taken place near civilian populations, we are unaware of any claim, even by the rebels' clandestine radio stations, of civilians killed by aerial bombs during 1986, even though major military operations with heavy air support have occurred during this period.

The FMLN, however, continue and are increasing their practice of indiscriminate placing of guerrilla fabricated, pressure-detonated or wire-tripped land mines and booby traps in roads, trails, and fields. In addition to killing and injuring military personnel, the explosions kill or maim innocent civilians. From January through July, the press reported 53 civilians killed and 172 wounded by these devices. Many of the victims were children, and many lost a limb. Although El Salvador's respected Archbishop Monsignor Arturo Rivera y Damas has repeatedly called upon the guerrillas to cease this practice, indiscriminate land mine warfare is now the major source of civilian deaths and injuries in El Salvador.

The guerrilla organziations have continued their periodic "traffic bans" during

which the insurgents set up roadblocks, burn vehicles which try to transit the roads, machinegun private vehicles and passenger buses which do not heed their signal to halt, and rob and sometimes murder civilians who do stop. The latest traffic stoppage was initiated August 24, 1986.

TORTURE, INCOMMUNICADO DETENTION, PROLONGED DETENTION WITHOUT TRIAL

Very few allegations of physical abuse have been brought against the public security forces during the past six months. Most allegations involve sleep or food deprivation, standing for long periods of time, forced exercise, threats, and "psychological pressure," rather than the gross physical abuse previously alleged. Salvadoran law calls for immediate notification of family members, the governmental Human Rights. Commission (CDH) and the International Committee of the Red Cross (ICRC) whenever a detention occurs. All parties agree that compliance by the security forces is excellent. The committee of political prisoners, an FMLN support organization in Salvadoran prisons, has made a number of allegations of torture while in police custody. Examinations and interviews by neutral human rights monitoring organizations have not revealed credible evidence to support the allegations. There have been no verifiable allegations of physcial torture in police custody during the six-month period covered by this report.

Incommunicado detention under Legislative Decreee 50, which covers "State of Emergency" crimes against national security, may last no more than eight days, at which time the ICRC, the CDH, and the Archbishopric's Office of Legal Aid and Human Rights (Tutela Legal) have access to the detainee in private interviews. In a substantial number of cases these organizations are permitted access before the eighth day. Prompt notification to these organizations of detentions has greatly reduced claims of persons "disappearing" after arrest. Though the security forces try to contact the families of arrestees, sometimes the telegram carriers cannot locate the address given by the arrestee. In these cases, the organizations which receive notification can pass on the notification when contacted by the family, or sometimes locate the family themselves.

Inadequate investigative skills and facilities have led in the past to prolonged detention before trial and, in some cases, to abuse of prisoners to obtain confessions. Because of a shortage of trial judges, antiquated procedures, and statutory anachronisms, prolonged detention is still a problem for many prisoners. The Salvadoran government's Revisory Commission is addressing the problems of procedures and statues in its ongoing work. There are now three Decree 50 judges, instead of just one, who are working to reduce the backlog of state of emergency cases.

Archbishop Rivera y Damas noted in a September 29, 1986, interview on Salvadoran televison that human rights were now "truly respected" although he added that under wartime conditions individual violations still do occur. Although isolated abuses of authority by individual military, security or rural defense force personnel remain an area of concern, arrests and prosecutions in such cases now occur. In February 1986, for example, four members of a civil defense unit in San Ramon, a suburb of San Salvador, were arrested for the murders of three brothers which they allegedly committed in late January. In May, a soldier was arrested and turned over to the courts for the rape of a young girl near Nejapa, San Salvador Department. In July, two municipal policemen from Mexicanos, San Salvador Department, were convicted of two 1983 murders.

Under the Duarte Administration, investigation and prosecution of past abuses has continued. Witnesses were presented in the Romero case in 1986, though the court did not consider their evidence conclusive; the Las Hojas case was kept open past its July deadline by the presentation of new evidence; the triggermen in the Sheraton case were convicted last February and new evidence was presented by the government on November 10 in a move to reopen the case against the alleged intellectual author of the crime. The Special Investigative Unit's most publicized operation was the May 1986 excavation of the well in Armenia, where local civil defensemen are alleged to have thrown the bodies of a number of their victims between 1980-1982. With local residents and TV cameras recording the events, SIU personnel were lowered some 150 feet into the dry well and excavated several meters of earth and debris, locating four human skulls and other bones, some of which were identified on the scene by dental fillings and other physical evidence. This evidence, together with new testimony provided by local residents impressed with the professionalism of the SIU, has enabled the reinstatement of charges against the defendants.

The most politically significant prosecution undertaken by the Duarte Administration in 1986 is the kidnapping-for-ransom case in which several well-known Salvadorans, including active-duty army officers and a former officer against whom charges had been dismissed in the Sheraton case, have been detained or are the subjects of arrest warrants. The case has reached the first instance (trial) level of the Decree 50 court system.

DETENTION OF PERSONS FOR NON-VIOLENT EXPRESSION OF VIEWS

As noted in the previous report, interviews with high officials of the Revolutionary Democratic Front (FDR), political arm of the guerrillas, are frequently broadcast in Salvadoran radio stations and paid advertisements by the FDR and other groups opposed to the government. Peaceful strikes and anti-government demonstrations proceed without interference from the authorities. Restrictions on freedom of press, which were not being enforced in any case, were removed from the state-of-emergency legislation in May. Many publications, including those of the nation's universities, frequently publish polemical attacks against the government. San Salvador's University of Central America (UCA) magazine, ECA, recently published a long article by Joaquin Vallalobos, leader of the Guerrilla Peoples Revolutionary Army (ERP).

Ten members of ostensible human rights groups were arrested between May 20-29, partly on the basis of information collected by the police, and partly on the basis of statements by the first arrestee, identified herself as a member of the National Resistance (political arm of one of the guerrilla groups fighting the government), and detailed in public and in private the organizations' ties to the guerrillas. The detainees were arrested as members of guerrilla groups, not for membership in these "human rights" organizations, which three of the ten arrestees asserted were infiltrated and manipulated by the insurgency. Allegations that the detainees were tortured or "brainwashed" into making the confessions are without foundation. Though under police protective custody, they have complete freedom of movement. Two of the three, without security force escorts or presence, in October 1986 attended an informal Embassy-sponsored discussion by an American journalist, Salvadoran labor leaders, U.S. Embassy officers, and the director of the Tutela Legal. It was clear from their conversations that they were speaking of their own free will.

DESCRIPTION OF ASSISTANCE

Counterterrorism operations in El Salvador combine police and military techniques. The close relationship between counterterrorism and the fight against guerrilla insurgents is demonstrated by the armed left's clear capacity to use materiel and training in their urban campaign, their ability to mass forces, their ability to plan strategically and tactically, and the priority placed on the terror campaign in a national strategy to destabilize the government.

In response to the terrorist threat, which combines elements of guerrilla warfare with open criminality in urban and rural areas, training was provided during FY 1986 to more than 2,000 members of the Salvadoran public security forces. This training, primarily by Salvadoran cadre under the supervision of U.S. military trainers, focused on paramilitary skills in an effort to upgrade the capability of the security force personnel to meet safety and effectively the terrorist threat. Training included instruction on human rights presented by Salvadoran chaplains, lawyers and psychologists. The training has begun to prepare the security forces to face the existing terrorist threat. Significant progress to date has been noted in professionalism, notably in awareness of the rights of innocent citizens and the international norms for human rights.

In addition to the training, 85 crew cab trucks and 25 heavy duty police cars with associated spare parts support and radio equipment were provided. Additional handheld radios with repeaters were also supplied. To support the vehicles, a military trainer was provided to upgrade the vehicle maintenance capability of the security force shops.

Approximately $3.1 million was used for the counterterrorism support provided in FY 1986. The majority of this, approximately $2.5 million, was from previously unobligated FY 1984 and 1985 Foreign Military Sales credits. The remainder, mainly trainer costs, came from FY 1986 MAP funds.

Assistance program in fiscal year 1987

The program for FY 1987 is intended to parallel and complement the assistance provided in FY 1986. Training will continue to focus heavily on paramilitary skills to provide the public security forces the basic capability to serve as an effective deterrent to terrorist activity and guerrilla insurgent action. These forces will have the capability to counter successfully the threat in a manner consistent with accepted human rights practices, protection of citizens and internal discipline. All three factors will continue to be emphasized as an integral part of all instruction programs.

Salvadoran cadre will again provide most of the instruction under the supervision of U.S. military trainers. U.S. participation is primarily monitoring and ensuring that program goals are met. The security forces are developing self-sufficiency in training and will be able to continue in the future with

professional police training modeled on U.S. standards. Training will involve both active security force personnel and training for recruits. Additionally, refresher training emphasizing critical skills will be conducted for some personnel previously trained during FY 1986.

The training curriculum

Basic skills: Public relations/human rights, physical fitness, personal hygiene, weapons marksmanship, weapons maintenance, first aid, individual movement techniques, use and maintenance of radios, reporting procedures, prisoner handling, challenge and password, map reading/land navigation, and vehicle maintenance.

Advanced techniques:

Target discrimination, to ensure maximum safety to civilians and fellow public security forces in congested areas and in rural operations with heavy cover;

Counterambush techniques, to permit greater security while patrolling in both urban and rural environments;

Roadblock security and conduct, to permit safer and more effective control of streets and highways, a prime terrorist target;

Safe entry of buildings, to improve techniques in raids on safehouses, headquarters and other terrorist strongholds;

Urban search techniques using cordon procedures, to permit rapid response and seizure of persons fleeing or in hiding; and

Rappelling techniques for egress from a helicopter, to permit insertion of forces at key points in a coordinated operation, to ensure that discovery of unexpected guerrilla strength can be met with a rapid response.

As a means to link the distinct areas of the counterterrorism training and the related security force training accomplished through the Department of State's Anti-Terrorism Assistance Program, continued training programs oriented towards basic patrolman skills are considered essential. Two or three civilian personnel, with extensive knowledge of day-to-day precinct operations, may be used to conduct this area of training.

Equipment

In coordination with this training, the following equipment will be provided under the FY 1987 Military Assistance Program:

Transportation equipment: Two-ton dual cab pickup trucks; heavy duty patrol vehicles, outfitted to standard; police specifications; and vehicle spares and test equipment.

Communications equipment: Repeaters, fixed; repeaters, mobile; vehicle radios; hand-held radios and associated equipment; and communications test equipment.

Weapons: 12 gauge shotguns for use in patrol vehicles and 9mm pistols for use as sidearms.

Equipment is helping to meet the transportation (patrol) requirements for the three largest cities, San Salvador, Santa Ana and San Miguel, where the greatest urban threat exists. Communications, so vital to an effective counterterrorist program, are being provided at a minimum, effective level to permit the security forces to conduct patrol and defensive operations and to better provide security for the Salvadoran populace.

Moreover, Salvadoran public security force officials are constant targets for both terrorists and common criminals. Since the Zona Rosa murders, 33 public security personnel have been killed and 60 wounded in terrorist incidents. The guerrillas possess advanced weapons such as the M-16 assault rifle. The public security forces defend themselves and the public using the G-3 rifle and the outdated Argentine 9MM submachine gun, both ill-suited for in-city use. Acquisition of standard 12 gauge shotguns and pistols would vastly improve the ability of the public security forces to defend themselves while minimizing the risk to bystanders. Suitable weapons training should also be provided.

Funding

Not more than $6.8 million of MAP funds will be devoted to training and equipment costs of which not more than $5.6 million will be devoted to equipment, divided almost equally between transportation and communications items and including a limited number of defense weapons. Approximately $0.5 million is marked for U.S. trainers in-country. The remaining funds will be used as necessary to support the police academy and scientific laboratory.

Assistance provided to the security forces in FY 1986 and that projected for FY 1987 will only meet the most pressing needs. Actual needs would require funding at levels more than three times the amounts we have been able to provide out of scarce security assistance resources.

CDHES AND COMADRES ARRESTS

Luz Janet Alfaro Pena (alias Michelle Salinas), a leader of the non-governmental Human Rights Commission (CDHES), was arrested by the Treasury Police on May 20 on suspicion of membership in a terrorist organization. After her arrest, she confessed to membership in the guerrilla Armed Forces of National Resistance (FARN) and agreed to cooperate with authorities. Based on her testimony, the Treasury Police made nine further arrests:

Ana Vilma Alfaro Pena (alias Ana Elena Ortiz), a sister of Luz Janet and a member of the CDHES, was arrested May 25 on suspicion of membership in the FARN. She has also agreed to cooperate with authorities and is now under police protection.

Reyna Isabel Hernandez de Castro (alias Deysy or Ivet), a member of the CDHES, was arrested May 25 on suspicion of membership in the FARN. She was consigned to the courts on June 9 on charges of collaborating with a terrorist organization. Mrs. Castro is now awaiting trail in Ilopango prison, where inmates can receive visitors.

Herbert Ernesto Anaya Sanabria (alias Jacinto Morales), a member of the CDHES, was arrested May 26 on suspicion of membership in the guerrilla People's Revolutionary Army (ERP). He was consigned to the courts on June 9 on charges of membership in a terrorist organization. In an interview with a governmental Human Rights Commission (CDH) representative on June 4, he complained that the police had forced him to stand in one place for four days and did not permit him food, sleep or water, pulled his hair, clapped him on the ears and kicked him twice in the chest. The CDH saw no bruises on Anaya's chest, but noticed swollen feet. Mr. Anaya refused an offer of an examination by a CDH doctor. He is now awaiting trial in Mariona prison, where prisoners can receive visitors.

Maria Teresa Tula de Canales (alias Laura Pinto), a leader of the "Committee of Mothers" (COMADRES), was arrested May 28, on suspicion of membership in the FARN. On June 6, she told a CDH representative that she had not been physically mistreated. On June 9, she was charged in the courts with belonging to a terrorist organization. On June 10, she told a CDH doctor that she had been hit twice on the back, forced to do exercises to the point of exhaustion, and that cold water had been thrown on her. She also alleges that, prior to her May 28 arrest, she was kidnapped on May 6, beaten, raped, and cut with a knife, and then freed on May 8. Mrs. Canales did not visit a hospital after the incident, either for treatment or to obtain medical evidence of rape. While skeptical of her claim, we do not dismiss it out of hand. Our Embassy in San Salvador will monitor developments. She is now awaiting trial in Ilopango prison.

Gregoria Paice (alias Elvira or Fina), a leader of a COMADRES offshoot, was arrested May 29 on suspicion of membership in the guerrilla Popular Liberation Forces (FPL). She was considered to the courts on June 9 on charges of membership in a terrorist organization. Miss Paice is now awaiting trial in Ilopango prison. She complained of gastritis to a CDH doctor who visited her on June 10.

Rafael Antonio Tereson (alias Enrigue Campos), a member of the CDHES, was arrested May 29 on suspicion of membership in the insurgent Communist Party of El Salvador (PCES). He was consigned to the courts on June 10 on charges of being an active terrorist. He is now awaiting trial in Mariona prison.

Dora Angelica Campos (alias Violeta), a member of COMADRES, was arrested May 29 on suspicion of membership in the FARN. She, like the Alfaro Pena sisters, has agreed to cooperate with the police and is currently under their protection.

Reynaldo Leonidas Blanco Rojas (alias Raul Iraheta), a member of the CDHES, was arrested May 29 on suspicion of membership in the FPL. He was consigned to the courts on June 10 on charges of being an active terrorist. He is now in Mariona prison awaiting trial.

Miguel Angel Rogel Montenegro (alias Anibal Aragon), a member of the CDHES, was arrested May 29 on suspicion of membership in the FPL. He was also consigned to the courts on June 10 on charges of being an active terrorist. He is now awaiting trial in Mariona prison.

Miss Alfaro Pena held a press conference on May 30 in which she stated that those arrested were members of guerrilla organizations charged with spreading disinformation on human rights and diverting food and supplies to guerrillas in the field. Miss Alfaro Pena also claimed some church officials leaders had winked at such tactics, in apparent sympathy with the guerrillas.

On June 4, Dora Angelica Campos joined Miss Alfaro Pena in denouncing her former co-workers. Both met the diplomatic corps on that day, repeating the charges originally made by Miss Alfaro Pena. Either could have asked for international assistance on that occasion if she had been under duress. Mrs. Campos held her own press conference on June 6, reiterating charges of guerrilla control of the CDHES and COMADRES and naming members of various church denominations as guerrilla members or sympathizers. In a television interview in San Salvador on June 12, Mrs. Campos gave more background on her work in COMADRES. She stated that she had joined COMADRES in 1984 in hopes of finding her husband, who had disappeared; she later learned that he had been a guerrilla leader who was murdered by another insurgent.

Ana Vilma Alfaro Pena also agreed to cooperate with authorities. In an interview with a Salvadoran newspaper on June 14,

she confirmed that she has been a member of the FARN. Her job in the CDHES was to prepare false reports of human rights violations, in order to discredit the government.

EL SALVADOR

STATUS OF IMPRISONED "HUMAN RIGHTS WORKERS" AS OF JANUARY 9, 1987

Joaquin Antonio Caceres, who at the time was the press secretary of the non-governmental Human Rights Commission of El Salvador (CDHES), was legally arrested by the Salvadoran National Police on November 8, 1985. He was consigned to the military courts on November 12 on charges of membership in the Armed Forces of National Resistance (FARN), one of the five guerrilla groups attempting to overthrow the democratically-elected government of El Salvador by force of arms. He was transferred to Mariona Prison in San Salvador, where he was visited on November 16 by a U.S. Embassy human rights officer. He stated to the officer that he was in good health, but claimed that he had been struck twice in the head and choked between the time of his arrest and his arrival in National Police Headquarters shortly thereafter. He said he had not requested a medical examination by the prison doctor and did not plan to do so. The Embassy officer could see no bruises or other obvious signs of mistreatment. The National Police deny they mistreated Mr. Caceres.

The police allowed a representative of the International Committee of the Red Cross (ICRC) to visit Mr. Caceres on November 12, a departure from standard procedures, which generally do not permit the ICRC or other agencies to visit prisoners until they have been in custody for eight days.

In January 1986, Mr. Caceres filed a habeas corpus petition before the Salvadoran Supreme Court. The Court found on May 30, 1986 that there were sufficient grounds to continue his detention and returned the case to the trial court.

Mr. Caceres has never been issued a release letter by the Salvadoran government, but on November 21, 1986 the government did issue release letters for 11 disabled exguerrilla combatants as a humanitarian gesture. At one point Mr. Caceres was erroneously reported to be one of the eleven. He was not on this list, however, and has received no release letter. Mr. Caceres is still in Mariona Prison.

CODEFAM (Committee of Families for the Freedom of Prisoners) member Reina Isabel Hernandez De Castro and CDHES members Herbert Ernesto Anaya Sanabria, Miguel, Angel Rogel Montenegro, Rafael Antonio Terezon Ramos, and Reynaldo Leonidas Blanco Rojas were legally arrested by the Treasury Police between May 26 and May 29, 1986. In accord with standard procedure, the ICRC and the Salvadoran government's Human Rights Commission (CDH) were promptly notified of the arrests. The five were consigned to the courts on June 9 and 10 on charges of membership in various terrorist organizations, including the Popular Liberation Forces (FPL), the People's Revolutionary Army (ERP), the FARN, and the Salvadoran Communist Party (PCS), all members of the Farabundo Marti National Liberation front (FMLN), the guerrilla umbrella group attempting to overthrow the government of El Salvador. Ms. Hernandez De Castro is incarcerated in the Women's prison in Ilopango, a suburb of San Salvador, and the men are in Mariona Prison just north of San Salvador.

Salvador Martel Recinos: Martel was a prison escapee who was recaptured and sent back to Mariona Prison in May, 1986, about the same time the CDHES members were arrested. To our knowledge Martel is not a member of the CDHES. Paid advertisements taken out by the CDHES to denounce the arrests of its members did not mention Martel.

According to several defectors from the guerrilla movement, the CDHES, of which most of these detainees are members, simply serves as a front for the FMLN. Miguel Castellanos, who defected from the FPL in 1985, identified the CDHES as a front group. Luz Janet Alfaro (Alias Michelle Salinas), who at the time of her arrest by the Treasury Police on May 20, 1986, was director of "Relations" for the CDHES, defected and described the FMLN's infiltration and manipulation of the CDHES and other groups in El Salvador. Her information was confirmed by her sister, also a member of the CDHES, and by Dora Angelica Campos, Director of the "Committee of Mothers" (Co-Madres), after they were also arrested and defected in late May. All three identified themselves as members of the National Resistance (RN), the political arm of the FARN.

The CDHES opposed the free and fair elections that brought the Duarte administration and the current legislature and mayors to office. The CDHES condoned the FMLN's kidnapping in 1985 of popularly-elected mayors as somehow, in their distorted view, justified by the Geneva conventions. The CDHES could not bring itself to condemn the FMLN's September, 1985 kidnapping of President Duarte's daughter or the FMLN's October, 1985 kidnapping of Col. Omar Napoleon Avalos (Avalos is still being held) or even to urge their release. According to Ms. Alfaro's revelations, the CDHES fabricated statistics and stories of "human rights violations" by the government, presenting them as fact to visiting groups and international organizations, including the United Nations, and diverts to the FMLN assistance which is sent from abroad for displaced persons. We do not believe that the CDHES is a credible source of information on the human rights situation in El Salvador.

NORTH DAKOTA RESOLUTIONS

● Mr. BURDICK. Mr. President, I ask that the attached resolutions passed by the North Dakota Legislature be printed in the CONGRESSIONAL RECORD.

The resolutions follow:

HOUSE CONCURRENT RESOLUTION NO. 3032

A concurrent resolution expressing appreciation for the contributions made by community action agencies on behalf of the low income population of this state and urging the Congress of the United States to continue funding the community services block grant program

Whereas, over 80,000 residents of North Dakota live on annual incomes below the poverty level; and

Whereas, community action agencies provide a broad range of services and activities to help the poor secure employment, attain education, manage available income, obtain and maintain adequate housing, obtain emergency assistance, overcome obstacles to self-sufficiency, and participate in the affairs of the community; and

Whereas, each community action agency has a board of directors composed of democratically elected representatives of low income persons, elected public officials or their designees, and representatives of local business, education, religious, civic, and charitable organizations; and

Whereas, community action agencies in North Dakota have completed 10 or more years of service to the low income population and communities of this state: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That the Fiftieth Legislative Assembly expresses its appreciation on behalf of the citizens of North Dakota for the valuable contributions made by the boards of directors, employees, and the many volunteers associated with Community Action Opportunities, Inc., of Minot, Dakota Prairie Community Action Agency, Inc., of Devils Lake; Quad County Community Action Agency of Grand Forks; Southeastern North Dakota Community Action Agency of Fargo; Community Action Region VI, Inc., of Jamestown; Community Action Program VII, Inc., of Bismarck; and Community Action and Development Program, Inc., of Dickinson; and be it further

Resolved, That the Congress of the United States is urged to continue funding the community services block grant program which is an essential source of funding for community action agencies; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation and to the chairpersons of the boards of directors and executive directors of community action agencies in the state.

HOUSE CONCURRENT RESOLUTION NO. 3064

A concurrent resolution urging the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission

Whereas, the rights of the citizens of the United States to economic freedom, domestic tranquility, and prosperity without excessive interest and taxation should not be abridged nor denied by any private corporation using any debt instrument or note as a basis for credit and currency; and

Whereas, by passage of the Federal Reserve Act of 1913 [38 Stat. 251; 12 U.S.C. 221], Congress established the Federal Reserve System, which is composed of a Board of Governors, 12 regional Federal Reserve Banks and member banks, the Federal Open Market Committee, and several councils; and

Whereas, the Federal Reserve System operates on a fractional reserve banking basis and possesses wide discretionary authority to issue federal reserve notes, determine the cost and availability of money and credit, and to direct and influence the monetary policy of the United States; and

Whereas, the termination of fractional reserve banking and the establishment of the United States Monetary Commission would ensure an equitable and sound monetary policy: Now, therefore, be it

Resolved, by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United

States and to establish the United States Monetary Commission; and be it further

Resolved, That the legislation provide for the initiation of the United States Treasury Credit Monetary System, and grant the United States Treasury, when authorized by the United States Monetary Commission, the sole and exclusive power to create all money and establish the value thereof; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.●

WORLD POPULATION AWARENESS WEEK IN THE STATE OF RHODE ISLAND

● Mr. CHAFEE. Mr. President, the Governor of Rhode Island, Edward D. DiPrete, recently proclaimed the week of April 19 through April 25 as World Population Awareness Week in Rhode Island. I commend Governor DiPrete for this gesture of humanity.

The world in which we live is fast approaching the limit on its resources due to the tremendous increase in human population. Today's leaders can no longer stand still and watch our most precious resources, such as water, arable soil and energy reserves, be wasted away and used improperly.

Mr. President, the citizens of the United States have to start living their daily lives more carefully before it is too late. One day, we shall wake up and have no water to satisfy our thirst or no food for those who are hungry. We have taken for granted, for too long, the resources of which people in other parts of the world have been deprived.

Mr. President, I ask that Governor DiPrete's proclamation designating World Population Awareness Week in Rhode Island be printed in the CONGRESSIONAL RECORD.

The proclamation follows:

PROCLAMATION

Whereas, during the week of April 19-April 25, 1987, the citizens of the State of Rhode Island will observe World Population Awareness Week; and

Whereas, Rhode Islanders are sensitive to the recent great increase in human numbers and recognize that the growing population has caused a need for development of extensive new resources; and

Whereas, the people of the Ocean State have a great concern for all those who have endured deprivation of nourishment, relief or adequate facilities; and

Whereas, the prosperity of America has enabled the citizens of this nation to be among the most capable of assisting, providing and devising ways and means to sufficiently deal with the growing world population;

Now, therefore, I, Edward D. DiPrete, Governor of the State of Rhode Island and Providence Plantations, do hereby proclaim April 19-April 25, 1987 as "World Population Awareness Week" in the State of Rhode Island and call on all citizens to join with me in taking cognizance of the burdens of those who suffer due to overpopulation.●

"DAYS OF REMEMBRANCE"

● Mr. LEVIN. Mr. President, on April 26, Shaarit Haplaytah, an organization of survivors of the Nazi Holocaust era, will hold its annual Detroit area commemoration at the Jewish Community Center in West Bloomfield, MI.

This year marks the 44th anniversary of the heroic Warsaw ghetto uprising and the 42nd anniversary of the liberation of Auschwitz by allied forces. Shaarit Haplaytah's program will focus on these events and will also include a special tribute to Oscar Schindler, a German Catholic industrialist who singlehandedly saved thousands of Polish Jews from death in the gas chambers.

At this point, 40 some years after the Holocaust, there is nothing we can do for the millions who died in Hitler's death machine. Nothing in our power can change events that transpired decades ago. The one thing that we can do is to remember—and to encourage other people to remember—the murder of millions of innocents. We do that both to impart a lesson—the lesson encapsulated in the words "Never Again"—and also to bring a form of living to those millions who can only live in our memories. To forget would be a crime against the victims and against ourselves.

I am glad that this year's commemoration will coincide with the anniversary of the Warsaw ghetto uprising. Just as it is of vital importance that we remember all the victims of the Holocaust, it is also incumbent upon us to pay special tribute to those heroes who fought against the Nazi hordes and held them off for 40 days, who withstood the Nazi onslaught longer than several countries. The outnumbered and outgunned heroes of the Warsaw ghetto remain an important symbol for all people who struggle against those who deny them their freedom or even their right to live.

Oscar Schindler is also an important symbol. What was it that made this one man risk his life to save thousands and thousands of Jews? How could one have predicted that he would be one of those who would say "no"—who would refuse to participate in mass murder. And more than that, that he would save the thousands who were fortunate enough to appear on one of Schindler's lists. We should study this man, this life. In it lies part of the secret of what makes us human.

I am pleased to salute Shaarit Haplaytah for its Memorial Academy. It is doing its part to ensure that the Holocaust is never repeated—not for Jews, not for any people—and that its victims of all backgrounds are never allowed to be forgotten.●

OUR DWINDLING ENERGY SUPPLY

● Mr. HECHT. Mr. President, "Competitiveness." It is the new Washington buzzword. Candidates gearing up for the 1988 elections are looking at competitiveness as the big issue.

But, while competitiveness is the buzzword, everyone seems to be ignoring the key ingredients in America's ability to compete—our dwindling energy supply. The simple fact is that without an adequate supply of energy we cannot compete.

As a member of the Senate Energy Committee, I have watched as witness after witness has warned us about our disappearing energy resources. Secretary Hodel warned us that he would not be surprised to see gas lines return before 1990. Our domestic oil supply will run dangerously low by the year 2000. We are more dependent today on foreign oil than at anytime in the past 20 years. Our natural gas is not unlimited and the use of coal has been battered by the increasing alarm over acid rain.

To all of the statistics and warnings, Americans seem to be burying their heads in the sand. We have no national energy policy and no leadership to create one.

An adequate energy supply is the key to competitiveness. Without energy we will be a bankrupt industrial empire. We have 2, 3, or at the most, 5 years to create a definitive national energy policy if we hope to compete in a future world economy.

In my opinion, the key to our future energy supply is the increased use of nuclear power. Nuclear is a terrifying word. The accidents at Three Mile Island and Chernobyl charged the hysteria surrounding the use of nuclear power and now the politically safe position is to ignore the word all together.

But, ignoring nuclear power will not solve the problem. We cannot provide jobs by ignoring it. We cannot heat our homes or run our factories by ignoring it. The future demands that we address the potential of nuclear power.

France understood this dilemma in the early 1970's. The country started a nuclear program that will soon make it 75 percent nuclear. In fact, France will soon be exporting nuclear power to countries that are too hypocritical to build their own nuclear plants.

The nuclear debate in this country during recent years has centered on the disposal of nuclear waste. Nevada has been targeted as a possible site for burying nuclear waste.

But, just as we have been shortsighted in creating a national energy policy, we have also jumped the gun in moving toward deep geological storage. That, in fact, may not be necessary.

I have just returned from a trip to Europe with other members of the Senate Energy Committee. At my urging, the committee went to study nuclear waste disposal methods in Europe. We found some exciting prospects for handling nuclear waste in a far more effective way than presently proposed for the United States.

France reprocesses its nuclear waste and in the process removes 99 percent of the plutonium. Less than 10 percent of the original volume remains. France keeps its reprocessed waste at surface facilities cooling down for 40 to 50 years. This makes it easier to handle and safer to store. The entire amount of nuclear waste in France from the 1950's to the present is presently stored in an area no larger than a basketball court.

The largest construction sites in the World are at La Hague and Marcoule. These new facilities will offer products and services encompassing the entire nuclear fuel cycle, from uranium mining and enrichment to reprocessing and waste management. When they are finished, France and Europe will be dominant in the field of energy and, with that, every aspect of manufacturing.

Energy is America's key to the future. It is our key to compete. To create an adequate energy supply we need a national energy policy. In creating that policy we must consider nuclear power. As part of our consideration, our focus on the disposal of nuclear waste should shift away from deep geological storage and toward:

First. The reprocessing of nuclear waste.

Second. Treating industrial and military waste the same—something we do not do today.

Third. Using retrievable storage facilities during the next 40 to 50 years just as France has done.●

WORLD POPULATION AWARENESS WEEK

● Mr. NUNN. Mr. President, the State of Georgia has joined with over three dozen others around the country in officially designating the week of April 20-25 as "World Population Awareness Week."

I am proud that my State's citizens are among those who are helping to promote understanding of this critical issue and who are willing to pitch in to find solutions. They will do just that at a number of conferences and public discussions scheduled for this week at Albany State College, the University of Georgia, and a range of other locations. These meetings will coincide with thousands of others across the Nation.

The commitment evidenced in these efforts and in the proclamation issued by Gov. Joe Frank Harris gives me reason to hope that we will strengthen our resolve to address this intimidating problem. I am pleased to be a cosponsor of Senate Joint Resolution 69 to designate the week of April 20-25 as World Population Awareness Week, and I ask that Governor Harris' proclamation be printed in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK

Whereas: The world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas: Rapid population growth causes a wide range of grave problems in the developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion and economic stagnation; and

Whereas: Fifty percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if maternal health programs could be substantially expanded; and

Whereas: Some 500 million people in the developing world do not have access or means to needed family planning services; and

Whereas: The United States has been the leading advocate of the universally recognized basic human right of couples to determine the size of their families; now therefore:

I, Joe Frank Harris, Governor of the State of Georgia, do hereby proclaim the week of April 19-25, 1987, as "World Population Awareness Week" in Georgia, and call upon all our citizens to reflect upon the consequences of overpopulation.●

ECONOMISTS WRONG AGAIN: THE INCREDIBLE SHRINKING DOLLAR DOES NOT CURE ALL ILLS

● Mr. HEINZ. Mr. President, I have previously taken the floor to discuss the problem of the contemporary trading system and, more specifically, the myths which I feel obstruct an objective discussion of the changes in the system that are necessary. I say myths plural—quite a few exist, but today I would like to address the fallacy that the incredible shrinking dollar is going to solve all of our economic ills.

In that regard I want to bring to Senators' attention data which sheds an interesting light on the economists' theory that as the dollar becomes weaker against the currency of a foreign country, the prices of the products of that country should rise in the United States. This may well seem the logical conclusion; it is, however, not the correct conclusion.

For example, in January 1985 when the exchange rate of yen to dollars was 254 to 1, the average price for Japanese 11-inch color television sets was $184. By December 1986 the dollar had declined all the way to 162 yen. If our economists are correct, we should expect to see a higher price for the same Japanese television sets. This did not occur. In fact, the price actually went down a dollar to $183; 19-inch Japanese color televisions display a similar trend. During October and November 1986, as the yen was dropping from 254 to 162, color television prices actually dropped as well from $274 to $219 in October and to $205 in November.

No matter what economists may have predicted, it is obvious that an increase in the value of the yen is not reflected in the pricing of Japanese television manufacturers' products in the United States. The Japanese are masters of the tactic of capturing market share. They get it and they hang on to it—literally at any cost. They have proved that they are willing to sacrifice profit share in the interests of market share. If Americans continue to hold on to the false belief that a shrinking dollar will solve our foreign trade problems, then it is we in the United States who will end up making all the future sacrifices.

Mr. President, I ask that charts further detailing these price developments be printed in the RECORD.

The material follows:

JAPANESE 13 " CTV IMPORTS

Month	Units	Customs value ($)	Monthly [1] average ($)	Monthly [2] exchange rate (yen to $)	Converted [3] monthly average (yen)
	(1)	(2)	(3)	(4)	(5)
January, 1985	42,232	$7,778,342	$184.18	254.18	46,814.87
February	44,808	8,246,759	184.05	260.48	47,941.34
March	41,626	8,541,196	205.19	257.92	52,922.60
April	29,135	5,899,207	202.48	251.84	50,992.56
May	42,970	8,104,960	188.62	251.73	47,481.31
June	35,610	6,514,949	182.95	248.84	45,525.28
July	58,263	10,953,390	188.00	241.14	45,334.32
August	27,330	4,973,545	181.98	237.46	43,212.97

JAPANESE 13" CTV IMPORTS—Continued

Month	Units	Customs value ($)	Monthly [1] average ($)	Monthly [2] exchange rate (yen to $)	Converted [3] monthly average (yen)
	(1)	(2)	(3)	(4)	(5)
September	39,714	7,216,748	181.72	236.53	42,982.23
October	38,482	6,959,143	180.84	214.68	38,822.73
November	40,839	6,730,266	164.80	204.07	33,630.74
December	48,935	9,307,688	190.21	202.79	38,572.69
January, 1986	22,388	4,202,874	187.73	199.89	37,525.35
February	31,223	5,603,529	179.47	184.85	33,175.03
March	41,277	7,559,749	183.15	178.69	32,727.07
April	42,186	7,103,649	168.39	175.09	29,483.41
May	55,578	10,206,954	183.65	167.03	30,675.06
June	64,769	11,255,411	173.78	167.54	29,115.10
July	69,594	12,129,638	174.29	158.61	27,644.14
August	23,854	4,076,509	170.89	154.18	26,347.82
September	14,320	2,422,657	169.18	154.73	26,177.22
October	30,089	4,668,263	155.15	156.47	24,276.32
November	46,834	8,771,517	187.29	162.85	30,500.18
December	22,384	4,105,471	183.41	162.05	29,721.59

[1] Cell 2 divided by cell 1.
[2] Monthly average exchange rate issued by the Federal Reserve Bank of New York.
[3] Cell 3 times cell 4.
Source: EIA General Import Report CTV. Report No. MS-142-M Supplement General Imports (U.S. Commerce), January, 1985-November, 1986, December (IM145X).

ROBERT GLADSTONE WILSON, SR., M.D.

● Mr. HOLLINGS. Mr. President, there will be much cause for celebration down on top of Edisto Island, SC, this Sunday, April 26, 1987, as friends and family gather to celebrate the 95th birthday of Robert Gladstone Wilson, Sr. A distinguished physician, enlightened gentleman, skilled marksman, and, by his own reckoning, a great cook, Dr. Wilson is an esteemed patriarch not only to three generations of his own progeny, but also to the entire Edisto Island community where he has been a fixture for some 50 years.

He was born in 1892 between Cleveland administrations and in the shadow of Mount Mitchell, NC. The son of a country doctor and a strong, God-fearing Baptist mother, he grew to a ramrod straight 6½ feet tall as he stalked the Black Mountains of North Carolina honing his hunting skills.

Following in his father's footsteps, he decided on a career in medicine. His studies took him to Chapel Hill and then on to Penn where he earned his M.D. and married his beloved Elizabeth. When she asked early on that he call her anything but "Mom" and suggested that "Turtle Dove" might suit for romantic occasions, he dubbed her forever "Mom" and called her "my little mud turtle" in moments of tenderness.

After medical school, Dr. Wilson returned to the mountains of North Carolina where he commenced more than five decades of service as a distinguished physician, specializing in treatment of the ear, nose, and throat. First as country health officer for Buncombe County, NC, and later in private practice in upstate New York, he adhered always and strictly to his Hippocratic oath. He thus remained vigilant throughout his career to keep his skills sharp and his knowledge current. No patient in need of his help was ever turned away for lack of funds.

Dr. Wilson was first introduced to the charms of the low country and Edisto Island in the late 1930's. Drawn by her haunting beauty, her rich history, a plethora of quail and marsh hens, and, most of all, by her colorful, warm people, Dr. Wilson has had a house "down pon top Edisto" for 50 years and it has been his home for over 20.

As he reaches the midpoint of his 10th decade, Dr. Wilson can usually be found at home on his bluff overlooking the wide sweep of St. Pierre's Creek, the peaceful marsh beyond, and the live oaks draped with moss in the distance. For friends, and especially for Dr. Wilson's children, grandchildren, and great-grandchildren—he calls the last group his "varmints"—a pilgrimage to Edisto to be with "Grandpaw," to go crabbing off his dock, to dine at his table, and to talk with him of his youth or Iranscam, remains a source of great joy and enduring memories.

Dr. Wilson, the Edisto community, your adoring family, and your friends everywhere join me in saluting a fine gentleman on his 95th. We wish you the happiest of birthdays and pray for many more to come.●

AFGHANISTAN: LETTERS FROM THE STATE OF MARYLAND

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a U.N. report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Maryland and ask that they be printed in the RECORD.

The letters follows:

DEAR SENATOR HUMPHREY: My husband and I want you to know we support you in your efforts to bring the presence of the Soviets in Afghanistan to public attention.

This is a hideous war against people who present no threat to the Soviets.

If enough people are outraged by this massacre, we feel sure the Soviets will pull out. We need to constantly bring this to public attention.

Sincerely,

KATE CURTIS and RON HOLYFIELD,
Chaptico, MD.

DEAR SENATOR HUMPHREY: If all I have been hearing and reading in the papers is true, I cannot imagine how we can close our eyes to a situation that may be as bad, if not worse than what occurred in Nazi Germany. The fact that the United States has gathered facts supporting the massacre of people by the Soviets is beyond belief. I can't believe that the American public doesn't take any action toward this.

I would like to know what we, the American people, can do to help these Afghans try to convince Russia, if Russia is the culprit, to quit slaughtering these people who have literally no means to defend themselves.

Are there facts available to support the allegations made? If so, advise me and I will try to get my friends to get behind the drive to stop such population devastation.

Sincerely,

KIM GABRELS,
Towson, Maryland.●

DETROIT REMEMBERS THE HOLOCAUST

● Mr. RIEGLE. Mr. President, in 1943, the desperate occupants of the Warsaw Ghetto in Poland waged a courageous yet unsuccessful battle

against their Nazi captors. Two years later, in 1945, Allied forces opened the gates to freedom for the few survivors left at the Nazi extermination camp at Auschwitz. To commemorate the respective anniversaries of these two important events, the Metropolitan Detroit area has designated April 26 through May 3, 1987, as a period reflection and remembrance for the victims of the Nazi Holocaust.

Commencement of the week of remembrance will be marked by the annual Memorial Academy on Sunday, April 26. This citywide event pays tribute to the millions of Jews and other innocent peoples slaughtered by the Nazis. It is organized by the Shaarit Haplaytah—survivors of the Nazi genocide—in cooperation with the Jewish Community Council, the Holocast Memorial Center, the Greater Detroit Interfaith Roundtable of Christians and Jews, the Ecumenical Institute, and the Jewish Community Center.

The members of the Shaarit Haplaytah deserve our deepest respect for their dedication to preserving the memory of victims of the Holocaust. As survivors of unspeakable horrors, these men and women are traumatized by their personal recollections. Yet, every year, they force themselves to relive their experiences so that the world will not forget the universal lessons associated with the Nazi Holocaust.

Like the victims of Auschwitz, the martyrs of the Warsaw Ghetto uprising inspire us to educate our children and future generations about the Holocaust so that mankind will never again experience such atrocities.

To emphasize the universal nature of its efforts, the Memorial Academy customarily honors a non-Jewish individual, group, or nation for humanitarian efforts during the war years. This year, the honoree is Oscar Schindler, a German Catholic industrialist who sheltered at least 1,500 Jews from the Nazis in the Area of Cracow, Poland. He expended his personal fortune in bribing officials and in organizing a labor camp which served as a front for his work in saving so many Jews from Auschwitz.

Mr. President, today we pay tribute to the Shaarit Haplaytah for its continuing efforts to remind the world that the Holocaust was not simply a crime against the Jewish people, but a crime against all humanity. We must pledge to work with Shaarit Haplaytah and all other concerned citizens to illuminate this issue, to remind ourselves about it, to dedicate ourselves to making sure not only that history is clear about what happened in the Holocaust, but also to put ourselves in a stronger position to resist the evil forces that bring about events such as this.●

NATIONAL URBAN AFFAIRS COUNCIL TO MEET IN NEW JERSEY

● Mr. LAUTENBERG. Mr. President, I want to call attention to the annual conference of the National Urban Affairs Council, which is being hosted this week by the New Jersey chapter.

The National Urban Affairs Council was founded 17 years ago by professionals of major corporations to focus on urban issues. NUAC provides a forum for the exchange of issues and information between corporations and the urban communities in which they are located. The organization promotes the educational growth and economic development of minorities and disadvantaged people, and works to promote better cooperation between the public and private sectors.

The New Jersey chapter of NUAC was founded in 1984 by State Senator and Newark Councilman Ronald Rice. Since the chapter's founding, over 35 New Jersey companies have become members. I want to also recognize the contribution of the current chapter president and general conference chairman, Marvin Johnson.

NUAC chapters have sponsored programs such as adopt-a-school and adopt-a-student; scholarship and achievement awards for youth; job fairs; community and school role model programs; career and guidance workshops and information exchange programs.

NUAC members are in strong positions to influence their companies' policies through interaction with senior management. Their interest in the urban community and their promotion of economic development make them valuable citizens who can serve as the link between America's business and urban communities. It is the continuation of this public-private partnership that will create opportunities for our urban residents and make our cities prosper.

Mr. President, the National Urban Affairs Council continues to make an important contribution to the education and economic opportunities of minorities and the disadvantaged in our Nation's cities. I am pleased to recognize their achievements and hope to have an opportunity to meet with them later this week.●

SENATE JOINT RESOLUTION 43: NATIONAL DAY OF REMEMBRANCE FOR THE VICTIMS OF THE ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, April 24 marks the 72d anniversary of the Armenian genocide of 1915–23, which resulted in nearly half of the world's Armenian population being massacred in their ancestral homeland.

We are all familiar with this tragic chapter in mankind's history, just as we are all aware that there are those who oppose this resolution and deny that this tragedy ever took place. We should all wonder about the ultimate purpose of this denial.

The genocide has been well-documented. In fact, a resolution passed by the U.S. Senate in 1920 stated that hearings had, "clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered." President Theodore Roosevelt wrote in 1918 that, "the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it." One must also ask: "If failure to act is to condone, then what is the deliberate failure to remember?"

This resolution calls for a day of remembrance not of vengeance. It does not condemn the Turkish people or the present Turkish Government for the actions of a private government. In fact, some Armenians who survived the genocide did so with the aid of brave Turkish families who provided food and shelter.

Yet, there are those who would rather not be reminded of this tragedy. Sadly, Orwell's vision of history being rewritten for the convenience of current geopolitical strategy has become a modern-day reality. What will future historians say of this practice?

George Santayana's dire warning—that those who do not learn from history are doomed to repeat it—has proved all too true. We have not learned from our mistakes, and history has been repeated. The Armenians were the first people to suffer genocide in this century, but not the last. The Ukrainians under Stalin, the Jews under Hitler, and the Cambodians under Pol Pot offer mute testimonials to the price of ignoring history. I pray that there will never be more names added to this ignoble list.

This is why it is so important to remember. This is why we must never forget the lessons of the past, no matter how uncomfortable they make us. We must bravely confront the horrors of our past and vow to learn from our mistakes. Let us not let the tragedy visited upon the Armenians, and others, ever happen again. Let us remember.●

LETTERS FROM GOVERNORS SUPPORTING THE LINE ITEM VETO

● Mr. HUMPHREY. Mr. President, I have been receiving letters from Governors across the country who support the line-item veto. As you know, from time to time, I have been bringing some of these letters to the attention of my colleagues. During the Easter recess, I received two such letters—from Governor Bill Clements of Texas

and from Governor Edwin Edwards of Louisiana.

As Governor Clements points out, "there is a desperate need to curb spending at all levels of government, and the line-item veto is an excellent tool to use in meeting that need." I don't think there is a Member of this body who would agree with this first assertion. While there are some who disagree with the second, several Senators join Senator EVANS and myself in agreeing 100 percent. For this reason, S. 402, which was introduced in January, currently has 33 cosponsors.

Governors Clements and Edwards are just two of the many Governors who support the line-item veto. As the Senate begins to consider reform of our budget process, I would urge my colleagues to keep their thoughts in mind.

Mr. President, I ask unanimous consent that the letters which I received from Governor Clements and Governor Edwards appear in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF TEXAS,
Austin, TX, April 13, 1987.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: I heartily endorse S. 402, which would provide the President with limited line-item veto authority as proposed by you and Senator Dan Evans.

There is a desperate need to curb spending at all levels of government, and the line-item veto is an excellent tool to use in meeting that need. Its availablity and the threat of its use provide a method with which to influence legislative action. Because the President, like the Governor, has no significant budgetary powers, line-item veto power would be a key method to exercise some control over the amounts and purposes of expenditures. Enclosed are my veto messages for 1979 and 1981, which clearly show the ability to isolate unneeded projects or expenditures, while approving the balance of the appropriation.

The line-item veto works extremely well for the State of Texas, largely because our General Appropriations Act appropriates funds for agencies by subdividing the total appropriation for that agency into several secondary sums, which may also be subdivided. This provides the ability to be more selective in choosing items for veto.

If I can provide any further information or assistance, please let me know. Good luck in your efforts.

Sincerely,

WILLIAM P. CLEMENTS, Jr.,
Governor.

STATE OF LOUISIANA,
Baton Rouge, LA, March 26, 1987.

Hon. GORDON J. HUMPHREY,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: Thank you for your letter of March 6, 1987 relative to your proposed legislation on line-item veto authority of the President. I am entirely supportive of any measure that gives the Chief Executive the necessary power in order to avert financial chaos.

During my administration, I have not been a freewheeling "vetoer", but I have judiciously exercised the authority granted me by our Constitution when I felt that certain expenditures were not in the best interest of the state. Since in the final analysis the Governor assumes the responsibility in times of crisis, it is my opinion that he should be given every tool to manage the crises properly.

Kindest regards.

Sincerely,

EDWIN W. EDWARDS,
Governor.●

THE ANNIVERSARY OF THE BAY OF PIGS

● Mr. CHILES. Mr. President, April 17 marked the 26th anniversary of the Bay of Pigs and the attempt by those who participated to bring about the liberation of Cuba. Today, I would like to commemorate this important date and honor the sacrifices made by the men of the 2506 Brigade. Their courage and sense of duty in the face of difficult odds are worthy of our highest praise.

The Bay of Pigs began on a Monday morning in April 1961—1,400 men undertook a risky invasion with the goal of liberating the Cuban people. This goal was never realized. Three days later 114 men had died, and 1,189 men had been taken prisoners. Our newly elected President was thus embarrassed, and a Cuban dictator was still in power.

However, we must not fail to remember the heroes of the 2506 Brigade. They fought for what they believed in and lost their lives as a result. They stand as examples of the Cuban people's love for freedom, their willingness to fight for democratic principles, and their vow to restore liberty to their enslaved homeland. Twenty-six years after the Bay of Pigs, the desire is just as strong that Cuba should be free. The liberation of Cuba was not attained, but the battle which began on that day 26 years ago continues today.

Historians have well documented what occured on that day in Playa Giron. Political scientists have analyzed the decisionmaking process and the flaws which marked this effort. Pundits have volunteered their interpretation of the events which followed and the events which never unfolded as a result of the Bay of Pigs.

As I have on past anniversaries of the Bay of Pigs, I would like to recall the words of Jose Marti:

Every man of justice and honor fights for liberty whenever he may see it offended, because that is to fight for his integrity as a man. And the one who sees liberty offended and does not fight for it, or helps those who offend—is not a whole man.

These words are certainly applicable to the men of the 2506 Brigade. Twenty-six years ago they proved themselves to be, in Jose Marti's words, whole men.●

ECHENTILE RECOGNITION DAY

● Mr. MOYNIHAN. Mr. President, in Norwich, NY, this May 16 will be "Echentile Recognition Day." One of my constituents, Mr. George Echentile, for whom this celebration is planned, has long been an outstanding and devoted member of the community. A longtime resident of Norwich, he is the founder of the Norwich swimming program. During his many years as coach, he has helped mold countless young people into fine athletes. He has twice been selected Norwich Teacher of the Year, and on Saturday, March 7, 1987, he was inducted into the New York State Section IV Athletic Association Hall of Fame, the first swimming coach ever to be so honored. For his longstanding association with such organizations as the City Recreation, the YMCA, State Elks, NYC Fresh Air Fund, the Special Olympics, the March of Dimes, and the Swim-a-thon, I take pride in joining his many friends in congratulating him on this most deserved honor.●

INFANT MORTALITY

● Mr. KERRY. Mr. President, the issue of infant mortality in the United States is often overlooked by us all. The fact is, however, that the U.S. infant death rate is the highest of all industrialized nations and in many cities in our Nation it exceeds those of developing nations. Budget cuts through the 1980's in key human service and women and infants programs have only exacerbated this appalling situation.

The U.S. Conference of Mayors Task Force on Hunger and Homeless is chaired by Raymond L. Flynn, mayor of the city of Boston, and is well known to us all. With the help of the Children's Defense Fund, the National League of Cities has prepared the American Crisis of Infant Mortality: Issues and Recommendations. I want to publicly thank Mayor Flynn for his leadership on this and other issues that affect our Nation's poorest and most helpless people. I ask that his report be printed in the RECORD.

The report follows:

THE AMERICAN CRISIS OF INFANT MORTALITY: ISSUES & RECOMMENDATIONS

(Presentation of Mayor Raymond L. Flynn to the National League of Cities Congress-Cities Conference

In concert with the Children's Defense Fund, the City of Boston has developed a series of recommendations based on a comprehensive analysis of the recent rise in the rates of infant mortality in America's cities. Sadly, in the wealthiest nation on earth, it is again necessary to turn our attention to infant mortality.

Last month, the Children's Defense Fund once again reminded us that the social safety net has gaping holes when it comes to the health and welfare of this nation's women and children. At that time they

noted that infant mortality rates in six of the 22 largest cities in the United States had increased during 1984. In addition to Boston, other cities registering an increase were the District of Columbia, Detroit, San Antonio, Milwaukee, and Cleveland.

That report also noted that this country had fallen to a tie for last place among the industrialized nations of the world in terms of infant mortality. In countries such as Hong Kong, Australia, Japan and Spain infants have a greater chance of survival than those babies born in the United States. For non-White Americans this situation is even more critical. In many of our nation's cities the minority infant mortality rates exceed those of a developing nation.

INFANT MORTALITY: THE MOST SENSITIVE INDICATOR

Infant mortality rates are widely accepted as indicators of a community overall health and well being. Unfortunately even the City of Boston—which is distinguished internationally for its system of health care and our advanced medical commitment to combating infant mortality—was one of the six cities with an increase from 1983 to 1984. The infant mortality rate rose from 11.5 to 11.7 deaths per thousand live births.

The 1985 data for the City of Boston indicated an increase in infant mortality from 11.7 to 15.4 deaths per thousand live births. At this time, preliminary examinations of the 1986 figures suggest that Boston's novel prenatal outreach program—the Healthy Baby Program—is beginning to put the rate back on the downward trend it was on prior to the intensive period of federal cutbacks in the early years of this decade.

CAUSES

Low birthweights are indicators of high infant mortality rates. Inadequate nutrition and poor prenatal care are two major causes of low birthweight. While the medical profession has improved its ability to save these infants, progress towards reducing the number of low birthweights has been slow. Infants born under these conditions are 40 times more likely to die within the first year of life. If they survive, their lives are often complicated with a wide range of long term health problems. Early prenatal care can reduce the incidence of low birthweights by as much as two-thirds.

In addition, every dollar spent for prenatal care can save over $3 in the first year of life by reducing the need for hospital stays among infants. Over a lifetime, that same dollar saves up to $11 in total medical expenses because fewer children are born with permanent health problems.

Millions of low-income mothers and children are deprived of prenatal care because they have no health insurance. Between 1978 and 1984, the number of Americans without health insurance increased by one-third or 9 million persons.

While the White House has been cutting maternal and child health programs, the need for those programs has been clearly increasing. Medicaid access for poor and near-poor families declined from 65 percent to 46 percent between 1975 and 1985. During this time, unemployment and poverty rates were on the rise, thereby reducing people's opportunities for access to health insurance.

POVERTY & INFANT MORTALITY

This evidence points to the most prevalent factor contributing to the rise in infant mortality rates: POVERTY. The number of women and children living in poverty is at its greatest level in over 20 years. In 1979, programs such as public assistance and unemployment insurance were successful in lifting 1 out of 5 families out of poverty. By 1985 that rate had dropped to 1 in 9, retaining 458,000 families in poverty.

Other program cuts and restrictions contributing to these rates are important to note. In 1976, the Federal Aid to Families with Dependent Children (AFDC) program benefits provided in 46 states equal to 75 percent of the poverty level for a family of three. In 1986, this was true in only eight states. In more than half of the states, AFDC benefits are denied if both parents are present in the home. The average net income of a family receiving AFDC has decreased 40 percent due to the failure of benefit levels to keep place with inflation.

Another program affected by inflation and subsequent cut backs is the Food Stamp program. Between 1982 and 1985 $7 billion were cut from that program. Dr. J. Larry Brown of the Harvard School of Public Health and a member of the City of Boston Mayor's Commission on Hunger, in his recently published article, "Hunger in the U.S." (Scientific American, February 1987), cited nutrition program reductions and their massive impact on worsening hunger for poverty-stricken families. At a time when the federal government recognizes that 33.4 million Americans are living in poverty, only 19 million are receiving Food Stamps.

In addition to the Food Stamp program, the Supplemental Food Program for Women, Infants and Children (WIC) served only 40% of all eligible women and children in 1986. When it comes to poverty, Washington has given a new meaning to the phrase, "women and children first."

INFANT MORTALITY AS A HOUSING ISSUE?

Additionally, federal funding for the creation of new affordable housing declined by 75% from $33 billion to less than $10 billion between 1981 and the present.

Declining housing supports may seem unrelated to rising infant mortality until one talks to the female single parent who choose among the rent bill, the food bill, or the cab fare as the one that gets paid out of her meager income. These are the families whom the staff of Boston's neighborhood-based health centers see everyday. These centers are the delivery point for the City's Healthy Baby Program which operates with a $1.1 million appropriation from the City of Boston. This program was instituted in the latter part of 1985, when we first became aware of the renewed rise in infant mortality.

The Healthy Baby Program provides prenatal care, public health nurses, nutritional counseling and benefits advocacy to pregnant women in target neighborhoods with high infant mortality rates. During its first full year of operation Healthy Baby reached more than half of the pregnant women who gave birth in the target areas. In addition it provided over 12,000 home visits to the 1,800 women enrolled in the program during this period. Healthy Baby is successful in part because it utilizes the networks and resources of community health centers.

Outreach is an important component of the Healthy Baby Program. Once a woman has sought services at a community health center, she will be assigned a public health nurse and an advocate. This staff reflects the linguistic and cultural diversity of the people they serve.

In Massachusetts, through the leadership of Governor Michael S. Dukakis and the state legislature, we have supplemented funding for the WIC program and provided through the Healthy Start Program, subsidized prenatal care to low income pregnant women who are ineligible for Medicaid and do not have private health insurance.

The combination of Healthy Baby and the state-funded initiatives is making an impact. As noted previously, preliminary statistics available from the City's Department of Health and Hospitals indicted that infant deaths declined in 1986, which was the first full year of implementation of these various programs. For this reason, programs such as Healthy Baby which provide outreach and prenatal care to high risk individuals, and Healthy Start which increases health care coverage, should be considered for implementation on a national level.

Many of the initiatives for which we are seeking your support would increase resources and programs available to community health centers.

Clearly the federal government needs to reclaim the role it has abdicated in providing programs and financial assistance to low income women and their children. Specifically, I ask your consideration of the following recommendations.

RECOMMENDATIONS

Out of the experience of governments on the state and local level, and through that of national, private organizations such as the Childrens Defense Fund, some effective measures have been proposed and implemented. It is timely for national organizations such as the National League of Cities to urge Washington, to implement these effective programs at the national level. The following short list is by no means exhaustive. But it includes ideas that, if executed with proper funding, would go a very long way toward giving American infants the chance they deserve for a full and happy life.

1. Support of S. 422

This bill is the Medicaid Infant Mortality Amendments of 1987 whose-cosponsors include Senators Edward M. Kennedy and Bill Bradley. This bill, if enacted, would give states the option of providing health care coverage for pregnant women and infants whose income equals between 100 and 185 percent of the official poverty level. It also would expand health care coverage for poor young children.

2. Increase Support for Community Health Centers

Funding for the Maternal and Child Health block grant as well as funding for Community Health Centers programs should be expanded to allow development of health services in all medically underserved areas.

3. Implement Prenatal Outreach through the Public Health Service

The federal government should provide additional funding for the Public Health Service with specific emphasis on more effective outreach efforts to pregnant women and children for prenatal care. All early indications from the Boston experience with the Healthy Baby Program are that this approach can be very effective in reducing the rates of infant mortality.

4. Full Funding for WIC

The federal government also should provide full funding of the WIC program to ensure that all those who are qualified for this program, which provides nutritional supplements and counseling, receive its services.

CONCLUSION

In conclusion, it is clear that a rise in the rates of infant mortality is a vital indicator that our federal domestic policy is short-changing the most vulnerable people in our nation: poor women and infants. It is troubling that in the wealthiest nation in the world mayors and others must fight to make the health and well being of newborns a national priority.

An America that is not alarmed by increases in the rate of infant mortality is an America that has lost its vision of true greatness. A nation that is undisturbed by the weak but still piercing cries of the struggling newborn is a nation in danger of sinking into a deep quagmire of apathy.

Especially as a National League of Cities looks to the elections in 1988, we must be vigilant in our advocacy for those who, because of handicaps or income or other circumstance, cannot be heard without our help.

During the past few months much has been said in our nation's capital about welfare reform. I welcome and support this national discussion. I am also concerned however, because some of the proposals under consideration make little mention of the fact that so many families in America do not have income sufficient to feed themselves, clothe themselves, and put a roof over their heads. We rightfully encourage our low income citizens to seek economic opportunity but at the same time—especially on the heels of the CDF's findings on increases in infant mortality—we must as a society provide at least a minimal income security for these families.

Rising infant mortality rates illustrate a tragedy that is occuring nationally. It is a tragedy whose script was written in the lines of the federal budgets that blunted three decades of progress in improving the health status of our citizens.

We welcome the support and leadership of the National League of Cities in urging the Congress and the President to address this critical issue.●

NEW RESTRICTIONS IN SOUTH AFRICA

● Ms. MIKULSKI. Mr. President, I rise today in outrage at the latest assault on human rights in South Africa. The South African Government has made it illegal for any person to call for the release of political detainees held without charge.

Last month I introduced legislation calling for the immediate release of all the children detained under state of emergency regulations. I stand in alliance today with my sisters and brothers in South Africa who have called the new restrictions "draconian and horrofic." Archbishop Desmond Tutu described the government's actions as "power gone utterly crazy."

The new restrictions would prohibit: participation in "any campaign, project or action" aimed at accomplishing the release of the detainees; "the calling, either orally or in writing * * * upon the government to release" the detainees; the exhibition in public of any clothing, sticker, or poster "protesting against or disapproving of" detentions; the attending of any gathering protesting detentions; and "the performance of any act as a symbolic token of solidarity with" the detainees.

U.S. Ambassador to South Africa Edward Perkins said the new restrictions "point to the erosion of fundamental liberties in this country. Freedom of assembly and the freedom to speak out * * * are in serious jeopardy."

This latest step by the South African Government is repugnant. It authorizes the arrest of parents who protest the detention of their children. It even authorizes the arrest of entire church congregations that wish to pray for the detainees.

I find it difficult to believe the South African Government would take such steps rather than heed the voices of moderation. These steps only move that country further away from where it must go. I urge my colleagues to stand with me in support of my legislation and to deplore these new restrictions.

Mr. President, the violence in South Africa must end. The detentions must end. Apartheid must end.●

THE PROPOSAL TO ISSUE A COMMEMORATIVE STAMP TO HONOR GEORGE CLINTON OF NEW YORK

● Mr. MOYNIHAN. Mr. President, I rise today to speak in support of the issuance of a stamp commemorating the 250th anniversary of the birth of a distinguished New Yorker, George Clinton. George Clinton served as Vice President of the United States under Presidents Thomas Jefferson and James Madison, from 1804 to 1812. As the first Governor of New York, he played a major role in the formation of the State. Not least was he a leader in the military struggle to gain independence from Great Britain.

It is appropriate that we take note of his contributions to this country as the bicentennial of the U.S. Constitution approaches. In his earlier public years, Clinton was fiercely critical of the institution of government that replaced the Articles of Confederation. Like many Jeffersonian Democrats, he feared an oppressive Federal power. He was, however, a staunch supporter of the Bill of Rights and went on to become an enthusiastic supporter of the Constitution both at home and abroad.

Mr. President, I am happy to report that there is renewed interest in George Clinton's life, in part spurred by the fact that on July 26, 1989, the 250th anniversary of his birth will be observed in my own State of New York.

There is an active effort underway in New York to issue a commemorative postage stamp in honor of Vice President Clinton. This movement is spearheaded by the Militia Association of New York, a group comprised of 4,000 commissioned and warrant officers who are members of the 36,000-member New York army and air national guard, the New York guard, and the State naval militia.

The militia association supports the Vice President Clinton stamp proposal because Clinton was first a patriot and defender of the Republic. He was a member of the Colonial Militia of New York, and as a young lieutenant participated in the campaign to capture Montreal from the French during the French and Indian War. He became a brigadier general in both the New York State militia and the Continental Army, a member of the Continental Congress and, in 1977, when he was elected New York's first Governor, Clinton became the first commander in chief of the New York State Militia.

The proposal for a Vice President Clinton postage stamp was first publicized on March 4, 1984, when Maj. Peter C. Kutschera of Orange County, NY, suggested the idea in a postage stamp column he writes for the Middletown Times Herald-Record, a daily newspaper of some 90,000 circulation in southeastern New York State.

Inspired by the encouragement of Major Kutschera, the State legislature of New York in March 1984, and again this past month, passed a joint resolution urging the Postmaster General of the United States to authorize the issuance of such a postage stamp to coincide with the celebration of Clinton's 250th birthday celebration.

The proposal has earned substantial support from a number of historical and philatelic organizations in New York State. The Militia Association of New York will mount a nationwide campaign this spring for the Vice President George Clinton postage stamp and I urge my colleagues to join me in the effort to interest the citizens stamp advisory committee of the U.S. Postal Service in issuing such a stamp.

Proponents of the Vice President George Clinton stamp are asking that the first day of issue ceremony take place in the uptown Kingston, NY, post office, across the street from the Old Dutch Church where Vice President George Clinton is buried and is honored by a statue.

The citizens' stamp advisory committee will deliberate on the 1989 stamp program this year, and it is crucial that this proposal receive public attention at this time, and that expression of public support be duly forwarded to Postmaster General Preston R. Tisch for his consideration.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 10:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today it stand in recess until tomorrow morning at 10:30 a.m.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order tomorrow there be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., and that Senators may be permitted to speak therein for up to 5 minutes each.

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

PROGRAM

Mr. DOLE. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. Yes. I am happy to yield.

Mr. DOLE. As I understand, we have now moved to the agriculture bill that is on the calendar. That might take probably all day tomorrow, and maybe part of Thursday. Does the majority leader have any indication at this time what might follow on after the agriculture bill has been disposed of?

Mr. BYRD. Mr. President, I thank the Republican leader. I am advised that indeed it will take a day or maybe even a day and a half or more to complete action on the winter wheat bill. I would anticipate that beyond that legislation the Senate would proceed at some point hopefully to take up the star schools bill. It may be that we can get a time agreement on that legislation.

The budget resolution will be called up at the conclusion of action on the winter wheat legislation, or on Thursday or Friday in any event, or if I am advised to the contrary by the chairman of the Budget Committee, Mr. CHILES, I will get back to the leader and apprise him and apprise other colleagues.

I am discussing this with the chairman of the Budget Committee. Today I was informed that it was his feeling that we ought to get started on the budget resolution this week. There are 50 hours, I believe, on the resolution. Obviously, we will be on that into next week.

I thank the Republican leader.

There will be rollcall votes on the winter wheat bill of course, and amendments throughout tomorrow and Thursday. And then, if we can get a time agreement on the star schools program legislation—I am advised that should not take long; perhaps a couple of hours—then that would put us, I think, in pretty good shape to begin our discussions of the budget.

However, if there is a change now in the schedule, as I have laid it out, I will talk with the leader, and we will act accordingly.

Mr. DOLE. I think it is fair to indicate to our colleagues, though, that there will probably be a session on Friday. Is that correct?

Mr. BYRD. Yes. There will be a session on Friday. We may have other legislation that will require votes or we may be on the budget resolution, which could require votes. Certainly, there will be considerable debate on it. But I imagine there will be amendments, too. But there will be a Friday session. I would count on votes, and inasmuch as we are not having rollcall votes on Mondays, Senators should be advised that there will be business on Fridays. There will be rollcall votes on Fridays, and there will be rollcall votes henceforth on Tuesdays, possibly during the morning hours.

Mr. DOLE. I thank the majority leader.

Mr. BYRD. I thank the able Republican leader.

Mr. President, let me add a postscript to my response to the Republican leader's question. There are some nominations on the calendar which have been on the calendar some time. And I make specific reference to the first nomination under Department of State on the executive calendar, Arnold Lewis Raphel, of New Jersey. That nomination has been on the calendar since February 24. I think I should state that at some point, if there is no other business before the Senate, it would be my intention to move, of course after informing the Republican leader, to take up that nomination. There could be some debate of course on it. The Senators would certainly have a right to debate it. But I do not think that nomination should be on the calendar too much longer. So I mention it today so that all Senators may be apprised of the likelihood of action on the nomination sooner rather than later.

Mr. DOLE. That would also apply as I understand to Calendar No. 78 and 79.

Mr. BYRD. Yes. It would. The only reason I singled the first nomination out is that it has been on the calendar since February 24. The two that have just been mentioned by the Republican leader have been on the executive calendar since March 31. So they are two eligible for consideration at a fairly early date. But I do want to alert Senators who may have holds on one or more of those nominations that, while those holds have been respected, I think the time has come now when the Senate ought to take action one way or another on the nominations.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to, and at 5:25 p.m. the Senate recessed until Wednesday, April 22, 1987, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 15, 1987, under authority of the order of the Senate of February 3, 1987:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. James J. Lindsay, [redacted], U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 5137 and 1370.

To be vice admiral

Vice Adm. Lewis H. Seaton, Medical Corps, [redacted]/2100, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. James H. Webber, [redacted]/1444, U.S. Navy.

IN THE ARMY

The following-named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624, title 10, United States Code. The officers indicated by asterisk are also nominated for appointment in the Regular Army in accordance with section 531, title 10, United States Code:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Armondo, Angelo A., [redacted]
Arnot, Dave, [redacted]
Baker, Stuart W., [redacted]
Ball, Michael B., [redacted]
Bandy, Lewis C., [redacted]
Berezuk, Gregory P., [redacted]
Bettencourt, Richard P., [redacted]
Blair, Hal R., [redacted]
Blum, George J., [redacted]
*Browning, Larry J., [redacted]
Burchett, Floyd R., [redacted]
Chaffee, Dennis L., [redacted]
Chaffee, John L., [redacted]
Cherry, Robert N., Jr., [redacted]
Church, Bobby R., [redacted]
Clarke, John H., [redacted]
Clayton, William T., [redacted]
Crain, Joe C., [redacted]
Curry, Donald C., Jr., [redacted]
Daniels, William L., [redacted]
*Dawson, Dan H., Jr., [redacted]
Dean, Henry D., [redacted]
Dennis, Richard A., [redacted]
Durkan, John P., Jr., [redacted]
Evenden, James J., [redacted]
Fisher, Martin J., [redacted]
Foley, Brian P., [redacted]
Fullerton, Terrence D., [redacted]

Gardner, Joseph E., III, [redacted]
Georgoulakis, James M., [redacted]
*Gerber, Frederick O., [redacted]
Glenn, John F., [redacted]
Gower, Daniel W., Jr., [redacted]
Grassia, Philip G., [redacted]
Hamilton, Emma D., [redacted]
Hathaway, Thomas K., [redacted]
Heckert, John E., [redacted]
Heckert, Robert J., Jr., [redacted]
Hernandez, Samuel I., [redacted]
Hitchcock, Frederick G., [redacted]
*Hooper, Ruth L., [redacted]
Hopkins, James H., [redacted]
Jackson, Jermone L., [redacted]
Jeffers, John H., Jr., [redacted]
*Kornegay, Robert L., Jr., [redacted]
Korte, Don W., Jr., [redacted]
*Lawyer, Phillip G., [redacted]
Leisher, Kenneth W., [redacted]
*Lieberman, Michael M., [redacted]
Liebmann, Robert E., [redacted]
Little, James S., [redacted]
Loader, Michael B., [redacted]
Lott, Charles M., [redacted]
Luckett, Larry W., [redacted]
*Malloy, Wilbur, W., [redacted]
Martinez, Phillip T., [redacted]
Mayes, Tommy W., [redacted]
McCormick, Roscoe, [redacted]
McDonald, Frank G. III, [redacted]
McMichael, Lee N., [redacted]
*McNair, John N., [redacted]
Mervis, Stuart A., [redacted]
Milhous, Wilbur K., [redacted]
Molnar, Edward A., [redacted]
*Moore, Charles A., [redacted]
Moran, Errol L., [redacted]
Moul, Michael J., [redacted]
Neary, Richard S., [redacted]
Novier, Frank H., [redacted]
Olsen, Lamont G., [redacted]
Olson, Calvin J., [redacted]
Opio, Roger M., [redacted]
*Patterson, Bruce D., [redacted]
Phillips, Edward P., Jr., [redacted]
Pigford, Joe N., [redacted]
Piper, Llewellyn E., [redacted]
*Post, John B., [redacted]
Potyk, Roger P., [redacted]
*Price, Gary H., [redacted]
Primeaux, Larry E., [redacted]
*Quinn, Robert E., [redacted]
Randol, Doyle E., [redacted]
Richter, Paul V., [redacted]
Romo, Michael W., [redacted]
Ryder, John T., [redacted]
Salzman, Diana L., [redacted]
Scovill, John P., [redacted]
Sebastian, Henry A., [redacted]
Sikora, Robert G., [redacted]
Smeltzer, Paul T., Jr., [redacted]
Smith, Lee T., [redacted]
Staresnick, Peter L., [redacted]
Starrett, Patrick D., [redacted]
Stinson, Karl R., [redacted]
Stone, Steven J., [redacted]
Swenson, Gerald B., [redacted]
Turner, Gilbert F., [redacted]
Ursone, Richard L., [redacted]
Vervack, Larry P., [redacted]
Vonloewe, Helmut, [redacted]
Walker, Johnny M., [redacted]
Wallace, John R., [redacted]
Watson, Charles V., [redacted]
Webster, Horace K., [redacted]
Weinschenk, Carl J., Jr., [redacted]
Wenk, John D., [redacted]
Whitmire, James C., [redacted]
Zimmer, Bolko G., [redacted]
Zurcher, John W., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Beattie, Bonita L., [redacted]
Brandenburg, Joe W., [redacted]
Cunningham, Daryl D., Jr., [redacted]
Emerson, James B., [redacted]
Hendricks, Thomas F., [redacted]
McCarty, Barbara B., [redacted]
Petersen, Linda S., [redacted]
Rousey, James L., Jr., [redacted]
Turcotte, Judith M., [redacted]

VETERINARY CORPS

To be lieutenant colonel

Baze, Wallace B., [redacted]
Brown, Larry D., [redacted]
Dutton, Ronald E., [redacted]
Hartke, Larry W., [redacted]
Heisey, Gregory B., [redacted]
*Hicks, Robert G., [redacted]
Roy, Ronald D., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Alexander, Linda L., [redacted]
Alfino, Joyce, [redacted]
Allen, Willian P., [redacted]
*Anderson, Billie R., [redacted]
Bechtold, Dianne M., [redacted]
Bell, Deborah A., [redacted]
*Bell, Jane L., [redacted]
Bell, Karen A., [redacted]
Bolt, Barbara J., [redacted]
Bopp, Deborah A., [redacted]
Boyle, Kim A., [redacted]
Boyle, Virginia A., [redacted]
Brooks, Raymond R., [redacted]
Brown, Janet R., [redacted]
Brown, Kathleen A., [redacted]
Buczynski, Ronald J., [redacted]
Burgess, Molly C., [redacted]
Buzonas, Patricia M., [redacted]
*Callich, Marianne W., [redacted]
Campbell, Kathleen M., [redacted]
Cannon, Cheryl A., [redacted]
Carter, South L., [redacted]
*Castellan, Deborah M., [redacted]
*Clark, Elizabeth M., [redacted]
Cochran, Maureen C., [redacted]
*Connelly, Lynne M., [redacted]
Daake, Dean R., [redacted]
Demarais, Alice L., [redacted]
*Dreflak, Barbara A., [redacted]
Farace, Wendy L., [redacted]
*Feeney, Sharon E., [redacted]
Fletcher, Linda L., [redacted]
Foerster, Kristin S., [redacted]
Frank, Robert L., [redacted]
Galante, Christine M., [redacted]
Gaskill, Mary E., [redacted]
*Gelsthorpe, Joanne C., [redacted]
*Gifford, Karen A., [redacted]
Girling, Allan J., [redacted]
Green, Barbara M., [redacted]
Griggs, Rosemary, [redacted]
*Gunnels, Edith P., [redacted]
Gurney, Cynthia A., [redacted]
Hentges, George P., [redacted]
Hoge, Linda J., [redacted]
Hunt, Barbara J., [redacted]
Hutchison, Janet M., [redacted]
*Israel, Judith L., [redacted]
*Ivey, Hazel I., [redacted]
Jackson, Brendel J., [redacted]
Jackson, Judith N., [redacted]
*Jacques, Rita C., [redacted]
*Johnson, Mildred, [redacted]
Kading, Steven E., [redacted]
Kilianhoffer, Cheryl L., [redacted]
*Klapperich, Daniel J., [redacted]
Klar, Angela V., [redacted]
*Lafond, Patricia E., [redacted]
Lanam, Jon P., 398 40-3131
Leal, Dora A., [redacted]
Leggett, Carla J., [redacted]
*Lofswold, Darla D., [redacted]
Lopezrosario, Julio, [redacted]
Martin, Gerald K., [redacted]
Martin, Joyce A., [redacted]
McClelland, Gail K., [redacted]
McClenney, Lucretia M., [redacted]
McDermitt, Janet M., [redacted]
McNeil, Marian R., [redacted]
Morgan, Cheryl L., [redacted]
*Morlando, Benny J., [redacted]
*Munn, Annie R., [redacted]
Nairn, Angelina E., [redacted]
*Newton, Donald H., [redacted]
Nieves, Wilfredo, [redacted]
Norton, Dena A., [redacted]
O'Donnell, Jayne P., [redacted]
*O'Glivie, Claudia A., [redacted]
Oldridge, Janice M., [redacted]
*Olejnik, Donna J., [redacted]
Pieniadz, Carol J., [redacted]
Podgornoff, Willa C., [redacted]
Prost, Marilyn J., [redacted]
Reineck, Carol I., [redacted]
Rich, Irene A., [redacted]
Roach, Linda K., [redacted]
Roehr, Kathleen M., [redacted]
Sarran, Sue F., [redacted]
Sgambelluri, Janice A., [redacted]
Sheldon, Vicky M., [redacted]
Shine, Sarah C., [redacted]
*Siebert, Kathleen E., [redacted]
*Sikorski, Michael S., [redacted]
Smith, Margaret L., [redacted]
Smith, Patricia K., [redacted]
Sparks, Glenn E., Jr., [redacted]
Spontak, Janet F., [redacted]
Srsicstoehr, Kathleen M., [redacted]
*Steinmetz, Maryann T., [redacted]
Summers, Thomas M., [redacted]
Sutton, Glenda J., [redacted]
Synovec, Ellen C., [redacted]
Thorpe, Linda J., [redacted]
Tiernan, Helen S., [redacted]
Tijerina, Maria D., [redacted]
Tondini, David E., [redacted]
Tracy, Kathleen M., [redacted]
Tushbant, Gwendolyn W., [redacted]
Uttech, Mary J., [redacted]
Vaiani, Cheryl J., [redacted]
Walker, Debra J., [redacted]
Wedeking, Cheryl A., [redacted]
Whitehurst, Cynthia J., [redacted]
*Williams, Bertha N., [redacted]
Williford, David L., [redacted]
Wills, Deborah H., [redacted]
Yaws, Jane A., [redacted]
Zarr, Gary D., [redacted]

IN THE ARMY

The following-named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624, title 10, United States Code:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

William V. Adams, [redacted]
Thomas G. Bowe, [redacted]
Waldo W. Brooks, [redacted]
Larry T. Brown, [redacted]
Donald P. Decort, [redacted]
Estel E. Elkins, [redacted]
Russell S. Estey, [redacted]
Edward Forthingham, [redacted]
John P. Galligan, [redacted]
Lester M. Goo, [redacted]
Harry Gruchala, [redacted]
Harian Heffelfinger, [redacted]
Scott Isaacson, [redacted]
James V. Anthony, [redacted]
William C. Jones, [redacted]
Thomas R. Keller, [redacted]
Calvin Lederer, [redacted]
Theodore Littlewood, [redacted]
James F. Nagle, [redacted]
John J. Pavlick, [redacted]

Walton Pedersen, [redacted]
Wayne H. Price, [redacted]
Thomas A. Pyrz, [redacted]
Vincent Reilly, [redacted]
Ronald M. Riggs, [redacted]
Donald A. Rogers, [redacted]
Michael Schneider, [redacted]
Gregory E. Smith, [redacted]
Stephen D. Smith, [redacted]
Eugene A. Studer, [redacted]
John G. Thomas, [redacted]
David W. Wagner, [redacted]
Chris Wittmayer, [redacted]
William Woodruff, [redacted]

IN THE ARMY

The following-named officers, for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

MEDICAL CORPS

To be colonel

Maynard C. Sandberg, [redacted]

CHAPLAIN

To be major

John L. Ghee, [redacted]

IN THE NAVY

The following-named Lieutenants in the staff corps of the Navy for promotion to the permanent grade of lieutenant commander as indicated pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law.

MEDICAL CORPS

To be lieutenant commander

Ernesto Alberto Diaz-Ordaz
Frederick Gennaro Panico, Jr.

SUPPLY CORPS

To be lieutenant commander

Major Doyal Bursey, Jr.

IN THE NAVY

The following-named commanders in the staff corps of the Navy for promotion to the permanent grade of captain, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS OFFICERS (210X)

Allen, James William
Andrus, Kenneth L.
Artman, Lee Eric
Berdecio, Eduardo Tavol
Blair, Timothy Pierce
Briggs, Jackie Robert
Cotelingam, James D.
Dejesus, Antonita V
Donovan, Julia Theresa
Dy Rosalia Flores
Ebbeling, William L.
Espiritu, Roger Fermin
Galloway, John Alexande
Ghosh, Bimal Chandra
Gillespie, Cameron Alex
Hagan, Joseph Michael
Hargrove, Charles Bento
Henderson, Joseph Vanwi
Johnson, Donald Robert
Jung, Byung Il
King, Monroe James
Ledbetter, Elizabeth K.
Lovan, Wendell D.
Martel, Paul Robert
Mason, Dan Edison
Mateczun, Alfred Joseph
Mehl, Raymond G.
Miremadi, Arjang Kamjan
Mullen, Barry Lee
Navins, John Paul
Navoy, Joseph Francis
Negronrivera, Luis Albe
Noel, Kenneth Robert
Norris, David Michael
Ober, Vincent Hilles, Jr.
Pentzien, Robert Jay
Pessoney, John T.
Prentice, Peter S.
Sanders, Bill Elliott
Schwartz, Henry Jesse C.
Shakir, Mohamed K. M.
Snyder, David Allen
Soballe, Peter Warren
Sohn, Steven Samuel
Sutphin, John Everett J.
Tinana, Andres Merluza
Wagner, Glenn N.

SUPPLY CORPS OFFICER (310X)

Biel, Jeffrey Donald
Brasher, Kenton Clark
Carstanjen, Jan Hendrik
Chiomento, Thomas Vincent, Jr.
Cohan, Lawrence Louis
Collette, Robert Lloyd
Collins, Ralph, Jr.
Curry, Merril Dunn
Edgerton, Donald Kenneth
Grove, William Earle
Hendricks, Ross Franklin
Holley, Dewey Arnold
Jones, James W.
Lynn, Gary Dexter
Major, Samuel James, Jr.
McMeans, Edwin Walter
McNabnay, James Richard
McQuinn, Dale Eugene
Moore, Richard Snowden, Jr.
Moser, Paul Donald
Nelson, Thomas Russell
Nordwall, Marvin Raymond
Ott, Gene Franklin
Perry, William Kurtz, Jr.
Smith, Jay Schuyler
Townsend, David Alvin
Trimpert, Eugene Charles
Vroman, Richard Donald, Jr.
Williams, Fred Alan
Wilson, Richard Davis
Wise, William Allen

CHAPLAIN CORPS OFFICERS (410X)

Dobes, George E.
Ellis, Larry Hoyt
Gnall, Julian Michael
Hiers, Homer Thomas, Jr.
Howe, Merlen Floyd
Jackson, Colon Stonewall, Jr.
Kelley, James Frederick
Markham, Leonard Edward
Mintjal, Frank Delano
Putt, Kenneth James
Rimmer, Charles Stephen
Shoberg, Lawrence Arvid
Smith, Ignatius Edward

CIVIL ENGINEER CORPS OFFICERS (510C)

Ayres, Larry Lee
Burke, William Francis, III
Hamm, Edward Roger
Hoyt, Ronnie Allan
Johnson, Allan William
Moeller, Robert Lewis
Mohsberg, Sidney A., III
Moyle, Allan Leroy
Rice, Richard Hardwicke, Jr.
Shelton, Michael William
Taylor, Robert Adell
Tomiak, Walter Wayne
Waters, William Allen
Wynn, Alfred Lee

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS (250X)

Clum, John Peter
Fessler, E. Anthony
Gallagher, Stephen Barr
Guy, David Ansley
Henriksen, John R.
Hewett, Peter Augustine
Jones, Robin A.
Misiaszek, Peter Edward
Mollison, Richard M.
Orr, James Earl, Jr.
Schiff, Richard Benjami
Smith, Roger A.
Thomas, Arthur Ralph
Uris, Richard Blair
Wylie, Peter Caldwell
Zimmerman, Richard Edwa

DENTAL CORPS OFFICERS (220X)

Auclair, Paul Lionel
Beaudry, Robert Joseph
Cecil, James C., III
Fraleigh, Edward Magrud
Frankel, Richard Lee
Fullerton, William Lloy
Golden, Daniel Patrick
Gray, Jonathan Loomis
Hall, Ellis Herbert, Jr.
Hendrickson, Dean Alan
Hitchner, Larry J.
Innes, Joseph Crist
Isaacson, James Harold
Lange, Walter Marcus Jr.
Linville, Robert B.
Maroney, William Franci
McGuire, Dennis John
Moore, Paul Robert
Nappen, Dennis L.
Parker, Michael Winfiel
Peterson, Burke Brent
Phillips, Charles C., III
Sanders, John Joseph
Smith, Millard Bedford
Spann, Charles Earl
Stuller, Charles Bernar
Towle, Herbert Jere, III
Vinton, Jeffrey Ralph
Waytena, James Richard

MEDICAL SERVICE CORPS OFFICERS (230X)

Aitken, John Robert
Chitwood, Carl Steven
Coolbaugh, James Camero
Durfee, Paul John
Freed, Stanley H.
Jones, Thomas Newton
Kafer, Sallee Pittman
Kellogg, William Fredri
Koehn, Galen Roy, Jr.
McCarty, James Edwin, Jr.
Mullins, Frank Arthur, J.
Nazzaro, John Thomas
Norvell, Robert Dayton
Potts, James Conrad
Santana, Frederick Jose
Thomas, Jerry Alan
Vosloh, David Lee
Walker, Richard Ives

NURSE CORPS OFFICERS (290X)

Crist, Margery Weitzel
Grace, Roberta Jane
Henderson, Rebecca Robe
Holman, Diane M.
Orourke, Amoret B.
Peace, Velia Decicco
Peterson, Carol Ann
Rist, Susan Elizabeth
Robinson, Ida Marie
Sattazahn, Mary Della
Sherrard, Marcia J.
Smith, Maureen Moloney
Stokes, James Edmond
Sulcer, Bert Reid, Jr.
Willhelm, Patricia Ella

HEALTHCARE PROFESSIONAL (26XX)

Duny, Marshall Sol
Eversmann, Donald Frank
Feris, Mary Margaret
Harrell, James Howard

Haws, Virtus Paul, Jr.
Iczkowski, Marcel Denni
Irgens, Terry Richard
Kelly, John Price
Phillips, Harold Edward
Rawley, Anne Jordan
Shephard, James Edison
Straughn, William R.
Truran, Paul Frederick

LIMITED DUTY OFFICER (SUPPLY) (651X)

Ritzel, Charles James

Executive nominations received by the Senate April 21, 1987:

DEPARTMENT OF JUSTICE

Charles W. Larson. of Iowa, to be U.S. Attorney for the northern district of Iowa for the term of 4 years vice Evan L. Hultman, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Lawrence A. Skantze, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Bernard P. Randolph, [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Winston D. Powers, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Spence M. Armstrong, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Michael P.C. Carns, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Buford D. Lary, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. George L. Monahan, Jr., [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Springer, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Maxwell R. Thurman, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3034:

To be vice chief of staff

Lt. Gen. Arthur E. Brown, Jr., [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Claude M. Kicklighter, [redacted] U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1987:

THE JUDICIARY

James B. Zagel, of Illinois, to be U.S. district judge for the northern district of Illinois

DEPARTMENT OF JUSTICE

D. Michael Crites, of Ohio, to be U.S. Attorney for the southern district of Ohio for the term of 4 years.

William J. Jonas, Jr., of Texas, to be U.S. Marshal for the western district of Texas for the term of 4 years.

EXTENSIONS OF REMARKS

THE DRUG WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RANGEL. Mr. Speaker, in the closing days of the 99th Congress, you spearheaded a bipartisan legislative initiative to curtail drug abuse in America, the Anti-Drug Abuse Act of 1986. President Reagan signed H.R. 5484 into law, as Public Law 99-570, with great fanfare at an elaborate signing ceremony on October 27, 1987. Many of us in the Congress thought that at long last the President had made a serious commitment to curtailing drug abuse in America. When the President's budget for fiscal year 1988 was unveiled in January, we saw that we were badly mistaken.

Funding for drug abuse education was cut back from $250 million under the bill to a proposed level of $100 million. Funding for assistance to State and local governments for fiscal years 1988 and 1989, which was $230 million annually, was zeroed out. Funding for drug abuse treatment and prevention programs was effectively cut in half when a decision was made to spend $262 million over 2 years, instead of $241 million in fiscal year 1987.

Just how serious a problem is drug abuse in America today? The Select Committee on Narcotics estimates that there are 4 to 6 million regular users of cocaine; 20 to 25 million regular users of marijuana; and 600,000 heroin addicts in America. The select committee also estimates that in 1986, 150 tons of cocaine, 12 tons of heroin, and between 30,000 and 60,000 tons of marijuana entered the United States.

Mr. Speaker, an article from the March 15, 1987, edition of the New York Times entitled "In Reagan's Drug War, Congress Has the Big Guns" describes the dismay across the country, here on Capitol Hill, and even within the administration itself, over the President's proposed fiscal year 1988 budget for drug programs. I ask that it be inserted into the CONGRESSIONAL RECORD at this point.

The article follows:

[From The New York Times, Mar. 15, 1987]

IN REAGAN'S DRUG WAR, CONGRESS HAS THE BIG GUNS

(By Bernard Weinraub)

WASHINGTON.—It was to be, in President Reagan's words, " a national crusade against drugs, a sustained, relentless effort to rid America of this scourge by mobilizing every segment of our society against drug abuse." Now Congress is threatening to take Mr. Reagan at his word.

Urine testing, an antidrug measure that the Administration strongly favors, would be extended to millions of workers on airlines, railroads, buses and trucks under a bill swiftly approved last week in a 19-to-1 vote of the Senate Commerce Committee. Though a provision requiring random testing faces strong opposition and, if it passes, certain challenges in the courts, several senators said they shared the Administration view that such tests are the "only real deterrent" to drug use.

But legislators also plan to press for a tactic less welcome at the White House this year: spending money.

Last year, before the November elections, Congress approved $3.96 billion in new spending for drug eradication, interdiction, rehabilitation, treatment and education. This year the President proposed spending $3.03 billion, a reduction of more than $900 million. To achieve the cut, he proposed virtually eliminating a Justice Department program for assistance to state and local law-enforcement agencies and nearly halving spending for education and treatment.

Numerous Republicans, as well as Democrats, are not only disturbed that the President wants to reduce Federal antidrug spending in 1988, they also are perplexed that the Administration seems to be undercutting programs that have broad support around the nation.

"Cities of all sizes, in all regions, are engaged in a war against inner-city pushers and international traffickers, and we are losing," Joseph P. Riley, the mayor of Charleston, S.C., said last week. Mr. Riley, president of the United States Conference of Mayors, was one of 50 mayors, police chiefs and other officials from 25 Eastern cities who met in Miami last week to discuss new ways of dealing with their drug problems.

Even some Administration officials were dismayed at the proposed cuts, especially in light of last year's rhetoric. "This has foolishly placed the Administration in a ridiculous posture," said one Education Department official, who said the cuts were made by the Office of Management and Budget in its efforts to reduce the deficit, as mandated by law.

Some Republicans on Capitol Hill blame the handling of the drug issue on the White House's preoccupation late last year with the escalating Iran-contra affair. "Look at that White House, look at that disarray," said one key Republican legislative aide. "This is just another example. It's a mystery how the President's people put together their budget."

Such Administration spokesmen as Attorney General Edwin Meese 3d defend the cuts. The critics of the 1988 budget, Mr. Meese said in a speech in January, are "mistakenly or deliberately mispresenting the facts" that some of the money appropriated last year was to be used for one-time capital expenditures, such as helicopters, for state and local law-enforcement agencies; some was for "start-up" assistance to help municipalities begin education programs. He said that "the proper Federal role in combating drugs has received continually increasing support" since Mr. Reagan took office.

But Senator Alfonse M. D'Amato, the New York Republican who is a member of the Appropriations panel on Labor, Health and Human Services and Education, said, "We're going to get the major share of these cuts restored." Mr. D'Amato and others said they would focus on restoring money for several key programs.

Federal spending for drug law enforcement in this fiscal year reached $3.048 billion. The Administration has proposed spending $2.468 billion in the fiscal year 1988, a reduction of $580 million.

Assistance for state and local enforcement efforts would drop from $238 million to $5 million under the Reagan budget.

Funds for Customs Service drug law enforcement would drop from $553 million to $425 million.

Spending for antidrug education would fall from $200 million to $100 million.

Expenditures to prevent drug abuse would be cut by $184 million, from $505 million to $321 million.

Treatment programs for drug users would be reduced by $211 million, from $455 million to $244 million.

It is unclear if the White House will fight Congress on the issue. But several Administration officials said that they doubt President Reagan's aides would risk compounding the embarrassment of having sought cuts by fighting Congressional efforts to restore spending.

Representative Charles B. Rangel, the Manhattan Democrat who heads the House Select Committee on Narcotics Abuse and Control, said, "The recent events clearly displayed publicly what many of us knew privately. The President does not focus on serious, complex matters, and it could be the President seriously believes that comic books and slogans like 'Just Say No' will win this, it won't."

THE $1.5 BILLION SALES TAX LOOPHOLE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, at a time when our States have been confronted with severe cuts in Federal assistance and are searching for funds to support necessary programs and services, they are losing more than $1.5 billion in annual sales tax revenue. Those States with a sales tax obligate their main street businesses to collect the tax at the time of sale and remit the revenue to the State.

But, as a result of a 1967 Supreme Court decision—National Bellas Hess—the States are limited in their ability to collect the taxes from out-of-State firms. Although mail order firms and other direct marketing businesses actively solicit business within the State, they may not be required to collect the taxes due on the sales. Although the consumer remains legally liable for payment of the tax, the States' costs of collection far exceed actual revenue and is, in any case, practically impossible.

The beneficiaries of this Supreme Court decision are the out-of-State mail order sellers and direct marketing industry. These firms have a marginal price advantage equal to the

tax rate of the State of the consumer. Buyers are encouraged to pass by main street businesses and purchase from out-of-State firms. As more customers shift their purchase patterns, States sales tax collections will futher decline and force the States to increase the sales tax rate to try to offset the lost revenues.

I recently introduced the Interstate Sales Tax Collection Act of 1987 (H.R. 1242). This bill would require retailers to collect sales and use taxes on interstate sales and remit the revenues to the States of the consumers. It would also require such retailers to file information returns with the IRS to assist the States in collecting these taxes. But, so that truly small businesses are not unduly burdened, only those businesses with more than $5 million in annual gross sales nationally and who actively solicit business in the State could be required to collect the State taxes.

I hope you will support the Interstate Sales Tax Collection Act of 1987 as it will restore an important source of State revenue and put all retailers on equal footing.

A TEAM PLAYER'S QUIET REVOLUTION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, Karen Diegmueller, a reporter with Insight magazine, recently wrote an extremely interesting and in-depth piece on one of President Reagan's most effective Cabinet Secretaries. This quiet gentleman, one of the three original Cabinet officials still faithfully serving the President, is the quintessential team player—a man, whose accomplishments are only surpassed by his loyalty to the President. His name is Samuel Riley Pierce, Jr., and he is the Secretary of Housing and Urban Development, and the ultimate Reagan revolutionary.

As the longest serving Secretary in HUD's history, Mr. Pierce has consistently met this adminstration's spending requirements—reducing HUD's budget from $31.9 billion in 1981 to $10.2 billion for fiscal year 1988—while still meeting America's housing needs.

Through innovative program development and implementation Secretary Pierce has continued to keep Americans the best housed people in the world. These innovative programs have included a housing voucher program so people of low- and moderate-incomes do not have to accept substandard housing as their only housing alternative—to shifting a number of the Federal Housing Administration functions to the private sector in order to streamline FHA insurance processing and collection on defaults. In addition Secretary Pierce has carefully developed and promoted business opportunities between American housing and construction companies and the Soviet Union.

Due to Mr. Pierce's extraordinary courage to do what had to be done during these budgetary deficit times, his impact on the future of America's housing will be felt throughout the Nation for years to come.

Mr. Speaker, I insert the text of the article in the CONGRESSIONAL RECORD:

[From Insight Magazine, Apr. 6, 1987]

A TEAM PLAYER'S QUIET REVOLUTION

SUMMARY

Samuel Pierce, the Secretary of Housing and Urban Development, is a team player and a firm believer in the need to reduce the size of government. His actions have angered many in housing and in Congress. Still, Pierce is proud that he has been able to cut his own agency while helping the most needy.

Reminiscent of the old Uncle Sam military recruiting posters, Samuel R. Pierce Jr. sits on the edge of a desk, arm extended, finger pointing. In the background of the poster, peering over his shoulders, are photos of Ronald Reagan and George Bush. The image could not be clearer: The head of the Department of Housing and Urban Development is a team player.

Pierce unquestionably has taken to heart the Reagan credo that the size of the federal government should be reduced, though he has not always squared with those in the administration who would like to get out of the housing business altogether.

"He may fight for his position behind the scenes. No one would ever know he felt that way once he left that room." says his executive assistant, Deborah Gore Dean.

Ironically, the ultimate team player does not know how or does not care to play the game in the nation's capital. He eschews the cocktail party circuit, refuses to court the media and has spurned many of the housing groups that made up the core of HUD's constituency and contributed to policy development in the past. "I think people resent it because they can't put a finger on him," Dean says.

Pierce plucks a sheet of canary yellow legal paper from the floor by his chair, quinting behind his glasses as he tries to decipher his scribbling. "Since, I've been here, true, we have taken care of assisted housing for the needy. We have been interested in housing across the board," he says casually.

Almost imperceptibly his tone changes. The speechmaker picks up where the casual conversationalist left off. "We want America to be the best-housed nation in the world," he intones. "We want our housing industry to be the strongest in the world." Again, there is the subtle shift. The HUD secretary leans back in his chair and relaxes as he describes the resurgence of the building industry during the Reagan years. "We have contributed to this boom," says Pierce, launching into a recitation of what he regards as his agency's largely ignored accomplishments during the past halfdozen years.

Since Pierce took over the department, the nation's secondary mortgage market has been infused with pension fund capital and securities in the Government National Mortgage Association pool of mortgages, called Ginnie Maes, have been placed on the international market. (Ginnie Maes are sold to investors to encourage financing for housing.) American businesses are embarking on a venture that could net them billions of dollars from Soviet construction projects. He has pushed a project that can cut as much as 20 percent from construction costs by eliminating unnecessary regulations and initiated a program to reach more minority businesses.

Without saying so, this is the secretary's way of refuting the unflattering moniker of "Silent Sam" that some have given him. "I don't think they're justified because . . . I have accomplished what I wanted to accomplish. I wanted to reduce the size and cost of government and continue to take care of the most needy. I believe I've done it."

No one would argue with Pierce's assessment that the agency has gone through a retrenchment during his tenure, the longest of any HUD secretary. Indeed, he has carried out Reagan's platform perhaps better than any other Cabinet member. Plaudits trickle in: "If every other Reagan appointee had achieved what Pierce has, the deficit crisis would be over," editorialized the Longview (Texas) News in February.

Ever dapper, never flamboyant, Pierce's persona and image do not always jibe. His desk, credenza and conference table are cluttered, and there are so many plaques on the walls it is doubtful another could be squeezed in. Among them is the Alexander Hamilton Award for distinguished service of the highest order as general counsel at the Treasury Department. Yet Pierce seems remarkably uncluttered and self-effacing; he laughs readily, often at his own expense.

Pierce credits his father for instilling in him the dedication to public service. "He used to tell us you need a certain amount of money but don't get hung up on money. It's much more important to try to do smething for people." Pierce, who earned a six-figure salary as a private attorney, has been in and out of public life for 30 years. His wife, Barbara, is a semiretired research physician.

During Pierce's tenure at HUD, the budget has been more than halved from $31.9 billion in 1981 to $14.2 billion this fiscal year, and the president has submitted a $10.2 billion budget for the coming fiscal year. Full-time employees have been reduced from 15,613 in 1980 to 11,178 as of December. Were it not for Congress, the budget would have shrunk more.

Some of Pierce's staunchest foes are in Congress, most notably Texas Democrat Henry B. Gonzalez, chairman of the House Banking, Finance and Urban Affairs Subcommittee on Housing and Community Development. At the annual budget go-rounds, heated exchanges have taken place between Democrats and the ordinarily congenial Pierce

The deepest cuts have been in the housing programs for the poor, though Pierce hastens to point out that his agency assists 1.1 million more households than it did before he arrived. Under his administration, the construction of public housing has been virtually halted, and housing authorities have sued the administration to get HUD to free up operating funds authorized by Congress.

What worries housing groups most is what will happen when the owners of subsidized housing become eligible to pull their stock out of the public domain, which they can do after 20 years. As many as 900,000 public housing units could revert to private housing over the next 10 years. "They really collapsed all of the housing programs they could," says Robert McKay, executive director of the Boston-based Council of Large Public Housing Authorities.

As substitutes, the department has touted rehabilitation grants and rent vouchers as the way to assist low-income families and give them a free hand in choosing where they live. Pierce, who follows a 1981 Rand Corp. study that says it is affordability, not availability, that is the key problem for low- and moderate-income households, supports limited new construction.

His basic philosophy is that first and foremost the federal budget deficit must be wiped out. "It's dangerous to us, it can cause

economic chaos," he says. "It's been the president's position that we should try to cut our budgets. People may say that others are not doing it or somebody else isn't doing it or one department isn't doing it. I take pride in the fact that I have."

Even those who do not always agree with Pierce credit him with saving programs that would otherwise have gone by the wayside: the Community Development Block Grants and the Urban Development Action Grants (which channel funds into economically depressed urban areas), the Federal Housing Administration mortgage insurance program and Ginnie Maes. "I think the pressure [to cut programs] has come from the administration," says Kent W. Colton, executive vice president of the National Association of Home Builders of the U.S. "Within that context, he has done his best."

Pierce laughs at the notion that he personally has made a significant difference to the Reagan administration. But he concedes that he may have saved a program or two. "I think there may come a time when we do not need FHA, but the time is not now. So I've fought for it." As for Ginnie Maes, "I'm not against privatization, but it's got to be done in the right way at the right time. We're not there."

He takes pride in initiating an exchange with the Soviets. In May, Pierce will be in the Soviet Union when more than 100 U.S. companies participate in a construction and technology exhibition in Moscow for the first time in 30 years. "It helps us with our balance of payments because we do business with them," says Pierce. "It helps with our relationship with the Soviet Union. When you work together on something like housing and construction, that's a friendly area to work in. You're not talking about how many bombs you can have."

Pierce shrewdly sidesteps the question of whether he and Reagan disagree on any issues. "The president agrees with my general approach. There are certain things he likes best and I don't blame him. If he could have his druthers, he would like every American to own their own home. No matter how much you like it, we really can't do it. We can help." A program cosponsored by Rep. Jack Kemp, a New York Republican, that helps public housing tenants buy their homes is one initiative that the secretary says can work for a limited number of families.

Kemp and the secretary go back to when Pierce represented some professional football players, including Kemp, in their negotiations with team owners in the days before players were organized. Pierce represented the Rev. Martin Luther King Jr. and other black civil rights leaders in the landmark 1964 First Amendment case, the New York Times Co. vs. Sullivan, which set the standard of libel for public officials. His clients were sued for libel over statements in an advertisement in the newspaper that criticized actions by the Montgomery, Ala., Police Department.

It was a way for Sam Pierce, the eldest of three sons born to a successful small-business owner on Long Island, to participate directly in the civil rights movement. While other blacks marched in rallies and demonstrated, Pierce was practicing law, becoming the first black to be offered a partnership in a major New York law firm and the first black to serve on the boards of major corporations. "That's one of the reasons I couldn't spend the amount of time on the civil rights movement as many people did, because I was busy going this way," says the administration's sole minority Cabinet member. "I always felt as though in the long run blacks will have to achieve in the world of business and professions and so forth. It doesn't stop with just being able to go and sit in restaurants."

Some people are puzzled by the secretary's actions. "In a sense, he has done a disservice to fair housing," says Martin E. Sloane, executive vice president of the National Committee Against Discrimination in Housing. "He is a very smart man and I thought he had some gumption, but he hasn't displayed any gumption at all." What irritated Sloane was Pierce's withdrawal of support from agreed-upon amendments to strengthen fair housing legislation after Attorney General Edwin Meese II sought a different remedy.

For his part, Pierce swears he'll see a stronger fair housing law enacted before he leaves the agency or "I'll break my neck trying."

GOV. GEORGE CLINTON COMMEMORATIVE STAMP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, George Clinton, who was the first Governor of New York State and who served as Vice President of the United States under Presidents Thomas Jefferson and James Madison, from the years 1804 to 1812, is a nearly forgotten figure in the annals of American history.

This is an unfortunate occurrence because he was a most significant figure, having been a major political force in the establishment of New York State as a political entity, and in the military effort to gain independence from the British Crown.

His life is symbolic, in this Bicentennial year of the U.S. Constitution, in that in the earlier public years, Governor Clinton was a fierce critic of the formation of the government of the United States as we now know it. At that time he expressed the fear held by many Jeffersonian Democrats of an oppressive Federal power.

But he was a staunch supporter of the basic tenets of the Bill of Rights and went on to become an enthusiastic backer of the American Government, both at home and abroad.

I am now happy to report to you that there is renewed interest in the life of Governor Clinton, in part spurred by the fact that on July 26, 1989, the 250th anniversary of Governor Clinton's birth will be observed in his resting place, Ulster County, NY.

There is an effort underway in New York State to achieve a commemorative postage stamp in honor of the memory of Governor Clinton. This movement is being undertaken by the Militia Association of New York, a group comprised of 3,600 commissioned officers who are members of the New York Army and Air National Guard, the New York Guard and the State Naval Militia.

This is a totally dedicated, defense-minded organization comprised of citizen-soldiers from around the Empire State. They are backing the Governor Clinton stamp proposal because George Clinton was foremost a patriot. He was a member of the Colonial Militia of New York, and as a young lieutenant participated in the campaign to capture Montreal from the French during the French and Indian War. He was to become a brigadier general in both the New York State Militia and the Continental Army and, in 1777, when he was elected New York Governor, Clinton became the first State Commander In Chief of the New York Militia.

The concept for a Governor Clinton postage stamp was first publicized on March 4, 1984, when a constituent of mine, Peter C. Kutschera of Johnson, NY, suggested it in the stamp column which he writes for the Middletown, NY, Times Herald-Record, a daily newspaper of good repute and of some 90,000 circulation in the mid-Hudson Valley region.

Since that time, largely through Major Kutschera's efforts, the State Legislature of New York, in March 1985, passed a joint resolution, urging the Postmaster General of the United States to issue such a postage stamp, coinciding with the 250th Clinton birthday celebration. This proposal was subsequently endorsed by two of my esteemed colleagues, Congressmen HAMILTON FISH, Jr., and JACK F. KEMP.

It has also been endorsed by a number of organizations in New York including the Sullivan County Philatelic Society, the Minisink Stamp and Cover Society, and the Office of the Historian of the City of Kingston.

The Militia Association of New York is expected to mount a nationwide campaign this spring for the Governor Clinton postage stamp and I heartily urge my colleagues to join in this effort to interest the Citizens' Stamp Advisory Committee of the U.S. Postal Service in issuing such an adhesive.

We are asking that the first day of issue ceremony for this stamp be held in the uptown Kingston post office, across the street from the Old Dutch Church where Governor Clinton is buried and a statue stands in his honor.

The Citizens' Advisory Committee will deliberate on the 1989 stamp program this year, and it is crucial that this proposal receive widespread public and official backing at this moment, and that the proposal is duly forwarded to Postmaster General Preston R. Tisch for his consideration.

AIR SUPPORT FOR ARMY MANEUVER FORCES

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DENNY SMITH. Mr. Speaker, one of the most pressing problems facing military strategists today is that of providing air support for ground forces. Weapon systems produced to address this problem have at times been ineffective, or extremely costly, or both. In times of growing concern over rising deficits and military efficiency, there is an increased need for an effective system of air support that is not prohibitively expensive.

Today I would like to introduce into the CONGRESSIONAL RECORD an article recently published by Mr. Chuck Myers, a former Direc-

tor of Air Warfare at the Department of Defense. Mr. Myers has extensive knowledge of defense system evaluation and is uniquely qualified to assess the methods of protecting our combat troops. His article, "Air Support for Army Maneuver Forces," clearly outlines a system for close air support that is feasible, effective, and cost efficient. Anyone who deals with defense issues will find Chuck's insights invaluable.

[From Armed Forces Journal International, March 1987]

AIR SUPPORT FOR ARMY MANEUVER FORCES

(By C.E. Myers, Jr.)

The Army's proposed budgets for Fiscal Years 1988-1989 include $799 million for research and development money for a new light helicopter experimental (LHX) and $573 million for a new Forward Area Air Defense System (FAADS), which wags call "son of DIVAD." That $1.4 billion is just a downpayment on two still relatively undefined systems that the Army estimates will eventually cost $50 to $60 billion. In addition, the Army last fall solicited proposals for a separate, new helicopter—or fixed-wing aircraft—optimized for antihelicopter air-to-air combat, the Advanced Counter-Air Fighter Aircraft (ACAF) system. (That's a role skeptics say LHX's scout/attack version can't fill because of the relatively low speed the Army has specified for it.)

Instead of spending $50- to $80-billion on these three systems, the Army and Congress should look at a new option: the "Mud Fighter," a single system that could perform most missions of all three at one-fourth the cost of LHX, FAADS, and ACAF.

The turbulence, agony, and expenditures associated with the Army's effort to provide airborne fire support for and air defense of its maneuver forces suggests one or all of the following possibilities:

The problem is mysterious;

The problem is new and unique;

In-hand technology is lacking;

There is no operational experience base; and/or

Options to solve the problems are bureaucratically constrained.

Tactical air power is supposedly an effective source of timely firepower augmentation for maneuver forces—at least it has been on some occasions. Once upon a time, the same pilots and aircraft simultaneously provided fire support and counterair. An example was the Army Air Corps' barrier to German Army attacks against General Patton's right flank as he raced through France. In today's DoD language, the pilots of those P-47s and P-51s were performing close air support (CAS), battlefield air interdiction (BAI), and counterair in direct support of an important ground action. Then, as now, CAS and BAI were coordinated with the ground commander's scheme of maneuver. The difference between CAS and BAI was and is the doctrinal and commonsense requirement for a forward air controller (FAC) to clear pilots to release ordnance or fire their guns in close proximity to friendly troops or vehicles. The FAC was and is usually a pilot serving a tour as an air liaison officer with ground forces. This effective arrangement is the product of the insight and tactical understanding of two pragmatic generals, namely Omar Bradley and Elwood "Pete" Quesada.

Today, all three missions could be performed by organic Army aviation units. Further, there is evidence that they could be performed more effectively in 1995 than in the past and for one-third the cost of the Army's proposed LHX and FAADS.

Since the Key West Agreement of 1948, there have been more studies of how to provide ground forces effective air support and forward area air defense than there have been studies of how to distribute wealth equitably through income tax reform—and with equally dismal results. Some insight into the mission need may be gained by asking an Army or Marine Corps infantry company commander what he wants and his order of preference for fire support.

He will say: (1) he wants it when he asks for it, and he doesn't want it when he hasn't asked for it; (2) he wants it where he wants it; (3) he wants it to kill or suppress the enemy; and (4) he does not want it to injure his troops. His order of preference for fire support, according to a panel of about 15 combat veterans, is:

(1) Organic (from own resources),

(2) Artillery,

(3) Naval gun fire, and

(4) Aviation: organic (armed helicopters) or remote (tactical air's "fast movers").

How does he feel about air defense for his infantry forces? First, his experience of being attacked by airplanes has been limited to being bombed and strafed by "friendly" air forces (not as uncommon as one might expect). Generally, the damage done by bombing and strafing against his troops was not heavy, particularly if they were dug in. Attacks against his vehicles were much more serious. He would prefer not to be attacked by any aircraft, although he recognizes that other ground forces seem to endure air attacks and fight successfully in spite of them. He suggests that, compared to enemy artillery and armor, air attacks aren't so bad. He says he needs all the firepower he can get and would not, if given a choice, trade ground combat power and supplies for specialized air defense systems which include men who eat, drink water, and bleed, but contribute little in a fight. He'd prefer not to be harassed by either air force, but recognizes that he may have to endure attacks with or without the presence of dedicated air defense hardware.

How do tactical fighter pilots feel about air defense of forward-deployed ground forces? There is a consensus which states that the most important characteristic of an air defense system is the degree to which it is proliferated. For instance, the 11,000 small-caliber guns of a Soviet motorized rifle division are seen as a much more worrisome threat than the 16 sparsely distributed quad 23 mm radar-directed, selfpropelled air defense systems. This view should have some influence on the Army regarding air defense for maneuver forces. Pilots of attack aircraft, polled as to which air defense element is the most threatening, replied: enemy fighter/interceptors. Their reasons for concern included the potential omnipresence of that threat and enemy fighter presistence once contact is made. When dealing with ground-based air defenses, attack pilots can dictate their exposure duration; this is not the case with enemy fighters, which are unlikely to disengage until they are low on fuel or interrupted by opposing fighters.

The Air Force's existing A-10 force, which will evaporate before the year 2000, constitutes the best close air support capability in the world (in spite of the fact that the airplane is three times larger than it should be and exhibits sluggish combat maneuvering performance). The legacy of the A-10 program is:

A cadre of pilots who appreciate the ground commander's environment and problems and are good at their trade;

A highly reliable anti-armor gun; and

A hundred million rounds of depleted-uranium 30 mm ammunition which, in live-fire test flown by A-10 pilots, has killed hundreds of combat-configured tanks.

The challenge for DoD leadership is to channel this legacy into a form which can be fully exploited for support of Army ground maneuver forces. Many tactical air advocates cling to the hope that USAF will eventually recognize the importance of the CAS mission and create a dedicated airplane to replace the A-10. But, contrary to rhetoric, USAF financial and force plans portray a declining interest in direct support of ground combat forces. Air Force historical and doctrinal interests have, since 1945, been heavily oriented to nuclear strike and conventional bombing, a "win the war from the air" doctrine which has emphasized all-weather nuclear strike, airfield attack, and deep interdiction.

Meanwhile, the Army is performing close air support with a large force to attack helicopters. Unfortunately, because of constraints which evolved from the 1948 Key West Agreement, or DoD "pie cutting," the Army has been constrained from using optimal aircraft and has referred to the activity as "aerial fire support." Officers who experimented with armed helicopters at Ft. Rucker, AL, in 1958 were doing the best they could in response to the need for "organic," mobile fire support. If they had been offered a thousand A-1 Skyraiders, they would have enthusiastically extracted the most from them and may have created a base force of appropriate CAS aircraft.

Now the Army is struggling to cope with an emerging air-to-air threat in the terrain flight environment (between the mud and 300 feet). The need for a low-altitude, battlefield air-to-air capability evolves from visions of encounters with enemy helicopters and fighter aircraft. The Army perspective rightfully includes the need to cope with enemy combat helicopters and other aircraft which may interfere with air and ground maneuver operations. Given likely budgets, it may be impractical to equip all divisions with sufficient firepower and air defense assets to cope with peak battle requirements.

An attractive alternative would be a system which can be time-shared as needs shift across an Army corps sector.

One analysis of battle requirements, coupled with the preliminary design exercise, yields an organic Terrain Environment Counter-Air and Anti-Armor System (TECAAS) which provides and affordable and cost-effective, single-pilot aircraft to exploit the potential of air-mobile and ground maneuver forces. Studies suggest the following mission-essential criteria, with priority given to the anti-armor task.

MISSION-ESSENTIAL CRITERIA

Pilot expertise and dedication to the mission;

Communication and understanding between pilots and troops;

Basing that maximizes connectivity and minimizes C^2 burden;

Tactics that minimize susceptibility to IR/radar air defenses;

Aircraft size that minimizes detection and P_h (probability of hit) from barrage fire;

Aircraft propulsion configuration that minimizes IR signature;

Extraordinary agility (high thrust-to-weight ratio, low wing-loading, high roll rate);

Good slow-speed maneuver and flying qualities (100 kts);

Aircraft that can sustain combat maneuver without loss of energy;

Aircraft with quick re-attack capability;

Maximum speed (400 kts) to provide rapid transit to battle area;

Excellent cockpit visibility (forward, side, aft, down);

Minimum vulnerability to small arms (7.63 through 14.5 mm);

Cockpit armor (forward/below and side);

Pilot escape for nap-of-earth flight;

Good crash survivability for pilot;

Battle damage repairable structure;

System fully supportable from forward-located grass fields;

Aircraft footprint compatible with grass field operations;

Take-off and landing distance less than 1,000 ft.;

Weapons employment that do not inhibit employment of best tactics;

Weapons effective at eyeball target identification range;

Acceptable weapons impact pattern (no gross errors);

Anti-armor weapons with war-relevant inventory;

Weapons with proven antitank kill capability;

Weapon cost low enough to permit liberal use in training;

Squadron-size units moveable to 5-ton trucks;

System cost low enough to buy large inventories (including combat replacements).

An initial conceptual design exercise for an aircraft/weapon mix which could satisfy the mission-essential criteria for TECAAS compared the following options: helicopter, tilt-rotor, fixed-wing turbojet, and fixed-wing turboprop. Vectored thrust (ála AV-8) was eliminated in early screening due to cost, fuel consumption, and vulnerability. The fixed-wing configurations showed advantages in ability to shift attacks from one location to another because of high cruise speed (350+ kts), forward-base maintainability, reliability, aero-agility, life-cycle cost, IR signature, vulnerability to small-caliber guns, offensive air combat maneuver and kill, initial and proficiency training burden, pilot escape, peacetime flying safety, and rapid worldwide deployment. The virtues of helicopters and tilt-rotors were: take-off and landing distance, slow-speed flight capability for night attack, and the pop-up and look tactic for scouting.

Among fixed-wing options, the turboprop (particularly with modern propeller technology) dominated by a wide margin because of advantages in low fuel consumption, which translates into increased mission time and/or reduced logistics burden, acceleration, deceleration, rate of climb, take-off and landing distance, and air combat capability against helicopters compared to turbofanjet and turbojet aircraft.

Industrial designers came to the same conclusions during the 1966 A-X predesign exercise. These results were, however, dismissed by Air Force decree. A lot has happened in the propulsion area during the past 20 years. It is no longer a sign of obsolescence to display a propeller, especially if it is called an unducted fan, which Boeing, McDonnell Douglas, and Airbus Industries hail as the engine of the 1990s.

TECAAS would evolve as a very small (under 8,000-lb gross take-off weight), modern, unducted-fan, fixed-wing, single-seat aircraft constructed around a reduced-size version of the GAU-8 30 mm antiarmor cannon. It would benefit from the inventory of ammunition purchased for the A-10. Modern turboprop and materials technologies could combine with an existing weapon to yield Mud Fighters which, in the hands of dedicated pilots who live and fight in the terrain environment, could defeat anything on the future battlefield, including the most advanced tanks. Mud Fighter performance and lethality, in the hands of experts, would be more than a match for any imagined helicopter or jet fighter flown by pilots foolish enough to challenge such aviators in the battlefield terrain flight environment. Costing less than $4-million each, the Army could field a war-relevant force of thousands—with a back-up force of equal depth to be held in a war reserve, three-day-storage status. For less than the projected cost of LHX, FAADS, and ACAF, the Army could have it all: Mud Fighters, appropriate light helicopters, and proliferated air defense weapons.

The potential to simultaneously reduce out-year budget requirements while substantially improving the conventional warfighting capability of ground forces warrants a DoD-sponsored industrial design exercise followed by competitive prototyping and concept evaluation. The amount recently allocated just for LHX, an unproven and not fully defined concept, would be more than enough to fund a TECAAS exercise, including construction and testing of competitive prototypes.

Why is it so easy? Because it does not challenge technology. It is a case of utilizing in-hand technology to create a very simple flying machine which exploits a well-proven weapon in a form that is easily employed by high school graduates.

There is a precedent: the last time we put a lot of points on the board, in 1944, we coupled off-the-shelf technology with off-the-shelf people flying P-47s and P-51s to support Army maneuver forces.

THE 70TH ANNIVERSARY OF THE WOODHAVEN COUNCIL OF THE KNIGHTS OF COLUMBUS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ACKERMAN. Mr. Speaker, 70 years ago, a group of men gathered together in Woodhaven, Queens County, NY, in order to start a new branch of a respected service organization. Thus, people dedicated to the principle of charity and sharing added another chapter to the Knights of Columbus. Now, the Woodhaven Council is preparing to celebrate its 70th anniversary, as its members reflect upon the tremendous efforts and the countless contributions they have made to the community.

Through the years, these Knights of Columbus have actively supported many civic activities, including the Woodhaven-Richmond Hill Ambulance Corps, local Boy Scout and Girl Scout troops, and other community organizations. These selfless people have also delivered baskets of food to needy families in the Woodhaven area at the Christmas season.

Through good times and bad, the Woodhaven Knights have carried on the tradition of helping those in need. For example, several years ago, in a joint effort with other local organizations, the Knights were able to raise $5,000 to help defray the costs of a liver transplant for a young neighborhood boy.

Leading the Woodhaven Council is the grand knight, Richard Buyokas, who has served in that post since July 1986. He is aided by the deputy grand knight, Lawrence Wollney. Together, these leaders and their board of officers have made a tremendous difference in their community by caring about their neighbors. Their hard work and dedication truly reflect the spirit of the Knights of Columbus.

Mr. Speaker, I call now on all my colleagues in the U.S. House of Representatives to join me in congratulating all the past and present members of the Woodhaven Council of the Knights of Columbus as they celebrate their 70th anniversary, and in extending our best wishes for the next 70 years.

A BEAUTIFUL ROSE BLOOMS ANEW IN UPSTATE NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KEMP. Mr. Speaker, On May 2, 1987, Rose Hill Mansion will receive the national historical landmark certificate and plaque from the U.S. Department of the Interior, National Park Service. The elegant country estate of Rose Hill sits majestically on the shore of Seneca Lake and reflects the social and cultural environment that prevailed in Geneva during the 1840's and provides visitors with a rare view of early 19th century America.

The property was named for Robert S. Rose, a Virginian who emigrated to central New York in 1802. This farmer and lawyer became a member of the New York State Assembly and then a Member of Congress between 1823-27. Rose founded the New York State Agricultural Society in 1832. William Kerley Strong bought the Rose Farm and built the Rose Hill Mansion in high Greek revival style. It was completed in 1839 in time for President Martin Van Buren to make a special visit along with Strong's long-time friend, Secretary of State William H. Seward.

In 1850 the farm and mansion passed to Robert J. Swan who became a master farmer in New York State. His grandson, Waldo Hutchins, made possible the restoration of Rose Hill which began in 1965 as a memorial to his mother, Agnes Swan Hutchins. The restoration was supervised and directed by Merrill Roenke, Jr. Decorated with graceful wood and plaster moldings, Rose Hill is furnished in the empire style popular during the Greek revival period. Rose Hill is owned and administered by the Geneva Historical Society.

I am extremely proud of this architectural gem, and proud that I was able to assist in its designation as a national historical landmark. I encourage my colleagues and all visitors to the Finger Lakes to visit Rose Hill, one of

America's finest examples of Greek revival architecture.

DESTROYING THE MYTHS SURROUNDING PERSONS WITH A CANCER HISTORY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, the American Cancer Society reports that one out of every four persons in this Nation with a cancer history face discrimination and prejudice in the workplace. This tragic injustice takes many forms, yet it is almost always based on the irrational myths, misconceptions, and prejudice our society has toward the disease itself—cancer.

Merely saying aloud the word "cancer" evokes fear in the hearts and minds of many. Yet has anyone stopped to think that one out of every two persons diagnosed today as having cancer will be cured? Has anyone recognized that by 1990, 1 out of every 1,000 children reaching the age of 20 will be childhood survivors of this disease? Tragically, our society is not advanced or enlightened in this area, and the result is the widespread unfair employment practices that now exist for those with cancer, or a cancer history. Our Nation can no longer afford to sit back and permit employment discrimination against persons simply because they were unfortunate to have once had cancer, and lucky enough to have conquered it.

However, it is my hope that our society is growing more enlightened each day. I was very heartened by the recent Supreme Court decision in the School Board of Nassau County versus Arline Case. The majority wrote that handicapped individuals may not be denied jobs or other benefits because of the prejudiced attitudes or ignorance of others. Such a belief must not only apply to those who are handicapped, but those with other health conditions as well.

In writing for the majority, Justice William J. Brennan, Jr., wrote:

> Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment.

Unfortunately, most persons with cancer do not suffer from actual physical limitations as a result of the disease, but continue to be victimized and stigmatized by our society. It is time for us here in Congress to take action once again and ensure that persons with a cancer history are free from discrimination in the workplace, especially when that discrimination is a direct result of public ignorance about the disease.

I have introduced legislation, H.R. 1546, to outlaw employment discrimination against persons on the basis of cancer history. I ask each of my colleagues to give this legislation careful attention and consideration. In the past, Congress has taken that firm step toward preventing discrimination against all persons. It is now time to take that step again and ensure equal rights and equal protections for the millions of Americans in this Nation with a cancer history. Unless we enact H.R. 1546, we will simply permit, and may even encourage, unjust treatment and unfair employment practices against those with a cancer history.

TRIBUTE TO RICHARD WEAVER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I rise today to recognize a gentleman who has used his expertise for the betterment of the community. Mr. Richard Weaver has served as the director of planning and development for the city of Santa Fe Springs, CA, for 30 years. In order to recognize Mr. Weaver's accomplishments, the Santa Fe Springs, CA, Chamber of Commerce has named him the 1987 Business/Professional Citizen of the Year.

As the first director of planning and development, Mr. Weaver has served the city council and the city manager. He has been involved in virtually every development within the city. The Flood Ranch and Heritage Corporate Center developments are two of his most notable accomplishments.

Prior to working for the city, Mr. Weaver worked as the director of planning in Baldwin Park. He also served on the Long Beach planning staff as well as the Los Angeles County Regional Planning Commission.

Mr. Weaver holds a bachelor of arts degree in sociology and planning from the University of Texas. In addition, he has a masters degree in public administration from the University of Southern California.

He is an active member of the American Institute of Certified Planners. He is also a present and past board member of the California Planners Foundation. Mr. Weaver is the president and a board member of the League of California Cities.

With Mr. Weaver's distinguished career in mind, it comes as no surprise that he is the recipient of such a prestigious award.

A FAIR CHANCE FOR ALL CHILDREN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. CLAY. Mr. Speaker, recently, the National Association of Social Workers met at Oakwood College in Huntsville, AL, in conjunction with National Social Work Month. The theme of this conference was "Children in Poverty: Is a Fair Chance Too Much to Ask?" I was very pleased to read the outstanding address given at the conference by the Honorable Clarence E. Hodges, Deputy Assistant Secretary, U.S. Department of State. I am happy to take this opportunity to share Mr. Hodges' remarks with my colleagues.

A FAIR CHANCE FOR ALL CHILDREN

(By Clarence E. Hodges)

I am pleased that the National Association of Social Workers chose as the theme for National Social Work Month, "Children in Poverty: Is a Fair Chance Too Much to Ask?"

A Black male born today has a life expectancy of 66 years. A white female born today has a life expectancy of 79 years. A national literacy study has revealed that the average Black teenager is five times more likely to be functionally illiterate than the average white teenager. The average income of a Black college graduate is equal to that of the average white high school graduate. For every five Black women eligible for marriage, there is only one eligible Black male. Problems of drug abuse, homicide, and AIDs are killing Blacks at a much higher rate than the general population. Black teenage girls are six times more likely to give birth out of wedlock than whites. There are more Black males in prison than in college. This is not true for any other group—only Black males.

I have come here to say there is something rotten; there's something stinking in a society that allows these inequities to abound in the midst of affluence and wealth.

I have come here to say there is something rotten; there is something stinking in our political system, in our state legislatures, in our governors mansions, in the halls of Congress and at the White House where these kinds of inequities have produced a welfare system that rewards weaknesses in individuals and penalizes human strengths. There is something rotten; I declare unto you, my friends, there is something stinking and if nobody else does, you and I must seek to expose it and root it out! A fair chance for all our children is not too much to ask.

Any political system that can have 100 members in the United States Senate and not a single Black is defective. And when that same Senate exempts itself from equal employment opportunity laws, there is something rotten and that body cannot reasonably be expected to solve the problems of inequity while it symbolizes gross inequities.

But I cannot stop there. If the perpetrators of social problems do not solve those problems, the victims of these social problems must join hands and resources and stand up against those forces that would deny our children a fair chance. The Black leadership of this country from religion, from civil rights organizations, from academia, from politics, the professions, especially social workers, from business, the entertainment and sports industries with ordinary people of good will, can join together and turn the tide against drug abuse, illicit sex, the breakup of family, irresponsible parent-hood, meaningless violence, inferior education, and racial discrimination in housing, education, employment, and politics. The determination of Booker T. Washington, the courage of Winnie Mandella, the vision of Martin Luther King, Jr. and the love of Corretta Scott King should daily reassure us that we can, we can, Oh yes we can overcome!

We've heard much about the efforts of Mr. Gorbachev to turn the economy around in the Soviet Union. I've been there and I've seen what the absence of competition produces—mediocrity. I've seen more hope in the eyes of freedom fighters in poor Nicara-

gua and Soweto than in the faces of those who have no hope of change behind the iron curtain. If Gorbachev can turn that big bear around against much opposition and if young Blacks can smile at the military might of South Africa and envision the day when the rough places shall be made smooth, the crooked shall be straightened and the oppressed shall be free then we can acknowledge the full value of all children—all human beings—fight tirelessly for a fair chance for all.

WHAT CAN WE DO?

Education is a key. We must stress the value of education from the pulpit to the pool hall. We must find resources to give scholarships that will inspire and build self-esteem. Every Black church in the United States can give at least one scholarship for at least $100. Every social club, every block unit, every home demonstration or home-making club, every Black business from beauty shops to liquor stores, every Black union, every bowling league or softball team, and even student associations can give scholarships to encourage and inspire youth on the fringes to get back in the game of life and go for the gold: The money will be important but more important than the amount will be the self-esteem generated in that young mind which is tempted to give up because nobody seems to care. Teachers who inspire confidence and self-esteem must be recognized and rewarded. Those who destroy self-esteem must be replaced. The building of self-esteem is more important than dispensing information. We must keep and strengthen all our Black colleges.

Jobs are essential for youth and adults. If the youth are helped to master the realities and difficulties of the world of work at an early age, they will be better prepared to secure and keep jobs as adults. Those who can must give jobs to aspiring youth if only part-time or even if they don't pay well. And for all those who finish high school, junior college or above, there must be tireless efforts to let them know of every possible job opportunity. They must be coached and prepared for interviews. We must show those in school that it pays to stay in school. They must see consistent success stories of education and hard work paying off. Every organization named above along with individuals who have jobs, and individuals who are retired can effectively join in this effort. We need to promote a philosophy that encourages the taking of less desirable jobs until more desirable jobs are available. We must communicate to all that movement in the right direction is more important than one's present location whether professionally, economically, or politically. It is not necessary to start at the top as long as you have opportunities to move toward the top.

Family is important. When others give up on your family members, it is up to you to help rebuild their self-esteem. Families can show love to those family members who don't deserve love. Families know the strengths as well as weaknesses of members and can emphasize one's strengths in order to build his or her confidence and success. Harsh words, the silent treatment, physical punishment, reminding of past mistakes, doubts about one's ability and intentions are counterproductive. Warmth and reassuring positive attitudes and statements make family members successful at home, in school, and on the job. Worse than the nuclear melt-down at Chernobyl is the family melt-down in Black America. We need a massive and comprehensive rescue program that will involve every Black institution and resource.

There are many other importrant aspects from extended family to church, school, and community organizations, and every group that supports the development of youth. Tutoring and help with homework can take place in non-traditional places. Communities can learn to stick together on these support issues just as communities cooperate in crime-watch programs. The two-party political system must be used for all benefits available in both political parties. Split-ticket voting, rewarding friends and punishing the opposition, going for the top, and making campaign contributions must become active aspects of our political philosphies and actions.

THE HOW

If the Egyptians could build the pyramid without our modern technology, we can build a human support pyramid with our modern technology. The pyramid concept or "chain letter" method can be used for involving the masses in saving the masses. One group (or individual) can start the ball rolling by adopting a human development project such as scholarships, job watches and referrals, big brother type programs, etcetera and then ask two or more other groups to do something similar, with each doing and then asking some others to do likewise. Theoretically the desired population can be reached with pyramid chains of commitment and problems can be solved. Start a project and ask at least two other groups to start projects that include asking at least two other groups to start projects that include them asking at least two more groups to start projects after which they are to ask at least two other groups and on and on and on and on. National organizations could monitor, promote generally, and reward successes.

There are 100 reasons not to act in a linking pyramid fashion. Excuses are readily available. It's easy to serve as an island. But full commitment, as opposed to partial commitment, demands comprehensive cooperative efforts that can make permanent gains for the masses. Let's join hands together and give all children a fair chance.

DR. JACK PARTIN IS RETIRING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues, the retirement of Dr. Jack Partin, assistant superintendent, Educational Services, Ventura Unified School District.

Dr. Partin is a highly respected educator who has had a significant impact on the educational programs that have been offered to this community's students. Throughout his tenure Dr. Partin has been recognized for his commitment to students, innovativeness and leadership. Needless to say, Jack will be missed.

Jackson L. Patin received his education at Whitman College, receiving a B.A. and M.A. in teaching in 1951. He also received his Ed.D from the University of Southern California in 1969. He was awarded a General Administration Life Diploma, Secondary School Administration Life Diploma, General Secondary Life Diploma and General Elementary Life Diploma.

Dr. Partin began his teaching career in 1951 at Carmichael Junior High School, Richland, Washington, going from there to Walla Walla High School, Walla Walla WA; Franklin High School, Stockton, CA; De Anza Junior High School, Ventura CA, becoming assistant principal of that school in 1961; principal of Cabrillo Junior High School, Ventura in 1966; principal of Ventura High School in 1977; and, from 1974 to the present, he has served as assistant superintendent, Educational Services, Ventura Unified School District.

Dr. Partin has been associated with many educational and civic organizations including: Ventura Administrators Association, Phi Delta Kappa, Association of Supervision and Curriculum Development, National Association of Secondary School Principals, Association of California School Administrators and Ventura Downtown Lions Club.

The Partin family includes Jack, his wife Lorraine, and children Cheryl, Randall, Bradley and Melanie. I ask that you join me in offering best wishes for a very happy retirement to Dr. Partin and his wife.

OSTEOPOROSIS: THE SILENT THIEF

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Ms. SNOWE. Mr. Speaker, on March 27, 1987 I sponsored an osteoporosis briefing for congressional members and staff in conjunction with the National Osteoporosis Foundation. Dr. William A. Peck, founding president of the National Osteoporosis Foundation and a leading authority in this disease, presented information on the causes, effects, and treatments for osteoporosis.

Osteoporosis means, literally, "porous bone." It afflicts an estimated 24 million Americans, mostly women. About 25 percent of women will develop osteoporosis. This disfiguring and debilitating disease affects half the women in the United States over 45 years of age and 90 percent of women over 75. Osteoporosis is the major underlying cause of bone fractures in postmenopausal women and older persons in general. The causes of osteoporosis are not known and treatment remains controversial. As a consequence, experts agree that prevention is essential to decreasing the prevalence of osteoporosis in our country.

Known as "the silent thief," osteoporosis robs the skeleton of its resources—often for decades—until the bones are so weak that they cannot withstand normal stress. Osteoporosis is the most common skeletal disorder in the world and is second only to arthritis as a leading cause of musculoskeletal morbidity in the elderly. While everyone loses bone tissue with age, postmenopausal white women are at greatest risk of the disease particularly if they are slender, have a family history of osteoporosis, or have a history of low calcium intake, inadequate physical activity, excessive smoking, or heavy alcohol use.

In general, women have a smaller skeleton and smaller reserve of bone mass than men so that with earlier onset, the effects of this disease can be devastating. In fact, by the time a woman with osteoporosis reaches her 80's, she can have lost up to two-thirds of her bone mass. Indeed, osteoporosis poses an enormous threat to public health and has been estimated to cost between $7 and $10 billion a year.

While the effects of osteoporosis are generally felt in the later years, prevention has lifelong dimensions. In the earlier years, adolescents need increased calcium intake to produce heavier and denser bones to prevent later fractures. In the middle years, especially during menopause, diet, exercise, and in some cases, medication can slow the loss of bone mass. During the later years, when the risk of falls and fractures increases, prevention takes the form of removing environmental hazards that may lead to falls.

Falls are the leading cause of accidental death in those over age 65. According to researchers at a National Institutes of Health workshop held in February 1987, early detection and treatment of osteoporosis could prevent some of the more than 210,000 hip fractures that occur each year in the United States. Hip fractures are associated with more deaths, disability, and medical costs than all other osteoporotic fractures combined.

Several issues were highlighted at the osteoporosis briefing in March. First, the critical need for research on bone disorders, especially osteoporosis. Second, the existing controversy over the types of treatment that are most beneficial and the risks associated with the treatment. Third, the lack of Medicare reimbursement for some tests which measure bone loss. And, finally, the recognition that the rising costs in this country from fractures due to osteoporosis could be curbed by prevention.

It is for this latter reason that I introduced H.J. Res. 127, "National Osteoporosis Prevention Week," in February. By designating the week of Mother's Day, May 10 through May 16, 1987, as "National Osteoporosis Prevention Week," we in Congress can provide the leadership to develop a national recognition of the importance of prevention in dealing with osteoporosis. I urge you to join me in cosponsoring this important commemorative.

TOM SQUITIERI HONORED FOR SERIES ON CAMBODIAN REFUGEES

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ATKINS. Mr. Speaker, the American involvement in the war in Southeast Asia ended 12 years ago this month, but its legacy is still with us—in the American families who still don't know the fate of the unaccounted for M.I.A's, in the continuing tensions in that part of the world, and in the thousands of refugee families, many of whom are still divided. It is not a happy story, but it is one that is important for us to recognize and above all, remember.

Last fall, Tom Squitieri of the Lowell Sun wrote a series of articles about the problems of the refugee community in Lowell, MA, and in the border camps. The remarkable series, titled "No Refuge: Broken Lowell Families on the Border of Despair of Thailand," explores the trauma and agony not only of those families living on the edge of despair in Thai refugee camps but also their relatives who have made it to the United States and wish desperately to be reunited with their families. The pain of separation from their homeland is doubled by the additional pain of separation from their families.

On April 22, the Overseas Press Club will honor Tom Squitieri with the Madeline Dane Ross Award for the foreign correspondent in any medium showing a concern for the human condition. Tom's work demonstrates that journalism's reportorial and moral zeal can be the very best way to illuminate public affairs. What particularly makes this a great achievement isn't Tom's writing, which is talented, or his thinking, which is insightful, but the combination of two other qualities—thorough reporting and humanity. The Lowell Sun is a relatively small paper, but their commitment to this important issue and to their community has proven award winning. Both Tom and the Sun have made efforts worthy of recognition, and I'm pleased that the Overseas Press Club has chosen this important body of work to honor.

SPEAKER WRIGHT ADDRESSES SOVIET PEOPLE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HOWARD. Mr. Speaker, I was privileged and honored this past week to join you on an historic congressional leadership delegation visit to the Soviet Union.

Throughout the trip we were very mindful of the fact that as Members of Congress we are legislators and not negotiators. However, with you as the chief spokesman, I feel we accomplished a great deal to further the cause of peace and brotherhood between the people of the Soviet Union and the United States.

You were offered the opportunity to address the Soviet nation on television April 18. This was further evidence of the desire of Mikhail Gorbachev to improve relations with the United States and open avenues of communication to his own people.

Your stirring words were a testament to the power of speech and diplomacy to reach the hearts of individual citizens and thus make a difference in world peace. I would like to include your remarks in the RECORD so that our colleagues will also have the opportunity to read and benefit by them.

REMARKS OF HON. JIM WRIGHT, SPEAKER, U.S. HOUSE OF REPRESENTATIVES, ON SOVIET TELEVISION, APRIL 18, 1987

My fellow citizens:

You may think it strange that I address you as "fellow citizens." I am a citizen of the U.S.A., after all. And you are citizens of the U.S.S.R.

But there is a sense in which we are fellow citizens. We are citizens of the world. And the world is becoming a much smaller place. Science and technology have shrunk the planet earth. It took Christopher Columbus 56 days to cross the Atlantic Ocean. I covered the same distance last week in six hours.

To express this fact in the most dangerous way, my home town in Texas is only 40 minutes away by Soviet Intercontinental missiles from Vladivostok. And so, in that sense, you and I do live in the same neighborhood.

We can make it a less dangerous neighborhood. If combustible explosives were stored near our houses, yours and mine, or if ravening wolves were let loose in our children's playground—or if deadly poisons were left lying around within the reach of our infants, you and I would want to do something about it, wouldn't we?

We'd get together and insist, for the benefit of our families, that those hazards be removed and safety precautions be taken.

Well, that in a way, is what your government and our government are trying to do in our nuclear arms reduction talks which have been underway in Moscow this past week.

And that is what I am doing in Moscow. My name is Jim Wright. I am the Speaker of the U.S. House of Representatives. I am here, along with twenty lawmakers of my country, at the invitation of your Secretary General Mikhail Gorbachev. We have met with Mr. Gorbachev and other members of your government.

These Soviet leaders have answered our questions with candor and honesty, as we have tried to answer theirs.

We have been impressed by the sincerity of Mr. Gorbachev, by his desire to turn over a new leaf in the book of our relationship, and by his commitments to a better world for all of us and for our children—Soviet children and American children—innocent victims of the hostility and fear which we, their parents, unconsciously pass on to them.

Surely it is time for a new beginning in international relationships. Many centuries ago, an ancient Greek named Aristophanes walked among the ruins of the once-beautiful Greek temples destroyed in the Peloponesian Wars. Out of the anguish of his soul for the senseless loss of his fellow citizens and of the treasures of his homeland, Aristophanes uttered this prayer:

"From the murmur and subtlety of suspicion
With which we vex one another,
Give us rest;
Make a new beginning
And mingle again the kindred of the nations
In the alchemy of love;
And with some finer essense of forebearance
Temper our minds."

We have a great deal in common, citizens of the Soviet Union and of America. Both of our countries were born in revolution. Both continue to strive—in different ways—to achieve a better life for our people. Our two great countries have never been at war against each other. We strove together to overcome the wicked Nazi tyranny in the Great Patriotic War—in which I was then a young lieutenant flying combat missions in a Liberator bomber.

On Wednesday morning my colleagues and I visited the burial places of the heroes of your country, and I laid a wreath in the early mist of an April morning at the Tomb of the Unknown Soviet Soldier. It came to my mind that 20,000,000 of Russia's finest young people—in the bloom of their youth,

with futures before them—gave up their lives that this country of yours might live. Just so, classmates and beloved friends of mine perished in that war. I looked upon the faces of the handsome young Russian guards who keep watch at that sacred place, and I thought what a tragic loss if men and women of my generation should fail the generation of these younger people and their hopes for peace and a better life.

You see, I am the presiding officer of our U.S. House of Representatives. We are the ones who must levy the taxes and appropriate the money for everything our government does. We have just last week concluded our annual budget process for the American nation, and I am convinced that there is something tragically wrong in both of our countries.

This year the United States will spend almost $300 billion—that's equal to about $200 billion rubles—on machines of destruction and unproductive implements of military power. Your country will spend a similar amount on the same things. What waste that is for both of us—when human wants go unmet and legitimate needs unfulfilled in both our countries.

There are young people in our country who will not get to go to college because we have spent so much on weapons and have not left enough for student loans and grants.

In both of our countries, there are hospitals that will not be built—medical research that will not be undertaken—lives that will not be saved—because we each must spend so much on military power. And much of that bill—in our country at least—we are sending to our children and our grandchildren.

Every day this year 40,000 people die somewhere in the world of hunger and malnutrition. And every day the nations of the world will spend $2.5 billion—much more than enough to feed and clothe them—on weapons and wasteful means of destruction.

Just think: the cost of one submarine would build 125,000 modern flats for 125,000 families—a city the size of Tula.

Our former American President Dwight D. Eisenhower, who was Commander-in-Chief of Allied Western forces in World War II, looked back upon the waste of war and said:

"Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone, it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

And so my colleagues and I have journeyed to Moscow in this season which some of us regard as holy since it commemorates the life of one who taught that the noblest work of man is to feed the hungry and clothe the naked and care for the sick and the unfortunate.

We have come to seek, along with the leaders of your great country, a new beginning. We have different economic systems, but that should not prevent us working together.

From the beginning of time, people have found it easy to work together when they have a common purpose or a common enemy.

Today, the nations of the world hold 60,000 nuclear warheads with a total destructive capacity one millions times greater than the bomb that destroyed Hiroshima. Between us, our two nations, we hold enough destructive power to end civilization itself.

In these circumstances, it seems to me that we do have a common enemy—and the enemy is war itself. We have a common purpose, and the common purpose is peace.

As a token of our friendship, I'd like to send you a little personal gift. It has no great material value, but I would like to send you a little remembrance as a sentimental expression of our will to work together.

Here is my address—Jim Wright, The Capitol, Washington, D.C., U.S.A.

If you will write me a little note and tell me that you saw this program, I would like to send you one of these little pins that I am wearing in my lapel. It contains small replicas of the flags of our two nations flying side by side.

If you will write a note to me at this address, I'll be glad to send you this little emblem with my personal best wishes.

I know that you of my generation love your children just as I love mine. You of both older and younger generations love your country just as I love mine.

And so I offer this wish for your children and for my children—and for their children: may they live in peace.

UPCOMING ELECTIONS IN MALTA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORNAN of California. Mr. Speaker, while visiting the Mediterranean island of Malta, I emphasized the importance of political stability to my hosts in order that they might create a sound investment climate and general prosperity. I also took the opportunity to underscore to them my belief that free and open elections will be an important aspect of America's economic cooperation with Malta.

Malta is now on the eve of elections, Mr. Speaker which will determine the island's future for the next 5 years. The last election was controversial because the Nationalist Party received 51 percent of the popular vote. Yet in spite of the island's system or proportional representation, the incumbent Socialist Party grabbed a three-seat majority in the 65-member parliament. Since that election there has been precious little political stability in Malta.

I am particularly concerned, Mr. Speaker, about the close relationship between the Government of Libya and the Government of Malta. In fact, in 1984 the two countries signed a treaty of friendship and cooperation. Early in 1986, the Maltese Government twice called an emergency meeting of the United Nations Security Council to protest American actions against the Qadhafi dictatorship. Maltese Prime Minister Bonnici boasted to the New York Times that he gave advance warning to Qadhafi about the April 15, 1986, United States retaliatory strike on Libya.

Americans reject these actions by the Maltese Government. We had hoped that this government would work together with the Western World in ridding the world of terrorism. Yet, Malta's foreign policy toward Libya reflects the imposition of a pro-Libyan tilt by the island's Socialist government leaders. The Maltese Government's pro-Libyan policies do not coincide with the interests of the Maltese people themselves. The Maltese are culturally very European, steeped in British, Italian, and Christian traditions. Malta's foreign policy with respect to Libya reflects instead the imposition of a pro-Libyan tilt concocted by the island's Socialist government leaders.

For these reasons, Mr. Speaker, I think the United States Congress must take this opportunity to articulate our strong desire that the Malta election of 1987 be fully free, democratic and universally perceived as such. We must also convey to the Maltese authorities our objection to any enhancement of relations between the Government of Malta and Libya. The fighting in northern Chad has shown the world how ready Qadhafi is to intervene in a country with force to provoke instability and anarchy. Qadhafi's terrorist strategies make him unworthy of the friendship of the people of Malta. Let's encourage the Maltese to register their distaste with this dangerous association.

STAR-LEDGER: OUR COUNTER-TERRORISM POLICY MUST BE REAFFIRMED

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. COURTER. Mr. Speaker, at the heart of the Iranscam mess was an unspoken repudiation of our national policy on counterterrorism, a policy which held that dealmaking represents a failure of courage—brought on by sympathy for one victim—which only encourages future hostage taking.

The Newark Star-Ledger does well to argue that the avowed policy was a good one, and that the need now is for returning to it. One might go still further: An uncompromising public stance against terrorism was one of the finest legacies of the Reagan years. It was a new, even revolutionary view which was so well and so consistently represented that it in fact became the orthodox view. To let it linger now, discredited by Iranscam, would be to do the American public and our democratic allies a grave disservice.

Since it is determined action, more than new laws, which are most needed, I hope that the President will heed the advice of voices like the Star-Ledger's and demonstrate in speech and action that we will once again take a hard and sure stance—the only proper one—against this variety of modern barbarism.

The column follows:

[From the Newark Star-Ledger, Apr. 18, 1987]

FIGHTING TERRORISM

Until the Iran-contra scandal, President Reagan in his public pronouncements never once wavered from his rigid doctrine on terrorists. He would steadfastly declare that he would never, ever deal with them because to do so would only invite more inhumane terrorism.

The policy was particularly applicable to terrorists who were holding Americans and other nationals as hostages in their efforts to effect the release of members of their own underground organizations who had been taken prisoner for murderous acts of terrorism against innocent persons.

Violating that effective, no-nonsense presidential policy was a grievous error of the arms-for-Iran misadventure for which Mr. Reagan was properly chastised by the Tower commission.

The commission, headed by former Republican Sen. John Tower of Texas, rejected the White House suggestion that the administration entered into the arms talks as an overture to improving relations with moderates in Iran.

Virtually from the outset, the commission found, the Iran gambit was "a series of arms-for-hostages deals," precisely the kind of blackmail the President said he would never pay.

The evils of delivering weaponry for hostages, as spelled out in the commission's report, sounded ironically reminiscent of the President's own warning on the subject, once expressed so confidently and now a hollow whisper.

Arms-for-hostages deals, said the commission, "could not help but create in incentive for futher hostage taking." What's more, the deals threatened to upset the military balance of the Iran-Iraq war and, perhaps most lamentable of all, the arms deals "rewarded a regime that clearly supported terrorism and hostage taking."

President Reagan may have allowed his understandable compassion for the hostages to induce him to compromise on his strong stand against dealing with terrorists. But the ultimate result of that compromise is to place even more lives in jeopardy.

The President should waste no time in reinstating the doctrine against deals with terrorists and serve notice on would-be hostage takers—as well as his White House aides—that never again will he permit that policy to be breached.

TRIBUTE TO THE LATE LT. GOV. RUTH MEIERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, on March 19 of this year, North Dakota's Lt. Gov. Ruth Meiers, the first woman in State history to win election to that office, died of cancer. Her passing has left a terrible void, because it's awfully hard to say goodbye to one who is exceptional in every way.

Yet, even as we mourn her passing, we take solace in our conviction that Ruth Meiers' immeasurable contributions to the people she served have secured a place for her in the collective memories of North Dakotans for generations to come.

Ruth Meiers believed that public service was both a duty and an honor. A third generation farmer and rancher, wife, mother to four sons, and a full-time social worker, Ruth Meiers could have left it at that. But she didn't. She became the director of her county social service board. She served five terms in the North Dakota Legislature—her last term as a committee chairman. In 1984, as a 58-year-old grandmother, Ruth was drafted by her party to run for the office of Lieutenant Governor. The office truly sought the woman.

Many called her victory a giant step for women. Surely, it was that and more. For a little over 2 years, she served as Lieutenant Governor with a dignity and courage that were her trademark. She was an inspiration to hundreds of women who aspired to a political career; she was a fighter for those whose cause desperately needed a champion—children at risk, the elderly, the mentally and physically handicapped.

In the fall of 1986, Ruth Meiers became ill with what was later diagnosed as inoperable lung and brain cancer. Her courage had been put to its greatest test. She responded with predictable grace. Appearing on the CBS Morning News, she encouraged young people to say no to cigarette smoking.

Now Ruth Meiers is gone. But left behind is a strong legacy of statesmanship, and in time, that legacy will help fill the void.

SEA WORLD OF SAN DIEGO, CALIFORNIA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, I am very proud to announce that Sea World of San Diego, CA, has been chosen for honors by the President's Committee on Employment of the Handicapped. Sea World will be awarded the 1987 Large Employer of the Year for their tremendous work in providing employment opportunities for disabled persons.

I know that Jan Schultz, president of Sea World, must be thrilled by this outstanding recognition of the accomplishments the Sea World park has achieved.

Mr. Speaker, the Sea World recreational park is being honored not only for their personnel policies which encourage opportunities for applicants with physical and mental disabilities, but for two very innovative and successful programs.

For the past several years, Park Operations Director Mike Dagnais has worked with the Associated Retarded Citizens of San Diego to create a training program to integrate individuals with mental disabiities into a realistic work environment. This exciting program trains the participants at Sea World's marina facility in all aspects of park operations, including working with the "stars" of several of Sea World's aquatic shows. The program trainees are monitored throughout the program and those demonstrating certain abilities are eligible for placement at the park.

The California Department of Education and the city school system of San Diego are also participating with Sea World in a special education project. Joy Grijalva, manager of the education department at the park, coordinates a workability program for area special education high school students. The students are matched with jobs they have an interest in, such as public relations, personnel recruiting, entertainment, and merchandising. They learn the particular skills on the job and, at the end of the training period, are eligible for full or part-time employment.

The first program, which has run for several years, and the newer special ed project have both contributed much to the success and popularity of Sea World. These programs have also benefited park visitors with various disabilities. For example, small modifications that have been made in park facilities to accommodate the trainees, such as wheelchair ramping and event seating, are used by the public, as well.

Mr. Speaker, the understanding and dedication of the entire Sea World family, from President Jan Schultz throughout the organization, are most certainly the reasons Sea World has been chosen as 1987 Large Employer of the Year. With this award, the President's Committee on Employment of the Handicapped has recognized two significant American values; our sense of community and our sense of compassion. I am very proud to add my praise for Sea World's exceptional accomplishment.

NICOLE TINGUS CHOSEN AS HARRY S. TRUMAN SCHOLAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, I wish to take this opportunity to call to the attention of our colleagues the splendid academic achievements of Miss Nicole Tingus, of Orange County, NY. Nicole's achievements have recently led her to be 1 of 106 college undergraduates to be selected nationwide as a 1987 Harry S. Truman Presidential scholar.

Nicole was selected from an applicant pool of over 100 students at Cornell University in Ithaca, NY, by a Truman Scholarship Selection Board to represent Cornell University. Nicole then competed with over 2,000 students from throughout the Nation through an extensive application process. Out of 2,000 applicants, Nicole was one of 200 semi-finalists selected in January 1987 to be interviewed by a regional panel convened in New York City. After an intensive review of her academic and leadership abilities conducted by this panel, Nicole was selected as 1 of the 4 finalists from New York State.

Those of us who are aware of Nicole's background, however, were not surprised in the least to learn of Nicole's selection. The daughter of George P. and Georgia N. Tingus—who are renowned community leaders and businesspeople in the Middletown, NY region—Nicole graduated with honors from the Minisink Valley High School. She attended Skidmore College in Saratoga Springs, NY, for 1 year, where she achieved the highest honors on the dean's list. As a transfer student to the Industrial and Labor Relations College of Cornell University, Nicole maintained a summa cum laude scholastic rating.

In addition to her excellent academic record, Nicole continues to develop her musical talents in the fields of piano, voice, and ballet. This talented young lady plans to make

91-059 O-89-20 (Pt. 7)

a career in the practice of law in the public service sector.

Mr. Speaker, as most of our colleagues are well aware, the Truman Scholarship Foundation was established by the U.S. Congress as the official federal memorial to honor the 33d President of the United States. The foundation awards are supported by the Harry S. Truman trust fund in the Treasury of the United States. Scholarships are awarded to students from colleges or universities across the Nation who have demonstrated exemplary academic achievement and possess potential for leadership in government and related public service areas. The scholarship is awarded to students who will be juniors in the 1987–88 academic year and is renewable for a duration of 4 years, including 2 years of graduate study.

On Sunday, May 10, Nicole Tingus and her family will travel to Washington to join with the 105 other 1987 Truman scholars at an awards ceremony to be held at Gaston Hall, Georgetown University. I hope to be on hand to join in congratulating Nicole for a job well done for this hard earned deserving recognition which is being bestowed upon her and the other Truman scholars.

Mr. Speaker, may I add that, as a long time friend and admirer of the entire Tingus family, may I state how honored I am to have been invited to participate in this latest recognition of excellence to be bestowed upon a member of this outstanding family.

A BUDGET PROCESS THAT NO LONGER WORKS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DENNY SMITH. Mr. Speaker, as a member of the Budget Committee, I rise in strong opposition to the Democratic budget that was adopted by the House of Representatives. I objected to this measure because, by Chairman GRAY's own admission, it does not meet the Gramm-Rudman target deficit figure of $108 billion. This document is flawed in its numbers, its economic assumptions, and its vision of the proper role of the Federal Government. But, more than all that, I opposed this measure because it was formulated through a process and an atmosphere that will forever prevent us from addressing the paramount issue of our time, the economic future of this country and our role in the world as we enter the 21st century.

We have lost control of the budget process here in the Congress. It has become an exercise in politics, not policy. We have replaced substance with rhetoric. We spent a great deal of time and effort on this resolution, but it will be ignored by the leadership of this body as past budget resolutions have been ignored. The deficit, although reduced slightly from past years, will still be too high and prevent economic recovery in Oregon, the Pacific Northwest, and the entire country.

In each of the past few years, I have offered an across-the-board freeze on all Federal spending as a way to control our deficit. In retrospect, I should have offered a freeze resolution in the Budget Committee this year. As the attached document indicates, an across-the-board freeze with an allowance for new entrants into the Social Security System would have produced a deficit of $141.5 billion. But this deficit would at least be based upon real numbers, not the smoke and mirrors of the Democratic alternative.

In addition to addressing the deficit problem, the freeze would allow us the opportunity to examine the main issue in the budget debate, the proper role of the Federal Government. Regardless of which budget alternative was offered, the House of Representatives only debated how much we were spending on a particular program. No one took the time to ask whether or not the Government should be playing a role in the program in the first place. Unless this question is seriously considered by the Members of this Congress, we will never be able to get control of our budget process, our Federal deficit, or our national debt.

Adoption of the first concurrent budget resolution is only half the battle. The Congress must strictly adhere to the spending ceilings that have been proposed in this resolution through strong reconciliation during the appropriations process. The majority party can no longer consider the enactment of a budget resolution as a mere technicality in the way of its spending practices. The majority party can no longer continue the process of waiving points of order to exceed the spending limits of this resolution when it suits them. To do otherwise will make this process more of a sham than it already is.

I decided to run for Congress because I was frustrated by the inaction on a $668-billion budget and $78-billion deficit. That frustration has grown over the past 6 years as those numbers have grown to $1.04 trillion and $130 to $140 billion respectively. I have the honor and privilege of working with many highly qualified colleagues who share my concerns over this issue. Unfortunately, numbers prevent us from being heard. Not the numbers in the budget, the numbers in this body. It is time for the majority to include us in the process, not use us only when it's to their advantage. Only at that time will we be able to address the challenges facing us and assume the responsibilities that have been conferred upon us by the people. There is no better time to take this step than during the historic 100th Congress.

[Outlays in billions of dollars]

Title	Democrat freeze	Demographic changes [1]	1987 one-time reductions [2]	1988 base changes [3]	Other changes [4]	Revised budget
National defense	279.60		3.00			282.60
International affairs	13.80	(0.60)	1.90			15.10
General science, space and technology	9.50					9.50
Energy	3.70	(.70)	2.10			5.10
Natural resources and environment	13.85	.15				14.00
Agriculture	30.20	.06		(.37)		29.89
Commerce and housing credit	8.70	(2.35)	2.00	(.43)		8.35
Transportation	25.35	(.25)	2.20			27.30
Community and regional development	7.30		.10	(.52)		6.88
Education, training, employment and social services	30.30	.45	.40			31.15
Health	40.30	.46		(.55)	.80	41.01
Medicare	73.65	1.30	.20		5.65	80.80
Income security	124.20	4.70				128.90
Social security	207.95	6.30				214.25
Veterans benefits and services	26.20					26.20
Administration of justice	8.05	.05				8.10
General government	6.65					6.65
General purpose fiscal assistance	1.70	(.15)				1.55
Net interest	133.60		1.30		4.90	139.80
Allowances	.40					.40
Offsetting receipts	(35.15)					(35.15)
Total	1,009.85	9.42	13.20	(1.87)	11.35	1,041.95
Revenues	900.50					900.50
Deficit	109.35					141.45
G–R–H target	108.00					108.00
Needed reductions	1.35					33.45

[1] This column reflects changes in caseloads, population growth and trust fund receipts.
[2] This column reflects one-time outlay reductions from loan asset sales and payment changes.
[3] In some instances fiscal year 1988 spending declined from fiscal year 1987, this column reflects the lower base.
[4] These changes are due to Medicare/Medicaid utilization costs and increased interest payments.

HONORING ELIZABETH GRILL AND HELENE PETISCHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to two of the finest teachers of the Presentation of Blessed Virgin Mary School in Jamaica, Queens County, NY. After more than two decades of dedicated service to the school and the community, both Mrs. Elizabeth Grill and Mrs. Helene Petischan will be retiring from the teaching profession.

Elizabeth Grill has taught at the Presentation School for 22 years. While she has instructed nearly all the primary grades, she is especially recognized for her outstanding 12 years with the kindergarten. In addition to her pedagogical responsibilities, Mrs. Grill serves as the language arts coordinator, and directs the student volunteers. She and her classes have been counted on to offer outstanding contributions to the school's annual International Day, which includes special foods and dances from many countries around the world.

Helene Petischan has been with the Presentation School for 21 years, after teaching the elementary grades in her native Germany. Mrs. Petischan is the school's science coordinator, and is known for the superlative projects the students at BVM have entered in both the school's own science fairs, and in the city-wide competitions.

In 1986, both of these fine women were nominated for Teacher of the Year of the National Catholic Association. Such an honor surely reflects the outstanding performance that Elizabeth and Helene have demonstrated in both secular and religious instruction.

In celebrating the retirement of these two fine teachers, a dinner will be held at the George Washington Manor in Roslyn, NY, on May 8. The principal of Presentation of BVM, Sister Patricia Koehler, and the pastor, Monsignor Thomas O'Brien, will lead the tributes. The teachers will be awarded gifts for their decades of tireless devotion to the school, and to the thousands of children who have had the pleasure and good fortune of being their students.

Mr. Speaker, I call now on all of my colleagues of the U.S. House of Representatives to join me in honoring Elizabeth Grill and Helene Petischan, as these two outstanding teachers reach their retirement from the Presentation of BVM School. Their excellence and devotion to their profession stand as an example for others to follow.

HIS WORDS BECAME A NATION'S PLEDGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KEMP. Mr. Speaker, I rise today to commend the Mount Morris New York Rotary Club for honoring Francis Bellamy with the erection of a 50-foot illuminated flagpole and a landscaped memorial monument. The Mount Morris Bellamy Days celebration will culminate on May 30. Francis Bellamy was the author of the Pledge of Allegiance to our flag which is recited by over 45 million school children each weekday in the continental United States and in the U.S. Government schools serving our military and Government service dependents abroad. Additional thousands of fraternal and service organizations begin their meetings with the Pledge of Allegiance each week.

Mindy Fetterman in the Rochester Times-Union wrote:

HIS WORDS BECAME A NATION'S PLEDGE

On a hot August night in 1892, in the Boston editorial offices of a patriotic youth magazine, a man born in Mt. Morris and graduated Phi Beta Kappa from the University of Rochester wrote 23 words, which today are as familiar to Americans as any ever written.

I pledge allegiance to My Flag and to the Republic for which it stands; One Nation indivisible, with Liberty and Justice for all.

The pledge was altered in 1923 to read "the Flag of the United States of America;" President Dwight Eisenhower added "under God" in 1954.

In 1957, Mt. Morris native Francis Julius Bellamy was proclaimed author of the Pledge of Allegiance by the Library of Congress and the U.S. Flag Association. He had died in Tampa in 1931.

In a wave of nationalistic fervor in the 1890s, Bellamy and his associates at the *Youth's Companion* magazine had done much to shape the patriotic rituals still observed today.

Along with the pledge, Bellamy and his boss, James Bailey Upham, are credited with pushing to have the U.S. flag flown daily in front of every schoolhouse in the country and for Columbus Day to be a national holiday.

Bellamy's papers—including letters signed by President Theodore Roosevelt and evidence of his claim to authorship—are stored in the Rare Books section of the University of Rochester's Rush Rhees library. Over the course of his career, he was a Baptist minister, magazine editor and an advertising copy writer. He also was graduated from the Rochester Theological Seminary.

The occasion on which the Pledge was composed was the 400th anniversary in 1892 of Columbus' landing in the Americas.

Bellamy was appointed by state superintendents of education as chairman of a committee to put together a Columbus Day program.

According to Bellamy's writings, he and Upham discussed the need for a more impressive salute to the flag than the then-popular pledge: *I give my hand and my heart to my country—one nation, one language, one flag.* They decided that salute was "too juvenile, lacking in dignity," he wrote.

As Bellamy remembered the incident, he closed himself in his office for two hours and contemplated American history; "I . . . tried to pass our history in review. It took in the sayings of Washington, the arguments of Hamilton, the Webster-Hayne debate, the Civil War. After many attempts the whole of that pictured struggle reduced itself to three words: "one nation indivisible."

He had already chosen "allegiance" instead of "loyalty"; "pledge" as a better word for school children than "vow" or "swear"; and "my flag" to make the pledge individual, he said in the UR article.

He reviewed the American issues—present and future—which "always would be issues to be fought for." He considered the slogan of the French Revolution, "Liberty, Fraternity, Equality," but rejected "fraternity" as too remote and "equality" as a dubious word, he said.

"What doctrines, then, could everybody agree upon as the basis of Americanism?" he asked. " 'Liberty' and 'justice' were undebateable . . . and if they were exercised *for all,* they involved the spirit of fraternity and equality. So that final line, 'with liberty and justice for all,' came with a cheering rush."

On Oct. 12, 1892, 13 million school children repeated the Pledge for the first time. Since then, countless more have learned it in school where repeating the pledge daily is required by law in almost all states, including New York.

Because the phrase "under God" is still included, children may chose not to recite the Pledge for religious reasons.

EDUCATION IS THE KEY TO TRANSFORMING OUR WORKPLACE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, last week, an article appeared in the Washington Post discussing the problem of workplace literacy—a problem recently highlighted as the debate surrounding "U.S. competitiveness" continues. As author of legislation, H.R. 1342, to establish these much-needed workplace literacy programs, I commend this article to the attention of my colleagues. If we are truly to transform the American workplace, through the improvement and expansion of work practices, then we must ensure that our workers have the skill and knowledge necessary to adapt to these changes. H.R. 1342 will assist in developing programs simultaneously addressing adult literacy, basic skills, and intellectual development in the workforce. As illustrated in this article, it is legislation needed now.

THE NEW CUTTING EDGE IN FACTORIES: EDUCATION

WORKERS LACKING MATH SKILL FEAR FOR JOBS

(By Barbara Vobejda)

YPSILANTI, Mich.—Lavester Frye works at an assembly table eight hours a day building automobile horns, setting a metal plate on a metal dish with one hand, adding a tiny ring with the other.

In the 22 years he has worked at the Ford Motor Co., it never really has mattered that he didn't finish high school. He always has had jobs like this one, jobs that depend more on his hands than his mind.

But Frye has been told that his job soon will become more complicated. To improve productivity, the company is phasing in an intricate statistical system of quality control.

The news made Frye feel nervous and unprepared, and when he looked at the charts he would be expected to keep under the new system, he was even more troubled by what he saw: decimal points. "A long time ago at school, I had decimals, but it faded out of my mind," he said.

On this factory floor, amidst the assembly lines, the huge hulking furnaces and the din of metal on metal, the ability to put a decimal point in the proper place suddenly has become a ticket to a job.

Like thousands of other workers across the country, Frye is experiencing firsthand the transformation of the American workplace in pursuit of competitive advantage. He also sees—and feels, painfully—that, in this race to keep up with other countries, a critical and often missing factor is education.

In the national debate over declining U.S. competitiveness, education is perhaps the word most often uttered. Plant supervisors blame schools for turning out undisciplined workers whose bad habits drive down productivity. Corporate executives complain that job applicants can't read or write.

Educators warn that American students lag far behind their international counterparts in math skills, signaling trouble in the next generation of technicians. Also, looming ahead, social scientists say, is a massive, problem-ridden underclass of high school dropouts that will drain the economy in welfare costs and lost productivity.

Education matters in this new global race because the work force matters more than machinery, more than capital, more than technology.

"Human resources—that's what gives you the competitive edge," said Pam Spence, training coordinator at the Ford plant. "Everybody's buying the high-tech equipment . . . . The only competitive edge we'll have over anyone else is our human assets."

The quality of education, experts agree, is increasingly the most important single determinant of the quality of America's work force, from the high-technology laboratories that rely on engineers with graduate degrees to the Rust Belt industries retraining workers in a struggle to revive. The skills and deficits of the employees determine productivity; an auto worker confused over decimal points slows output and probably overlooks defective products.

"Education is the foundation. If you have a weak dollar and you solve the deficit problem and all those ducks fall into place and you have a poor education system, you're still not going to compete," said Harley Shaiken, a professor who specializes in work and technology at the University of California at San Diego.

Ford's efforts to improve productivity are typical of many employers; the company is automating, introducing more sophisticated quality control and enhancing employee participation in management. And in the low-slung, red-brick building that houses the Ford plant here, there is plenty of evidence that a lot of the workers simply aren't up to it.

Les Walker came to work at the plant four decades ago as a 17-year-old high school dropout. "If you could read or write a little bit, you could get a job," he said of the booming postwar period when he was hired. "Now there's so much change . . . ."

Walker inspects the valves on shock absorbers that will be built into Ford bumpers. Soon, "statistical process control," which is designed to pinpoint and correct defects in manufacturing, will be introduced to his section of the plant. He'll need to use math skills he hasn't needed before and never learned in school; fractions, division, averaging and decimals.

When Frye and Walker complete their afternoon shift at 3, they and several others gather in a converted office off the factory floor, hunching over high school books around a cafeteria table. They have volunteered for free courses, arranged under a 1982 United Auto Workers-Ford agreement, to prepare for the high school equivalency test. They also have taken instruction in computers and basic reading and math.

As the assembly line gears up for the second shift, Frye, 48, learns how to figure a percentage. Walker, 56, scratches out ratios and proportions.

These workers, most of whom could retire in a few years, would not lose their jobs if they failed to learn statistical process control. But they know job promotions depend on their ability to adapt, and many of them believe that they will be better, more productive workers if they learn the new systems. They don't want to be left behind.

"I want to be prepared when it gets here," 55-year old Daniel Hughes said of the new technology.

Hilton H. Schaarschmidt, who uses a computer to distribute automobile parts to be assembled by other workers, summed up his choices after more than two decades in the factory. "If I can't work the computer, someone else can; I would be back out on the [assembly] line," he said. "I don't want to be back out on the line."

Three-quarters of today's work force will still be working in the year 2000, so the training and retraining of current workers is critical in reviving the nation's standing in the world economy. Many believe that the next 10 or 15 years will be the period of the most intense global competition.

"We're going to make it or break it with these workers," said Pat Choate, director of policy analysis at TRW Inc., and a noted author on the subject of American competitiveness.

But for the long term, competitiveness must rely on the quality of education being offered in elementary and secondary classrooms, to youngsters still years away from their first paycheck.

"A failure in basic education in 1987 will be extremely difficult to rectify because of the very large scale and intense kinds of technological changes we know will be taking place in the future," University of California professor Shaiken said.

American schools, however, are doing "very poorly" in supplying a broad basic education, Shaiken said. "Many students graduate from high school without any grasp of basic math or reading skills. To the extent that continues, then competitiveness is just something you talk about."

Recent studies comparing the mathematics test scores of American schoolchildren to their international counterparts support Shaiken's pessimism. While Japanese schoolchildren finished first or second in most categories, American scores ranked in the middle in comparisons of eighth-grade arithmetic and algebra skills for 20 countries. U.S. achievement dropped even lower, to the bottom quarter, in geometry and measurement. There was similar low performance among American 12th-graders in algebra and calculus.

"In school mathematics, the United States is an underachieving nation and our curriculum is helping to create a nation of underachievers," according to the Second International Mathematics Study, released this year.

While most experts put heavy emphasis on education as a competitive strategy, there is a minority viewpoint, based primarily on productivity statistics, that plays down education as a factor.

"I don't think we have strong evidence at all that losing competitiveness is due to the lack of a well-educated populace," said Thomas G. Sticht, a San Diego consultant who has studied the link between literacy and productivity and participated in a recent Department of Education study of literacy. The loss of manufacturing jobs to workers overseas, he said, is due to the availability of cheap labor—not to higher educational levels abroad.

"That has nothing to do with the fact that somebody can't calculate a percentage," he said.

Henry Levin, a Stanford University professor in education and economics, agrees that education is overrated as a factor in competitiveness. He asserts that most newly created employment in this country requires relatively low-level skills in service sector jobs, such as clerical work or jobs in the electronics component industry. Few of the new positions are for engineers or highly educated technicians.

And while the sophisticated products of an increasingly high-tech economy may be designed by a few highly skilled engineers, the real profits will come when the product is produced and sold. That will not require a highly sophisticated work force, Levin said.

"It's easy to talk about education as the problem . . . [but] what is it about education that's going to make a difference?" he asked. "Education is part of the solution, but it's not as crucial a solution as people make it to be."

Down the road from Ford's Ypsilanti building, executives at a new Mazda plant in Flat Rock, Mich., say they have a very clear idea of how education can make a difference.

They want their new employes to be able to work in teams, to rotate through various jobs, to understand how their task fits into the entire process, to spot problems in production, to trouble-shoot, articulate the problem to others, suggest improvements and write detailed charts and memos that serve as a road map in the assembly of the car.

For the Japanese-owned company, it adds up to a management philosophy modeled on the Japanese concept of kaizen, roughly translated as "improvement." That means that every employe, executive to custodian, is expected to help find ways to build "the best car at the lowest price."

"The plant of the past required individuals . . . to perform a task within very specific parameters, very routine," said David Merchant, vice president for personnel at the Mazda facility. "The plants of the future, which are the plants of today, require people to do a lot more than that . . . . Education is important in terms of preparing people to do that."

Merchant is overseeing an extraordinary effort to create a work force—mostly American—that matches the Japanese philosophy. In preparation for its assembly line to open this fall, the company is sifting through more than 96,000 applicants to fill 3,100 hourly positions, using what it says is the most complex hiring process in the United States or Canada.

Applicants are given a two-hour written test in reading, writing and math. They are interviewed at length, asked to undergo a medical exam and given a two-step "assessment." Before they complete the process, successful applicants may have been in the pipeline for two months and will have spent up to six hours being observed in discussion groups and another six hours at a simulated

team assignment, assembling an automobile part, for example.

The company, which every week tests 600 applicants and interviews and assesses more than 100, has been "a little disappointed" at the number of applicants who lack the basic math and language skills, but nevertheless has found plenty of qualified people to hire, Merchant said.

Compare that handpicked batch of fresh employes to the work force at Ford, where the average hourly worker has more than 17 years on the job. Financial hard times, largely due to foreign competition, have cut the company's hourly work force nearly in half. The remaining workers are those with the most seniority, hired at a time when little attention was paid to educational skills and the rule of thumb for hiring was, as one union official said, "FBI" friends, brothers, in-laws.

At Mazda, there has been no need to offer remedial programs in reading, writing or math to the hundreds of workers who have so far been hired. But Ford and other long-time employers have found that before they can retain, they must help substantial numbers of employes become literate.

"It's pretty hard to give somebody computer training if they don't have the three Rs," said Mark Dillon, a spokesman for American Crystal Sugar Co. in Moorhead, Minn.

As his company added computerized testing equipment to its sugar manufacturing process, it became clear that some employes were unable to read and write and could not be trained without remedial courses. but fewer than two dozen employes signed up for the literacy classes the company began offering. "It takes a pretty big person to say, "I have to learn to read,'" Dillon said.

FIGHTING U.S. FUNCTIONAL ILLITERACY

"Functional illiteracy" among American adults often is cited as one of the biggest obstacles in the nation's efforts to improve productivity. While 95 percent of young adults are literate, there are large numbers who fail at more complicated tasks required to function effectively in most jobs.

A recent survey by the National Assessment of Educational Progress reported that only 43 percent of Americans in their early 20s could decipher a street map, for example.

Donald Fronzaglia, director of personnel for the Polaroid Corp., said his company became aware of the literacy problem years ago when a supervisor was investigating why the rate of scrap—material discarded as unusable—had gone up significantly in one section of the plant.

When the supervisor asked an employe to demonstrate how he was cutting film into sections, he found that the worker couldn't read a tape measure and was throwing away large sheets of film that could have been cut into usable pieces. The supervisor eventually discovered that other workers lacked similar basic skills.

Polaroid has introduced literacy programs, also aimed at preparing workers to participate more in problem-solving on the production line. "We believe the people closest to the problem are in the best position to understand what went wrong," Fronzaglia said. "People who don't have [basic] skills may repeat the same error."

Aside from the challenge of retraining those on the job, there is the problem of the growing number of Americans who, largely because of poor skills, will never find work or will end up moving from one menial, low-paying position to another. The financial drain on society created by this group—in welfare, drug problems, urban crime and incarceration—will have increasingly serious implications for the nation's economic health and competitive position, according to several recent studies.

A report by the National Alliance of Business warns of the dramatic change in the worker pool looming ahead over the next 10 to 15 years.

"Most striking will be the growth of less-well-educated segments of the population that have typically been the least prepared for work," the report said. "The number of minority youth will increase while the total number of youth of working age will decline. The number of high school dropouts will rise as will the number of teen-age mothers."

The report urged businesses and government to improve education, training and retraining. "No [economic] sector can afford a growing underclass that cannot get or keep jobs. . . ."

Despite the dismal predictions, economist Choate and many others argue that the immediate challenge is preparing those already on the job for the changing workplace. "Most of us still think education is for kids," he said, "[but] it's today's adults that face the intense competition." It is their performance that will determine competitive success, "not tomorrow's kids."

At Ford's Ypsilanti plant, UAW local president Bob Bowen echoes the concern for today's work force and the critical need for flexibility. "If you have an educated person, they can adapt to the change," he said, proudly listing fellow workers who have signed up to take high school courses in makeshift factory classrooms. "The only way we can be competitive is to have the best workers."

ARNOLD BARTLETT LEON 1987 RESIDENTIAL CITIZEN OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I rise today to commend the recipient of the 1987 Residential Citizen of the Year, Mr. Arnold Bartlett Leon. This distinction is awarded each year by the Santa Fe Springs, CA, Chamber of Commerce.

Mr. Leon begins his busy day at 5 a.m. If you would go to the Neighborhood Center's Senior Citizens' Nutrition Site, you would find Mr. Leon preparing coffee and readying supplies for the participants in the program.

Afterward, Mr. Leon goes to work at a local donut shop for several hours each morning. He has generously refused monetary compensation for his efforts at the coffee shop. Rather he has asked for donuts so that he can take them to a local senior citizens center. Mr Leon captures his altruism accurately when he explains that his hobby is "serving the city of Santa Fe Springs in anyway possible."

Mr. Leon has been recognized on numerous occasions for his community service, which entails over 10,000 hours of volunteer time. In 1986 he was named the "Outstanding Hispanic of the 63d Assembly District." In 1980 he was named "Senior Citizen of the Year in Los Angeles County." In 1978, Mr. Leon was recognized by the Salvation Army as "Distinguished Citizen of the Year."

Mr. Leon is involved with the Senior Citizens Outreach Companion Program and the Senior Citizens Advisory Committee. He also serves as the chairman of the Santa Fe Springs Senior Citizens Social Club and as the president of the Abraham Lincoln Senior Citizens Club. In addition, he was appointed to the social services advisory committee by the city council.

Mr. Leon's involvement is not limited to senior citizen programs. He also works with the Catholic Youth Organizations Summer Day Camp Program and the Santa Fe Springs Child Development Center.

He and his wife Natalie celebrated their 50th wedding anniversary on April 1, 1987. He has four grandchildren and three great grandchildren.

Mr. Leon's record of service speaks for itself. He is indeed most deserving of the distinction of "Santa Fe Springs 1987 Residential Citizen of the Year."

THE FIRST EASTER HOLIDAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. CLAY. Mr. Speaker, as we celebrate the Easter season, I am pleased to share the work of a very talented young author from St. Louis, Miss Shawnta Creason. Shawnta is a sixth grade student at Webster Middle School in St. Louis. Her story, "The First Easter Holiday," is an outstanding work and I encourage Shawnta to continue to develop her special talent.

THE FIRST EASTER HOLIDAY

(By Shawnta Creason)

This is a story which was brought to life many years ago. It is a beautiful spring day. The sun was shining, birds were singing, flowers bloomed and everything was fine. Everyone was happy except for one rabbit, Evil the Rabbit.

Evil hadn't always been evil. In fact, he used to be the kindest little rabbit in Bunnyville. Before he became mean, Evil was named Easter. His mother had told him that that name would bring him luck. His name became Evil when he was a young bunny. A mean bunny pushed Evil off a swing and made Evil cry. The bully bunny just chuckled and hopped away. And Evil swore to be mean.

But this day, Evil was at his castle, a dark, gloomy place on top of the highest hill in Bunnyville. Evil was about to sit down to a wonderful meal he had fixed for himself when he heard a knock at the door. Evil slowly walked to the door, already wishing he'd never gotten up. He opened the door and saw nothing, until he looked down. There at his feet sat a basket filled with grass and candy. But the most important thing in the basket was an egg. This egg was decorated with every color of the rainbow. Alongside the egg was a note that said:

Please care for my egg. Here is everything it needs:

Grass to keep him warm,
Goodies for him to eat . . .
And you to keep him full of love.

Evil was so touched that he began to cry. No one had ever trusted him like this before. As he cried, a tear dropped onto the egg. As soon as it hit, the egg cracked and hatched. Out came a beautiful white rabbit.

From this day, Evil was again called Easter, and so was his new white rabbit. And now everyone celebrates Easter in the same way that Little Easter was born—with baskets with grass in them, filled with candy . . . And, oh! Don't forget the eggs!

ST. JOHN'S REGIONAL MEDICAL CENTER TURNS 75

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues, the diamond anniversary of the St. John's Regional Medical Center of Oxnard, CA.

On May 19, the actual birth date of this hospital, a celebration will be held to commemorate 75 years of continuous and outstanding service to the community.

St. John's Regional Medical Center was founded in 1912 under the sponsorship of the Sisters of Mercy. Currently, five of the sisters serve at the facility.

The stated purpose of St. John's is to continue Christ's healing mission, strive to enhance the quality of life by preventing illness, restore health, alleviate suffering, and care for the dying in a Christian environment. Health care services are offered in accordance with the ethical and religious directives for Catholic healthcare facilities.

Keeping pace with the changing healthcare market and the needs of a growing Ventura County requires the same initiative, creativity and flexibility demonstrated by the early Sisters of Mercy when they brought their mission of mercy to the American frontier in 1854.

I ask that all of you join in wishing St. John's Regional Medical Center a very happy 75th birthday with a warm feeling that it will continue to provide many more years of service to the people of Ventura County, CA.

WORLD POPULATION AWARENESS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Ms. SNOWE. Mr. Speaker, the State of Maine has joined with more than 35 other States around the Nation in designating the week of April 20–25 as "World Population Awareness Week."

I believe that overpopulation is a serious international problem. Continued rapid population growth, primarily in less developed countries, diverts resources from investment, compounds development problems, and strains the agricultural resources of the world. Over the years, the United States has had a strong humanitarian commitment to dealing with the problems of overpopulation, which threaten most seriously the poorest countries of the world.

I am proud that my State's citizens are among those who are helping to forge a wider understanding of the complex issues related to world population growth. In concert with many thousands of citizens around the country, the citizens of Maine will gather at a range of conferences and forums to be held that week and grapple with the difficult challenge of planning for responsible world growth. In Maine, such meetings will take place at Bowdoin College, the University of Southern Maine, the University of Maine at Farmington, and many other locations.

I am pleased to have joined with many of my colleagues in the House in supporting House Joint Resolution 148 to designate the week of April 20–25 nationally as World Population Awareness Week. Furthermore, I commend Gov. John McKernan, Jr. for his efforts and ask that his proclamation be printed in the RECORD.

STATE OF MAINE PROCLAMATION

Whereas, the world's population has reached five billion and is growing at the unprecedented rate of 87 million a year; and

Whereas, rapid population growth causes or intensifies a wide range of grave problems in the developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion, and economic stagnation; and

Whereas, 50 percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health problems could be substantially expanded; and

Whereas, some 500 million people in the developing world want and need family planning but do not have access or means to such services; and

Whereas, the United States has been the leading advocate of the universally recognized basic human right of couples to determine the size and spacing of their families,

Now, Therefore, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby proclaim the week of April 20–25, 1987 as World Population Awareness Week throughout the State of Maine, and I call upon all Maine citizens to reflect upon the consequences of overpopulation.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 25th day of March in the Year of our Lord One Thousand Nine Hundred and Eighty-Seven.

JOHN R. MCKERNAN, Jr.,
Governor.

VITAL URBAN PROGRAMS NEED TO BE PRESERVED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. MAZZOLI. Mr. Speaker, I salute the noble efforts made by Budget Committee Chairman BILL GRAY to preserve strong, vital urban components in the fiscal year 1988 budget—such as the Community Development Block Grant Program and the Urban Development Action Grant Program. I am pleased that the House saw fit to approve the committee's plan.

In this regard, I would like to commend to the attention of my colleagues the following testimony presented earlier this year before the House Subcommittee on Housing and Community Development by the Honorable Jerry Abramson, mayor of the city of Louisville, who is a cochair of the U.S. Conference of Mayors' task force on the reauthorization of community development block grants.

Mayor Abramson has been a forceful and articulate advocate of urban programs both at home and here in Washington. His testimony is as follows:

PRESENTATION TO THE U.S. HOUSE SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

(By Jerry E. Abramson, mayor of Louisville)

Mr. Chairman, members of the sub-committee: Thank you for the opportunity to testify this morning. My name is Jerry Abramson. I am Mayor of Louisville, Kentucky and I am testifying today on behalf of my city and the U.S. Conference of Mayors, for which I am co-chair, along with William J. Althaus, Mayor of York, Pennsylvania, of a newly created Task Force on Reauthorization of the Community Development Block Grant program.

The U.S. Conference of Mayors strongly supports this subcommittee's bill, H.R. 4, because it will begin to address our nation's urgent need for a national housing policy. We anticipate with great excitement the passage by Congress of this nation's first omnibus housing bill in six years.

The broad outlines of this housing and community development bill are consistent with the policy of the U.S. Conference of Mayors. As recently as January 22, during our annual Mid-Winter Meeting, we re-affirmed this policy.

Specifically, the Conference of Mayors strongly supports the continuance of the following programs: Community Development Block Grants, Urban Development Action Grants, Assisted Housing Programs, Section 312 Loans, Housing Development Action Grants and Rental Rehabilitation Grants.

Furthermore, we urge you and your House colleagues to persevere in your efforts to retain the spending provisions contained in H.R. 4. The Senate bill dealing with these programs includes spending provisions that are significantly lower than the House Bill:

	Billions
Assisted housing:	
H.R. 4	$11.9
SB	7.5
CDBG:	
H.R. 4	3.4
SB	3.0
UDAG:	
H.R. 4	300
SB	225

We at the Conference of Mayors are cognizant of the spending limitations placed on the federal budget by Gramm-Rudman.

We are also aware that the House Budget Committee is looking for ways to cut programs that benefit this nation's urban infrastructure. The Community Development Block Grant program would seem to be a likely target in such circumstances.

But I urge the members of this subcommittee to fight hard for H.R. 4, and I implore each of you to seek support for this bill from all of your colleagues in the House and Senate. Nothing less than the future of our nation's cities is at stake.

That last statement may sound hyperbolic, but one need only look at the record to see that it is not. An examination of the effects of federal policy of the last several years on the nation's urban infrastructure shows that this policy is shortsighted and must be amended.

Since 1978 federal financial aid to cities and programs that directly serve urban populations has been cut by approximately 68%. Details of these budget cuts and how they have affected cities are included in the U.S. Conference of Mayors annual report, The Federal Budget and the Cities, which I submit for the record.

Some of those budget cuts were appropriate, and cities have adjusted to them. For example, the replacement of the CETA program with the Job Training and Partnership Act (JTPA) forced cities to begin using the reduced federal job-training funds for the specific purpose intended—job training—instead of using the funds to create additional government clerical jobs, which was often the case under the CETA program.

Other federal budget cuts, especially last year's decision by the Reagan Administration and the Congress to eliminate the General Revenue Sharing program, were not appropriate and have had a profound fiscal impact on cities all across the country. Some local governments are shutting off street lights, cutting back on police and fire protection, and cutting other essential services as a result of the loss of revenue sharing.

Still other federal budget cuts, while not always having an immediate effect on city government budgets, have resulted in increased demands on city budgets from local agencies.

The most obvious example of this is the federal cut in public housing funds and other housing programs.

Our nation's public housing stock is in an advanced state of deterioration. Maintenance programs, so badly needed to halt the decay, have been subjected to sharp budget cuts. Many public housing apartment buildings are in such an advanced state of decay that they are beyond renovation and require demolition. As a result, the number of public housing units available for low-income housing is decreasing significantly.

At the same time the federal government has lessened its commitment to public housing, the availability of private low-income housing also has declined.

Over the last decade, the number of rental households earning under $10,000 annually increased by three million. During the same period the number of rental units affordable to these low-income households declined by two million.

The 1986 Tax Reform Act also is now contributing to the nation's shortage of low-income housing. Regardless of the appropriateness of the tax shelters involved, there's no question that tax reform has eliminated or greatly curtailed most federal tax incentives for the private investment in low-income housing development.

And most of the existing privately owned, federally assisted housing will be at risk over the next decade as long-term contracts for federal subsidies begin to expire, with the owners likely to opt out of low-income occupancy requirements.

Other federal budget cuts, in such programs as Aid to Families with Dependent Children, have contributed significantly to the problem by reducing the income available for housing.

Because of these actions, there are waiting lists to get into public housing in cities all across the United States. In Louisville we have more than three thousand families waiting to get into public housing. In other cities the waiting list has as many as 10,000 families.

With no hope of securing affordable housing, the people on the waiting lists turn to their city governments for assistance. Or they simply give up and join the growing ranks of the homeless, another problem that is placing additional financial strain on local government budgets.

The result of all these federal budget cuts is that cities are faced with greater demands for services with fewer funds to provide those services. And local tax increases aren't necessarily the answer because many states, including Kentucky, have enacted referenda provisions on tax increases which, in effect, make such increases impossible.

This discussion is an important part of my testimony in support of H.R. 4 because the Congress should not, and must not, make budget decisions in a vacuum. The Congress should make its decisions in light of previous federal action that has placed cities under tremendous financial strain.

Another program addressed in H.R. 4 that has been affected by federal budget cuts is the Urban Development Action Grant program. If ever there was a program that fits the phrase "public-private partnership," the UDAG program is it.

UDAG's have been a critical element in urban development since the program's inception, with more than 2,400 projects funded in over, 1,000 cities. These projects involve the public and private investment of more than $26 billion, while creating or maintaining nearly 500,000 permanent jobs.

In Louisville three vital development projects were possible only because of the UDAG program—the Galleria shopping and office complex, the Broadway Project (phase 1) and Station House Square apartments.

The Urban Development Action Grant program is an essential part of urban development and it should be funded at the $300 million level included in H.R. 4.

The Community Development Block Grant program is perhaps one of the least appreciated and most misunderstood of all urban programs among members of the Congress. I would like to take a few minutes to explain in some detail just how important this program is to urban areas.

The Community Development Block Grant program has been one of the most successful programs in the revitalization of our nation's cities. It is a program that exemplifies the federal-urban partnership that has served our cities, and our nation, extremely well for many years.

The Community Development Block Grant program should be reauthorized by the Congress at the level of funding provided for this bill—$3.4 billion. And the Congress shoud reauthorize the CDBG program under existing objectives, which include the provisions that 51% of the funds should benefit low- and moderate-income families; the funds should be used to eliminate slum and blight; and, the funds can be used in emergencies.

I have a specific reason for asking that the CDGB program be reauthorized with these objectives, because they address one of the greatest misconceptions about the Community Development Block Grant program, a misconception that is causing some in the Administration and the Congress to consider eliminating the flexibility cities now have in spending CDBG funds. This misconception is that cities do not use CDBG funds to provide for human needs.

I could address this issue by citing hundreds of examples of how cities do appropriate CDGB funds to provide human needs services to low and moderate income people.

Instead, let us take a look at how the reauthorization of CDBG funds fits in with our basic national urban agenda. I submit to you that this country's urban agenda includes four basic precepts: 1) job creation; 2) helping people help themselves to remain independent; 3) improving the urban housing stock; and, 4) providing a "safety net" for those most in need.

Some specific examples can demonstrate how CDBG-funded programs address these basic precepts of the urban agenda.

Job Creation—two important aspects of job creation are job training and providing citizens with the flexibility to get out of the house and work.

One Louisville program receiving CDBG funds is the Home Builders Institute, a job training and placement program. Jobless individuals are trained in basic construction skills by rehabilitating dilapidated houses. CDBG funds provide construction materials and pay a portion of the supervisor's salary. This relatively new program has rehabbed houses and trained and placed 90 workers in permanent, full time jobs.

CDBG funds also are used in Louisville to subsidize day care for children of working, low income, single-parent families. 164 children are able to attend qualified day care programs because of this subsidy. Without it many of the single parents would have to quit work and accept welfare because they could not afford day care costs on their low incomes. It would cost far more to pay welfare than day care for these families.

Helping People Help Themselves To Remain Independent—One could call this the "pay me now or pay me later" precept of the urban agenda. There are countless examples of this type of CDBG-funded program in every city. Two in Louisville include:

Project Warm, which provides free basic weatherization services to low-income elderly and disabled home-owners and renters. Each year Project Warm serves about 600 clients, people who, without this free weather-stripping and insulation, would likely lose their utility-service due to unpaid bills and, perhaps, even their very homes.

The Emergency Repair Program is just what its name implies. Everything from new roofs to furnace repairs to plumbing repairs are provided to low-income elderly and disabled homeowners. Without such repairs, many of the homes would become uninhabitable and many recipients of this service would likely join the ranks of the homeless. Another example of such a program is in Birmingham, Alabama:

In Birmingham, CDBG funds permitted the Alabama Goodwill Industries to move into a larger fully accessible building. The relocation allowed the Goodwill Industries to expand its services so that now the agency serves 1,722 handicapped and disabled men and women from the Birmingham area through work evaluation, work adjustment training, on-the-job training,

sheltered employment and job placement assistance.

Improving The Urban Housing Stock—There is no more essential human need than providing adequate shelter. Again there are limitless examples of how cities use CDBG funds to address this third precept of the urban agenda. Let me cite a few that involve major housing developments for moderate and low income families.

In Cleveland, Ohio CDBG funds were used to build the first-market rate rental housing with a low & moderate income component (183 townhouse and garden apartments) in an area called Hough, one of the city's most deteriorated neighborhoods. The Hough, which lost 65% of its population and 49% of its housing between 1960 and 1980, now has affordable housing for its low and moderate income residents.

Louisville has a similar development that involved CDBG funds. The Phoenix Hill neighborhood was a pocket of blight and poverty just east of the downtown area. The development of 240 market-rate garden apartments was the first significant investment in Phoenix Hill in decades. The project is a great success, with a mix of moderate and low income individuals and families now living there.

Another major housing initiative in Louisville made possible by the use of CDBG funds is the Algonquin Neighborhood Project, which involves a partnership of the City, a state housing agency, mortgage companies and private investors. 87 dilapidated, uninhabitable single-family homes will be renovated and sold to low and moderate income families. Those with incomes as low as $12,000 will be able to purchase these homes, with mortgage payments being an average of twenty dollars a month less than the current rental rates for similar houses in the same neighborhood.

Each of these housing developments includes a mix of moderate and low income housing. In some of the proposals now being discussed regarding the future of the CDBG program, these projects would not be eligible. At least one proposal would restrict CDBG funds for only the lowest income people. That would result, in my judgement, in cities creating new pockets of low income housing with perhaps the same result as today's public housing projects. The mix of moderate and low income housing has proven far more successful in developing a cohesive neighborhood atmosphere.

Providing a Safety Net For Those Most In Need—when we fail to provide enough jobs, adequate housing and self-help programs, this precept of the urban agenda is the last chance for our society's most oppressed people. CDBG funds are vitally important in providing this assistance:

In Louisville CDBG funds provided renovation money to open a day shelter for the homeless. This shelter provides laundry facilities, personal care items (soap, shampoo, etc.) and counseling services seven days a week. When the day shelter opened in April of 1986, 75 homeless people began using it each day. Today, that number has grown to 250 people per day.

In Sacramento, California CDBG funds are used to support a program that helps homeless families, the fastest growing segment of the homeless population. The program works to locate homeless families in emergency shelters and then continues its efforts to see that the families remain together and eventually rejoin the mainstream of society.

In Providence, Rhode Island CDBG funds provide 90 percent of the operating budget for the Hartford Park Community Center, a local human service provider located in a public housing project. The Center provides breakfast and dinner programs for senior citizens, recreation programs for children, as well as emergency clothing and crisis counseling for area residents.

The reauthorization of the CDBG program, and continued discretionary use of those funds by each individual city, is essential if the traditional federal-urban partnership is to continue.

The program is so essential to cities that the U.S. Conference of Mayors and cities across the country are designating the week of April 11-18, 1987 as National Community Development Week. News conferences, seminars and other special events are being scheduled to highlight the importance of the CDBG program to cities and their citizens.

The federal-urban partnership was established because of the well-documented fact that state governments are dominated by the interests of suburban and rural areas. When budget cuts come at the federal level, state governments merely pass them on to the cities. That pattern has been well-established during this decade.

I've already mentioned how federal budget cuts have begun eroding that partnership. Now there is another ominous cloud on the horizon.

I'm referring to a report last year by a private commission headed by Senator Daniel Evans (R-Washington) and former Virginia governor Charles Robb that proposed a major welfare reform plan. That proposal has now been introduced in the Congress and is being considered by the House Ways and Means Committee.

If this welfare reform bill is enacted, the federal government would assume about 90 percent of the costs of Medicaid and Aid to Families with Dependent Children, while state governments would assume responsibility for financing a number of federal programs, such as mass transit, urban development, waste water treatment and low-income housing programs.

The result is that cities would be put at the mercy of state governments, and that means city governments would end up assuming more and more financial responsibility for those programs. The U.S. Conference of Mayors estimates this transference would cost local governments about $7 billion annually.

I believe it is appropriate to look at H.R. 4 within the overall perspective of the federal-uban partnership. That partnership is essential to the well-being of our nation's cities and, therefore, essential to the well-being of our nation.

But the partnership is being threatened by federal action that is severely undermining the fiscal integrity of our major urban areas.

There is a very real danger that, if not checked now, federal budget cuts to urban areas will result in the future of our cities being mortgaged in exchange for nothing more than the need to meet Administration budget targets, unrealistic and arbitrary budget targets that were devised in the time-honored tradition of using blue smoke and mirrors.

Our cities deserve better. Our cities have earned more consideration than that.

Thank you.

TRIBUTE TO JoANNE MEDEIROS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FRANK. Mr. Speaker, on April 4 at Worchester State College, ceremonies were held to induct new members into the College Athletic Hall of Fame. Among those chosen was JoAnne Medeiros, a native of Fall River, MA. JoAnne grew up in the Hillside Manor Housing Complex in Fall River and graduated from B.M.C. Durfee High School. While at Durfee, she excelled in a number of sports and upon graduation entered Worchester State College. I would like to share with you the remarks spoken about JoAnne's achievements as she was inducted into the Worchester State College Athletic Hall of Fame.

JoANNE MEDEIROS

JoAnne Medeiros, your exceptional athletic ability and competitive drive combined to distinguish you as the most outstanding all-around female athlete in Worchester College history.

You were instrumental in leading the College to its only National title in basketball in 1980. You were named Most Valuable Player in the regional and national Association of Intercollegiate Athletics for Women (AIAW) tournaments in 1980. You were named an All-American in basketball in 1981 and 1982. You were selected as the Most Valuable Player of the Eastern Association of Intercollegiate Athletics for Women (EAIAW) all-region team for four straight years from 1979 through 1982. You were also named to the EAIAW all-region softball team for four straight years.

You earned 12 varsity letters while playing field hockey and volleyball for two years and basketball and softball teams and you are the College's second all time leading scorer in basketball with 1,239 career points.

You were a candidate for the Pan American softball team in 1979 and were named to the ASA all-region first team in softball in 1979. You were an outstanding softball pitcher and catcher.

You were honored for your undergraduate achievements by selection to Who's Who in American Colleges and Universities and you were named the Worchester State College Athlete of the Year in 1981.

You went on to join the college coaching ranks as an assistant softball coach at Clark University in 1984 and were the head coach of Clark in 1985. You also served as an assistant softball coach at Worchester State College in 1986.

You are currently a Residential Coordinator at the Evergreen Center in Milford, MA.

JoAnne Medeiros, it is with great pride that we induct you into the Worchester State College Athletic Hall of Fame.

A TRIBUTE TO ANGELA GARVEY, HONORARY MAYOR OF SAN PEDRO—1986

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding community leader in my district, Mrs. Angela Garvey. Mrs. Garvey is being honored as the outgoing honorary mayor of San Pedro at the April 23 banquet to culminate the 1987 San Pedro Honorary Mayor's race. The dinner is an exciting annual event sponsored by the San Pedro Peninsula Chamber of Commerce.

Angela Garvey is deeply involved in a broad array of civic endeavors and organizations in and around San Pedro, She is a member of Harbor Lights—Los Angeles Police Department, a Harbor Division police organization; the San Pedro Christmas Parade Committee; San Pedro Clean Up Committee; and the San Pedro Chamber of Commerce. In addition, she is a past member of Leopold Bogdan Mandic Croatian Choir at Mary Star of the Sea Parish, has served ably as block captain of the area Neighborhood Watch Program, and has performed volunteer work for the Little Sisters of the Poor, as well as other civic organizations.

Mrs. Garvey is the wife of prominent San Pedro dentist Dr. L.C. Garvey, whose dental practice was first established in 1927, and has been located at 13th Street in the heart of San Pedro since 1935.

Mr. Speaker, Angela Garvey is no stranger to awards, commendations, or other forms of official recognition. Not only was she sponsored for honorary mayor by the San Pedro Kiwanis Club, she also has received a certificate of commendation for her dedicated work toward the betterment of our community from Councilwoman Joan Milke Flores, and a certificate of merit for her volunteer efforts from the Los Angeles Human Relations Commission.

It pleases me to have the opportunity to pay tribute to an outstanding citizen such as Angela Garvey, on this festive occasion. My wife, Lee, and I salute her for all she has done on behalf of our community, and wish her and her husband all the best in the years ahead.

THE RAPE OF TIBET

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. HUNTER. Mr. Speaker, John F. Avedon wrote an outstanding article which was printed in the Washington Post last month. In it he details the substandard living conditions that the average Tibetan must endure, and the horrifying measures of population control which the Chinese have taken against the people in the ancient and mystical country of Tibet.

Mr. Speaker, the Chinese Government is committed to maintaining it's one child policy in Tibet. For anyone who challenges that claim and believes that China does not support coercive forms of population control, I offer this horrifying article.

[From the Washington Post, Mar. 29, 1987]

THE RAPE OF TIBET

(By John F. Avedon)

On Feb. 18, two Tibetans were executed in Lhasa for "serious economic sabotage." Three more have been sentenced to die and 30 given terms at hard labor. Similar crimes, last mentioned in the spiritual pollution campaign of 1983, were the pretext for executing dozens of Tibetan dissidents and imprisoning thousands more. Tuesday is the 28th anniversary of the Dalai Lama's arrival in India, a refugee from his revolt-torn land. While he and the 100,000 compatriots who followed him into exile continue to voice Tibet's desire for freedom, their time, like that of all Tibetans, may be running out.

Under the cloak of liberalization, Beijing has adopted a final solution for Tibet: the rapid Sinocization of the country via wide-scale immigration. The fact that there are now at least 1 million more Chinese in Tibet than Tibetans has produced massive unemployment, a 300 percent inflation rate and a two-class society, sharply divided along racial lines.

The average Tibetan earns $110 a year. He is among China's and the world's poorest citizens. He lives in a dilapidated house often lacking running water, heat or electricity. His life expectancy is 40 years; one in six of his children dies in infancy. Of the five survivors, only one completes primary school; the rest must labor in the fields.

In contrast, the recently arrived Chinese settler lives in a modern "new town," earns triple a Tibetan's salary, receives sufficient medical care and diet to render his life expectancy 25 years longer and has a guaranteed place for his children in Tibet's schools, up to two-thirds of which are reserved for Chinese only.

But the new Chinese society is not merely displacing Tibet's ancient culture. It is actively destroying it. The harsh face of Chinese rule includes thousands of forced abortions and sterilizations of Tibetan women each year. The common method for both procedures, recounted from all across the country, is by injection. In Chamdo, Tibet's third-largest city, there have been numerous reports of fetuses thrown out in the storm drains and garbage bins of the People's Hospital. In Lhasa, many Tibetan women have heard their newborns cry, only to be told later that the infants died at birth. In Tibet's case, unlike China, the population is thin. These acts clearly have a political motive.

They come, however, within a well-worn context. As a direct result of the Chinese invasion, 1.2 million Tibetans—one-seventh of the population—have died, 6,254 monasteries have been destroyed and an estimated $80 billion in precious metals, religious art and statuary extracted. To secure its dominion, China still keeps roughly 20,000 Tibetans in the region's 84 prisons. Given current conditions, an argument could be made for considering all of them political prisoners. Those arrested for "antistate activity," though, number 3,000 to 4,000. Of these, Amnesty International has publicly adopted three, including Tibet's most famous dissident, the Buddhist monk Geshe Lobsang Wangchuk. Perhaps a simple comparsion best describes Tibet today. Inside Tibetan prisons there is one guard to every four prisoners. Outside, in the country at large, there is one Chinese soldier for every 10 Tibetans. Is Tibet itself one great prison?

China's population transfer has been adopted in large measure to relieve the People's Liberation Army of its police duties in Tibet. But the problem has arisen: How will the new Chinese community support itself on the barren plateau? The answer is: us.

In 1986, almost 30,000 tourists visited Tibet, well on the way to China's projected 100,000 tourists a year. They exulted in the most rarified air on earth, marveled at the Potala, seat of the exiled Dalai Lama, and enjoyed Tibetans' native kindness beside their nervous Chinese overlords. What most people failed to recognize is that the money they paid to see the 160 rebuilt monasteries did not go to Tibetans. Instead, it directly subsidized the purveyors of Tibet's destruction, 32,000 of whom are already working in Lhasa's service sector.

One irony is a communist regime's selling the supposedly antique society that its creed has pledged it to erase. Another is Beijing's use of Tibetans to sponsor, through the tourist trade, their own demise. But perhaps the greatest question is this: Given the three wishes of our China policy—a less than optimal counter to the Soviets, checkered democratization and an ambivalent opening of its marketplace—why do we remain so soft on human rights in the People's Republic of China? Is it something in China or ourselves that we still refuse to see?

GILMAN COMMENDS ROTARY INTERNATIONAL, DISTRICT 721

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of the House the good works of Rotary International, District 721. I had the great pleasure and privilege to deliver the keynote address at the District Conference Rotary International, District 721 which was held on March 27, 28, and 29 in Callicoon, NY. It was truly a delight to be associated with this fine special organization and its members.

I would like to congratulate District Governor William E. Vines for all of the planning and hard work which made this district conference such a great success. Seven hundred people attended the conference and shared in the fellowship and spirit of service that is the essence of Rotarians International. I know that Governor Vines was especially pleased by the fact that 52 clubs and 9 past district governor's participated in the conference.

It should be pointed out that the purpose of this gathering was to further advance the many worthy projects sponsored by Rotary International. A major focus was the challenge of "Polioplus," a major effort by Rotary to raise money to wipe out this dreaded disease in the Third World. I am proud to serve as the honorary chairman of a walk-a-thon to be held on May 9 in Orange County, NY, that will raise money toward this goal.

Finally, Mr. Speaker, I would like to point out by way of tribute to District Governor Vines and his fellow Rotarians that out of 447

Rotary International districts, District 721 ranks 47th in contributions to this worthy cause. I know that my colleagues will want to join with me in saluting the Rotarians of Rotary International, District 721 for their worthy contributions.

SUPPORT VOCATIONAL EDUCATION PROGRAMS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, in the administration's fiscal year 1988 budget, all Federal funding for vocational education was eliminated. In addition, the fiscal year 1987 budget proposes to rescind 50 percent of the funds already appropriated for vocational education programs. These proposals are not only inconsistent with the research and facts in this area, they are inconsistent with previous budget statements issued by the administration. At a time when our Government is finally recognizing that education holds the key to this Nation's future, we receive a vocational education budget from the administration that is unwarranted, unprecedented, and quite frankly, unbelievable.

Consider, for example, that 80 percent of our youth participate in some vocational education. Consider that workers with relevant school provided vocational training required less on-the-job training and were more productive on the job than those occupants of the same job in the same firm with no such vocational training. Consider that nearly 27 percent of our Nation's ninth graders will fail to receive a high school diploma, thus lacking the basic skills and knowledge necessary to be a productive member of the work force. Consider all of these facts, but most importantly, remember that merely 3 years ago, Congress reauthorized the Carl D. Perkins Vocational Education Act—the foundation of educational and vocational opportunities for working men and women designed to assist them in entering and remaining in the work force as productive members of society. Reauthorization of this act represented a Federal commitment to training and retraining youth and adults to respond to current and future labor market needs. It is a commitment that must be strengthened and expanded, if we are to continue to remain "competitive." Any other action, especially the administration proposal, is irresponsible at best.

I urge all of my colleagues to express their continued support for adequate levels of funding for vocational education and job training programs and oppose any rescission of these critical funds. I am proud to have joined as an original cosponsor of legislation expressing these views and recognizing the vital role vocational education has, and will continue to play in this Nation. I ask my colleagues to do the same.

TRIBUTE TO ARTHUR HERNANDEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual that has worked tirelessly on behalf of veterans. On May 2, 1987, Mr. Arthur Hernandez will be installed as commander of the Military Order of the Purple Heart, West Covina Chapter No. 392.

Arthur Hernandez served in the U.S. Army during World War II, and was assigned to the 184th Infantry Regiment, attached to the 7th Infantry Division. PFC Hernandez earned the Military Occupational Specialty of Rifleman No. 745, and in combat, was assigned the duty of first scout; on many occasions he infiltrated enemy territory on reconnaissance patrols ahead of the front lines, and although twice wounded in the battle of Okinawa, he remained in front line action until the island had been secured.

A distinct honor to him is the Military Qualification of the Combat Infantry Badge. He was awarded the Bronze Star Medal, the Purple Heart Medal with one Oak Leaf Cluster, World War II Victory Medal, American Campaign Medal, and the Army Occupation Medal. He was honorably discharged from active duty on June 27, 1946.

Among his many activities is serving as adjutant and commander in the West Covina Chapter No. 392 Military Order of the Purple Heart, which he considers one of our country's most exclusive veterans organizations.

For many years he has been an enthusiastic participant in the masonic fraternity, and is now an inspector for the Grand Lodge of Free and Accepted Masons of California and Hawaii.

Mr. Hernandez is married to Anita Hernandez, they have two sons and seven grandchildren. His sons, Bill E. Hernandez and Fred A. Hernandez both served in the Armed Forces of the United States of America.

Mr. Hernandez recently retired after many years of dedicated service with the Los Angeles Unified School District.

Mr. Speaker, I ask that my colleagues join me in commending Arthur Hernandez on his outstanding contributions to advancing the rights of veteran's and extend him best wishes for continued success in future endeavors.

ORRIN P. CHASE RETIRES FROM SOUTHERN CALIFORNIA GAS CO.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, it is my pleasure to rise today to honor a fine and dedicated employee and civic leader from my district, Mr. Orrin P. Chase.

O.P. is retiring next month after 36 years with the Southern California Gas Co. He began his career as a serviceman in 1951 and through the years worked his way up the organization becoming special investigations representative in 1959, branch office supervisor in 1966, local manager in 1970, and attaining his present position, district manager, San Luis Obispo, in 1978.

Born in New Hampshire, O.P. attended Kennet High School, New England Aircraft School, and the California Aeronautical Institute. He also served 2 years in the U.S. Navy.

Very active in the community, he was a member of the Santa Maria Valley Developers, Inc.; Lompoc Valley Economic Development Association; Santa Maria Valley YMCA; Santa Maria Rotary Club; Central Coast United Way; Highland Park Kiwanis Club; Control Coast Hot Jazz Society; San Luis Obispo Rotary Club; Santa Maria Valley Chamber of Commerce; and the Salvation Army advisory board.

In appreciation for his many services, O.P. has received many awards including the Sam Collar Memorial Award for Distinguished Service—Santa Maria Valley YMCA, 1975; Citizen of the Year—Santa Maria Valley Chamber of Commerce, 1977; and a listing in Who's Who in the West, 1980–81.

Orrin and his wife Shirley have two children, Jeff and Susan. They enjoy fishing, bowling, and traveling in their motor home and they plan to spend more time in these activities in retirement.

I ask that you please join me in wishing O.P. and his family a happy, healthy, and productive retirement.

A SALUTE TO JULIUS ERVING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. STOKES. Mr. Speaker, on April 19, 1987, Julius Erving of the Philadelphia 76ers played his last regular season professional basketball game at the Capital Center in Maryland. This game closed the career of one of the most admired athletes in professional sports.

"Dr. J" has, throughout his career, demonstrated only the highest level of sportsmanship, commitment to community, athletic talent and class. I ask my colleagues to join with me in saluting an outstanding athlete and a fine American on his retirement from professional basketball.

Mr. Speaker, on the occasion of Julius Erving's retirement from professional basketball, I would like to submit for the RECORD an article from the March 30, 1987 Cleveland Plain Dealer.

The article follows:

ONE LAST HOUSE CALL—DR. J MAKES FINAL AREA APPEARANCE

(By Bill Livingston)

This is the last time around for Julius Erving, but you will not find the sorrowful beauty of ruins in his game. Time has altered Erving's style, but it has not erased it.

Erving, the man who will be forever remembered as Dr. J, and his Philadelphia

teammates make their last visit of his final professional season to the Coliseum tonight.

Before a broken finger interrupted his season, Erving, 37, was both a starter and a contributor. Erving was activated for last Friday's game with New Jersey and is expected to play against the Cavs tomorrow night.

He is like the work of an old master, to borrow a metaphor from the essayist Richard Selzer, which is not finished until time and toil have had their way with it. The colors are more muted now, but the effect is even more dramatic.

Would Mona Lisa, for instance, smile as mysteriously in her freshly rouged and lipsticked youth as she does now, after all she has seen through the years?

Testimonials to Erving will pour in from throughout the basketball world, of course, as he prepares to say goodbye. And it is entirely appropriate that the National Basketball Association saves some kind words and thoughts for him, because in a lot of ways, he saved the league.

THE MERGER-MAKER

The year was 1976. The pro basketball war between the NBA and American Basketball Association had ranged since 1968. Salaries were out of sight. The NBA had the bigger cities, network television contracts and better arenas.

The ABA had the Doc. He was enough.

The rest of the world knew about him mainly from the legendary Sports Illustrated cover story that called him "the net-ripping, backboard-shaking, mind-blowing Dr. J."

And there were occasional rumors of Erving's slam-dunk contest with David Thompson in the final ABA All-Star Game (1976.) To basketball fans nationwide, it was like medieval Venice, hearing rumors of the spices and treasures that lay at the end of the Silk Road.

We are always more curious about something that is new and strange. The clamor of basketball fans nationwide to see this jumping fool from another planet (for such was hype) led, almost as much as the fiscal sense of the owners, to the great merger agreement 10 years ago.

All of the best players from the ABA—Artis Gilmore, David Thompson, James Silas, Ron Boone, Larry Kenon, George Gervin, Bobby Jones, John Williamson, Dan Issel, Brian Taylor, Moses Malone, Caldwell Jones and their like—could then be enjoyed by everyone.

The merger, certainly, would have happened without Dr. J. But not as quickly. And for basketball fans who missed the chance to see a player such as Donnie Freeman in his glory, the only pity is that Erving came along too late.

THE FRANCHISE-MAKER

To understand where Erving is, you have to know where he has been.

When sold to the 76ers by impoverished former Nets owner Roy Boe on the eve of opening day in 1976, Erving didn't bring with him the most savory reputation.

At one point, Milwaukee owned the NBA rights to him, but he agreed to contract terms with Atlanta . . . and even played a couple of exhibition games with the Hawks. After that adventure, the courts ordered him back to the ABA.

His actions indicated nothing less than that he was the rankest of mercenaries.

Furthermore, joining the 76ers of 10 years ago hardly figured to be a pleasant experience. George McGinnis, acquired one year earlier, was the darling of the fans. With such other offensive weapons as Lloyd Free (as he was known then), Joe Bryant, Doug Collins and Darryl Dawkins clogging the roster, there weren't enough basketballs to go around.

Frankly, many skeptics expected Erving to put in a year or so in Philly and then, with the New York Knicks at the peak of their spending spree, to leap into a pile of Manhattan cash that would put J.P. Morgan's bank to shame.

But just as there is a pure, sound basketball player beneath the flash and funk of the Doctor's style, so there was a gentleman beneath the greed.

Erving threw himself part and parcel into Philadelphia life. He owns the Coca-Cola Bottling Co. in the city, for example. It is the fourth-largest black-owned company in the country. He is a viable force in the city's business and sporting spheres. He has become a Philadelphia institution, right up there in local fondness with Bobby Clarke, Ben Franklin, William Penn and the boys.

He certainly has returned more loyalty to the franchise than it has given him. Philadelphia flirted with the idea of trading him in 1985 and was so slow to sign him after last season, Erving considered at length a lucrative offer from the Utah Jazz.

Had he gone to Utah, of course, he would have made a great mistake. With Utah, there was the danger he would come off as Brigham Old or somebody. With Philly, he can be an elder statesman with dignity.

THE MEMORY-MAKER

Erving's place in technical basketball history, of course, is secure. He is the most flamboyant and exciting open-court player in the game's history.

He brought breadth to a vertical game. He didn't invent the dunk, but he did turn it into an art form. Virtuosity came to depend as much on hang-time and finesse as on height and force. Wilt Chamberlain dunked. Julius Erving danced on a dream.

In a sense, he was the final evolutionary step in the process begun by Elgin Baylor. The great Lakers forward's double pumps his reverse drives, his incredible ability to work hangtime to death, all of that set the stage for the Doctor.

The intermediate step was provided by Connie Hawkins, who, also played out his best years in the obscurity of the ABA. Hawkins had the same mammoth hands that added another dimension to Erving's game, but was on his last legs by the time he joined Phoenix in the late 1960s.

And it was the vast hands—shaking with him is like sinking your hand into a pillow—that made Erving a mythic character on the court.

Yes, he could dunk by taking off from a toenail inside the foul line. But the springs in his legs weren't unique. Edgar Jones, for example, could flatout get up there, too.

"Those hands give Doc an extra weapon," Collins, now the Chicago Bulls' coach, once said, "He can get angles and do things that other people never dream of."

Two memories, showing that the Doc's hand was always quicker than your eye and that nobody on this planet ever jumped like he could;

Game Six, 1977 NBA finals, Philly vs. Portland. The ball rolls loose after a 76er's basket. No one knows how. No one will care after what happens next.

Erving scoops it up at midcourt (Erving is usually the last Sixer back on defense at this stage of his career) and breaks in alone on Portland center Bill Walton.

Remember that Walton is having the greatest single season any center, including Wilt Chamberlain in 1967, has had. Walton has created his own legend by skying somewhere to the north of reality and dunking right in Kareem Abdul-Jabbar's goggles earlier in the playoffs.

But at Portland's defensive end of the floor, nothing goes over Walton unless it's powered by a small plane.

Erving jukes left, right, shimmies into the lane. Walton windmilling his arms and gathering spring for the block . . . and then, wham, Doc explodes upward and stuffs it right in the famous vegetarian ear of Walton.

If it had been a penalty shot in hockey, it would have been Bobby Hull against Jacques Plante. Baseball, Nolan Ryan against Reggie. I was there. I still tingle thinking about it.

Game Four, 1980 finals, Philly vs. Lakers. "What Julius does," Magic Johnson said years later, "is leave an impression on your mind. I'm still talking about the move he made in the 1980 finals. You know, the one where he went up on one side of the basket, crossed under and laid it in on the other side."

I got out my game story from that afternoon's contest.

I can still see him curving around Mark Landsberger as he leaves the floor on the right college foul-lane marker.

Kareem rushes over "slinging those long old arms of his around," as Dr. J said later.

Erving bends around him, too, flying beneath the basket with half of his airborne body out of bounds. "At this point, he could have ordered a soft pretzel from a concessionaire, with lots of mustard on it," my story read.

Erving curlicues back toward the floor, still walking on air, remember, and wrenches up a reverse layup.

An instant later, he collides with Jim Chones on the left college foul-lane marker and tumbles to the floor, "a dark angel folding his wings," as I said at the time.

"When that shot went in," the 76ers' trainer said later, "it was like New Year's Eve."

"Whew," Magic said. "He gives you memories."

THE LEAGUE-MAKER

"There was a period when the NBA had lost a lot of credibility," said Dick Motta, the Dallas Mavericks' coach. "Our game was great, but some people in it weren't stepping forth with the best image.

"The college coaches were knocking us. We had some drug scandals. We had lots of contract disputes and we had basically lost our TV contract (championship-round games as late as 1981 were shown on a tape-delay basis.)

"We had more teams losing money than making money. We had owners suing each other. We had players boycotting All-Star Games."

The product on the floor itself, make no mistake, was saved by the introduction of Magic Johnson and Larry Bird into the league in the same epochal season of 1979-80. Each has won three championships since.

Commissioner David Stern, a brilliant merchandiser, helped at the business end, too.

But Erving saved the league, in Motta's opinion, in the public relations end.

"Julius stepped forward as probably the best ambassador—whether it be black or

white, it was an advantage to the league at the time that he was black—and participated in all the charities, talked positively, acted positively with his life and his game," Motta said. "We all jumped on his coattails and rode them."

It wasn't just the charity work, though Erving always has been a willing spokesman for any good cause.

And it wasn't just the incredible example to youths of Erving's attaining his college degree, 15 years after leaving the University of Massachusetts, last spring.

It was the personal example of class and character he set for his teammates, for all his colleagues, really, that set Erving apart. What he did while swooping and dive-bombing the net was less important, finally, than how he handled himself after he came down.

He would become the NBA's Winston Churchill, offering in war, resolution; in defeat, defiance; in victory, magnanimity.

He was caught in one of history's bitter little jokes. The 76ers' best chance for a title came in the 1970s, when Erving was a tiger. But the team was too divided then.

When they finally won, in 1983, after three losses in the finals, he was so old, he was calling himself a "role player."

Some role player.

Rather we should think of him as we would a ripening masterpiece, one that is acquiring tonality and weathered nuance through the years.

Marking his place as a true professional, for example, he expanded his game as the years went on. He picked up an entirely new skill and became a far better outside shooter near the end than he was at the beginning of his career.

His defense, now that he was not called on for so much offense, became stronger.

And he finally would make the Havlicekian switch to the backcourt, proving his versatility.

That improved jump shot, that enhanced defense, in fact, led him to win his lone NBA championship in storybook fashion.

He scored seven straight points in the final 2:01 of the clinching game against the Lakers in 1983.

"I would like to give thanks to the Creator," Erving said before entering his team's locker room, where the champagne spewed. "And not only for the times we were victorious, but for the times we lost. Those times built our character as men. Without what happened then, we wouldn't be the same now."

THE LOVE-MAKER

"This is what would have happened if Ernie Banks had ever gotten to the World Series," former 76ers General Manager Pat Williams said after Erving at last won his championship. "The whole world wanted this to happen to him."

But as Erving said outside that riotous locker room four years ago, it wasn't just the triumphs, but also the tragedies that forged him. For he isn't the most popular player of his time because of his coronet, but because of his kind heart.

He has lost on the court, missing the last shot of the seventh and last game against Milwaukee just last year, for example. When he lost in the finals in 1982, it became too much for him and he wept, he would admit later, for the first time since his brother had died of lupus years ago.

He probably was surprised by that because he always tried to take whatever happened in basketball with relative calm.

"My playing career is a grain of salt," he once said, "when compared to reality, to tragedy, to family, to friends."

And so it was that he missed a game last season so he could remain in Philadelphia to deliver the eulogy at the funeral of Dave Zinkoff, the team's public address announcer for most of its history.

Here is what Erving said at that funeral:

"To know him was to love him, and I truly loved this man. I knew him for only nine years. I laughed with him, cried with him, shared with him, dined with him, chauffered with him, received advice from him, pleaded with him, plotted with him, exchanged stories with him, learned from him, hugged him, kissed him and told him I loved him without shame, embarrassment or hesitation.

"David was my grandfather, father, brother and son all rolled into one giving, sharing person who cannot and will not be replaced, ever. He left us, after showing us the way to live our lives."

There usually is a barrier between athlete and reporter. But at the risk of the adversarial relationship, I will say that the fine words could as easily apply to Erving himself.

Who loves ya, baby? We all do. Because you gave us canvases to last our lifetimes.

TRIBUTE TO BROTHER VINCENT WEBB

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BROWN of California. Mr. Speaker, I wanted to share with you today the words of one of my constituents, Brother Vincent Webb, SVD: "For as long as I am able, the joy of serving somebody gives me reason to live."

This Sunday, April 26, 1987, friends of Brother Vincent Webb will gather at the Divine Word Seminary in Riverside, CA to celebrate his 50th anniversary with the Divine Word Missionaries. This will be a unique celebration because Brother Vincent is a unique man: Brother Vincent Webb was the first black man in the United States to become a religious brother in a Catholic faith community.

Brother Vincent was born April 7, 1908, in Arkansas. His conversion to the Catholic faith began when he grappled with the issue of segregated churches in the South. When he moved to Toledo, OH, at the age of 17 a white coworker invited him to mass. He began to study for the priesthood in 1928, but turned instead to helping a Jesuit priest start a mission for blacks in Toledo. "Some days I got something to eat and some days I didn't," he recalls.

The Divine Word Missionaries offered the first opportunity for blacks in America to train for the ministry, and Brother Vincent professed his vows with the order on May 6, 1937. Brother Vincent is being honored for his 50 years of service to the Divine Word ministry; he has become a legend at the seminary in Riverside, where he has lived for the past 25 years. At the age of 79, Brother Vincent still rises at 3:30 a.m. to pray and to serve meals to the religious community—over 30,000 meals a year!

Mr. Speaker, I want to join Brother Vincent's many friends in honoring him for his humor, his generosity, and his love. His friendship and advice have helped many young people to discern God's call for their lives. The many people whose lives he has touched have been blessed, and we thank him for his daily example of Christ's love made manifest on earth.

SHARING THE BURDEN OF LATIN DEBT

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FUSTER. Mr. Speaker, I would like to share with you and my colleagues in the House an excellent op-ed article the Governor of Puerto Rico, Rafael Hernández Colón, published in the New York Times of April 16, 1987 entitled "Sharing the Burden of Latin Debt."

The exchange of debt for equity approach the Governor of Puerto Rico advances in his article could help prevent the outcome he feels is coming about as a result of the ravages of the current debt problem. He indicates that:

The result is that democratic politicians in the debtor nations are increasingly trapped between the demands of a dissatisfied population and an international community that provides neither markets not debt service relief.

The Governor's warning to Washington, Mr. Speaker, is that "democracy in Latin America could be in grave danger if the debt problem is not brought under control." Many of my colleagues share his view and so do I.

Growth through equity is a possible way out of the tangle of problems that keep getting more complex and intractable with the passage of time. I hope we can do something about it before the "breaking point" is upon so many of our friends and allies in the community of nations.

SHARING THE BURDEN OF LATIN DEBT

(By Rafael Hernández Colón)

SAN JUAN—Puerto Rico is America's vantage point for the Caribbean and Latin America, a bridge between North and South. We would therefore be remiss if we failed to warn Washington that democracy in Latin America could be in grave danger if the debt problem is not brought under control.

Latin America owes more than $360 billion to banks and governments in the industrialized world. The interest payments are huge. United States banks appear determined not to extend new loans to Latin America—in 1986 banks actually took in more money from the region than they loaned—so there is little hope that the flow of money out of the region will reverse itself.

Puerto Ricans see both sides of the story. We understand why banks have called for austerity measures, yet the fact is that such difficult and politically unsettling measures have been in place in almost every country of Latin America for the last three years. The result is that democratic politicians in

the debtor nations are increasingly trapped between the demands of a dissatisfied population and an international community that provides neither markets nor debt service relief.

Any resolution must contain certain key ingredients. There must be some relief in the amount of money debtors are paying to service the debt. At the same time, Latin nations must be more flexible in accepting equity investment in exchange for debt. Distrust of foreign investments may have been understandable in the past, but foreign investors of the late 1980's are not the same as those of the early 1950's. Simultaneously, commercial banks will have to raise their sights above narrow accounting concerns to become partners in imaginative solutions that can involve equity as well as cash repayments.

One innovative proposal was recently set forth by the Philippine Finance Minister, Jaime Ongpin, asking creditors to accept a financial instrument called Philippiine Investment Notes in lieu of dollars. As an incentive to the banker to accept them, the notes would be worth more in local currency than the dollar value of the interest he would have ordinarily received. The banker could then sell the notes for dollars to private investors, who would turn them in for full face value in pesos. These pesos would in time be used to fund equity investment in the Philippines.

This is just one idea. But whatever the chosen debt for equity scheme, the concept is the same. Debt, which is a drain on both the country and the bank, is transformed into productive new investment. And all the players gain. The country saves precious foreign exchange by paying in notes; the banker unloads unproductive debt; the investor receives local currency at a discount. Above all, ordinary citizens will see debt service payments, which they are making vast sacrifices to meet, begin to return to their country as investments in goods and jobs, breaking a dangerous cycle of despair that could conceivably lead to total debt repudiation.

Banks and debtor nations alike must recognize the political and financial dexterity of ideas that permit repayments to go forward without badly damaging the popular base and long-term growth prospects of a country. Equity programs would require a concession from debtors as well, because it would make them open their economies to foreign investment, bringing higher growth rates and fuller employment.

For too long the debt crisis has been viewed by Washington as simply a financial program. Treasury Secretary James A. Baker's 1985 plan for a concerted program of further infusions raised hopes, but the expanded commercial bank lending he foresaw—the essential piece of the puzzle—never fully materialized. Washington must now be ready to support mechanisms that reduce debt service burden and enhance long-term growth through equity.

The case of Puerto Rico demonstrates that even a small Caribbean island can achieve expansion and employment through substantial private investment. Had we faced the pressures of an impossible debt burden, Puerto Rico would never have achieved its success in economic and social development. Yet we also share a cultural and religious heritage with the rest of Latin America. And what we see happening there worries us. For many nations the breaking point is fast approaching.

TRIBUTE TO OUR COAST GUARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GILMAN, Mr. Speaker, I rise to pay tribute to the U.S. Coast Guard, especially those who were responsible for the dramatic and heroic rescue of the 37 Russians who were stranded aboard a drowning vessel's heaving deck just 210 miles off the coast of New Jersey. After discussing this matter recently with a number of my constitutents, I believe that these valiant Coast Guard members are deserving of a special tribute.

The daring helicopter crews, led by Lt. Keith Comer, LCDR. Gary Poll, and Capt. Richard Hardy, braved 50-mile-an-hour winds and seas of up to 25 feet. Using their trained skills, they managed to stage one of the most remarkable rescues in Coast Guard history.

All of the Soviet crew was rescued as the 482-foot ship was listing 40 degrees to port, rising and plunging in the sea with winds gusting up to 50 miles. Among the Russians rescued were three women and one small infant.

Mr. Speaker, I urge my colleagues to share in expressing our Nation's feelings of gratitude, thankfulness, and respect for these brave men, already noted by the Soviets. Courageous men like these who risk their lives to protect and serve our Nation, as well as other nations which need our help, are deserving of our praise. Their efforts should not go unacknowledged. We commend them for a job well done.

THE OLD AND YOUNG AREN'T FOES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, as an original Member of the House Select Committee on Aging, I have had numerous occasions to hear testimony from William R. Hutton, the executive director of the National Council of Senior Citizens.

Mr. Hutton has proven himself not only to be a leading advocate for the rights of our Nation's elderly, and also has, on several occasions, displayed his talents in print. I am proud at this time to include for the record a recent article Mr. Hutton submitted to the New York Times on generational equity. I believe this article will be of interest to all who are concerned with the rights and welfare of not only our Nation's young people, but our Nation's older adults.

[From The New York Times, Apr. 8, 1987]

THE OLD AND YOUNG AREN'T FOES

(By William R. Hutton)

WASHINGTON.—Under the misleading rubric of Americans for Generational Equity, a new pressure group is framing public-policy questions as if there were competition among the generations.

Although the organization, which was created by Senator David Durenberger, Republican of Minnesota and which has been called "granny-bashers" and the "yuppie lobby," claims to be working for increased fairness and cooperation between the generations, it promotes divisiveness, not equity. The organization's solution to the problem of poverty among the young is to attack programs that help the old. This strategy poses a danger to needy citizens of all ages.

The organization's generational equity thesis is based on several factual errors and misconceptions. The facts are these:

1. Older Americans are not a group of affluent idlers taking money out of the pockets of younger workers or women and children on welfare.

Even though senior citizens are in better financial shape than they were 10 or 20 years ago, thanks in large part to such insurance programs as Social Security and Medicare, there still are large pockets of poverty among the elderly, particularly among Hispanics, blacks and other women.

Critics of Social Security and other insurance programs for senior citizens often use discriminatingly lower indexes of poverty for the elderly and ignore the large number of near-poor who are just over the poverty line, which is $4,775 for a single person over 65.

If accurate statistics on poverty are used, our most needy seniors constitute not 12.4 percent but 21.2 percent of the whole population. No other age group has so many needy people. Even those outside of the most needy group cannot be considered well off. The average monthly Social Security payment for a retiree is merely $488; for many elderly people, the sum is much lower.

2. Redistributing resources between generations does not guarantee fair treatment for poor citizens of any age.

Clearly, our society should be doing more to address the shameful growth of poverty among children. But Social Security and Medicare are not responsible for this poverty, nor are any of the other assistance programs that have helped the elderly, as a recent study by the nonpartisan Congressional Budget Office makes clear.

The cuts in social programs assisting the young, the study shows, directly result from the enormously rising defense spending and from tax loopholes.

3. Social Security and other senior assistance programs do provide tangible economic returns.

Without the economic independence that Social Security provides for most older people, the burden of support would fall largely upon younger family members. At precisely the time that adults are struggling to rear and support their children, the responsibility for dependent parents would create enormous family stress, not to mention substantial costs. Were it not for Social Security, poverty rates among children would more than triple.

Social Security is beneficial to younger generations through the valuable survivors' benefits and payments for disabled young workers. Then, too, by encouraging older workers to retire in exchange for compensation, Social Security opens up job opportunities for younger workers.

In our highly interdependent society, it is both normal and expected that individuals experience personal needs that only other individuals and social institutions can meet. In the course of a lifetime, people generally both give and get assistance. These bonds link everyone as a society.

With this understanding, senior citizens' organizations have worked successfully with

advocates of the family and children for years to achieve better living standards for needy citizens of all ages. Now, however, lobbyists for the so-called intergenerational equity can upset this balance and cooperation in one fell swoop.

While most major polls and studies indicate little evidence of conflict between age groups, the work of these intergenerational "reformers" may make such conflict a self-fulfilling prophesy.

TESTIMONIAL IN HONOR OF JULIUS GIUS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues, the testimonial dinner honoring one of my personal friends who is the editor of the Ventura County, CA, Star Free Press. Tribute is being paid to Julius for his many years of consistent and positive involvement in Ventura County affairs.

Julius Gius was born in Fairbanks, AK, in 1911 and arrived in Ventura County in 1960. He quickly became an involved and influential member of the community. He has edited the Ventura County Star Free Press since coming to Ventura and has served on many boards for the past 27 years.

His many civic duties have included his being a trustee of the Community Memorial Hospital since 1962; a member of the Ventura Rotary Club since 1961, receiving their Paul Harris fellowship; a member of the board of directors of the Ventura County Symphony Association for over 25 years; a director of the former Community Chest and of the present Ventura County Community Way; 1985 chairman of the Boy Scout sustaining fund drive; and 1985 chairman of the YMCA capital campaign fund for a swimming pool. In addition, he created the Star Free Press "Bell Ringer Campaign" which has raised over $250,000 for the Salvation Army's work in Ventura County. Julius has been a member of the Boy Scout Golden Condor Committee from 1981–87; honored by the Ojai, CA, festivals for continuing support of that organization; and a member of the American Society of Newspaper Editors for the past 38 years. As a member of the Society of Newspaper Editors, he was chosen as one of 15 members to represent them in the Soviet Union.

Julius has been married to his wonderful wife Gail for 46 plus years. The couple have a son Gary and a daughter Barbara. They also have five grandchildren. He enjoys playing a little golf and travels as much as possible.

As you can see Julius richly deserves this testimonial for all that he has given to Ventura County. Please join with me in extending the very best wishes of the House to a very important man in my community, my friend Julius Gius.

COMMENDING THE 10TH ANNIVERSARY OF PHILADELPHIA ELECTRIC CO.'S YOUTH DEBATE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. FOGLIETTA. Mr. Speaker, this coming Saturday, April 25, marks the 10th anniversary of Philadelphia Electric Co.'s Youth Debate on Energy. I want to commend Philadelphia Electric Co., and in particular the Energy Education Advisory Council, for sponsoring what is universally recognized as a major educational resource and a true public service in the Philadelphia community.

The Youth Debate on Energy has become an important forum for the discussion of one of the most important, continuing issues this Nation faces—utilization of energy resources. This event has been responsible for exposing thousands of Philadelphia area high school students to the importance of a workable energy policy in the United States, and to the difficulty of achieving such a policy.

This year's debate topic is especially timely. The students will debate whether the Federal Government should impose a $5 per-barrel tax on imported oil. As all of us who serve in this Chamber are aware, this is a highly complex and hotly contested issue. Clearly, the debate's participants will further develop their skills for research, analysis, and critical thinking.

I do not exaggerate when I say this Youth Detate on Energy Program is important. The generation that has been making this Nation's energy decisions, our generation, was woefully unprepared when, in 1973, the Organization of Petroleum Exporting Countries cut off this Nation's oil supply.

Forms like the Youth Debate on Energy shake us out of complacency. By having the students of today address the difficult and controversial energy problems confronting us now, we ensure that the next generation of energy decisionmakers will be better prepared to meet the challenges and controversies of the future.

Debate, as it is used and practiced, develops the ability of people to govern themselves. It is no accident that free speech and freedom of assembly, the raw ingredients of debate, are enshrined, along with religion, in our Constitution's first amendment. We as a people hold dearly to the belief that, in Thomas Babington Macaulay's words, "Men are never so likely to settle a question rightly, as when they discuss it freely."

So, when young people become involved in a program like Philadelphia Electric Co.'s Youth Debate on Energy, it is not just an academic exercise, it is an advancement of our ideals to a new generation.

The Youth Debate on Energy is a difficult undertaking. On this, the 10th anniversary of the program, I want to recognize and congratulate Philadelphia Electric Co., the members of the Energy Education Advisory Council, and the high school participants over these past 10 years, from whose energy and hard work we all benefit.

JACKIE ROBINSON: A MAN FOR ALL SEASONS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DELLUMS. Mr. Speaker, last Wednesday, April 15, marked the 40th anniversary of Jackie Robinson's first appearance in a major league baseball game, as the starting first baseman for the Brooklyn Dodgers. It was a landmark event in the history of America's race relations but, sadly, events of recent weeks and months document that we still have a long way to go to achieve equity and fairness in baseball, much less society at large.

Jackie Robinson ought to be remembered as much more than a great baseball player who deservedly belongs in the Hall of Fame at Cooperstown. He was a great athlete but, more important, he was a man who spent an all-too-brief life trying to get this Nation to live up to the ideals professed in our Declaration of Independence, that all are created equal.

He was born youngest of five children on January 31, 1919 in Cairo, GA. A year later his mother, Mallie, seeking a better life for her children, took them to Pasadena, CA. But the heavy hand of race prejudice prevailed even in the Golden State at that time. For example, in 1936, when a local judge ordered the Pasadena public swimming pools to be desegregated, the city government retaliated by purging all blacks from the city payroll. One of the victims was Mack Robinson, Jackie's older brother, who had just returned from the 1936 Berlin Summer Olympics where he had won a silver medal in the 220-meter dash, finishing second to the immortal Jesse Owens.

It was in southern California, first at junior college and then at UCLA, that he honed the incredible skills that made him probably the finest all-round athlete of his era—or any era in the history of modern sport. Most ardent baseball fans can cite his 10-year major league career statistics, starting with lifetime batting average of .311 and a 1949 Most Valuable Player Award year that included a .342 batting average championship with 124 runs-batted-in. However, many people do not realize, or have forgotten, that baseball may have been his least proficient sport. If you would not believe, then consider some of his other athletic achievements while an undergraduate student at UCLA during the years 1939–1941:

1. As a basketball player he twice led the Pacific Coast Conference (now the PAC-10) in scoring. One opposing coach called him the best basketball player in the United States;

2. As a football halfback he averaged 11 yards per carry in his junior year, leading the editor of Sports Weekly to write: "He is probably the greatest ball carrier on the gridiron today.";

3. He was the NCAA long-jump champion in 1940;

4. In between college baseball games, he also managed to win the Pacific Coast intercollegiate golf championship;

5. Playing during the segregated era of tennis, he reached the semifinals of the National Negro Tennis Tournament;

6. Contrary to the recent incredibly insensitive remarks by Mr. Alex Campanis, former vice president of the L.A. Dodgers, about blacks lacking sufficient buoyancy to be good swimmers, he was also a UCLA swimming champion at a variety of distances.

But it is Jackie Robinson, the crusader for equal opportunity that I admire even more. When he was called into military service shortly after the attack on Pearl Harbor, he applied for Officer Candidate School [OCS] at Fort Riley, KS. Despite his college background and high test scores, he was rejected for admission. He protested this racist discrimination to a fellow black soldier stationed there—Joe Louis, then heavyweight champion of the world. Louis informed Truman Gibson, a black adviser to the War Department. They responded by reversing this racist policy at Fort Riley, thus initiating the eventual desegregation of all the Armed Forces.

After receiving his commission as an Army second lieutenant, Robinson was made morale officer for the black troops at Fort Riley. He immediately attempted to increase the number of seats for black troops and their dependents at the segregated Post Exchange [PX]. His efforts were successful, but not before he had engaged in a telephone shouting match with a ranking white officer who, thinking Robinson was white, said: "How would you like to have your wife sitting next to a nigger?"

He was barred from playing on the Fort Riley baseball team, which was segregated. In retaliation, he refused to play for the post football team which was integrated, even after a colonel ordered him to play. As a consequence, he was soon transferred to Fort Hood, TX.

While serving at Fort Hood, on July 6, 1944, 1 month after the D-Day invasion of Normandy to liberate western Europe, and 11 years before Rosa Parks refused a similar racist command on a Montgomery, AL bus, Lieutenant Robinson was ordered by a military bus driver to get to the back of the bus where the colored people belong. Knowing that the War Department had recently ordered the desegregation of military buses, he vehemently refused, even though the Military Police and the base provost marshal sided with the driver. As a consequence he was court-martialed for insubordination and threatened with a dishonorable discharge. He persisted in his rights—and he won acquittal on all charges. The Army was afraid to put up any longer with a racial crusader, so they gave him an honorable discharge in November 1944.

Ironically, his consistent display of courage in the face of adversity made him Branch Rickey's prime candidate for launching baseball's great experiment. Rickey told him he had been selected because: "I want a player with guts enough not to fight back" when subjected to racial slurs and deliberate attempts to injure him. By mutual consent, Robinson agreed to remain silent for 3 years, in order to gain acceptance as a professional peer, thus prying open the door for other talented black players. We can only imagine what he suffered and what he endured during that period. The personal toll was immense, both to his pride and to his health; there is no doubt in my mind that it contributed to his early death at the relatively young age of 53.

Long after he left baseball, Jackie Robinson continued to speak out for the cause of racial equality and social justice. Although one of its leading spokesmen and fund-raisers, in 1967 he angered the black establishment by resigning in protest from the NAACP because of its domination by a clique of the Old Guard and its failure to include younger, more progressive voices. In 1969 he declined an invitation to an old-timers game at Yankee Stadium because, as he wrote:

My pride in my blackness and my disappointment in baseball's attitudes requires that until I see genuine interest in breaking the barriers that deny access to managerial and front office positions, I will say no to such requests.

However, in 1972, he relented, in order to commemorate the 20th anniversary of his historic entry into major league baseball. On October 15 of that year, at Riverfront Stadium in Cincinnati, he threw out the first pitch to open the second game of the World Series between the Cincinnati Reds and the Oakland Athletics. Nine days later he was dead of a heart attack.

Fifteen years after his death, and 40 years after he broke the color barrier in major league baseball, Jackie Robinson leaves behind a legacy of courage and commitment to make this world a better place for all in which to live and love. Yes, he was truly a credit to his race—the human race. For that I will always honor and respect him.

WORLD POPULATION AWARENESS WEEK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LEVIN of Michigan. Mr. Speaker, I am very pleased that the State of Michigan has joined with at least 35 others in a bipartisan effort to declare the week of April 20 through 25 as "World Population Awareness Week."

World Population Awareness Week will be marked in Michigan, as it will in other States, by a series of forums and conferences. These gatherings—to be held in Michigan at Ferris State College, Kalamazoo College, and the University of Michigan in Ann Arbor, among other places—are designed to promote a broader understanding of the harmful impact of high population growth rates on the socioeconomic development of many developing nations.

It is important to encourage this understanding both within developing and industrial nations. It is important so that individuals are able to implement their desires about family size. It is important in order that peoples throughout the world are advised of the implication of rapid populations growth rates for the well-being of their own families and the nation in which they live. There is no single or simple approach in meeting this challenge so that a week set aside for awareness takes on added significance.

I am very pleased that Michigan is a part of this effort and I am proud to join my colleagues, Senators CARL LEVIN and DONALD RIEGLE, in supporting House Joint Resolution 148 and Senate Joint Resolution 69 to designate the week of April 20-25 nationally as World Population Awareness Week.

I insert Gov. Jim Blanchard's proclamation in the RECORD:

PROCLAMATION OF THE STATE OF MICHIGAN

Governor James J. Blanchard hereby issues this Executive Declaration in Observance of April 20-25, 1987, as "World Population Awarness Week."

The world's population has reached 5 billion and is growing at an unprecedented rate of 87 million a year. Rapid population growth causes or intensifies a wide range of grave problems in our developing world, including environmental degradation, urban deterioration, unemployment, malnutrition, hunger, resource depletion and economic stagnation.

Fifty percent of the 10 million infant deaths and 25 percent of the 500,000 maternal deaths that occur each year around the world could be prevented if voluntary child spacing and maternal health programs were substantially expanded.

Some 500 million people in our world want and need family planning but do not have access or means to such services. The United States has been a leading advocate of the Universally recognized human right of couples to determine and size and spacing of their families.

Therefore, I, James J. Blanchard, Governor of the State of Michigan, do hereby declare April 20 through 25, 1987, as World Population Awareness Week in Michigan. I encourage all citizens to reflect upon the consequences of overpopulation, and to join me in commemorating this important observance.

Given under my hand on this nineteenth day of March in the year of Our Lord one thousand nine hunderd and eighty-seven and of the Commonwealth one hundred and fifty-one.

JAMES J. BLANCHARD,
Governor.

GIFTED EDUCATION PRESS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, Gifted Education Press is a newsletter published of gifted and talented education. I recently had the pleasure of reading this newsletter, and wish to commend it to the attention of my colleagues. I also wish to recognize the fine work of its publisher, Maurice D. Fisher.

As our Nation becomes increasingly aware of the critical importance of education, and the need to fully develop the potential of each and every citizen, we must expand and strengthen our commitment to educational programs. Nowhere is that more apparent than in the area of gifted and talented education. "Gifted students need to be challenged by courses of study which recognize their specific learning needs and encourage them to strive for excellence," begins one article in the newsletter. The article continues by discussing

gifted and talented students as those who have the ability to "think critically, question and evaluate new ideas, conduct meaningful studies, and imagine, create, and explore new areas of thought." These abilities define precisely the kinds of contributions our Nation desperately needs. Perhaps Maurice Fisher put it best in another article when he wrote, "The essence of education for the gifted is to allow students to discover the worlds others have seen, then use these discoveries to open and view new perspectives on their own."

However, the need for a strengthened Federal commitment for gifted and talented education was best described in an article outlining the need for developing a rigorous curriculum for the gifted. As my colleagues read part of the article printed below, I urge support for my bill, H.R. 543, to provide more effective and more specific educational services to our Nation's gifted and talented students—students who could very well hold the key to the future of our Nation, and that of the entire world.

Much too frequently, one answer for teaching gifted students in school is to simply give more work, or insist on the completion of tasks and assignments at a faster rate. Another approach educators take with these students is the "bread and circus" one, where the gifted are kept busy with activities which are more entertaining than educational. Both approaches widely miss the mark of what gifted students should expect and receive from an educational program.

The article continues with an essay to graduating seniors:

It is possible that you may become the best-informed generation in history—quantitatively. It is also frighteningly possible that you could turn out to be one of the worst educated generations—qualitatively. There have been times when far fewer people were educated, but when those few received an education in depth unmatched today. You could be cursed with information without wisdom, with data without direction. You could wind up programming machines without knowing the implications of their use, for naively handling instruments more sophisticated than yourselves.

ROBERT ROYSTER RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the retirement of Robert "Bob" Royster as district manager for the Pacific Gas & Electric Co.

Bob was responsible for one of the most diversified local office service territories in the Pacific Gas & Electric system. The territory includes the communities of Santa Maria, Guadalupe, Solvang, Buellton, Lompoc, and Nipomo Mesa, where PG&E serves more than 48,000 customers.

Bob began his Pacific Gas & Electric career in 1951 as a map draftsman. Following a 2-year leave of absence for Army service in Korea, he resumed his career in San Francisco as a senior map draftsman and progressed to engineering estimator, commercial sales representative, and power engineer.

In 1969 Bob was appointed division marketing supervisor in Salinas, part of the company's Coast Valleys Division. Five years later he was named Paso Robles manager in the same division. In April 1980 Bob was promoted to Santa Maria district manager.

Bob is a graduate of Heald College in San Francisco with a bachelor of science degree in civil engineering and has completed numerous career-oriented courses both through Pacific Gas & Electric and outside the company.

For years, Bob has been active in the United Way of the central coast, last year he was general campaign chairman. He is also active in the Elks Club, Rotary Club, Chamber of Commerce Military Affairs Committee, Taxpayers Association, Salvation Army, Junior Achievement, Valley Developers, and Santa Maria Valley Republicans.

Bob and his wife, Marita, have two children, Linda of Salinas and James who is with the U.S. Army based in Germany.

Although Bob is retiring from PG&E, he will continue to serve the community, and next July will become executive director of the Santa Maria Developers Association. On behalf of the Members of the House, I'd like to convey my congratulations to Bob Royster upon his very successful career, and to wish him well in his new one.

AMENDMENT TO THE STATE DEPARTMENT AUTHORIZATION BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RICHARDSON. Mr. Speaker, I will be introducing an amendment to the State Department authorization bill which points out the deplorable human rights abuses in two countries whose ideologies encompass the left and right of the political spectrum—Ethiopia and Paraguay, respectively.

Ethiopia is ruled by Chairman Mengistu Haile-Mariam who exercises absolute power over the majority of Ethiopians. The ability of the Mengistu regime to maintain itself in power is based on the conviction of most Ethiopians that it is prepared to take whatever steps are necessary to continue in power. Ethiopia's record on human rights remains deplorable. Ethiopians have no civil or political freedoms and no institutions or laws to protect their human rights. Over 1 million Ethiopians have fled the country, many preferring life in refugee camps. There were reliable reports in 1986 of the execution of approximately 60 political prisoners in October 1985. None of the executed is known to have been granted a trial, much less an appeal, and the Government has never acknowledged the executions nor attempted to justify them.

Similarly, the authoritarian government of Paraguay has an equally sorry record. As in past years, there were credible charges that police authorities had tortured and physically abused prisoners. The state of siege provision of the Constitution, in effect almost without interruption since 1929, provides for detention of individuals without trial for an indefinite period of time. The police forces regularly arrest and hold persons arbitrarily, citing variously the state of siege authority, Paraguay's "antisubversive" statute, or, as was the case in most of the detentions which occurred in 1986, offering no rationale.

Mr. Speaker, these human rights abuses year after year are inexcusable. I have taken the liberty of selecting countries from different political idiologies to emphasize the point that the United States cannot tolerate this kind of inhumane action on the part of any government. For this reason, I am requesting that my amendment be adopted as a token of our outrage over these events, and to emphasize that we will continually speak out against governments such as Ethiopia and Paraguay that feel they can torture and maim other human beings. I urge my colleagues to adopt this amendment.

MR. FOWLER'S MARKETPLACE

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. SWIFT. Mr. Speaker, it was like a scene out of an old Lucy show. The pompous Gale Gordon, swathed in dignity and high dudgeon, makes a grand exit statement and then marches determinedly out a door—right into the closet.

For the past 6 years Mark Fowler has been chairman of the Federal Communications Commission. For those 6 years he has preached and pounded the point that the marketplace provides all the answers to mass communication questions. For 6 years he has demolished regulations that he stoutly claimed interfered with the American public's ability to choose for itself what it wished to hear and see on America's airwaves. For 6 years he's denounced the view that there is an appropriate role for Government in defining some parameters to the public interest.

But last Friday, in his last day in office, Mark Fowler marched proudly to the exit door of his tenure at the FCC, planted his foot firmly on the banana peel of self righteousness, and took a pratfall worthy of Chevy Chase.

Mark Fowler's last act—inconsistent with everything he's asserted these many years—was to save us from ourselves. It seens that after assuring anyone who would listen to him that the marketplace worked perfectly and a perfect world would leave it alone to do its magic, Mr. Fowler's last act was to endorse—worse yet, advocate—massive intrusion of the Commission into programming policies of every broadcasting station in the Nation in order to protect people from aberrations of the vaunted marketplace.

In recent years there has been an unfortunate demonstration of some people's affinity for naughty words and adolescent smut. In response Fowler led the Commission far beyond merely setting Government parameters for minimum service to the public into what is clearly Government censorship of program content itself.

I've never agreed with Mark Fowler that there is no place for reasonable regulation that would benefit both the people and the industry. The Howard Sterns of broadcasting—who confused shock value with wit and smarmy innuendo with humor—are an embarrassment. They are the worst American broadcasting has to offer. But their very existence demonstrates one weakness in the unfettered marketplace theory, and Mr. Fowler has now acknowledged that in the most articulate of ways—by his actions.

Yet the smut jockeys are not the only things that a Commission might conclude need attention. For example, in a fever of deregulatory passion the Commission swept away a little rule about which no one had ever raised any concern at all. The rule said that if you choose to buy a broadcasting station you were accepting a special responsibility contained in the 1934 law to serve in the "public interest and necessity." Therefore, you could not traffic in licenses—buy a station like a pork belly and then trade it off quickly for whatever profit you could glean without a moment's thought for the public.

That anti-trafficking rule served the public well. Since its removal by the Commission the public interest has suffered. Mr. Fowler's major defense for his actions—made most recently in a fervid statement to broadcasters at their Dallas convention last month—was that the action has increased, not their service to the public, but the value of the Government licenses. The only logical implication of such a remark is that broadcasters should now cash them in.

There are other examples. But the point is that Mr. Fowler, who has had one central virtue during his stay at the Commission—the virtue of consistency—has reversed himself in his last grand act. In doing so, he abandoned his central principle and changed the entire debate.

It's like the punch line of the old joke: "We've established what you are, Madame. We are only haggling now about the price." We have established that you are a regulator, Mr. Fowler. We are just haggling now about the type.

In the next few months Congress will be presented with some significant communications legislation. There will be issues like a statutory fairness doctrine, an anti-trafficking bill, and one to reassert the long-time congressional mandate for broadcast license holders to serve the public interest even as they make good profits.

As these issues are debated, reasonable people will disagree as to their need and merit. But presumably we will no longer hear Mr. Fowler's voice raised to defend the purity of the marketplace as the final, best, and only arbiter of the pubilc good.

A TRIBUTE TO MR. GAIL W. RECTOR, MICHIGAN'S CULTURAL TREASURE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. PURSELL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a cultural treasure and outstanding community leader from Michigan's Second Congressional District, Mr. Gail W. Rector, president of the University Musical Society in Ann Arbor. I make this tribute on the occasion of his retirement set for June 30, 1987.

After serving the University Musical Society for 11 years as its executive director, Mr. Rector was elected president of the organization in 1968. His belief in the values of hard work, honesty, and integrity have led to the cultural enhancement of his community, State, and Nation.

Mr. Rector was born on Valentine's Day, 1918 in North Platte, NE, where he lived throughout his early life.

In the autumn of 1937, he enrolled in the University of Michigan School of Music, receiving a "technical assistantship" from the University Musical Society. In 1940 he received his bachelor of music degree and continued at the university for another year before being drafted into the U.S. Army in October 1941.

Discharged as a first lieutenant in October 1945, Mr. Rector again enrolled at the University of Michigan, this time in business administration. His affiliation with the University Musical Society began that year, 1945, and he soon became full-time assistant to the president of the society, Charles A. Sink.

Mr. Rector left Ann Arbor to become assistant manager of the Boston Symphony Orchestra and executive secretary of the Berkshire Music Center—the school of the Boston Symphony at Tanglewood. For 3 years he was involved in more than 500 concerts in Boston, Tanglewood, across the United States, and 1 foreign tour in 1954 which he visited 13 countries, including the Soviet Union.

In August 1957, Mr. Rector returned to Ann Arbor to accept the position of executive director of the University Musical Society.

When Mr. Rector retires, he will have engaged top-ranking artists and organizations from all over the world for presentation in approximately 1,500 concerts. Under his leadership, the society's program has expanded from 26 concerts in the 1957 season to more than 70 in recent years.

In addition to the 108-year-old Choral Union Series and the 93-year-old world-renowned Ann Arbor May Festival, Gail Rector instigated additional series during his tenure, including, chamber arts, Asian, guitar, debut and encore recitals, and with the opening of the Power Center for the Performing Arts in 1971, the Choice Series with its added dimension of dance.

Recently, Mr. Rector helped to launch the Ann Arbor Summer Festival, a joint artistic venture which he coordinated in its first 2 years, 1984–85, and continues to serve on its board of trustees. More recently, his expertise was utilized by the University of Michigan-Flint to revive its "Spotlight Concert Series" for 1985–86. Beginning September 15, 1986, he assumed the additional duties of artistic programming consultant for the renovated Orchestra Hall in Detroit.

The numerous awards and honors bestowed on Gail Rector, include; being named an Ann Arbor Ambassador by the Ann Arbor Conference and Visitors Bureau and the Annie Award from the Washtenaw Council on the Arts, given for "Excellence in Service to the Arts."

Those who know Gail Rector will tell you that he gets things done—and pulls no punches. All those around him have benefited greatly from his wisdom, ability, and abiding commitment to his profession and community.

Today, I would like to call attention to all that Gail Rector has done for the cultural advancement of Ann Arbor, the State of Michigan, and our great Nation. On the occasion of his retirement, I offer my warmest wishes for continued good health and success in all his future endeavors.

A TRIBUTE TO AMERICA'S TEACHERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, today, I wish to pay tribute to one of our Nation's greatest resources, America's teachers. I want to express my strong support for House Joint Resolution 204, designating May 5, 1987, as National Teacher Day. As a senior member of the Education and Labor Committee and one who has long been concerned with the future of the American educational system, I fully believe support and recognition of our teachers is richly deserved—and long overdue.

The quality of American teachers has been called into question in recent years. A recent article in the Washington Post argues that the decline in American competitiveness abroad is due, in part, to our Nation's inferior educational system. American students are lagging behind their Asian counterparts in many areas, especially mathematics and science. Some would use this article as an example of the failures of American teachers. I point to it as further proof of how America has failed her teachers.

America has failed her teachers in resource allocations. In fiscal year 1987, for example, the administration's budget proposal allotted $14.5 billion for education—a decline of 12 percent in just 1 year. At the same time, defense spending has increased to $312 billion—a rise of 6 percent. It is time for our Nation to make an appropriate commitment to education, and in turn, demonstrate the importance of our educational system. If we fail to make this commitment, and this spending trend continues, will our future generations even have the ability to calculate these computations?

America has also failed our teachers financially. Teaching is the lowest paying profession that requires a college degree. A person

graduating from a 4-year college with a teaching degree can expect to earn a minimum mean salary close to $3,000 lower than some one with a liberal arts diploma. That teacher's salary will be half that of a classmate receiving a degree in engineering. Aren't those entrusted with the education of our Nation's children worth more? It is high time we provide our teachers with the financial incentives necessary to attract, and retain, their services.

Despite these determents, combined with long hours, frustration, and a lack of recognition, American employs thousands of teachers—men and women dedicated to improving the lives of our children, and ultimately the Nation as a whole. House Joint Resolution 204 provides our country the opportunity to properly thank, and recognize these professionals for their worthwhile contributions. I urge each Member to join on this legislation and applaud America's teachers on May 5. The time has come for us to honor these individuals who are far too often taken for granted.

KELLY GERDICH WINS NATIONAL DAR AWARD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. GAYDOS. Mr. Speaker, I am extremely proud to announce to my colleagues in the Congress of the United States that a young lady from the 20th Congressional District of Pennsylvania has been selected as the winner of a national essay competition sponsored by the National Society, Daughters of the American Revolution.

The young award winner is Miss Kelly Gerdich, a daughter of Mr. and Mrs. Michael Gerdich of McKeesport, PA, and a seventh grade student in Cornell Middle School.

Kelly is scheduled to receive her award this week during a program at the Constitutional Congress of the National Society, DAR.

The ceremony will be the culmination of an effort that began when the Queen Alliquippa Chapter of the DAR sponsored the essay contest on the local level in the McKeesport area. It was open to private, parochial, and public school students in grades 5 through 8. Each entrant was required to submit a handwritten composition of 600 to 1,000 words on the topic: "A Letter to the Editor, Sept., 1787".

According to the rules, each student assumed the role of 1 of the 39 signers of the U.S. Constitution and wrote a letter urging the ratification of that document. Judging of the entries was based on historical accuracy, adherence to the subject, organization of material, originality, interest, neatness, spelling and punctuation.

After winning the local contest, Kelly, who had chosen Ben Franklin as her character, went on to capture the State competition among seventh graders. Her success there led to her entry in the national DAR on the national level.

Mr. Speaker, in this year of the 200th anniversary of the Constitution, I think it would be appropriate if all Americans did as President Andrew Johnson suggested back in 1866 and which Kelly Gerdich of McKeesport, PA, has done today:

> The time has come to take the Constitution down, to unroll it, to reread it and to understand its provisions thoroughly.

Kelly has brought national recognition to her hometown. Her accomplishment is a source of pride for her, her family, her friends, her school, and the city of McKeesport. In offering formal congratulations to her, I know I speak for the Members of Congress who have great love, respect, and admiration for the Constitution of the United States and who are sworn to uphold it.

THE SAD FACTS OF THE LATEST BUDGET ACTION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. COBLE. Mr. Speaker, a constituent of mine from High Point, NC, recently telephoned my Washington office after listening to a radio account of this body's latest budget action. His comments, laced with frustration, centered on one glaring feature of the recently passed budget resolution: an $18 billion tax increase. Why, he demanded to know, in this era of trillion-dollar budgets and congressional pay raises, does this body persist in maintaining that the taxpayers are not pulling their weight? Mr. Speaker, this is a question which millions more are asking nationwide.

We all know the sad facts. As has been the case for the past 7 years, the Budget Committee leadership failed to negotiate with minority members adequately. This produced a legislative format offering little in the way of serious deficit reduction. Accordingly, I voted against all the budget alternatives brought to the House floor.

We began with a "sequester budget" as a base. This is what we would get failing to pass any substitute amendments. The across-the-board cuts would have gutted the military, significantly reduced health and veterans' benefits, and hampered the ability of our law enforcement personnel to carry out their duties. This unamended base represented nothing more than an attempt to make the committee package look good by comparison; it was a scare tactic to grant support for an $18 billion tax increase.

The first amendment considered was the President's budget. The President is on-target by calling for spending reductions and not tax increases to pare the deficits. However, while our security needs compel us to support the Armed Forces, the President's budget was still skewed too heavily in favor of defense. All institutions—including the military—must contribute to our deficit-reduction efforts.

The second substitute offered, the "debt-buster" budget, was notable for its reliance on a return to the gold standard. I commend its sponsor Representative DANNEMEYER, for his commitment to a novel and idea-driven budget package. However, such a radical change at this time is inappropriate, if only because its effects have not been fully debated and understood.

The Dymally amendment, considered next, surpassed even the committee package in its adherence to a dismantle-the-Armed Forces and tax and spend philosophy. The less said about this alternative the better.

Which brings us to the committee package. If the sequester budget was the rock in the budget deficit, this was the hard place, with those of use serious about deficit reduction caught in between. The committee budget featured devastating defense cuts; an expansion of many domestic programs; nearly $4 billion in reconciled savings that can only be attained by selling assets which the majority party has rejected in the past; $25 billion-worth of accounting gimmicks; and—worst of all—at least $18 billion in unspecified tax increases.

This budget sideshow highlights the need for reform—real reform based on discipline. Because of some legislative restraint exercised in the past, including passage of Gramm-Rudman, the deficits are pointed on a downward path. But this trend will not continue if we abandon self restraint and return to tax-and-spend policies. Congress can no longer continue to waive the Budget Act—as it did 106 times in the 99th Congress—in an attempt to appropriate beyond our means. We must meet spending ceilings; avoid the use of continuing resolutions; perform our budgetary and appropriation tasks on time; and, above all, avoid tax increases.

I am convinced that my friend in High Point, along with millions of other taxpayers, concur with these beliefs.

A TRIBUTE TO JIM HENSON

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. DYSON. Mr. Speaker, I rise today to salute Mr. Jim Henson, accomplished airline pilot, successful entrepreneur, and generous patron of higher education.

At a time when most institutions of higher education are experiencing stringent budget limitations, Mr. Henson has made a generous donation to the cause of higher learning. This donation to the University of Maryland Eastern Shore will greatly enhance the institutional capacities of the university. The gift of $2 million will provide a fund for full scholarships for undergraduate students and fellowships for graduate students. This donation will be shared among approximately 20 scholars, who will receive up to $25,000 in grants each.

Mr. Henson directs Henson Aviation, which operates in Maryland's Eastern Shore. He has demonstrated his business savvy through the impressive success of his company, and he now shows his genuine concern for the Eastern Shore community with this donation, the largest gift ever made to a historically black college.

Through his generous donation to the University of Maryland Eastern Shore, Mr. Henson has made a lasting contribution not only to the university by enabling it to offer

greater educational opportunities, but also to the community at large for furthering the vital cause of higher education.

So, Mr. Speaker, Mr. Henson's scholarship fund enhances our children's ability to meet the most important challenges of the future. For this reason, I salute Mr. Henson, who stands as a source of great pride to his family, friends, and all in Maryland's First Congressional District.

TRIBUTE TO DR. TIM LEE CARTER, DOCTOR AND STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BIAGGI. Mr. Speaker, I would like to join my colleagues in expressing our deep sense of loss in the death of Dr. Tim Lee Carter. I regret that I missed the special order on April 7; however, I would like to extend my condolences to Mrs. Carter and to Dr. Carter's family. We will all miss Dr. Tim Lee Carter—yet he lived a full life, a model life, a life dedicated to the service of his fellow men and women and his country.

I was pleased to have served in this great body alongside this kind and gentleman for 12 years. His dedication to improving the health of our citizens serves as an example for all. He was truly a country doctor, concerned with the needs of each and every individual. His legislative legacies attest to this. Whether it be strides in providing preventive medicine for the poor and for children, providing assistance for victims of black lung, supporting biomedical research or pushing the idea of catastrophic health insurance, his emphasis and his goals centered around the individual.

I wonder if we would have come as far as we have today, if not for Dr. Carter's constant pushing for increased research for a cure for cancer. President Reagan could not have chosen a better man to head the American Cancer Advisory Group.

We are grateful that Dr. Carter shared his life with us. He will be greatly missed.

SYLVIA BERNSTEIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. WAXMAN. Mr. Speaker, on June 14, Valley Beth Shalom in Encino will hold a gala dinner to honor Sylvia Bernstein. Ms. Bernstein is the immediate past president of Valley Beth Shalom. She represents well one of those ever-thoughtful, hardworking, and dedicated individuals who has done much to enrich and improve our community.

Sylvia Bernstein is formerly a native of New York City and a graduate of Cornell University. She has long displayed the qualities of leadership and charity which she has fully and admirably demonstrated.

Active for many years in the Women's League for Conservative Judaism, Ms. Bernstein served on the executive committee of the Pacific Southwest Branch as a national board member and an accredited discussion leader. She serves the Los Angeles Jewish Federation Council as a member of the advisory committee of the Council of Jewish Life, cochairing the Commission on Outreach to Jews by Choice, and is a recent appointment to the San Fernando Valley Board of Directors of the Jewish Federation Council. She is currently the executive director of the National Institute for Jewish Hospice.

Ms. Bernstein also finds time to serve on the advisory board of the Union of American Hebrew Congregations Programs for the Challenge of Shalom and on the Los Angeles Mazon Committee.

An active member of Valley Beth Shalom, Sylvia served as sisterhood president for 3 years, as chairman of the congregational board of directors, and has been a member of Achei Nefesh Havurah for 15 years.

In addition to the 1987 Valley Beth Shalom Woman of the Year Award, Ms. Bernstein has been the recipient of the Woman of Achievement Award from the State of Israel Bonds, the Chai Ay Olam Award from the Valley Beth Shalom Sisterhood, and was corecipient—with her husband, Maynard—of the Merit Award from the University of Judaism.

All who have known and worked with Sylvia Bernstein are unanimous in their admiration of her. I ask the Members to join with me in congratulating Sylvia Bernstein, her husband Maynard, and children Howard, Linda and Rachel, and their families on this very special occasion in recognizing Sylvia's many contributions to our community and in wishing her continued success and fulfillment in all her endeavors.

IN HONOR OF MAURICE ZOLMAN SILTON

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of the late Maurice (Morrie) Zolman Silton, an exceptional man who regrettably passed away last week at the age of 80. Maurice has always held a very special place in my family's heart. He was a dear friend and was the obstetrician who brought me into the world 43 years ago. Maurice also delivered one of our colleagues, Howard Wolpe, and to mark his passing I would like to share a glimpse of his past with the other Members of this body.

Maurice was born in Boston, MA, on May 6, 1906. He graduated from Harvard University and attended Rush Medical School at the University of Chicago. In 1931, Maurice moved to California where he interned at County Medical Hospital and later met his wife, Hilda Stremling. Maurice served his country in the Navy during World War II and obtained the highest rank a Naval/Medical officer could earn.

Maurice enjoyed a highly successful medical career in private practice as an obstetrician and gynecologist. He has brought a countless number of children into the world in several generations—in my own family, he also insured the delivery of my nephew and niece, Josh and Mieke Schechter. And I know he took great pride in following their accomplishments as they grew and developed. At one time, Maurice served as the head of the OBGYN unit at Cedars Sinai Hospital. In addition to his demanding career, Maurice always made extra time for community endeavors. He was a philanthropic man who truly cared about other people. He was especially active with the University of Judaism, the Jewish National Fund and the Los Angeles County Medical Association. At the time of his death, Maurice still served as a volunteer at the Venice Family Clinic.

He was a warm and loving husband, father, and grandfather and is survived by his wife Hilda, his three children Naomi Bradpiece, Merna Zilton-Goldstein and Robert Marvin and his six grandchildren, Theodore, Paul, Melissa, Justin, Stephanie, and Douglas.

Maurice was an extraordinary American and a special friend, and I ask the leadership and Members of the U.S. House of Representatives to join me in mourning his passing. He was a wonderful human being and will be missed greatly by all of those lucky enough to have known him.

FIFTIETH BIRTHDAY OF BROOKLYN COLLEGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mrs. BOXER. Mr. Speaker, as an alumna of Brooklyn College of the City Universtity of New York, I am pleased to recognize the 50th birthday of the beautiful campus that was built during the Great Depression to house what has become one of our most highly respected public institutions of higher learning.

In 1937, when Brooklyn College moved from the bustle of downtown Brooklyn to a new, 26-acre campus of tree-lined paths and Georgian-style buildings, it was only 7 years old—a mere infant compared to the great old colleges of the East. But since then, it has earned a reputation as an outstanding liberal arts institution whose graduates have excelled in business, government, the arts, and education.

Educators have praised the college's innovative Core Curriculum, established under the college's president, Robert L. Hess. For example, in November 1984, the National Endowment for the Humanities released a report hailing Brooklyn College as a "bright spot" in American higher education. And in April 1986, an article in Time magazine placed Brooklyn College among "a cadre of fast-climbing colleges * * * now challenging the Nation's elite schools."

Most recently, a 1987 report by the Carnegie Foundation for the Advancement of Teaching said that Brooklyn College is one of five colleges and universities most frequently cited by academic deans as an institution where the liberal arts curriculum is succeeding; it was the only institution in the group.

It is the success of the Brooklyn College's distinguished alumni that provides the most striking testimony to the quality of the institution. Among her more prominent graduates are Stanley Cohen, of the class of 1943, winner of the 1986 Nobel Prize in physiology or medicine; legal authority, Alan Dershowitz, 1959; historian, Oscar Handling, 1934; the late novelist Irwin Shaw, also of the class of 1934; film director, Paul Mazursky, 1951; and 1983 American Book Award winner, Gloria Naylor, 1981.

Publicly acknowledged affection for one's alma mater has its place in American life. In his speech defending the charter of Dartmouth College, Daniel Webster said, "It is a small college, but there are those of us who love it." At a few years shy of 60, Brooklyn College is a young college, but there are many who love it, and many more who praise it.

TRIBUTE TO ANGELO COSTELLO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to bring to your attention Mr. Angelo Costello of Swoyersville, PA who is being honored with a certificate for humanitarian services for his many special achievements as a member of the Swoyersville Lions Club.

Recently, Mr. Costello was unanimously endorsed by the membership and its board of directors for the high office of district governor of District 14-H for the 1985-86 years. He meets the qualifications for this office as covered under article IV section 7 of the Lions international constitution and by-laws.

Costello is an active member in good standing of the Swoyersville Lions. He has 31 years perfect attendance and has served in all offices of his club. He has represented his club on the regional eye bank for 26 years having assisted in 18 eye enucleations, obtaining approximately 600 eye pledges.

Costello served as zone chairman; deputy district governor, being appointed to a cabinet position for 17 years; Youths Exchange, 1969-77; Care chairman, 1972-73; Dep DG, 1973-74; District Eye Bank co-chairman, 1974-76; District Eye Bank chairman, 1976-80; Beacon Lodge coordinator, 1980-81; Regions 5 and 6 Eye Bank chairman, 1982-83; District Eye Bank co-chairman, 1982-1985.

Costello also served on the international election committee in 1982. He was honored as "Lion of the Year" in 1978 and he received the coveted District Governor Appreciation from DG Meneguzzo in 1977-78 for his dedication for the establishment of the 14-H cabin at Beacon Lodge Camp for the Blind.

Costello received the International President Certificate of Appreciation in 1982 for dedicated Lionistic service. Costello has attended 10 international conventions, 3 State conventions and most district conventions as a delegate of his club. His civic activities include president, Swoyersville Senior Citizens (2 years), president Italian Riunita Society for Mutual Benefits; he served the Lions Club for 36 years in various capacities; member 3rd Degree, Knights of Columbus Assumpta Council 3987; and 6 years as secretary Holy Name Society of St. Anthony of Padua Church in Exeter, PA.

Costello was also honored with a Citation of meritorious service from the Swoyersville American Legion, Post 3987. He served with the Armed Forces in WW II spending 3 years in the ETO. He is a successful building contractor, 30 years and served as president of the Northeast Building Contractors in 1969-71.

Angelo and his wife, Pat, 55 Chestnut St., Swoyersville, have one son, Mark, his wife Jo-Ann and two grandsons, Michael and Jesse.

Mr. Speaker, it is indeed an honor to take this opportunity to draw the attention of my colleagues in the House of Representatives to the accomplishments of Angelo Costello.

TRIBUTE TO JULIUS ERVING AND MIKE SCHMIDT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BORSKI. Mr. Speaker, history was made this past weekend in the persons of Julius Erving and Mike Schmidt, two of the truly great athletes of this century. I rise to pay tribute to these two men not only because they are outstanding athletes but because they are outstanding citizens as well. Both have demonstrated that greatness includes hard work, devotion to family, and concern for the community.

On Friday, Julius Erving, our own Doctor J of the Philadelphia Seventy-Sixers, scored his 30,000 career point. Only two other players in professional basketball have soared to that height. Four times, he has been named Most Valuable Player. In 1983, he led the Sixers to a championship. With his extraordinary talent, Doctor J changed the way the basketball is played. Off the court, Julius Erving has been a leader too. A devoted family man, he has also given of himself to a host of charitable activities, most notably the Special Olympics. This is his last season on the court. Doctor J, we'll never be able to fill your shoes.

The other Philadelphia legend that I want to pay tribute to is Michael Jack Schmidt. On Saturday, Mike Schmidt hit his 500th career home run. That achievement put his name in the record books alongside baseball immortals like Aaron, Ruth, Mays, Mantle, and Williams. Clearly, he is one of the greatest baseball players ever. I think Reggie Jackson said it best about Schmidt. He said: "For a long time, this guy, I don't think, got credit for being a great player. Five hundred home runs for a guy like Mike Schmidt will be a brand of greatness. It's like 'I'm not the best, I'm not the most, but when they call the greatest of all time, I've got a ticket to the party. That's what he deserves.'" Mr. Speaker, Mike Schmidt also deserves our thanks for the example that he has given his millions of young fans.

Both of these men are champions. I simply want to say thanks for the contributions they have made to sports and to say thanks for the excitement they have given to so many of us who thrilled to watch them.

WHOOPEE!

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. JACOBS. Mr. Speaker, welcome to April 21, 1987.

The balance sheet shows that the U.S. Government lacks $2.23 trillion of having two nickels to rub together.

That's the bad news.

The good news is that high income citizens are scheduled to get another walloping tax cut next year.

Whoopee!

LEGISLATION TO CORRECT THE "NOTCH" IN SOCIAL SECURITY

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. WORTLEY. Mr. Speaker, I rise today to introduce a sensible piece of legislation to correct a problem created by this very legislative body. My bill, will correct the "notch" inequity in the Social Security law. This legislation is similar to my bill from the 99th Congress, H.R. 732. The new bill does not make retroactive payments to seniors, but offers corrective action after Social Security is completely off-budget in 1991 as stipulated by Gramm-Rudman.

So often, I hear my colleagues say that we cannot affort to correct this problem because it would be a budget buster. With my bill, we have the opportunity to take corrective action without worrying about the budget because this legislation will not go into effect until the Social Security Trust Fund stands on its own.

Correcting the "notch" inequity is an expensive project no matter how you approach the situation. However, I am offering a solution that you can support because we save in the retroactive payments, and we wait until the trust fund is no longer a part of the budget. I encourage my colleagues to take a careful look at this approach. This Nation's seniors deserve an answer.

A CONGRESSIONAL SALUTE TO THE BOROUGH OF LENHARTSVILLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the borough of Lenhartsville, PA. On May 31, 1987, the borough will be celebrating its 100th anniversary.

Lenhartsville was incorporated on May 31, 1887. Throughout its history, the borough has stayed close to its small-town roots. With approximately 200 residents, Lenhartsville is one of the smallest boroughs in the Commonwealth of Pennsylvania. However, despite

Lenhartsville's small size, the residents have great pride in their heritage and the beauty of the surrounding countryside. The influence of the Pennsylvania Dutch is strong in Lenhartsville. The entire population remains strongly committed to dedicated hard work and community service.

In recent years, Lenhartsville has been able to promote growth while retaining its friendly small-town atmosphere. Much of this success can be attributed to the foresight and leadership of the borough council. The current mayor, Richard Kunkel, and president of council, George Peters, are at the forefront of this effort. The council is rounded out with the invaluable assistance of Richard Gillner, Irvin Merkel, Donald Wisser Herbert Wisser, Kenneth Snyder, Kerry Fink, Roy Hein, and William Seidel. I commend these outstanding individuals and the entire citizenry of Lenhartsville on the occasion of the borough's centennial. I know that my colleagues will join me in honoring the borough and in wishing all its citizens continued success and good fortune in the years to come.

SPIRIT OF EXCHANGE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. RITTER. Mr. Speaker, April 21 is the day marked for the celebration of the 50th anniversary of the Exchange Club of Allentown, PA. William C. Wodtke, Jr., national president of the National Exchange Club is the guest of honor for this important moment.

The "Spirit of Exchange" is an admirable statement of a noble and profound philosophy at the heart of the Exchange Club. In a few words, "It's your willingness to give of yourself, unselfishly, for the welfare of your fellowman without any thought of return or reward other than the satisfaction and happiness that one derives from helping others."

The Allentown Club has carried this statement of inspiration into the realm of practical affairs on the national, State, and local levels. Crime Prevention Week, the honor of God and religious faith in the Nation, the golden deeds of high and low estate individuals and freedom shrines all comprise national projects which live out the "Spirit of Exchange."

On the State level, Pennsylvania is boosted and honored through the special treatment of "out of State" guests, motoring through the Lehigh Valley. Another aspect of the "Spirit of Exchange" is manifested through the Pennsylvania Junior Republic in its support of a school for the training of delinquent boys at Grove City, PA. These two activities demonstrate the wide scope the club employs in living out its philosophy.

Locally, the club plants trees and flowers in the city and Lehigh County. American citizenship is fostered, crippled children are entertained at Christmas, underprivileged children, over 2,000 enjoy Fresh Air Fund summer vacations, senior high school scholastic achievement is recognized for 47 years, aviation has been promoted, youths are honored for service to school, church, and community, youths work in conjunction with the county sheriff to appreciate law and needy children are supplied several thousand pairs of shoes over the years.

Mr. Speaker, I submit it could not be more appropriated for the U.S. Congress to honor and recognize this Exchange Club. The vision of this organization creatively and practically mirrors the living out of our cherished American ideal of peace and freedom through the practice of unselfish virtue.

CONGRESS AND ARMS CONTROL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1987

Mr. BERMAN. Mr. Speaker, last year President Reagan characterized legislation that addressed the SALT II Treaty, nuclear testing, the strategic defense initiative, antisatellite weapons, and chemical weapons as "a reckless assault upon the national defense of the United States." That is a serious charge. It merits a thoughtful, reasoned response, particularly because similar legislation is already under consideration by the 100th Congress.

Our distinguished colleague from Florida, DANTE B. FASCELL, chairman of the Committee on Foreign Affairs, has just provided us with such a response. His article, entitled, "Congress and Arms Control," has been published in the spring 1987 issue of Foreign Affairs. In this illuminating article, Chairman FASCELL challenges the President's view about the role of Congress in the arms control process. Chairman FASCELL demonstrates that Congress has a constitutional responsibility to debate, modify, and approve or disapprove such defense policies as the modernization of America's intercontinental ballistic missile force, the funding for and direction of the strategic defense initiative, the preservation of the ABM Treaty, the testing of antisatellite weapons, the numerical limits on U.S. strategic weapons, the testing of nuclear warheads and the production of new nerve gas weapons.

In fulfilling this constitutional responsibility, Congress keeps four principles in mind, which Chairman FASCELL discusses with refreshing clarity in this article. First, any proposed international agreement or proposed weapons system must enhance the national security of the United States. Second, arms control should be used as an instrument to prevent an uncontrolled nuclear arms race. Third, arms control is premised on mutual deterrence until a more convincing rationale is adopted. Fourth, the technological reliability of weapons systems must remain a top priority in consideration of any arms control policy.

Chairman FASCELL discusses in some detail each of the five "arms control amendments" of August 1986. The chairman's analysis is an important contribution, because the points he raises in his article bear directly on how similar amendments will be viewed this year. In the conclusion of his article, Chairman FASCELL calls for a bipartisan arms control policy and "a renewed commitment by administration officials to strive for achievable objectives in their negotiations with the Soviets, rather than belabor surreal proposals which many believe mask the intentions of those who see no future in arms control."

I submit the full text of Chairman FASCELL'S article to be printed at this point so that our colleagues may benefit from his insightful views on the role of Congress and arms control.

The article follows:

CONGRESS AND ARMS CONTROL

(By Dante B. Fascell)

The executive and legislative branches of the United States government have arrived at a historic crossroads: more than at any time since the advent of nuclear weapons, the future of arms control will depend to a large extent on whether the President and Congress can reach consensus on the requirements of national security. Neither can go it alone.

Unfortunately the legacy of 1986, when congressional initiatives on arms control were condemned by the Administration, hangs thickly in the halls of Capitol Hill. Following the summit at Reykjavik, members of Congress watched with concern as President Reagan faced his last chance to achieve meaningful agreements with the Soviet Union, There simply is not much time left for the Reagan Administration to create and implement a bipartisan arms control policy which commands the respect of the American people as well as that of the Kremlin. Yet the opportunity for such a policy exists: in February General Secretary Mikhail Gorbachev offered to delink the issue of European-based intermediate nuclear forces (INF) from a space and strategic agreement, and the President wisely moved to submit a draft INF treaty at the Geneva negotiations.

The task of forging a common policy will be made no easier by those who continue to believe that Congress has no role in the fateful business of arms control. Every year Congress is confronted, even by some of its own members, with the argument that the president requires total flexibility to negotiate with the Soviets and to gain agreements compatible with U.S. national security. The argument typically stresses that the Constitution empowers the president, and only the president, to conduct the nation's foreign affairs and, hence, to administer the arms control agenda. An interventionist Congress is criticized as stripping the president of his negotiating leverage and endangering the national security if it mandates restrictions on the administration's weapons procurement programs, or if it calls for negotiations on specific issues, such as nuclear testing. In short, Congress runs the risk of being accused of waging an unconstitutional grab for power.

Protecting the separation of powers while at the same time building a bipartisan consensus on arms control is no mean feat. But both objectives were realized in the 1960s and 1970s. In fact, it has been only during the last seven years, beginning with the withdrawal of the second Strategic Arms Limitation Talks (SALT II) Treaty from Senate consideration in early 1980, that the consensus forged between the executive and legislative branches and between Republicans and Democrats has unraveled. Traditional congressional support of and collaboration with the executive branch on arms control initiatives was a meeting of the minds, not an admission that the president's arms control agenda was his constitutional prerogative, or that Congress had no busi-

ness asking tough questions, challenging funding requests for weapons programs, and mandating the strictest requirements of compliance with treaty law. In 1981, when the Reagan Administration entered office, disdainful of past arms control efforts, and launched an ideological attack against the "evil empire," the stage was set for a dangerous breakdown in a consensus that for some 25 years had been the guardian of a democratic commitment to American security and to world peace.

The argument, then, that Congress must defer to the president on all arms control issues must be rejected. Especially in light of the spectacle at the Reykjavik summit, where the President's astonishing perception of national security diverged widely from congressional mandates, the 100th Congress would be evading its constitutional responsibility if it were to leave the security of the country strictly in the hands of the executive branch. The modernization of America's intercontinental ballistic missile force, the funding for and direction of the Strategic Defense Initiative (SDI), the testing of antisatellite weapons, the numerical limits on U.S. strategic weapons, the testing of nuclear warheads and the production of chemical weapons—all are the business of Congress to debate, modify and approve or disapprove. And, finally, the compliance of the United States and the Soviet Union with treaty obligations is also the business of Congress.

II

The president's responsibility to conduct the nation's foreign policy and to make treaties has never been one devoid of checks and balances, or one executed in a vacuum. Congress may encourage, though not dictate, the commencement of negotiations with foreign powers. Congress determines the amount of resources that the U.S. government is prepared to dedicate to the building and limiting of nuclear arms. That determination inevitably influences the negotiating process. One need only review the last 20 years to recognize the critical role Congress has played in the development of weapons systems which are at the heart of the U.S.-Soviet nuclear arms negotiations. For example, congressional votes have been decisive in determining the fate of the Safeguard antiballistic missile system, multiple independently targetable reentry vehicles (MIRVs), the B-1 bomber, the cruise missile, the MX missile, the Midgetman missile, binary chemical weapons and SDI.[1] Congress also passes final judgment on arms control agreements. Whether an agreement is submitted as a treaty, requiring the approval of two thirds of the Senate, or as a congressional-executive agreement, requiring the approval of the majority in both the Senate, and the House, the fact remains that there is a critical legislative role that must be honored in the making of arms control agreements.[2]

The executive branch, of course, asserts that Congress should not interfere with presidential decisions on arms control issues. Citing constitutional injunctions that the president shall conduct foreign policy, make treaties and serve as commander in chief of the armed forces, some conclude that the only business of Congress is to approve presidential edicts on the arms control agenda. Under this approach, the 99th Congress was expected simply to sanction the Administration's abandonment of the numerical sub-limits set by the SALT II treaty, its unilateral revision of the interpretation of the Anti-Ballistic Missile (ABM) Treaty of 1972, its determination to build the flawed Bigeye chemical bomb, its continuance of nuclear weapons testing and its ambitious plans to deploy SDI.

Clearly, this "King George" approach is not what the Founding Fathers envisaged; nor is it embodied in the Constitution. The Supreme Court has long held that certain provisions of the Constitution confer broad power on Congress to prescribe the limits of military procurement and to impose appropriate conditions on defense policy. Article I of the Constitution empowers Congress to acquire or to limit arms for the nation. No arms, including strategic arms, can be purchased, tested, serviced, maintained, manned or otherwise paid for except pursuant to legislation. Congress has the constitutional responsibility to "provide for the common Defense and general Welfare of the United States," to "raise and support Armies," to "provide and maintain a Navy" and to "make rules for the government and regulation of the land and naval forces." Justice Robert H. Jackson declared in *Youngstown Co.* v. *Sawyer* (1952) that the Article I power gives Congress "primary responsibility for supplying the armed forces." "Congress alone," he wrote, "controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." The annual defense authorization and appropriations bills are ample evidence of congressional performance of these constitutional duties.

In my view, during 1986 Congress faced up to its constitutional responsibility. Several arms control initiatives were passed by the House of Representatives in August 1986, and each of these provisions which eventually emerged from the conference talks with the Senate in October conformed to a fundamental principle in the arms control process. Those initiatives and principles will assume an even larger role in the 100th Congress.

III

The principles which typically have guided Congress in considering arms control issues are four in number. First, any proposed international agreement or proposed weapons system must enhance the national security of the United States. Administration views on what constitutes the "national security" carry much influence on Capitol Hill, but because no administration is infallible its decisions do not, and should not, go unquestioned. Every member of Congress will want to examine any bilateral accord with the Soviet Union on its merits; few would blindly accept or reject an agreement. Nor are many members mesmerized by the sense of security so often promised with each new weapons program, e.g., increased numbers of missile warheads or exotic technologies such as SDI.

In the name of national security, administrations, particularly the current one, have been known to take extraordinary liberty with democratic processes to implement whatever policies they deem to be in the best interest of the nation. But what is argued as being in the national interest cannot be accepted at face value, especially in light of recent revelations of the private agenda of rogue masterminds of intrigue sitting in the White House basement. Indeed, although far removed from the nuclear arms talks, the covert sale of military arms to Iran and the apparent illegal diversion of funds from those sales are the latest evidence of the means by which the executive branch is capable of promoting an arrogant, ill-conceived notion of national security. It was precisely to avoid this kind of abuse of power that checks and balances were written into the Constitution.

In the field of arms control, nothing better exemplified the dilemma which often confronts Congress than the Reagan-Gorbachev talks at Reykjavik (October 11-12, 1986). These discussions almost achieved significant reductions in nuclear strategic systems, only to be squandered with surreal visions of a disarmed world.[3] President Reagan's surprising proposal to eliminate all American and Soviet strategic ballistic missiles within ten years was apparently based on, among other presumptions, the argument that the United States then would be adequately defended by space-based strategic defenses. In my view this approach unwittingly endangers the national security of the United States. It is inconceivable that the United States could adopt as a policy objective the elimination of America's entire ballistic missile arsenal based almost entirely on the unproven hypothesis that SDI will be cost-effective, will function effectively and will be deployable within the next ten years. As former Secretary of Defense Robert S. McNamara told the House Subcommittee on Arms Control, International Security and Science in January, "Until there are inventions that have not yet been imagined, a defense robust and cheap enough to replace deterrence will remain a pipe dream." This is only one example of why Congress has no choice but to try to hold the Administration accountable to one standard of national security.

The second principle which guides congressional examination of arms control issues is the historic mandate of arms control itself—to prevent an uncontrolled nuclear arms race. Congress has never taken the position that production of certain new weapons systems is inherently undesirable or that modernization is not in many instances essential. But it is determined that an arms buildup that achieves no stabilizing purpose be avoided. An administration must prove its case each time it seeks budget authorization from Congress. This is what the Constitution wisely requires.

For six years Congress has supported the Administration's modernization and buildup of American nuclear and conventional forces. The United States has insisted on strategic parity, even when this quest for parity has required a buildup to match Soviet efforts. Congress, however, has consistently conditioned its restrictions on the Administration's more ambitious and questionable arms building programs with the requirement that such programs remain within defined limits of testing and production as agreed with the Soviet Union. If Moscow violates those standards of compliance, then Congress has seen to it that the executive may follow suit. But efforts to

[1] *See Fundamental of Nuclear Arms Control*, report prepared for the Subcommittee on Arms Control, International Security and Science, Committee on Foreign Affairs, House of Representatives, by the Congressional Research Service, Library of Congress, December 1986, pp. 397-404.

[2] *Ibid.*, pp. 387-396.

[3] See *The Reykjavik Talks: Promise or Peril*, report of the Subcommittee on Arms Control, International Security and Science to the Committee on Foreign Affairs, House of Representatives, January 1987.

achieve overall superiority over the Soviets in nuclear weaponry have been opposed by a bipartisan congressional majority. Through the power of the purse, Congress is constitutionally empowered to limit or encourage the research, development, testing and production of nuclear arms. It will continue to use that power, in particular whenever the executive seeks to convert "modernization" into "superiority."

The third principle of arms control—mutual deterrence—has been challenged by the President's vision of a space-based strategic defense, one which would be "shared" with the Soviet Union. It is sometimes forgotten that we have been at this juncture before. The Nixon Administration determined in the early 1970s that it would not attempt to shield the United States with a land-based, antiballistic missile defense system. The rationale, first advanced by Secretary McNamara, was that an endless competition would erupt between ABM defensive systems and new and proliferating offensive weapons developed to outsmart and overwhelm such defenses. What the ABM systems promised—strategic defenses—would spawn the very threat—offensive weapons—which ABM systems were designed to make obsolete. Thus the United States and the Soviet Union in 1972 agreed to persist with the unsettling but rational policy of mutual deterrence, which promised to dissuade either side from launching a nuclear attack by maintaining a threat of mutual annihilation. It is this strategy which first encouraged each side to place limits on the buildup of their respective nuclear arsenals and, during the Carter and Reagan Administrations, to propose radical reductions in both the number of launchers and the number of warheads.

This rejection of a shift to a defensive strategy was, and remains, embodied in the 1972 Anti-Ballistic Missile Treaty between the United States and the Soviet Union. The Reagan Administration has proposed to reverse this course by articulating a new interpretation of the ABM treaty which opens the door to testing in outer space, and thus to SDI. Congress has neither abandoned the treaty obligations of the United States nor thrown overboard the doctrine of mutual deterrance. Congress has a duty to insist that the case for a major shift in strategic nuclear strategy be convincingly made by the Administration and that it obtain bipartisan support (neither of which has occurred).

That support will not be forthcoming if the Administration continues to insist on its reinterpretation of the ABM treaty as a vehicle by which to dismantle the doctrine of mutual deterrence. The Administration's tactics in this respect encroach on the Senate's constitutional responsibility to approve only one text of a treaty as the law of the land. The executive branch has no constitutional power to unilaterally reinterpret treaties.

Congress also would have to be convinced that such a fundamental reversal of the nuclear equation will not be implemented under circumstances which would allow the Soviets to overwhelm America's defenses. Interestingly enough, Secretary of Defense Caspar Weinberger expressed this very concern to President Reagan in a letter dated November 13, 1985: "Even a probable [Soviet] territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed."

Finally, the fourth principle which influences congressional thinking about arms control concerns the technological reliability of weapons systems. It would be quixotic to approve funding for production of weapons systems which are unproven or are likely to be defective or to be based in a manner that invites their own destruction. When the Department of Defense persists in seeking funding for weapons systems which do not meet commonsense criteria for technological reliability, then it is incumbent upon Congress to scrutinize and sometime to restrict or otherwise regulate the development of such weapons. Not only is that Congress' constitutional duty, it makes for a more reliable national defense. This is amply demonstrated in the binary chemical weapons production program, the wisdom of which Congress has not finally accepted, and which it therefore has not fully approved. Congress is determined to avoid boondoggles like the Divisional Air Defense gun (DIVAD), an antiaircraft weapon system which, after expenditure of $1 billion on actual deployments, never worked properly.

IV

"The House defense bill is a reckless assault upon the national defense of the United States." President Reagan leveled this charge on August 15, 1986, shortly after the House approved five "arms control" amendments to the Defense Department authorization bill for fiscal year 1987. The Administration's rhetoric sought to portray these amendments as dangerous impairments to the national defense, but I believe they reflected genuine congressional concern about national security, the avoidance of an arms race, the doctrine of mutual deterrence and the technological reliability of the country's weapons systems.

The first of these amendments prohibited funds for conducting nuclear tests above a very low level—one kiloton—unless the president certified to Congress that the Soviet Union had tested above one kiloton, tested outside any designated area, or rejected reciprocal in-country monitoring arrangements. This was the first congressional effort to require the cessation of nuclear weapons testing. Previous measures had been nonbinding legislation calling on the Administration to negotiate a ban on nuclear test. Although the Senate did not adopt the House amendment in August, the issue had been placed squarely before the administration and would become a key component of the conference bill which emerged in October.

This nuclear testing amendment reflected frustration over the administration's apparent indifference to negotiating any further restrictions on nuclear weapons testing. Before 1981, every president since Eisenhower advocated and worked toward an end to the escalation of the arms race through a mutual, verifiable and comprehensive test ban. What President Reagan's predecessors recognized was a simple truth—that the arms race depends for its lifeblood upon the testing of more sophisticated nuclear weaponry. A mutual agreement to halt such testing could assist in preventing the introduction of new, destabilizing weapons. As long as the Soviets are not leapfrogging the United States with technologically superior nuclear weapons, only zealots in quest of an unattainable strategic superiority see any point in creating dazzling new weapons of mass destruction.

On this issue, the Reagan Administration stood logic on its head and sent out confusing signals. First, the Administration argued that a mutual test ban was unverifiable. When it became clear that nuclear weapons testing could, in fact, be monitored, the Administration's rationale quickly shifted. It claimed that testing was needed to ensure the safety and reliability of America's existing nuclear warheads. As Congressman Richard Gephardt (D-Mo.) noted during the debate on the amendment, "This is a hollow excuse, for the vast majority of reliability checks are mechanical and we have never conducted more than one or two explosive tests a year." In the end the Administration frankly admitted its real rationale: that the United States must test in order to "modernize" its nuclear weapons arsenal.

The nuclear testing amendment was a logical extension of House Joint Resolution 3, which passed both Houses of Congress in 1986 and was incorporated in the 1987 defense authorization bill. This legislation urged Mr. Reagan to request the ratification of two nuclear testing limitation treaties that had been signed in the 1970s, but which were never submitted for ratification, and urged the President to propose to the Soviet Union the resumption of negotiations on a comprehensive test ban treaty. Since the Soviets were, at the time observing a unilateral moratorium on nuclear weapons testing, the nuclear testing amendment passed by the House was an attempt to call the Soviets' bluff and test the Administration's resolve to enter into serious negotiations.

If the Administration had been serious about seeking a test ban, then its opposition to the nuclear testing amendment defies explanation. The amendment provided numerous safeguards for the United States. First, it permitted testing if the Soviets violated the testing ban with an explosion about one kiloton. This provision would encourage continuance of the Soviet moratorium on testing, an objective that is manifestly in the interest of national security. Second, the amendment assisted verification efforts by requiring that tests occur only within designated areas of Soviet or U.S. territory. If any Soviet tests occurred outside the designated areas of the Soviet Union, then the Administration would be free to resume testing. Third, as a further assist to verification, the amendment required that the Soviet Union accept and implement reciprocal in-country monitoring arrangements for 1987. If the Soviets refused, then the Administration again could ignore the amendment and resume testing.

Following House passage of the nuclear testing amendment in August, the prospects for Senate adoption of identical language during the hard-fought conference deliberations were diminished when Mr. Reagan suddenly announced that he would travel to Reykjavik for talks with Soviet General Secretary Mikhail Gorbachev. Considering his opposition to all of the arms control amendments, President Reagan pulled off a political coup. After taunting Democratic members of Congress with the prospect of being perceived as the spoilers of a superpower "pre-summit," the President's supporters succeeded in transforming binding language into nonbinding provisions in two amendments and modifying the terms of two others. Congressmen came under unprecedented pressure not to "tie the President's hands" for the forthcoming talks at Reykjavik. The Administration argued, for example, that nuclear testing was going to be a major topic of discussion there. In conference between the House and the Senate,

House members agreed to withdraw the nuclear testing amendment, provided that the nonbinding language of House Joint Resolution 3 was strengthened with a last-minute agreement by the President to submit to the Senate "as a first order of business for the 100th Congress" the unratified Threshold Test Ban Treaty of 1974 and the unratified Peaceful Nuclear Explosions Treaty of 1976.

Unfortunately, there appears to have been no discernible understanding at Reykjavik on how to proceed toward talks on nuclear testing. In fact, it appears that the two principals, Mr. Reagan and Mr. Gorbachev, hardly discussed nuclear testing. Many in the House feel that they were taken advantage of when they agreed to withdraw the nuclear testing amendment from the conference bill in expectation that achieving a nuclear test ban would be the top priority at Reykjavik. It is no wonder that the Administration's credibility on this issue was severely damaged.

Now Congress is confronted with obstructionist tactics by the Administration in connection with both the unratified test ban treaties and with pursuing talks with the Soviet Union on further limiting nuclear weapons testing. During the 100th Congress efforts will continue to steer the Administration back to a policy which encourages both the White House and the Kremlin to achieve a total cessation of nuclear testing.

V

The second arms control amendment of 1986 limited funding for the SDI program to $3.1 billion during fiscal year 1987. This was substantially less than the Administration's original request of $5.4 billion. Earlier, the Senate had approved a $3.95-billion SDI program, partly on the basis that SDI should be programmed for the defense of American missile bases and not as an "umbrella" defense of the population.

SDI has been the subject of constant and controversial debate in Congress since its public unveiling in 1983. Although majorities have always been mustered to support SDI research, there has never been and there continues to be no majority support for development, testing or deployment of SDI components or systems. The debate over SDI funding has responded to the well-known fact that the Soviet Union is engaged in similar research for its strategic defense. It would be foolish if the United States did not match Soviet research with its own vigorous program. But there is a quantum conceptual and strategic leap from the research of a strategic defense and the actual development, testing and deployment of its components and systems.

Proponents of SDI continue to argue the point which the Reagan "revolution" was supported to have disabused us from believing—that merely by throwing money at a government progam miracles would occur. The research on SDI did not merit an expenditure of $5.4 billion in fiscal year 1987.[4] The Administration failed to offer convincing evidence that the additional $2 billion it requested was anything more than an attempt to promote dubious "research" projects before their time. The fact that little effort was needed in either chamber to reach a compromise SDI budget of $3.5 billion reflects a belief shared by most members of Congress that the Administration's request was much too high for a responsible research program. In any event, the funding approved by Congress represented more than a 20-percent increase over 1986 spending on SDI, while the entire federal budget increased by less than three percent in 1987. Thus in percentage terms, the increase in SDI funding in 1987 was seven times greater than the overall increase in all federal spending. The approved budget also reflected congressional interest in assuring that SDI work be conducted within the confines of the traditional interpretation of the ABM treaty.[5]

Since the 1986 budgetary battle on SDI, three developments have given rise to new concerns on Capitol Hill. First, the American delegation at Reykjavik appears to have insisted on the Administration's revisionist interpretation of the ABM treaty. This interpretation would permit the development and testing of a space-based antiballistic missile defense system. Such a unilateral interpretation is a radical reversal of the last 13 years, during which the U.S. government had supported the traditional interpretation which prohibits the development and testing of a space-based ABM system. The Administration has attempted to have it both ways on the ABM treaty. The revisionist interpretation is touted by some U.S. officials as the correct legal reading of the treaty text and negotiating record. But in response to the overwhelming dissent of members of Congress, former negotiators of the treaty and legal scholars, the Administration has held since October 1985 that the operative policy of the U.S. government will be to conduct SDI research in accordance with the traditional interpretation.[6] All testing programs under SDI have been officially described as meeting the requirements of the traditional interpretation.

The utility of the revisionist interpretation is that it purports to allow the Administration to break out of the ABM treaty when it decides to step beyond the research of SDI to the development and testing of SDI components and systems. By reinterpreting the treaty, the Administration has replaced the original script, clearly approved by the Senate in 1972, with one that suits the President's vision of strategic defense. At Reykjavik, the United States was willing to agree not to withdraw from the ABM treaty for ten years, but on the apparent condition that during that period the development and testing of SDI components and systems be permitted. The American delegation thus would have codified the revisionist interpretation in a new agreement with the Soviets. This fundamental shift in American strategic defense policy occurred without any prior consultation with Congress, which had explicitly reminded the administration of its support for the traditional interpretation. Until Congress is prepared to launch a development and testing program of SDI components and systems (at an estimated cost of scores of billions of dollars), it will have to maintain a vigilant watch over the ABM treaty to ensure that no administration either violates or rewrites its provisions.

The second development which has concerned many in Congress is how the American delegation at Reykjavik transformed the rationale of SDI. Congress has funded SDI as a research program to determine whether an advanced strategic defense system is scientifically and technologically possible, whether it is deployable, and whether it will do the job of protecting the United States from a ballistic missile attack by the Soviet Union.

In Iceland, that logic was turned upside down. In the talks at Reykjavik's Hofdi House, SDI suddenly was transformed from a research program into a deployable system, albeit one which does not yet exist. The American delegation negotiated as if SDI were a certainty. The elimination of America's most important deterrent, its ballistic missile arsenal, was almost bartered away for a presumption that SDI not only could be deployed, but that it would work. Moreover, the administration argued for the deployment of SDI even after the supposed elimination of all ballistic missiles, the very threat SDI is intended to confront. U.S. officials argued that the country would still need SDI as an "insurance policy" to protect against Soviet cheating and against the stray missile that a madman might hurl at us. Evidently, no one thought to mention that land-based strategic defenses, at substantially cheaper cost, might do a better job, or that verification of Soviet compliance should continue to be of the highest priority.

SDI is a hypothesis on a piece of paper. To bargain away America's deterrent shield today for the hypothesis that SDI will be cost-effective, functional and deployable sometime in the near future, not to mention within ten years, would be the height of folly. If ever there were a case made for congressional oversight of the arms control agenda, the Administration created it at Reykjavik.

The third development related to SDI is the Pentagon's recent efforts to persuade President Reagan, and ultimately Congress, to approve early deployment of a partial space-based strategic defense. This raises so many concerns that the future of SDI now, more than ever, requires the utmost congressional scrutiny. It was only last October that the American delegation at Reykjavik proposed delaying deployment of SDI for at least ten years. The Pentagon now has undermined the Administration's diplomatic position with its new effort to deploy SDI rapidly so that, in the words of Attorney General Edwin Meese, SDI cannot be "tampered with by future administrations."

In my view, the Pentagon's rush to judgment on SDI is a politically motivated scheme only superficially based on the national interest. The proposal would cause the United States to unilaterally abrogate the ABM treaty. Premature deployment of SDI would cost the U.S. taxpayer untold billions of dollars during the critical years when the budgetary constraints on Con-

[4] Total SDI funding was $1.612 billion in FY 1985 and $2.943 billion in FY 1986.

[5] Section 216 of the National Defense Authorization Act for fiscal year 1987 sets forth the congressional finding that "the Secretary of State declared on October 14, 1985, that 'our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations.'" Congress also declares in Section 216 "(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the [ABM treaty] . . . and (2) that action by the Congress in approving funds in this Act for research on [SDI]—(A) does not express or imply an intention on the part of Congress that the United States should abrogate, violate, or otherwise erode such treaty; and (B) does not express or imply any determination or commitment on the part of Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty."

[6] See *ABM Treaty Interpretation Dispute*, Hearing before the Subcommittee on Arms Control, International Security and Science, Committee on Foreign Affairs, House of Representatives, Oct. 22, 1985.

gress will be most severe. More important, there is abundant evidence that premature deployment of SDI will not achieve its strategic objective and would only stimulate Soviet efforts to overwhelm the leaky "umbrella" being proposed by the Administration. Be it arms control or deficit spending, the buck stops at the President's desk and on Capitol Hill.

VI

The third House arms control amendment of August 1986 sought to limit the deployment of launchers for ICBMs, of SLBMs carrying MIRVs, and of heavy bombers equipped for airlaunched cruise missiles, to the deployment levels permitted under the unratified SALT II treaty (1,320). The House approved the amendment, which prohibited the obligation or expenditure of funds for deployments beyond this limit unless the president certified to Congress that the Soviet Union had deployed strategic forces in excess of the SALT II limitations.

This amendment was a particularly critical one. Earlier in the summer of 1986, the House had approved by a strong bipartisan vote of 256 to 145, nonbinding legislation calling on the President to continue adherence to the sub-limits of the SALT II treaty. This legislation was unavoidable in light of Mr. Reagan's declaration of May 27 that beginning in the autumn of 1986 the United States would no longer adhere to the SALT II limitations. The House amendment, which passed in August, was intended to convey to the White House the message that to abandon the SALT II limitations was not in the national interest. Congressman Howard Berman (D-Calif.) aptly noted on the House floor. "If the United States needs a higher aggregate of nuclear weapons over the coming months and years, it will only be because the Administration has created that need by allowing the Soviets to build more weapons of their own. This doesn't make strategic sense."

And yet the SALT II amendment was attacked by Administration supporters as unconstitutional, as an effort by the House unilaterally to engraph a treaty into statute law without going through the ratification process embodied in the Constitution. The House majority was chastised for trying to micromanage the strategic arms negotiations in Geneva. The Administration asserted that Soviet violations of other SALT II provisions (such as the alleged modification of the Soviet SS-13 ballistic missile to create a prohibited "new" ICBM, as well as the encryption of telemetry on missile test flights by the Soviets) justified American violation of the SALT II provisions, and that any such decision was the President's alone to make.

An unratified treaty may express a present or past presidential policy, and the President may have sole power to negotiate, renegotiate or abandon it. If a congressional mandate happens to coincide with a former presidential policy expressed in the unratified treaty, then that is certainly not unconstitutional and it has nothing to do with the President's treaty-making power. The House determined a benchmark for weapons production, and in this case it conformed with the sub-limits set forth in the SALT II treaty.

Critics of such congressional "interference" sometimes point to Section 33 of the Arms Control and Disarmament Act, which prohibits any action "under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States." The House amendment in question did not create any international obligation to limit "armaments." The limits it mandated were to be authorized by further legislation, namely the amendment itself.

The Administration and its allies in the Senate killed the SALT II amendment during conference deliberations in October. Again their major argument was that the amendment would tie the President's hands during the hastily called Reykjavik talks. Nonbinding language was adopted instead, expressing "the sense of the Congress that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sub-limits of the SALT II treaty as long as the Soviet Union complies with such sub-limits." But even this was to no avail. Compliance issues pertaining to the SALT II treaty apparently were not discussed at Reykjavik, and by late November the 131st heavy bomber had been equipped with cruise missiles and was operational, thereby clearly exceeding the salt II sub-limits.

The 100th Congress will return to this issue. In an age threatened by nuclear annihilation, an arms control agreement that constrains nuclear arms (such as the SALT II treaty) is better than no agreement at all.

VII

The one arms control amendment that survived the October conference intact was the long-standing ban on antisatellite weapons (ASAT). The House prohibited the secretary of defense from carrying out a test of ASAT against an object in space until the President certified to Congress that the Soviet Union has tested a dedicated ASAT against an object in space. The one-year prohibition expires on October 1, 1987. This is the fourth consecutive year Congress has banned ASAT testing and, consequently, production and deployment.

Continuing the ASAT weapons ban reaffirmed congressional belief that an agreement between the United States and the Soviet Union on banning ASATS would represent a major step toward averting a costly and destabilizing arms race in space. Since enactment of the first ASAT ban in 1983, the Soviet Union has not tested any ASAT weapon. Congressman Lawrence Coughlin (R-Pa.) explained that "the Soviets have a crude and unreliable [ASAT] system, which has failed in 11 of the 20 tests conducted with it to date, including all six tests of a more 'advanced' heat-seeking version. The United States, on the other hand, has an ASAT that is relatively more advanced but only partially tested."

The logic behind this amendment is compelling. The United States relies on a vast array of satellites for communication, intelligence-gathering and early warning of a Soviet attack. In fact, for military purpose alone the United States is far more dependent on satellite technology than the Soviet Union. In the event of SDI deployment, space-based technology would become the all too critical link in U.S. strategic defense. Breaking the mutual moratorium on ASAT testing would invite the Soviet once again to test ASATs which could knock out U.S. satellites and accelerate development of their ASAT technology. A continuation of the ban on ASAT testing remains a top priority of Congress in its 100th session.

VIII

The final arms control amendment prohibited spending funds for procurement of binary chemical munitions, including the Bigeye bomb, or for the establishment of a production base for such munitions. The House amendment also prohibited the United States from removing its unitary chemical munitions stored in Western Europe unless they are replaced with binary chemical munitions stationed on the soil of at least one European member nation of NATO, a responsibility which no NATO member in Europe has yet agreed to shoulder.[7]

The current U.S. stockpile of chemical weapons in Western Europe is an integral part of NATO's deterrent against Soviet use of chemical weapons in Europe. The Administration's plan to withdraw these weapons from Europe and base new ones solely in the United States, thousands of miles from the European battlefields where they would be needed, amounts to unilateral dismantling of NATO's chemical deterrent. The chemical weapons amendment assured that the United States would not waste money on a program costing some $3 billion in the next few years. The General Accounting Office has continued to uncover testing failures, technical and structural deficiencies, and structural flaws within the binary weapons program which clearly demonstrate that the Bigeye binary bomb is not even ready for operation tests, let alone production.[8]

During conference deliberations in October 1986, the strict prohibitions of the House-approved amendment were loosened. First, the conference agreed to prohibit funding for the Bigeye bomb production program and Bigeye components during fiscal year 1987 and to prohibit final assembly of the Bigeye bomb through fiscal year 1988. Second, the conference provision authorized funding for the production of the 155-mm chemical artillery shell but prohibited final assembly through fiscal year 1987. Third, the conference declined to authorize the $15.4 million of fiscal year 1987 funds requested for Bigeye production facilities, and it limited the fiscal year 1986 funding to $90 million, subject to certification by President Reagan that the production of the Bigeye is in the national interest and that all design, planning and environmental requirements for such facilities have been met.

While not as conclusive as many members of Congress would have liked, the House-Senate conference position reaffirmed congressional opposition to funding a weapons system that does not work, is not proven safe for NATO troops, needlessly adds billions of dollars to the deficit, unilaterally eliminates the present chemical deterrent in Western Europe, and undermines efforts of the superpowers to negotiate an arms control agreement that bans chemical weapons.

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[7] Binary chemical weapons contain two relatively harmless agents which, when mixed together after firing, become lethal nerve gas. The Bigeye bomb is a 595-pound aircraft-delivered binary chemical weapon.

[8] See *Bigeye Bomb: An Evaluation of DOD's Chemical and Developmental Tests*, U.S. General Accounting Office, May 1986; *Chemical Warfare Review Commission Did Not Comply With the Federal Advisory Committee Act*, U.S. General Accounting Office, January 1987.

IX

Each of these arms control amendments of 1986 will be pursued again during the 100th Congress. Despite the obvious need to work toward a consensus with Congress on the nation's arms control policy, the Administration once again has thrown down the gauntlet. It was understandable that President Reagan, in his State of the Union message this year, would call on Congress to support his negotiating stance with the Soviets. But then he warned: "Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage." By likening legislative mandates to the Soviet negotiating position, the President distorted reality. There is considerable concern in Congress about whether some of the Administration's surreal proposals for complete nuclear disarmament and premature deployment of SDI would damage U.S. national security and undercut the leverage American negotiators will need in future talks with the Soviets.

What, after all, is the Reagan Administration's arms control policy? That is the question which for more than six years has mystified Congress. The bureaucratic infighting which has marked the Administration's policymaking has never been resolved. Members of Congress have had to try to make sense out of an unending barrage of conflicting, contradictory and ambiguous signals from the executive branch (not to mention from the Soviets). When positions change hourly, depending on who is speaking for the Administration, the nation's security suffers. In comparison, Congress has maintained a fairly consistent approach to arms control and the national defense. The arms control amendments demonstrate congressional support for long-standing arms control objectives. Congressional approval of unprecedented defense budgets during the Reagan Administration speaks for itself.

Threatening to veto arms control legislation which has broad-based, bipartisan support in Congress is not a constructive strategy for the President to pursue. The Administration will need to speak with one consistent and well-informed voice. There must be a renewed commitment by Administration officials to strive for achievable objectives in their negotiations with the Soviets rather than belabor surreal proposals which many believe mask the intentions of those who see no future in arms control. As with any policy, the way to win congressional approval is to consult fully with Congress and to pay heed to the concerns raised by those men and women who also represent the interest of the American people. The Reagan Administration's partisan approach to the national defense and to arms control, which was acutely reflected during the 1986 election campaign, may have needlessly alienated members of Congress without whose support the Reagan era will continue is precipitous fall from grace.

The 100th Congress thus faces its most difficult session on arms control. Arms control cannot be premised on defense systems which are flawed or nonexistent. The American people deserve better. They deserve a comprehensive, bipartisan policy supported by the Administration and by Congress.

That bipartisan policy is within reach. In my view, Congress would support: (1) deep cuts in strategic offensive weapons of the magnitude (30-50 percent) discussed at Reykjavik and previously at Geneva; (2) a negotiated end to nuclear weapons testing; (3) an efficient level of research on SDI without committing the nation to premature deployment; (4) mutual adherence to the long-standing interpretation of the ABM treaty; (5) mutual compliance with the SALT II treaty limitations; and (6) prevention of a destabilizing race of antisatellite weapons and of lethal chemical weapons.

If consensus within the Administration and between the President and Congress could be reached on these issues, then a unified American government would confront the Soviets with a formidable arms control policy.

Reciprocal measures by the Soviets are essential. That is why Congress safeguards arms control legislation with conditions that permit the lifting of legislated restrictions on nuclear weapons in the event the Soviets violate the constraints being observed by the United States

To see the majority votes in the House last year on arms control legislation as political assaults on the Administration is simply wrong. They were a sincere, bipartisan effort to preserve and enhance the national defense. The arms control amendments reflected the fact that Congress has a constitutional duty to ensure that the funds it appropriates for the defense of the nation ultimately will provide the best security money can buy.