# SENATE—*Wednesday, May 27, 1987*

The Senate met at 11 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"I will lift up mine eyes unto the hills, from whence cometh my help.

"My help *cometh* from the Lord, which made heaven and earth."

"Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou *art* with me."

Eternal God, merciful Father, seven simple words—behind which a fresh wave of grief assails wives, fathers, mothers, brothers and sisters, and friends. "Thirty-six more of the *Stark* come home." How heavily those words impact the hearts of loved ones.

We pray, Father, for those for whom unrelieved grief is awakened again. God of all comfort, give those families Your gracious peace, love, and compassion.

In the name of the Lord who never leaves us nor forsakes us. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 27, 1987.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. 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.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

## BICENTENNIAL MINUTE

MAY 27, 1919: FIRST OPEN PARTY CONFERENCE

Mr. DOLE. Mr. President, on May 27, 1919, 68 years ago today, Senate Republicans held the first open party conference in the history of this institution. Republican Members who gathered for that meeting also reaffirmed their commitment to the seniority system for choosing committee chairmen.

For most of the half-century after the Civil War, Republicans had held both the White House and majorities in Congress. During the "progressive era," at the beginning of this century, the party split between its progressive and conservative wings. The Presidential race for Theodore Roosevelt against William Howard Taft in 1912 not only enabled Woodrow Wilson to win the Presidency, but gave both Houses of Congress to the Democrats. In 1918, Republicans reunited and won back their congressional majorities.

But when the Republican conference drew up its committee assignments, progressives objected to Pennsylvania Senator Boies Penrose becoming chairman of the Senate Finance Committee. For a while, a small band of progressive Republicans threatened to call for a separate vote for each committee chairman, and to throw their support behind the ranking Democrat on the Finance Committee. To forestall such a possibility, Republican majority leader Henry Cabot Lodge, Sr., called an "open party conference" to give the progressives the chance to voice their opposition to Penrose; and to cast their votes against him, on the condition that all sides would abide by the conference decision. That is what occurred on this date, when the Republican conference voted 34 to 8 to seat Senator Penrose as chair of the Finance Committee. One Republican Senator could not resist the opportunity to quote the incumbent Democratic President Woodrow Wilson's "14 points," and to describe the Republican conference as "open covenants, openly arrived at."

## MEMORIAL DAY ADDRESS BY SECRETARY OF THE NAVY JAMES WEBB

Mr. DOLE. Mr. President, on Memorial Day, Secretary of the Navy James Webb delivered an address at Arlington National Cemetery. It was an excellent statement by this young Secretary of the Navy, 44 years of age, who is an outstanding young man with combat experience. He is an American hero. I was privileged to be there, and I think my colleagues will appreciate reading his remarks.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HONORABLE JAMES H. WEBB, JR., SECRETARY OF THE NAVY

Ladies and gentlemen, it is an honor to be among you on this very special day of remembrance. It is a tribute to all who have ever served our country that so many of you chose to gather in this historic place and collectively honor our fallen comrades from so many battlefields in too many wars.

The ceremony at the Tomb of the Unknown Soldier is, I think, the most touching and appropriate way of remembering sacrifice that one can imagine. By honoring these nameless Americans whose branch of military service we do not know, whose unit we cannot discern, whose rank and whose manner of death will always remain a mystery, we honor the greatness of the sacrifice of all Americans who have faced terror and died young so that others might live in peace.

Listening to my friend Pete Joannides read General John Logan's General Order which created Decoration Day filled me with mixed emotions, which as a Son of the Confederacy, it always has, but it also gave me an appreciation for the paradox that so often attends the aftermath of war. General Logan had in mind a day that would honor the soldiers of the Union after the War Between the States. We continue to carry out his custom, properly broadened, on the family grounds of the most revered soldier of the Confederacy.

And how ironic it must have seemed in 1950, when in May the Congress passed a law asking the President to proclaim Memorial Day a day of prayer for permanent peace, and then scarcely a month later our soldiers were dying on the battlefields of Korea. And that irony continues. Every year on this day, we pray for permanent peace, and yet we know, even as we pray, that the time given us on this earth has been, at its most optimistic, one of volatility and frequent violence. The events of only a week ago tragically remind us of this, but so do many, many others. While the major powers have avoided direct confrontation

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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throughout my lifetime, more than 100,000 Americans have given their lives in other places, the blood of our young citizens continuing to remind us that we cannot avoid the world's problems and at the same time hope that they will go away.

And so on this day when we remember the valiant dead from the battlefields that scar our history, we also should contemplate what it has been, exactly, that Americans have fought and died for over the course of our existence. In this context, it is hardly a day for remembering old enemies. We fought the British, now a major ally. We fought the Mexicans, now our friends. We fought each other, and, in fact, the greatest takers of American lives in all our wars have been other Americans. We fought the Spanish, now our allies, and the Germans and Italians and Japanese, now close friends whom we help defend. We fought the North Koreans and the Chinese to a stalemate that our country has wrongly forgotten, and the North Vietnamese in a war where our soldiers were too frequently criticized by their own countrymen for their efforts.

I would suggest that there is a consistency, even a rightness, in the wake of all this paradoxical tragedy. These fallen men and their compatriots fought for something, rather than simply fighting against an ephemeral foe. They fought, rather, for the values that have made our own country preeminent in the world. We are not a country that seeks war, and we are not a country that seeks enemies. We are a society founded on the greatness of individual effort, whose power has been used so that other powers might flourish: the power of the unfettered mind. The power of a multicultural society in free debate. The creative power of the dynamic entrepreneur. The inner power of spiritual belief.

And in a society which treasures the individual, there can be no greater tragedy than the loss of individual life. The markers which surround us on these rolling hillsides remind us that weakness, miscalculation, failed diplomacy, and naive isolationism can ask a costly price.

This is not a new dilemma. Alfred Thayer Mahan, the principal architect of American naval strategy, used to worry about our democratic system's lack of foresight, and unwillingness to pay the price of the very naval power that would guarantee its international stability. He once wrote that "It behooves countries whose genius is essentially not military, whose people, like all free people, object to paying for large military establishments, to see to it that they are at least strong enough to gain the time necessary to turn the spirit and capacity of their subjects into the new activities which war calls for."

And I would say to you that, unlike in Mahon's day, time is what we no longer have. Today, in this era of what we have come to call a "violent peace," there are no other countries between ourselves and our obligations. The lesson that should be apparent from the very magnitude of the names surrounding us, the names that speak to us from the silence of their graves, is that it is better to spend dollars for readiness than it is to spend lives because unpreparedness invites the hostile acts of an aggressor.

There is another consistency that speaks to us from the memory of wars fought and forgotten. The one constant in all of this is not the constancy of a particular enemy, but the greatness of the unique set of values that formed our nation. And the one consistency among our generations has been the willingness of our best citizens to place their lives at risk in order to further the greater good of our way of life.

Too often, I fear, we regard this willingness as phenomenon of wartime. In the aftermath of the tragedy aboard U.S.S. *Stark* last week, it is important for all of us to remember that those serving today exhibit the same dedication, sacrifice, and love of country as has been found in any wartime period. Their lives are at risk every day, on the cutting edge of Americans security needs around the world. While their peers languish in college or pursue carefree careers, these young, dedicated soldiers, sailors, airmen and marines have become the quiet heroes of their generation.

And, unfortunately, they, too, know the bitter pain of losing comrades and loved ones. Last Friday, I was with the President in Mayport, Florida, at the memorial service for the crewmen of the *Stark*. I watched families awash in grief; parents clutching pictures of departed sons, children in uncomprehending shock, wives, brothers and sisters crying uncontrollably. I was reminded of a frequent epitaph on the tombstones of Confederate soldiers: "How many dreams died here?"

It is a question parents, wives and children have asked too often in the course of our history, a question that creates a double duty in those of us who care enough to remember such sacrifices today.

The first duty is to remember. William Gladstone, former British Prime Minister, once said, "Show me the manner in which a nation or a community cares for its dead, and I will measure exactly the sympathies of its people, their respect for the laws of the land, and their loyalty to high ideals." I would say that this is especially true for soldiers who perished because of their own loyalty to law and ideals. Those of us who have seen war's ugliness know that a battlefield does not honor its dead. It devours them without ceremony. Nor does a battlefield honor heroes. It mocks their sacrifice with continuing misery and terror. It is for those who survived to remember sacrifice, and to honor our heroes.

The second duty is to keep this country strong. Wars are not prevented, nor are dreams preserved, because one side is more logical, more illuminated, or more kind. This country is great because it has been strong. It has been strong because its individual citizens have believed in its uniqueness so strongly that they have been willing to provide for the common defense and, if necessary, to take up arms on its behalf. So has it always been, and so must it ever be.

So, as we remember those who have fallen, let us also remember that peace is bought, not with a wish, but at the price of dedicated service. And let us, on this special day, be thankful for the dedicated service of those who are at this moment, quietly and without fanfare, defending our interests throughout the world.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I reserve the reminder of my time.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business, for not to extend beyond 12 o'clock noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

## FIFTEEN-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, at 11:08 a.m. the Senate recessed until 11:23 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

## WHY SDI DEPLOYMENT WILL KILL NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, does the United States proposition that both sides agree to reduce offensive missiles while the United States continues to progress with a star wars defense offer a realistic basis of agreement with the Soviets? Answer: The Russians will almost certainly never accept it. Would we accept it if we were in their position? No way!

Gorbachev made an astonishingly bold proposal when he said he would agree to negotiate a 50-percent reduction in offensive nuclear missiles on both sides. Why did he then toss a monkey wrench into the negotiations? Gorbachev did exactly that when he stubbornly insisted that his offer was conditioned on an agreement by the United States to abide indefinitely and strictly by the Antiballistic Missile Treaty. U.S. compliance with that treaty—signed by the President in 1972 and ratified by the U.S. Senate by an 89-to-2 vote—would mean that this country would not push star wars beyond laboratory research. The treaty's terms give the United States the right to renounce the treaty on 6 months notice. Gorbachev insisted that the United States agree to abide by this treaty indefinitely.

Gorbachev's strong implication is that if the star wars program should progress, in his judgment, it could possibly provide some protection for U.S. command centers, missile sites, bomber bases and submarine pens—if not for American cities. Because United States technology has been consistently ahead of the Soviets, this advantage could mean that for some years the United States deterrent would have a far more credible survivability than the Soviet deterrent. Gorbachev could be right. He would be decisively and visibly right if both sides sharply reduced their offensive capability. And it would be even more evident as negotiations subsequently progressed and the reduction of U.S.S.R. offensive missiles declined to 50 percent of its present strength and then further down to 25 and 10 percent. The Soviets know they cannot possibly match the United States star wars ca-

pability either in technology or in available economic resources. So the Soviet ABM defense is sure to be weaker and more slowly deployed.

The Soviets may understand that the possibility that SDI could work is remote and the chances it would work perfectly are nonexistent. But the one development that would be most critical for at least some degree of success for star wars would be a reduction of Soviet strategic warheads. The bigger the Soviet reduction the more likely SDI could provide a significant degree of protection.

On the other hand, a Soviet star wars even if it precisely duplicated the American SDI could not be nearly as effective against the American deterrent. Here's why: Less than 25 percent of the American nuclear deterrent is deployed in stationary land-based launchers. More than 75 percent of the Soviet nuclear deterrent is deployed in this mode. And what might star wars—as designed and planned by the DOD stop? It might stop land-based stationary ICBM's. The present SDI program would orbit battle stations so that they could catch these Soviet ICBM's in their initial boost phase—as they slowly rise from their launch pad and before they greatly accelerate in midcourse. Could the U.S.S.R. use this against the United States deterrent, 50 percent of which is deployed in submarines and 25 percent in bombers? Obviously SDI in the hands of the Soviet Union would be helpless to meet a nuclear strike from the American submarines and bombers that carry 75 percent of the American deterrent. Here's why: The submarine launched ballistic missile has a far shorter flight path, uses a depressed trajectory and is fired from a mobile base. The bomber launched missiles emerges from an even more rapidly moving launcher.

So what would you do if you were Gorbachev? Would you agree to negotiate to start the process of reducing the offensive missiles on both sides when you know that the ultimate effect of this process could be to provide some protection for America's deterrent against a Soviet or counterstrike but give no significant protection for the U.S.S.R. even if they succeed in precisely duplicating the American SDI? What do you think?

## CITIBANK'S DRAMATIC HIT AND TRUTH TELLING BY ALL BANKS

Mr. PROXMIRE. Mr. President, the biggest bank in the country has suddenly revealed the most convincing way to tell the truth about loans to Third World countries. Citibank has admitted many of its third country loans are not sound. It has conceded that the bank will suffer an inevitable loss on many of these loans. It has done so, not in a statement. It has been even more convincing. It has exposed the extent of the deterioration of these loans by taking a $3 billion hit in reporting the results of its operation for the latest quarter. That means CitiBank will not report a $500 million profit for the quarter. Instead it will report a stunning $2½ billion loss! In view of the sharp focus by the investment community on quarterly profits that was quite a decision by Citicorp. A breathtaking decision. But sometimes it pays to tell the truth. And this time it sure did. The stock of Citicorp did not fall with the bad news of a multibillion-dollar quarterly loss. It rose. John Reed the chairman of the Citicorp's board that unanimously agreed to take the hit is being hailed as a hero. Citicorp was strengthened. More important, other banks will more or less follow suit. It is not expected that most banks will go as far as Citicorp. Certainly not in one quarter! Over time, they all could. They should. Regardless of when or how they increase their reserves as a cost of doing business, when a bank does this, it will mean a reduction in their reported profits. If they do it—as Citicorp has done it—in one quarter, the reduction will be fully understood, by the public. The market will discount it. As in the case of Citicorp the bank's stock may even rise in price. If the bank's resources are less robust than Citicorp, it may have to take the hit over a period of years. In that case the profit reduction reported in each quarter will be much less, but there will be little or no discounting by the market.

While the Citicorp action does result in more honest financial reporting, it will not require the bank to increase its real capital. Even though the bank reduced its equity capital by $2.5 billion, it will not have to increase its regulatory capital by 1 penny! Why? Because the bank regulators allow the banks to include loan loss reserve in their definition of regulatory capital. As Martin Mayer, a distinguished author of banking books observed, if any other business counted a loss reserve as an item of capital, its accountants would be sent to jail.

Bank regulators measure a bank's capital adequacy according to its "primary" capital which consists of equity capital plus loan loss reserves. Before Citicorp increased its loan loss reserve, its ratio of primary capital to total assets was about 7 percent. After the loan loss reserve increase, it had the same 7 percent primary capital ratio. All that really happened was that its primary capital was shifted from one pocket to another. From a regulatory point of view, Citicorp is no stronger today than it was last week.

If banks with large LDC loans are to become truly stronger, they need to increase their regulatory capital ratios to provide a cushion against the possibility of a major default. That is why the Congress needs to adopt something like the Gramm-Proxmire proposal for increasing the capital position of banks with large amounts of troubled LDC loans.

Regulators now require a minimum primary capital ratio of 5.5 percent. Most money center banks exceed that ratio, but many would fall below it if loan reserves were not counted. Our money center banks must have real capital, not paper capital, if they are to insulate themselves from the potential shocks of an international debt crisis.

## PAYING FOR THE SUPERCONDUCTING SUPER COLLIDER

Mr. PROXMIRE. Mr. President, whenever the Federal Government makes a decision to pursue, with Federal dollars, a major new scientific initiative, there is intense competition among the States. Construction of the super collider certainly is a case in point. With an estimated cost of $3.2 billion in fiscal year 1988 dollars and an additional $1.2 billion for research, development, detectors, computers, and preoperating activities, this is an enormous economic plum for any State or region.

Under these circumstances, it is important that any siting decision be made with regard to the best interests of the entire Nation. That means the interests of all the taxpayers of the Nation and not just those of a specific location.

The first step in this decision is to insure that any given location is consistent with the scientific requirements of the project. An open competition is essential. And part of the open competition is the economic cost sharing offered by local communities.

Why should cost sharing be an important consideration? Because the taxpayers from all other areas of the country should not be asked to subsidize a Federal project if local economic interests will support part of the costs. That is why I would have voted against the Domenici amendment to the supplemental appropriations bill had it come to a recorded vote. Local cost sharing is important—to all the taxpayers of the Nation since it lowers the subsidized Federal cost.

## HOW SHOULD CONGRESS AWARD GRANTS FOR SCIENTIFIC FACILITIES?

Mr. PROXMIRE. Mr. President, the most highly respected universities in this country have spoken out loud and clear in favor of awarding congressional grants for scientific facilities strictly on the basis of merit, determined by competitive review. How have they spoken out? Not in empty rhetoric.

They have spoken out with what might turn out to be painful and risky action. Forty-three of the fifty-five universities belonging to the Association of American Universities have agreed that they will not accept congressional grants awarded without competitive review.

Now, Mr. President, some Senators and Congressmen will resent this. Indeed, the vice president of one of the distingusihed universities objected to this ultimatum for merit selection on the grounds that it would constitute an affront to the Congress. Will it? Sure it will and on this score some Members of both this body and the House deserve the affront. But is the rejection of noncompetitive congressional grants right? It sure is. Is it in the national interest? You betcha. Will it determine the award over the years of billions of dollars for scientific facilities on the basis of quality and value per dollar? Of course, it will. Have some of these awards been made over the years based on strictly political considerations? That's precisely the problem.

As a member of the Senate Appropriations Committee for 25 years, I have seen these congressional awards grow enormously. These multimillion dollar grants can be immensely valuable to the universities that receive them. They are also terrific trophies for a Senator or Congressman to feature in his reelection campaign. Time and time again in the year or the year before a Senator is up for reelection he will go to bat for a scientific facility in his State. He will seek to skip the competitive review based on merit. Time and time again he will win. He will persuade the committee to finesse the review. He will persuade it to give good old Senator Joe or Jim or Jack the equivalent of a fat political contribution. So the Congress will direct that the multimillion dollar facility by pass merit review. They will direct that it be located in Senator J's State.

Now, Mr. President when we have this kind of a gravy train running for us as Senators, only a spoilsport would want to derail it. Senators can and do dream up all kinds of alibis to keep that generous gravy train on the track. Consider some of those alibis. First, they claim that competitive review keeps too much Federal money in the hands of a few prestigious institutions like Harvard and Stanford. Second, they claim it overlooks the contributions to economic development that the awarding of a scientific facility can bring to a university in a community suffering heavy unemployment. Third, they argue that the board that reviews the quality and capability of competing universities is as biased as Members of the Congress. They say it only differs in that Members of the Congress are elected by the American people. The board is not.

How about these objections? Do they have merit? The answer is an emphatic and loud: "No." If the board that reviews universities for merit selection is biased or incompetent, whose fault is that? Answer: That is the fault of the Congress. Just ask: Who determines the legislative basis on which these boards are selected? Who does? The Congress does. That's who. We in the Congress can and should provide for balance on the board. We can require relevant competence on the board. It is up to us to determine whether or not economic development should be a selection criteria.

The basic fact is that these decisions on allocating Federal grants for scientific facilities among our universities are critical for the scientific future of our country. We know that none of us in the Congress have the scientific expertise to make these decisions wisely. An expert board can do the job we cannot do. So, yes, we can and should strengthen legislation to be sure that the administration follows guidelines that assure the appointment of merit selection panels that have the balance and the competence to make the selections based on merit and the overall scientific interests of our country. We can decide whether or not economic development should be a criteria. We can spell out in legislation the weight if any for economic development in these decisions. But it should be absolutely clear that a scientifically competent board, not a scientifically incompetent Congress, should make the final decisions on where the grants go. It should also be crystal clear that the reelection of our dear colleague, good old Senator Joe or Jim or Jack, should not be—as it's becoming—the prime criterion. It should be no criterion at all.

Mr. President, I ask unanimous consent that an article from the New York Times of May 22, 1987, by Leslie Maitland Werner, headlined "40 Universities Agree To Reject Disputed Grants" be printed in the RECORD.

I also ask unanimous consent that a list of the 55 universities that are members of the Association of American Universities and who voted for or against rejecting these disputed grants be printed in the RECORD.

I also ask unanimous consent that a copy of the resolution adopted by the Association of American Universities on funding for scientific research facilities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### 40 UNIVERSITIES AGREE TO REJECT DISPUTED GRANTS

(By Leslie Maitland Werner)

WASHINGTON, May 21.—More than 40 prominent research universities have agreed not to accept direct Congressional grants for scientists facilities if the grants involve projects whose scientific merits have not been evaluated through competitive review.

Because such grants bypass established scientific review procedures and are often awarded as a result of politicking by lobbyists hired by universities, they have been attacked as a potential danger to American research.

The universities voting against the grants make up most of the memberhip of the Association of American Universities, which was polled by mail over the past few weeks on the question of a moratorium on accepting such grants.

#### 54 U.S. AND 2 CANADIAN SCHOOLS

The vote, by secret ballot, approved a resolution that was drafted in response to a report last March by a special panel representing six higher education associations, including the A.A.U. The A.A.U.'s membership of 54 American and 2 Canadian universities includes many of the nation's most prestigious research universities, including Harvard, Yale, the Massachusetts Institute of Technology, and Columbia.

Robert M. Rosenzweig, president of the A.A.U., declined to identify which members had voted in favor of the moratorium. But he said that at least one of the universities that agreed not to accept such special grants from Congress in the future had previously been awarded and accepted them.

#### A GROWING RELIANCE

The issue addressed by the report centered on universities' growing reliance on grants from Congress, earmarked for special purposes, as the only significant source of Federal funds for building or renovating research facilities. The report warned that university-based research would face "serious and lasting damage" if Congress continued the practice of awarding universities such earmarked grants.

On the other hand, universities that have favored such grants maintain that they are merely righting an imbalance that has kept Federal money in the hands of prestigious schools in the Northeast and California.

They contend that in bypassing competitive scientific review procedures, Congress is rightly taking into account other considerations, such as economic development.

The Reagan Administration and numerous scientific agencies oppose earmarked grants, but opinion in Congress is divided. Congressional awards grew to $137 million in 1985 from $3 million in 1982, putting increased pressure on members of Congress to fight for special funds for universities in their districts.

#### PRESSURE ON CONGRESS URGED

The Association of American Universities was the first of the six academic organizations sponsoring the report on earmarked grants to act on it. Among its 54 American members, the vote was 43 universities in favor of the moratorium, 10 opposing and 2 abstaining. The president of the University of California system accounted for the extra vote.

Mr. Rosenzweig, the association president, has told its members he does not think sanctions should be imposed on those who do not abide by the moratorium. He said the A.A.U. would urge the other organizations to join the moratorium and to push for Congressional passage of a program for financing the construction and renovation of scientific facilities.

In the interim, Mr. Rosenzweig added, the association will fight any effort to extend earmarking to cover funds for scientific

projects but will not engage in "vain efforts" to oppose specific earmarked grants for research buildings, once they come up in Congress.

A DEFENSE BY COLUMBIA

Columbia University, which voted against the moratorium, regarded it as a potential affront to Congress, according to Gregory Fusco, vice president for governmental relations.

"Our concern was that the resolution as crafted would be interpreted in Congress as not giving sufficient recognition to the role of Congress in determining the uses of Federal funds," Mr. Fusco said. "We think Congress's consideration of economic development in addition to scientific merit is a valid one. It's valuable and appropriate."

But he added that Columbia agreed with that portion of the A.A.U. resolution that called for seeking for creation of new Federal programs to help support university research facilities.

"We do need a big facilities program on the Federal level," he said. "Government should not pay for every facility in the country, but it should take a bigger responsibility than it has been. That's the main thing, and within the A.A.U. there's no dispute on that."

THE MEMBERS OF THE AAV

Univ. of Arizona, Brandeis U., California Inst. of Tech., Univ. of Cal.—System, Univ. of Calif.—Berkeley, Univ. of Cal.—Los Angeles, Univ. of Calif.—San Diego, Carnegie-Mellon U., Case-Western Reserve U., Catholic Univ., Univ. of Chicago, Clark U., U. of Colorado, Columbia U., Cornell U., Duke U., U. of Florida, Harvard U., Univ. of Illinois, Univ. of Indiana, Univ. of Iowa, Iowa State U., Johns Hopkins U., Univ. of Kansas, Univ. of Maryland, Massachusetts Inst. of Tech., Univ. of Michigan, Michigan State U.

Univ. of Minnesota, Univ. of Missouri, Univ. of Nebraska, New York U., Univ. of North Carolina, Northwestern U., Ohio State U., Univ. of Oregon, Pennsylvania State U., Univ. of Pennsylvania, Univ. of Pittsburgh, Princeton U., Purdue U., Rice U., Rochester U., Univ. of Southern California, Stanford U., Syracuse U., U. of Texas—Austin, Tulane U., Vanderbilt U., Univ. of Virginia, Univ. of Washington, Washington U., Univ. of Wisconsin—System, Yale U.

AAU RESOLUTION ON FUNDING FOR SCIENTIFIC RESEARCH ACTIVITIES

We have received the Langenberg Committee report and intend to discuss it further among ourselves and with other associations. While we have some concern with its first recommendation, we support its call for an immediate and sustained effort to bring the higher education community, the Congress, and the federal agencies into discussion to resolve the issues surrounding the federal funding of scientific research facilities. We intend to engage fully in those discussions in the hope that common ground can be found and the processes that do not best serve the long-term quality and capacity of U.S. science can be put behind us. In the meantime, however, we:

(1) Reaffirm our support for the following propositions:

(a) Decisions about funding scientific research projects should be made on the best available judgments of the importance of their probable contributions to scientific theory and practice.

(b) The current practice of earmarking scientific facilities construction on the basis of criteria unrelated to their scientific merit is not in the interests of either the nation or its institutions of higher education.

(2) Instruct the president of the AAU to rely on these propositions as the basis of his representations to the Congress on this policy issue.

(3) Agree to observe a moratorium on earmarked funding for scientific facilities while seeking, in cooperation with other higher education associations and the Congress, the creation of federal programs to assist the nation's colleges and universities in meeting their facilities needs for research.

Mr. SANFORD. Mr. President, I thank my colleague, the Senator from Wisconsin, for pointing out the action taken by a number of universities to maintain the integrity of scientific grants. I am pleased that my university, Duke University, continues to be a part of that body of universities that feel that the competitiveness of this country is going to be determined by the amount of research and the kind of research that is done. I think this is a very significant comment at a time when we are so concerned with competitiveness.

Mr. PROXMIRE. Mr. President, will my good friend yield briefly?

Mr. SANFORD. Yes.

Mr. PROXMIRE. I would just like to say that I neglected to make the most important point of all. The University of Wisconsin was one of those universities, also. The University of Wisconsin, of course, voted in favor of rejecting any grant which was not based on competition.

## TECHNOLOGY: A KEY TO COMPETITIVENESS

Mr. SANFORD, Mr. President, to stay competitive in the world market, the United States must stay on the cutting edge of new technologies. We must recognize that what we call high technology is important to more than just the semiconductor industry. Advanced technology rules growth in all our basic manufacturing industries. From textiles to autos, industries must employ up-to-date computer technology and robotics in order to keep up in a competitive world market.

In testimony at a recent Senate Budget Committee field hearing, Donald S. Beilman, president of the North Carolina Microelectronics Center, outlined the steps the United States must take to keep our high technology industries competitive. He focused on several factors: Education, research and development, Federal and State legislation, effective allocation of resources, and leadership. Of special interest to my colleagues will be Mr. Beilman's specific recommendations for Federal action to promote industrial competitiveness, I ask unanimous consent that Mr. Beilman's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF DONALD S. BEILMAN, PRESIDENT, MICROELECTRONICS CENTER OF NORTH CAROLINA

I appreciate the opportunity to address this Committee on the important issue of the international competitiveness of United States industry. This issue is receiving considerable attention with the continuing erosion of our foreign trade position which last year soared to $140.6 billion, an all time high, and which was 19.5 percent above the previous high of the year before.

Industrial competitiveness is also receiving considerable attention at the federal and state levels of government because it is important to the long-term health of our economy at the regional and national levels. Many studies and recommendations have already been made with respect to government and private action for improving our international competitiveness position. The President's Commission on Industrial Competitiveness chaired by John A. Young is just one of the groups that has presented recommendations that address this critical issue.

In my testimony today, I will not repeat a lot of statistics or reference former studies, but will concentrate on the basic principles that are affecting the U.S. international competitiveness position. The observations and recommendations I make will not provide a simple answer to a very complex situation, but I hope they will provide the basis for reversing a situation that our universities, government and industry cannot tolerate for the future. The views I will express today are my own and reflect my experience as a business executive for thirty years and as president of the Microelectronics Center of North Carolina.

INDUSTRY SITUATION

The industry sector which I will concentrate on today is what is referred to as high technology. This includes such industries as semiconductors, telecommunications, materials, biotechnology and robotics. The U.S. high technology industry, up until recently, experienced a very favorable position internationally. High technology in the past few years, however, has joined core industries in experiencing trade deficits in the global economy.

In 1986, for example, the United States experienced a $13.1 billion trade deficit in electronics worldwide and an even more severe deficit with Japan, $20.5 billion. This is particularly of concern since high technology manufacturing, such as, electronics, is a crucial factor in maintaining a balanced economy in the United States between service and manufacturing.

There are several factors which contribute to the international competitiveness of high technology industry. These factors are education; university, government, and industry research and development; federal and state legislation; effective allocation of resources; and leadership.

While all of these factors are important to competitiveness in all industries, my comments today will focus on their impact on high technology.

High technology is particularly important for world leadership in the global economy because it provides growth to manufacturing industries, such as, electronics and materials. In addition, high technology industries, such as, materials and electronics, provide the basis for future competitiveness and leadership in many manufacturing core industries.

Modern electronics, for example, is a major high technology industry that has experienced tremendous growth worldwide. The electronics industry has surpassed $500 billion in annual production and could surpass $1 trillion by the year 2000, making it the largest industry other than agriculture. In addition, electronics provides important technology advances that increase productivity in all industries.

A manufacturing based economy is the key to maintaining a healthy economy and high standard of living. There is a strong interrelationship between high technology, electronics, and manufacturing because of the continuing necessity to increase productivity in manufacturing.

To support continuing improvements in productivity, the technology dynamics of industries such as electronics require access to substantial capital for productivity improvements and manufacturing competitiveness. Technology leadership and manufacturing capital are critical for competitiveness in a manufacturing based economy; in order to maintain technology leadership, the United States must find a way to maintain top quality education and better funded research and development.

RESEARCH AND DEVELOPMENT SITUATION

It is forecast that the United States will spend approximately $125 billion in 1987 on research and development. Of this total, approximately two-thirds will be spent on development and one-third on basic and applied research.

The federal government plays a major role in the research and development infrastructure of the United States. There are approximately 700 national laboratories with significant technical personnel resources that spend an estimated $18 billion annually. These laboratories are mission-oriented and concentrate on investigations related to such areas as defense, space and energy. The efforts of the national laboratories are heavily weighted to defense and contribute to the basic science and research infrastructure but not to commercial technology.

The National Science Foundation (NSF) also plays an important role in supporting a strong university infrastructure. It has been suggested that the current NSF budget request of $1.7 billion be doubled to $3.4 billion in the next five years. While these investments are critical to the long-term science and research infrastructure, technology development is not NSF's role or mission.

The Department of Defense (DOD) receives the major portion of the Federal research and development budget—approximately $47 billion of the total $65 billion Federal budget for the current year. This effort is heavily concentrated on the development of military weapons and provides only limited short-term derivatives for commercial applications. DOD's efforts are not oriented to commercial technology.

Thus, while the Federal investment in research and development is substantial, its orientation is on defense and the development of the research and development infrastructure, and does not directly address industrial competitiveness.

State governments have a primary role in providing the university infrastructure for education and basic research. The development of this long-term infrastructure is critical but does not directly address the requirements for commercial technology. States, however, are developing a shorter-term interest in commercial technology through new partnerships with industry. States are an evolving force and a new partner with a vested interest in economic development and the maintenance of a healthy manufacturing economy.

Industry emphasis is on applied research and technology development. To maintain competition, industry emphasizes the processes and manufacturing technology required for adaptation to today's technology dynamics. Industry not only focuses on the short-term results required for positive financial performance, but also recognizes the necessity for long-term research investment essential for continuing success.

While substantial resources are now being directed to research and development, at least half of this $125 billion is not directly contributing to industrial competitiveness. We need dramatically to capitalize on existing investments in research and development and selectively to reallocate key resources to support commercial technology for increased competitiveness of U.S. industry.

UNIVERSITY/GOVERNMENT/INDUSTRY RESPONSIBILITIES

Universities, government (state and federal), and industry are mutually responsible contributors to research and development. In the aggregate, the United States outspends all other nations in research and development. The existing human and capital resources of these three sectors must provide the necessary base for U.S. leadership and international competitiveness.

Our universities are considered to be the leading education and basic research institutions in the world, educating both domestic and foreign scientists and engineers for support of the global economy. While this leading role provides key long-term education and basic research, universities must change more rapidly to meet the escalating educational requirements to support high technology industries. While universities are critical contributors to basic research, they are not a major source of commercial technology in support of international competitiveness.

Government has the primary responsibility for supporting the state and national infrastructure requirements for education and basic research as well as providing the economic environment for industrial competitiveness. In the research and development domain, government supports the research and development requirements for defense, space, health and other special national requirements. It has the primary responsibility for maintaining the necessary services and engineering infrastructure but is not a major source of technology that is commercially relevant. In the economic domain, government can provide the fiscal and legislative conditions conducive to capital formation and international competitiveness.

Industry has always had and should continue to have primary responsibility for commercial technology application and production. Short-term financial performance must continually be balanced against longer-term research and technology expenditures. The capital and human resources required to meet the dynamics of today's technology dictate the continuous training of technical personnel and the shared responsibility with government for capital formation. As the sector primarily responsible for international competitiveness and most familiar with commercial technology requirements, industry should be given a shared responsibility to determine the national research and technology agenda and should be directly involved with extracting commercially-relevant research and technology from non-industry efforts.

In short, industry must be effectively involved in the allocation of these national research and development resources if industry is to continue to provide leadership for commercial application of technology for industrial competitiveness.

NEW CREATIVE APPROACHES FOR RESEARCH AND TECHNOLOGY

With intensive support from industry and government, commercial research-coordinating organizations can be structured to coordinate unviversity and national laboratory resources. Such coordination is essential if we are to increase substantially the relevance of education and research within these key, high technology areas. The Semiconductor Research Corporation, or SRC, located here in Research Triangle Park, is one such research-coordinating organization concentrating on microelectronics. There are similar opportunities in telecommunications, materials, optics, textiles and other strategically important industries.

Another major new opportunity is the establishment of national-level commercial technology centers. Directed and managed by industry in key technology areas, these centers would work in conjunction with the research-coordinating organizations to accelerate substantially the transfer of non-industry research into commercial technology. Such centers would evaluate and develop the commercial technology potential of relevant research at our universities and national laboratories. These technology centers could also capitalize on evolving state participation and investments in selected key areas of industry technology.

These commercial technology centers could be jointly financed by sharing the cost among states, industry, and the Federal government where appropriate. the Federal share could be financed through reallocation of current resources from the Federal laboratories to facilitate their contributions to international competitiveness. Industry participation would assure commercial relevance and ownership by the primary sector responsible for competitiveness.

Funding of the centers could be an equal match of approximately $15 million per year or $45 million total per center. Eight to ten centers in key industry areas would provide $500 million of highly focused technology opportunities, leveraging the over $30 billion spent annually at our universities and national laboratories on research and development. An annual investment of approximately one half billion dollars to help correct a national problem which resulted in a $140 billion trade deficit last year would appear to make good economic sense.

Additionally, industry should be encouraged to pursue creative new joint initiatives for establishment of commercial manufacturing centers. These industry funded and managed programs could be established in key technology areas and would concentrate on manufacturing technology for international competitiveness. Funding by DOD would be appropriate to support related supplier industries that are crucial to national defense and security.

In summary, the Federal government and industry have an opportunity, through prudent reallocation of resources, to capitalize substantially on the enormous national research and development efforts to restore U.S. competitiveness in the global economy.

RECOMMENDATIONS FOR FEDERAL ACTION ON COMMERCIAL COMPETITIVENESS

The Federal government has the responsibility to help provide a total economic environment necessary to U.S. industry competitiveness. The following recommendations fall into three types of action: fiscal policy, legislation, and financial support.

In the area of fiscal policy:

(1) New financial incentives to recognize industry's increasingly important role in training and retraining technical personnel for high technology manufacturing.

(2) A permanent industry tax credit to encourage increased expenditures in external and internal research and development for manufacturing.

(3) Investment tax credits specifically for manufacturing equipment and facilities to encourage availability to capital for meeting requirements caused by technology dynamics.

(4) An aggressive long-term (5-years) capital gains credit to encourage investments in the long-term manufacturing industry.

(5) Encourage personal saving to create the increased capital required for industrial competitiveness.

(6) And, of course, the need to reduce dramatically the Federal deficit ($211 billion in 1986) to bolster general long-term economic growth.

In the area of legislation:

(1) Provide a competitive and equitable trade environment for U.S. manufactured products to help reduce deficit of $170 billion in manufactured products in 1986.

(2) Encourage cooperative industry efforts in manufacturing research and technology to balance aggressive international cooperative initiatives.

In the area of direct financial support:

(1) Support new state and industry technology centers with reallocated funds from national laboratories to increase commercial technology contributions from non-industry sources.

(2) Directly support related commercial and defense requirements through DOD to reinforce U.S. competitiveness in selected manufacturing equipment industries.

(3) Encourage long-term support of basic education and research infrastructure at our universities by doubling the NSF budget to $3.4 billion in the next five years.

CONCLUSION

There are no actions that ensure that U.S. competitiveness will immediately be revitalized. One thing is becoming more clear: with continuing erosion of high technology manufacturing as well as core industry manufacturing, significant changes by universities, government, and industry to solve the short- and long-term competitiveness problem will be required.

*Universities* must upgrade their educational program in the basic disciplines in order to prepare scientists and engineers to meet increasing demands in the U.S. manufacturing economy.

*Government* must reallocate research and development resources to increase the commercial value of current national research and development expenditures. Longer-term major reallocation of funds and technical personnel to commercial technology development is essential. In addition, governments in their enabling role for industry must take action to support specific legislation and fiscal policies that provide a competitive environment for manufacturing.

*Industry* must be actively involved in planning national research and development programs as well as in the management of the technology transfer initiatives undertaken by universities and government.

Ultimately, industry individually and collectively is responsible for providing the primary leadership for industrial competitiveness. Universities and government, however, must also take aggressive action to provide the talent and the environment to make industry's job possible.

## AL UNSER—WINNER OF THE INDIANAPOLIS 500

Mr. DOMENICI. Mr. President, today I am very proud and pleased to recognize that on Sunday the father-son team of Al Unser, Sr., and Al Unser, Jr., from Albuquerque, NM, took two top places in America's greatest automobile race, the Indianapolis 500.

Al Unser, Sr., 48 this Friday, became the oldest driver to win the Indianapolis 500, a record previously held by his brother Bobby. He also tied A.J. Foyt's record for most Indianapolis 500 victories, with four.

Just a few cars back Al Unser, Jr., continued the tradition by placing fourth.

The Unser family has become America's premier racing family and obviously New Mexico and their home city of Albuquerque are extremely proud. Their determination and skill are truly an inspiration to all of us.

Al Unser, Sr., went to Indianapolis, as everyone now knows, without a car, and he came out taking the checkered flag.

So I rise today to compliment Al Unser, Sr., and his son, Al Unser, Jr., and, in a very real sense, the magnificent tradition of the entire Unser family.

Incidentally, I called early the following morning after the victory to congratulate him. He was already in a car driving home. So I assume he truly loves to drive. I thought perhaps I would catch him there or that he would be in the air, but in the great tradition of his family he took to the road and headed back to New Mexico.

## U.S. PRESENCE IN THE PERSIAN GULF

Mr. McCAIN. Mr. President, I rise to speak about an issue of great concern to me, the American people, and to other Members of this body: The United States military presence in the Persian Gulf and the recent decision on the part of this administration to provide United States naval protection for 11 Kuwaiti tankers.

Mr. President, the United States has had a military presence in the Persian Gulf since 1949. We have an important role to play there. It is also clear that the Carter doctrine, which says the United States will take whatever measures necessary to preserve United States national security interests in the Persian Gulf, is more valid today than when it came into being in 1980.

Mr. President, we are faced with a situation far different than in the past in the Persian Gulf. We are today, faced with Iranians who have articulated time after time their desire to sink United States warships and kill American citizens.

I fully understand why the administration chose to announce that they provide protection for 11 Kuwaiti ships. This action was precipitated by an understandable concern about Soviet penetration into the Persian Gulf, an ambition that the Soviets have held since before the days of the Czars. I understand the concerns of the administration, that in return for protection of their tankers, the Kuwaitis might provide bases and refueling agreements to the Soviets, allowing Moscow to penetrate the Persian Gulf and be a force in that region. Obviously, that would not be in the U.S. interests.

It is also clear that while just 7 percent of the United States oil comes from the Persian Gulf, some 30 percent of the European oil, and some 60 percent of Japanese oil originates in that area.

So we are not the only ones who have vital national security interests in the gulf. In fact, our European allies and the Japanese are more dependent than we upon an uninterrupted flow of oil from the Persian Gulf.

It is incumbent upon the administration that they explain to the American people what our policy is in the Persian Gulf. Do we, for example, have the military capability to protect 11 tankers as they proceed from Kuwait through the Persian Gulf.

Mr. President, some military experts believe we do not have that capability. Some people believe the reason why our naval forces have maintained themselves only in the southern part of the gulf, and the reason why aircraft carriers have not ventured into the Persian Gulf is because they would be extremely vulnerable in that very narrow body of water.

Mr. President, the American people need to be told what is planned, in response to an Iranian attack on either a Kuwaiti tanker flying an American flag or an American warship. If we are going to respond militarily, the American people must be told what is at stake. The American people must know that there is, indeed, a possibility of further loss of American lives. There is also the possibility of more Americans being held captive, as Lieutenant Goodman was after the raids that were made in Lebanon.

The only way to get the support of the American people is to explain clearly what our interests are in the gulf. I would also suggest that there is no time like the present to urge our

European allies to involve themselves militarily to pick up this burden. Mr. President, we have an All Volunteer Force. The most difficult task for any young man or woman in the military today is duty on board a ship in the Persian Gulf. It has an impact on our ability to retain the young people needed to maintain and man the very expensive equipment provided in the extensive military buildup of the Reagan administration. European allies must understand that the United States alone cannot defend the Persian Gulf indefinitely. It is time we made some arrangements for a West German, French, and British naval presence in the Persian Gulf so the United States does not have to bear the entire burden.

I would also like to address for a moment the question of U.S. military bases in the region. Some have suggested that this country should enter into agreements with the Saudis, Omanis, and others leading to the establishment of United States military air bases in the area so we can better protect our ships. Mr. President, I would like to remind you that although this may seem a good idea on the surface, we are having enormous difficulty renegotiating our base agreements throughout the world—in Greece, in Turkey, and in the Philippines, for example. In Indochina, we left behind bases such as Tuy Hoa, Bien Hoa, Pleiku, Da Nang, and most of all Cam Ranh Bay, which now serve as very useful bases for our adversaries. In fact, as we know, Moscow has turned Cam Ranh Bay into one of the finest reconnaissance and naval bases in the world.

So before we enter into an agreement which would entail the expenditure of billions of dollars of taxpayers' money, we must ensure that the host nations are stable, that we can depend on long-term agreements, and that we can depend on those countries not to close the bases in case of external disturbance, as the Prime Minister of Greece did to one of our bases when Athens had some difficulties with the Turks. Finally, we must be very sure that those bases can be defended from terrorist attacks.

Mr. President, I think that American people are deeply concerned about the escalation of our involvement in the Persian Gulf. I am concerned that the administration has not consulted sufficiently with the Congress for support of this action. Just last week the Senate passed overwhelmingly a resolution stating that before the United States Government started protecting Kuwaiti ships, they should consult with the Senate and the House of Representatives. So far as I can see, they have not done so.

Mr. BYRD. Mr. President, there is not order in the Chamber. May we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCAIN. Mr. President, I appreciate the attention of the majority leader on this very important issue. He was a prime cosponsor last week, along with the Republican leader, of the measure to which I just referred. The majority leader has a deep and abiding interest in U.S. policy in the Persian Gulf. I appreciate very much his involvement in the resolution.

Mr. President, this administration must tell the American people of the stakes involved, so that in case of an attack by the Iranians, the American people will be willing to make the sacrifices necessary to preserve our access to the gulf.

Why is the U.S. presence in the gulf vital to interests of the United States? Because we, along with our allies, must preserve the uninterrupted flow of oil from the Middle East. To do otherwise would have a devastating impact on the economies of the Western World.

## NEW LEGISLATION MANDATING ADDITIONAL BANK RESERVES ON TROUBLED THIRD WORLD DEBT IS UNNECESSARY

Mr. DIXON. Mr. President, there has been considerable comment on Citicorp's announcement last Tuesday that it was making a $3 billion addition to its loan loss reserve. That same day, by a vote of 15 to 5, the Banking Committee decided not to impose additional reserve requirements on banks based on their troubled Third World debt exposure.

As the author of the amendment ensuring that no additional statutory reserve requirements were placed on banks' international debt exposures, I want to take this opportunity to comment briefly on the committee's decision and the Citicorp announcement.

First, I want to make it clear that the committee's decision does not represent a head in the sand attitude about our banking system or about Third World debt issues. Rather, it represents the committee's judgment that the banks have taken and are continuing to take the steps necessary to protect their depositors and their safety and soundness. It represents the committee's view that the existing statutory framework, including the International Lending Supervison Act of 1983, provides the banking regulators with all the authority they need to ensure bank capital adequacy against all risks, including troubled Third World debts.

Citicorp's announcement, while dramatic, is simply the latest demonstration that our banks have done and are doing what Congress asked them to do in 1983. They have increased their capital; they have reduced their Third World debt exposure; and they are taking the other steps necessary to resolve their problems.

In 1983, for example, U.S. banks held $94.2 billion in loans to 18 troubled foreign debtor nations, including Brazil, Mexico, and the other leading debtors. The capital ratios of the top 15 U.S. banks averaged only 5.46 percent. By the end of 1986, however, U.S. bank loan exposure to the 18 debtor nations I previously cited had dropped to $87.1 billion, and the capital ratios of the top 15 U.S. banks increased to an average of 7.17 percent.

In 1983, the nine largest money center banks had over 209 percent of their capital exposed to troubled foreign debtors. By 1986, their exposure had dropped to 147 percent of capital. Similarly, the exposure of the next 14 largest banks dropped from 153 percent of capital in 1983 to 87 percent of capital by the end of 1986.

The Third World debt problem has proven to be very difficult and complex, and much more persistent than many at first estimated. There may be additional legislative tools that are necessary or desirable in helping the Treasury, the banking regulators, and the banks themselves work through this problem. As the basis of the factual experience of the last 4 years, however, there is no demonstrated need for additional legislative capital and reserve requirements, which is why the banking regulators opposed them. In this area, Congress can make the greatest contribution by recognizing that additional capital and reserve requirements could actually have adverse impacts on banks' ability to cope with troubled Third World loans and therefore could actually hurt, rather then help, banking system safety and soundness.

While Third World loans are significantly different from troubled energy, agriculture, real estate, and other bank domestic lending, the approach we are using to help the banking system cope with its domestic lending problems is equally applicable to the foreign loan situation.

We are trying to give banks flexibility and time to deal with troubled domestic loans, and Congress has consistently urged the regulators to give banks that can work out of their problems the room they need to restructure loans. That same approach makes sense in the foreign loan area. We need to be concerned about ensuring that the banks have sufficient capital and reserves—and as I stated earlier, our banks have been increasing their capital and reserves—but that concern must be balanced against the need to give them sufficient flexibility to work through this serious problem.

Before I close, Mr. President, I would like to make a few points about the Citicorp announcement. First, it is worth remembering that, while Citi-

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corp increased its reserves by $3 billion, its overall capital ratio increased by only five one-hundredths of 1 percent, from 7.05 percent to 7.10 percent. Citi's action was less a major addition to capital and reserves, considered in total; it was more in the nature of a transfer from the capital account to the reserve account.

Second, it is important to note that Citicorp is much more heavily exposed in Brazil than our other money center banks, and therefore, it does not automatically follow that the rest of our banks should be required to make similarly dramatic additions to reserves.

Each individual major banks situation is different, and a legislative attempt to micromanage each bank's capital and reserve position cannot be effective. I was pleased to see that the Federal banking regulators share this view and are not requiring other banks to make similar additions to reserves simply on the basis of the Citicorp action. Rather, the regulators appear to be continuing on the course that continues to encourage banks to improve their overall capital and reserve positions, while keeping in mind each individual bank's unique problems and circumstances.

Finally, the Senate should know that the Citicorp decision is not without risk. On the one hand, it can be argued that the addition to reserves strengthens the bank's hand as it deals with its troubled foreign loans. Having made the addition to reserves, the bank may be a much tougher bargainer in restructuring negotiations because it seems more willing to take necessary losses.

On the other hand, however, Brazil and other foreign borrowers may well attempt to argue that, since CITI has already made the addition to its reserves in an amount roughly equal to 25 percent of its Third World debt exposure, they should be forgiven some percentage of that debt. If debtors do take this kind of approach, it could significantly increase the problems for the U.S. banking system. It has become apparent that banks will be taking some losses on Third World loans, but how large those losses need to be, and over what period of time they should be taken are still open questions.

CITI's action may help minimize the degree of loss and spread that loss over time. However, if the action has the effect of magnifying the degree of loss, and particularly if it causes the losses to have to be recognized in a shorter period of time, then our banking system would be under even more serious strain than it already is.

Citicorp's decision was not an easy one, Mr. President. I urge my colleagues to see it for what it is—Citicorp's best judgment on how to address the problems it is facing with its portfolio of loans. It does not argue for the rest of the major banks holding troubled Third World loans to take identical actions. However, it is another indication that the existing system is responding to the Third World debt problems and that our banks are taking the hard actions necessary to preserve their safety and soundness.

As I stated before, I do not believe that we need additional legislation to try to micromanage individual banks' capital and reserves positions. Last week's announcement shows that the banking industry and the banking regulators are working well to manage a difficult and complex problem. Last week's vote in the Banking Committee, though it occurred before the announcement, was the right response.

## WILBUR J. COHEN

Mr. DIXON. Mr. President, I rise to pay tribute to a great American, an outstanding public servant and a man of unquestionable integrity. On May 17, former Secretary of Health, Education, and Welfare Wilbur Cohen died in Seoul, Korea.

I know Wilbur Cohen through his many great accomplishments and his devotion to public service from the earliest days of the new deal to his outspoken criticism of unfair welfare reforms in the 1980's.

In 1935, at the remarkably young age of 22, Wilbur Cohen played a role in the drafting of the Social Security Act. Later he moved over to the Social Security Administration as a technical advisor and as director of research and statistics. While working in these capacities he worked to expand Social Security benefits to include domestic workers, farm laborers, and disabled Americans.

During the 1950's Wilbur Cohen taught at the University of Michigan and University of California at Los Angeles. Although the Social Security system was then enjoying great success, he wanted to continue his efforts to improve and perfect a welfare system to provide protection and aid to every needy American.

In 1961, President John F. Kennedy brought Wilbur Cohen back to public service and appointed him assistant Secretary of Health, Education and Welfare in charge of legislation. During his 4½ years at this post, Wilbur Cohen helped enact over 60 separate proposals for Social Security, mental health, child welfare, vocational training, and civil rights. Most importantly, Wilbur Cohen successfully proposed and sheparded the Medicare system despite great opposition in Congress. In 1968, President Lyndon Johnson appropriately rewarded Wilbur Cohen by appointing him to be Secretary of Health, Education, and Welfare where he remained an active advocate to the final moment of the Johnson administration.

Although he returned to his second profession as educator, he continued his pursuit of social justice as a professor and dean of the School of Education at the University of Michigan.

Wilbur Cohen served as president of the American Public Welfare Association. He continued to lecture, teach and rally support in the name of a coalition of elderly, labor, blacks, poor, students and churches to protect the programs he had worked so hard to create and design.

Mr. President, Wilbur Cohen was a great American, a great public servant, a great man, whose life and achievements have touched the lives of millions of Americans. His memory will live on in the social programs he worked to create and improve.

Mr. President, I ask that an obituary from the Chicago Defender of May 19, 1987, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Chicago Defender, May 19, 1987]

SET CAPITOL, NATIONAL RITES FOR W.J. COHEN

Wilbur J. Cohen, a champion of Social Security and the only person to hold three top positions in the U.S. Department of Health, Education and Welfare (HEW) while serving under three presidents, was eulogized yesterday by members of Congress in a special memorial session in the House of Representatives.

Other memorial services across the country are planned for Mr. Cohen, 73, who died Sunday in Seoul, Korea, where he had gone to deliver a paper on how to start Social Security at a Third World conference on aging.

According to his son, Chris, a lawyer with the Chicago firm of Holleb and Coff, and himself a former HEW midwest regional director, Mr. Cohen had flown from his home in Austin, Tex, to Chicago's O'Hare Airport Saturday to pick up others making the trip before continuing on to Seoul.

"I went to the airport and brought his grandchild to see him, and he looked well. Twenty-four hours later he was dead," said the son. "It was quite a shock. Although he'd had several heart attacks, he'd been in good health."

A distinguished educator, Mr. Cohen earned a bachelor of science degree in economics from the University of Wisconsin in 1934. The same year, his economics professor, Edwin Wittee, selected him to join the staff of a "blue ribbon" Committee on Economic Security, which was responsible for writing the Social Security law, then called the Social Security Act. He was the first employee of the Social Security Board now known as the Social Security Administration.

Mr. Cohen was appointed assistant secretary of HEW by President Harry Truman; undersecretary by President Dwight Eisenhower; and secretary by President Lyndon Johnson. Before that he had been a career employee with the agency from 1935 to 1956.

Mr. Cohen, who founded the Save Our Security (SOS), an advocacy group, was asked

by then Sen. John F. Kennedy to serve as a consultant on a committee dealing with Medicare, which was never developed. In 1961 President Kennedy named him assistant secretary of legislation of HEW, now called the Department of Health and Human Services (HHS).

Additionally, Mr. Cohen was a professor of social work at the University of Michigan in Ann Arbor, where he moved in 1946. In 1978, he instructed summer classes at the University of Michigan and taught during remaining months at the University of Texas at Austin, which is establishing an endowment fund to create the Wilbur J. Cohen Professorship in Health and Social Policy.

Said Penny Joiner, an administrative associate of Mr. Cohen at the University of Texas: "I worked with him since 1960, and he was one of the most special persons I've met. He changed my entire perspective in life. He was the most giving person I've ever known . . . he was unique. This isn't easy for me, for this is a tremendous loss not only to those who know him but to the nation as well. There's a big void in our lives."

Other survivors include his wife, Eloise, of Austin; two sons, Bruce, an organizer of peasants in Central America, and Stewart, Ph.D in engineering at the University of Michigan; plus his brother, Darwin Huxley, of Milwaukee; and five grandchildren.

The family requests that in lieu of flowers, donations be sent to the endowment fund in care of Dean Max Sherman, LBJ School of Public Affairs, Austin, Tex. 78713.

## TRIBUTE TO WILBUR COHEN

Mr. SANFORD. Mr. President, when a young man, at age 21, becomes one of the principal architects of the Social Security system, it would be easy for him to say, "I have done my part for my country; now I am going to see to my own affairs." If Wilbur Cohen had taken that route, we would all still remember him with respect and admiration and mourn his death.

But after helping President Roosevelt create the Social Security retirement system, Wilbur Cohen devoted another 50 years of his life to public service. Through the years, he had a hand in shaping just about every government effort to improve people's lives, from Medicare and Medicaid to vocational education, civil rights, child welfare and education for the handicapped. His compassion made compassion a public policy.

At the Department of Health, Education and Welfare, he helped Presidents Kennedy and Johnson create the social legislation that transformed American life. He was a leader in the War on Poverty and Great Society efforts to put a safety net under all Americans. He stood up for migrant farmworkers, and he helped create the Social Security Disability Program. Right up until his recent death, he was speaking out for the 37 million Americans who have no health insurance. He died in Korea, where he had gone to speak on welfare for the aging.

In addition to serving in the Social Security Administration and HEW, Wilbur Cohen taught social work and was the dean of education at the University of Michigan and was professor at the L.B.J. School of Public Affairs. All his life, he was shaping social programs, or shaping the leaders who would carry on these programs.

Wilbur Cohen was a valued personal friend of mine for more than two decades. He was as generous to and concerned for his friends and for the people around him as he was for the millions of people his life was devoted to helping. My heart and best wishes go out to his widow, Eloise, and his sons and grandchildren.

## ALLIED SUPPORT

Mr. DECONCINI. Mr. President, last year I spoke on the floor of this Chamber after the United States retaliated against Libya for Colonel Qadhafi's exportation of terrorism. American pilots flew from Great Britain around Portugal and Spain and then back to Great Britain. They were refueled in the air and forced to make a dangerous and hazardous missing even longer due to conspicuously mission allied support. Quickly forgotten was the U.S. role in World War I, World War II, and the Marshall plan. Where were our allies?

Now, after the tragic bombing of the U.S.S. *Stark* and the loss of 37 American sailors, the allies have yet another chance to protect freedom and democracy. This time it is the Persian Gulf. I am certain that the Reagan administration would welcome allied support in protecting this crucial geostrategic area. This might mean additional allied warships in the gulf, cooperation in providing air coverage, and assistance with infrastructure needed to sustain U.S. ships in the region.

Last week this body passed by an overwhelming margin a request for the Department of Defense to issue a report demonstrating United States security plans for Kuwaiti oil vessels. It appears that these ships will be hoisting the American flag. If we are demanding a tighter definition of U.S. military commitments, it is only fair that our allies express their cooperation and commitment to this region. After all, the allies have a considerable interest in maintaining access to the area's oil at reasonable prices, both now and in the future. As I understand, Kuwaiti oil goes primarily to Japan and Europe. This by itself warrants allied cooperation and not unilateral United States action in the Persian Gulf.

Mr. President, our allies have asked us to raise the Stars and Stripes in defending Europe in world wars, in rebuilding Europe, and in spending defense moneys to pursue the peace and freedom of the last 40 years. They are now asking for more commitment on base rights agreements in the area. Let us see where our allies are in this latest crisis. It is definitely in U.S. interests to keep international shipping lanes open in the gulf. It is also in European interests. It is also in world interests. I am hopeful we will see a joint command of allied cooperation in the gulf, including British, French, and German forces in the region. The stakes are too high for a unilateral American presence in the gulf. We must be able to depend on our allies. Members of Congress should pay careful attention to who helps and to what degree as they vote on foreign assistance in the next few months.

The majority leader is recognized.

Mr. BYRD. Will the Chair lay down the unfinished business.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is now deemed closed

## SUPPLEMENTAL APPROPRIATIONS, 1987

The ACTING PRESIDENT pro tempore. The clerk will now report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 1827) making supplemental appropriations for fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Heinz Amendment No. 207, to provide an additional $10,000,000 for title V of the Older Americans Act of 1965, relating to community service employment for older Americans.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is H.R. 1827.

Mr. HEINZ. What is the pending amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania is to offer the first amendment.

AMENDMENT NO. 207, AS MODIFIED

Mr. HEINZ. Mr. President, I am about to send to the desk a modification of my amendment, and I will ask

unanimous consent that I be allowed to modify my amendment. I want to explain what the modification is.

It contains an offset in the amount of the $2 million that is the cost of the amendment; and, other than that, the substance of the amendment on the Older Americans Act is the same.

I ask unanimous consent that I may be allowed to amend the amendment.

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

The amendment is modified, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment No. 207 is modified—

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

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

The amendment, as modified, reads as follows:

On page 40, beginning on line 19, strike out "$38,000,000" and all that follows through "Kenya" on line 22 and insert in lieu thereof the following: "$36,000,000 of which not more than $25,000,000 shall be available only for the Philippines, not more than $10,000,000 shall be available only for Morocco, and not more than $3,000,000 shall be available only for Kenya".

On page 62, between lines 8 and 9, insert the following:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount for "Community service employment for older Americans", to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

Mr. HEINZ. Mr. President, I think I can be brief in describing this amendment. I described that portion of it that deals with the Older Americans Act. I described that when I offered the original versions of the amendment last week. But, in order to refresh recollections, I will simply state once again that what the substance of the amendment does is to give a cost-of-living increase, in effect, to that portion of the Older Americans Act, title V, which is the one portion of the act which has not received a similar increase.

Title V, of course, is the so-called senior employment title of the act. It employs poor—that is to say, senior citizens with less than 125 percent of poverty-level income—in doing what is often community service work. Many of them work providing services in senior centers and other ways, usually benefiting other senior citizens.

As I noted, I gave a lengthy explanation of that portion of my amendment last week, and I will not further detain the Senate by restating what I said then.

What I do wish to explain is that the modification of this amendment that I sent to the desk contains an offset equal to the cost of the amendment. The offset would have the effect of reducing by $2 million an appropriation for foreign aid that is found on page 40, beginning on line 19. At the present time, a total of $38 million is requested for three countries—the Philippines, Morocco, and Kenya.

And that $38 million is apportioned among those three countries, $25 million, $10 million, and $3 million, respectively.

What my amendment does is not to reduce the amount that might be allocated to any one of those countries but we reduce the $38 million overall total for those three countries by $2 million and the result will be that one or two or three of those countries will receive ultimately that much less money under this supplemental proposition.

That is the offset and I think with that offset the amendment will pay for itself, be revenue neutral and not be subject to a point of order.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I support the amendment being offered by Senator HEINZ to reinstate in the Senate supplemental appropriations bill $10 million that was included by the House for the title V Employment Services Program authorized under the Older Americans Act.

This amount represents an inflationary increase for fiscal year 1987. Title V is the only program under the Older Americans Act that did not receive an inflation increase for fiscal year 1987. The increase would be the program's first real growth since 1985.

It is estimated that 1,960 new jobs will be created if the Senate approves this amendment. While this does not sound like a significant number of new jobs, the pay-back is substantial in two important respects. First, at least half of these senior workers are in the community providing needed support services to other elderly—by working in senior centers, at congregate meal sites, in home care, in outreach, and in transportation. Second, these senior workers, who are already low income, are able to supplement their livelihood with gainful part-time employment. This means we have seniors helping seniors, while at the same time, helping themselves live a better quality of life.

In New Mexico, our State Agency on Aging through title V, funds 85 low-income senior workers. However, the majority of our positions—which is true nationally—are filled by national contractors. Two major contractors, the National Forest Service and the American Association for Retired Persons offer 193 slots in New Mexico.

While I am pleased that this increase will generate more employment, I support broadening the allocation of these funds. The majority of title V funds goes to a total of eight national employment contractors who have traditionally received these moneys.

What has come to my attention has been the underrepresentation of minority groups in this program, particularly American Indians. A survey conducted by the National Indian Council on Aging shows that only 1.6 percent of the total positions now available through national contractors and state agencies on aging were filled by older Indians. Older American Indians of all ethnic groups have the lowest rate of access to employment services under title V, yet they live in perhaps the greatest poverty—from 33 to 83 percent, depending on the particular reservation or pueblo. I have introduced legislation, S. 1069, to strengthen current provisions for older Indians under the Older Americans Act. These changes include increasing their participation under title V.

Mr. President, I support this increase in funding that will employ seniors in greatest economic difficulty. And I urge my colleagues to seriously consider broadening employment opportunities to those groups seriously underrepresented, such as American Indian elderly.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi controls the time. Does he yield or not?

Mr. STENNIS. Mr. President, if you indulge me a minute here, we do not have someone here yet from the subcommittee who would handle this matter.

Mr. President, do we have a time agreement on this amendment?

The PRESIDING OFFICER. The Chair will state there is a 30-minute total time agreement for both sides.

Mr. STENNIS. Do we have an actual agreement that the time is controlled?

The PRESIDING OFFICER. The Senator is correct. There is a 30-minute agreement on time to be equally divided.

Mr. STENNIS. All right.

Mr. HATFIELD. Mr. President, will the Senator yield for 1 minute?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. HATFIELD. Mr. President, may I inquire of the Senator from Pennsylvania, did I understand him to say that the offset that he has now modified his amendment to incorporate is a $2 million offset from the foreign aid chapter of the appropriation?

Mr. HEINZ. The Senator is correct.

Mr. HATFIELD. And the Senator's amendment is to add $10 million to the Older Americans Act?

Mr. HEINZ. I would say to the Senator that the authorization level is for $10 million, but I am advised by the Budget Committee staff that the cost of the amendment, the outlay, is only $2 million.

Mr. HATFIELD. And the $2 million in the offset is for budget authority in the foreign aid chapter?

Mr. HEINZ. Yes. But I am also advised by the Budget Committee the spendout is sufficiently fast on that that it is an equivalent cash offset.

Mr. HATFIELD. So the scoring has been cleared from the Budget Committee?

Mr. HEINZ. I am advised that is the case.

Mr. HATFIELD. Mr. President, from the minority side, I would inform the comanager of the bill if that had been cleared from the budget scoring perspective, we have no indication of opposition on our side.

Mr. HEINZ. Will the Senator yield?

Mr. HATFIELD. I would like to also inform the Senator from Pennsylvania that we have informed the foreign operations subcommittee ranking member where we had earlier understood the Senator from Pennsylvania was going to offset this by reduction savings from the job training and research appropriations. So we had gone that route upon that information.

We will have to have some few moments as the Senator from Mississippi has indicated.

Mr. HEINZ. The Senator from Pennsylvania would like to suggest that both sides reserve the remainder of their time.

Mr. HATFIELD. I would suggest that we have a quorum call for just a few moments to be equally divided.

Mr. STENNIS. Mr. President, before you start the quorum call, if I may say a word. Senator CHILES is chairman of the subcommittee that handles this legislation. We expect him to show up, but he is not yet here. We cannot say that he will be here for certain. We will look for other members of that subcommittee to appear in lieu of Senator CHILES. If it is agreeable, we could just pass matter over until someone can come and respond.

Senator METZENBAUM is here and he is ready to proceed. It will help that much.

Senator CHILES is here. He is in the building and is expected in within a couple of minutes. If we could have the quorum call, if you wish to see if he shows up.

Mr. METZENBAUM. I wonder if the Senator from Pennsylvania would mind if I temporarily set aside his amendment as well as the other pending committee amendment and offer my amendment. I do not think there is any controversy about it. I would not do so unless the Senator from Pennsylvania was comfortable with that procedure.

Mr. HEINZ. The Senator from Pennsylvania has no objection to that.

Mr. METZENBAUM. Pardon?

Mr. HEINZ. I have no objection to what the Senator proposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the amendment of the Senator from Pennsylvania be set aside as well as all other pending committee amendments, none of them to lose their place as they are at the present moment.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. I object, Mr. President, for the time being. I am anxious for the Senate to be accommodating in every way we can with his amendment and we will get it where we can proceed with it as soon as possible. I am told that Senator CHILES is here in the building and we expect him to show up here in the Chamber within a couple of minutes. That was at least 2 minutes ago. Let us see if we cannot proceed with this since we started it and then I do not want to throw the Senator out of anything but see if we can consummate this now. If not we will come back to him.

The PRESIDING OFFICER. Objection is heard to the Senator's request.

Mr. STENNIS. I do not object to it getting started.

The PRESIDING OFFICER. Who yields time on the Heinz amendment?

Mr. STENNIS. Mr. President, if I may make a suggestion more or less out of order, if the Senator wants to go on and make his argument now and then suspend then for the other when Senator CHILES is here.

Mr. METZENBAUM. Certainly, I think it might be a wise use of time.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, my understanding is there is no objection.

The PRESIDING OFFICER. Without objection, the Senator is recognized to offer an amendment.

AMENDMENT NO. 218

(Purpose: To add $500,000 for grants and contracts under section 5 of the Orphan Drug Act and to reduce appropriations for travel expenses of the Department of Health and Human Services)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself and Senator HATCH, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. HATCH, proposes an amendment numbered 218.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any provision of this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, for an additional amount for "Food and Drug Administration, Salaries and expenses", which shall be available for grants and contracts under section 5 of the Orphan Drug Act, $500,000.

(b) Notwithstanding any provision of this Act, the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 of title 5, United States Code, for each program, project, activity, or account of the Department of Health and Human Services under this or any other Act for fiscal year 1987, are reduced by a total amount of $500,000.

Mr. METZENBAUM. Mr. President, the Federal Government spends billions of dollars every year on thousands of different programs, from student loans to star wars.

Everyone agrees that we spend far too much on some programs and far too little on others.

No one seems to agree, however, on which programs are worthy and which are worthless.

There is at least one program that enjoys the support of Members on both sides of the aisle, and on each end of the philosophical spectrum.

The Metzenbaum-Hatch amendment having to do with the Orphan Drug Program is just such an amendment.

In the United States, we know of more than 5,000 different rare diseases that afflict over 8 million Americans.

Over half of these attack our children.

While we all are aware of Government-sponsored research in the battle against cancer, heart disease, AIDS, Alzheimer's disease, and others that are on the front burner, we do not hear much about the fight against diseases that strike relatively few people.

That is what the Orphan Drug Program is all about.

It puts some of the Nation's most talented minds to work on the maladies that we do not hear about everyday.

They have odd sounding names, names like Tourette syndrome, Wilson's disease, Marfan syndrome, leukodystrophy, sickle cell, Gaucher's, and thousands more.

At this point, Mr. President, I ask unanimous consent that I may have printed in the RECORD a list of all of those organizations, each one of which is concerned with some particular malady, some particular illness.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Narcolepsy Association.
Amyotrophic Lateral Sclerosis Association.
Association for Glycogen Storage Disease.
Cornelia de Lange Syndrome Foundation, Inc.
Cystic Fibrosis Foundation.
Cystinosis Foundation, Inc.
Dysautonomia Foundation.
Dystrophic Epidermolysis Bullosa Research Association.
Ehlers-Danlos National Foundation.
Epilepsy Foundation of America.
Families of Spinal Muscular Atrophy.
Friedreich's Ataxia Group in America, Inc.
Guillain-Barre' Syndrome Support Group International.
Hemochromatosis Research Foundation.
Hereditary Disease Foundation.
Huntington's Disease Foundation of America, Inc.
Immune Deficiency Foundation.
International Joseph Diseases Foundation.
International Rett Syndrome Association, Inc.
Interstitial Cystitis Association.
Mucopolysaccharidoses Research Funding Center.
Narcolepsy Network.
National Association for Sickle Cell Disease, Inc.
National Ataxia Foundation.
National Foundation for Ectodermal Dysplasias.
National Gaucher's Foundation.
National Head Injury Foundation.
National Huntington's Disease Association.
National Ichthyosis Foundation.
National Marfan Foundation.
National Multiple Sclerosis Society.
National Neurofibromatosis Foundation, Inc.
National Retinitis Pigmentosa Foundation.
National Tay-Sachs & Allied Disease Association.
National Tuberous Sclerosis Association, Inc.
Osteogenesis Imperfecta-NCA, Inc.
Paget's Disease Foundation, Inc.
Parkinson's Disease Foundation.
Parkinson's Educational Program (PEP-USA).
Polycystic Kidney Research Foundation.
Prader-Willi Syndrome Association.
Scleroderma Info Exchange.
Scleroderma Society.
Sjogren's Syndrome Foundation.
Tourette Syndrome Association, Inc.
United Leukodystrophy Foundation, Inc.
United Parkinson Foundation.
United Scleroderma Foundation, Inc.
Williams Syndrome Association.
Wilson's Disease Association.
Associate Members:
American Spasmodic Torticollis Association.
Good Samaritan Medical Center, Neurological Coalition, Portland, OR.
National Addison's Disease Foundation.
National Chronic Epstein-Barr Virus Syndrome Association.
Ohio Tourette Syndrome Association.
Research Trust for Metabolic Diseases in Children.

Associations are joining continuously. For newest listing contact the NORD office.

Mr. METZENBAUM. All of these groups unanimously support this amendment. There is a large list of them.

Americans who suffer from rare diseases also suffer from a harsh economic reality.

No pharmaceutical company will make an investment to research and develop a cure for a rare disease when they cannot recover that investment.

Drugs that treat rare diseases do not turn a profit.

Therefore, they do not get developed, and as a consequence those children and those adults who have those illnesses suffer without hope of finding a cure.

In 1983, we began to change all that. Congress passed the Orphan Drug Act. The law is twofold. First, it gives drug companies a tax credit to offset costs of R&D. Second, it set up a special grant program to fund rare disease research. The grant program was authorized at a modest $4 million a year, not much money by Washington standards. Yet even that small amount has never been fully appropriated.

Since 1984, I have offered amendments to bring the grant program up to its full authorization. Gradually, we have brought it close. The program is currently at $3.5 million.

Our amendment will bring the program to the full $4 million.

This relatively minor increase, Mr. President, could make a major difference—maybe even the difference between life and death.

This year, the FDA Orphan Product Board received 40 excellent grant applications. They only have enough money to fund 15.

Our $500,000 amendment will fund seven more programs this year. Researchers are anxious to begin work on these terrible disorders, but they must have our help.

And the 8 million Americans who are suffering from rare diseases today also need our help, and I urge my colleagues to provide it by adopting this amendment.

I might say that the $500,000 expenditure does not have budgetary impact because it is provided in the bill that those funds will be recouped from other funds of the HHS which are used as provided in the amendment.

Mr. President, I am not certain as to whether or not the chairman and ranking member are prepared to accept this amendment. Sometimes I have a yes and sometimes no. I am perfectly cooperative and willing to set it aside or prepared to have you accept it at this point.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. METZENBAUM. Certainly.

Mr. HATFIELD. I would like to ask the Senator if he has received from the CBO—not from the Budget Committee, but from the CBO—the assurance that his proposed offset makes this amendment deficit neutral.

Mr. METZENBAUM. We do not have that advisory from the CBO. I think they wanted some further cuts in the program. We will be glad to explore the subject. I do not think there is any question about the mathematical aspects because, under the amendment, as the Senator knows, it specifically provided that the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 shall be reduced by a total amount of $500,000. So we do not try in this amendment to extend the budget.

Mr. HATFIELD. As the Senator knows, we have traditionally scored the appropriations process on the Senate side with budget authority. We are now really into scoring budget outlays. So there is a difference, as the Senator knows, between budget authority and budget outlay.

Since the Senate has been forced in this particular new scoring, this amendment would have to be budget neutral on the basis of outlays or it is subject to a point of order which would require waiving the Budget Act.

Now, I have had a colleague or two indicate that any amendment that violates the budget deficit neutral concept would be challenged on the point of order. Therefore, to ask the question of the comanagers of the bill whether we can accept an amendment, I do not think we are freed up in a sense to accept any amendment unless there is evidence presented with the amendment that the CBO has scored the amendment as budget neutral, deficit neutral.

So I would not be in a position to accept this or any other amendment short of that assurance, because, otherwise, we face the responsibility of this whole appropriation measure either ultimately having a budget waiver passed, which we failed to do initially, or that there are offsets sufficient to cover the question of deficit neutral.

Mr. METZENBAUM. I fully understand the point my colleague is making, but I want to say that I have not gone that route of trying to mix authorizations and appropriations.

The language of the amendment specifically provides that the total amount of appropriations for travel, transportation and subsistance are reduced by a total amount of $500,000. I skipped some language because it specifically refers to where the money is coming from.

So I do not think there can be any question at all about it that we have covered the very point that the Senator from Oregon is making; that is, we are reducing the appropriation. We are not reducing the authorizing fund.

We are reducing appropriations and it is budget neutral.

Mr. HATFIELD. But I would say to the Senator, if he would let me respond, that again all outlays do not spend out at the same rate, as the Senator knows. Reducing appropriations by equivalent amounts to what you want to add to another program may have a different impact on the outlay purely on the basis of the spendout. Some outlays spend out faster than other outlays. So that, as far as my recollection of the traditional scoring by the CBO, the scoring does not happen on the basis of the reduction or the increase in appropriations per se, as that would represent authorization, but rather more precisely on the rate of spendout of the program that you are now wanting to add to as contrasted to the program that you are deducting from.

So I would think it would be required again to have the CBO give us a precise spendout rate to see wherein we maintain the deficit-neutral character of this amendment.

Mr. METZENBAUM. May I make a parliamentary inquiry of the Chair?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. METZENBAUM. Does the Chair feel that, in the way the amendment is drafted, it indeed would be subject to a point of order?

The PRESIDING OFFICER. The Chair would have to have the point of order made to be able to rule on the point of order.

Mr. METZENBAUM. Is the Chair not in a position to advise a Member as to whether, as drafted, it would be subject to a point of order?

The PRESIDING OFFICER. The Chair states to the Senator from Ohio that in making that ruling the Chair will be relying on the assertions of Budget Office to the Budget Committee, as to whether the amendment meets the Budget Committee's authorization level, and further states that we will be relying on the Budget Committee to determine whether the Senator's amendment would result in an increase in outlays.

Mr. METZENBAUM. The Senator from Ohio appreciates the advice of the Chair but must point out to the Chair that I do not believe that is the responsibility of the Chair to turn to the Budget Committee for a determination or response on a parliamentary inquiry. If the legislation on its face is budgetarily neutral, as this legislation is, then it seems to me that the Chair has no alternative but to rule that it is in order and not subject to a point of order and that the Chair is not in a position to turn to some committee of the Senate and ask them for an interpretation as to what is or is not in order. Is the Chair about to advise me to something in the statute that so provides?

The PRESIDING OFFICER. The Chair would respond further to the Senator from Ohio by reading to the Senator section 311(c) of the Budget Act itself, which states:

> Determination of budget levels. For purposes of this section, the levels of new budget authority, budget outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be.

Mr. METZENBAUM. Well, I can understand that. But I still do not believe that where the legislation on its face says that it shall be neutral and says that you pick up the same amount of money—I have difficulty, but I am not going to press the point further. I am prepared to offer the amendment and set it aside until we see what the CBO says or, if necessary, to take it to a vote later today.

Mr. CHILES. If the Senator will yield, I suggest that would be the proper thing. Let us see if we can get a ruling as to whether it is neutral or not.

Mr. METZENBAUM. I ask unanimous consent that the amendment be temporarily set aside and retain its place in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's amendment is temporarily set aside.

The pending business is the amendment of the Senator from Pennsylvania to which the majority has 9 minutes remaining and minority has 11 minutes.

Who yields time?

AMENDMENT NO. 207

Mr. STENNIS. Mr. President, is it correct to say that this brings us back to the Heinz amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, Senator CHILES is here and desires to be heard on this matter. He represents our subcommittee.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I had understood that Mr. CHILES, a member of the subcommittee, was going to be in the Chamber and wanted to be heard. He does not seem to be here just now. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, it appears to me that we can go forward now with the Melcher amendment. I ask unanimous consent that we temporarily set aside the Heinz amendment and proceed with the Melcher amendment, and, following the disposition of the Melcher amendment, that the Senate return to the consideration of the Heinz amendment.

The PRESIDING OFFICER. Without objection, it is so so ordered. The Chair recognizes the Senator from Montana.

AMENDMENT NO. 219

(Purpose: To require the Secretary of Labor to develop a consumer price index which reflects the impact of inflation on elderly Americans from amounts appropriated to the Department of Labor for fiscal year 1987)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 219.

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

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

The amendment is as follows:

> On page 62, after line 26, insert the following:
>
> BUREAU OF LABOR STATISTICS
>
> From amounts appropriated under the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-500 and Public Law 99-591) and available to the Department of Labor, the Secretary of Labor shall develop data for and publish, an index of consumer prices which accurately reflects the distribution of expenditures on goods and services, and the inflation rate within these goods and services, which are purchased by older Americans, and the Secretary shall furnish the Congress with the data and index within 90 days after the date of adoption of this Act.

Mr. MELCHER. Mr. President, this amendment I am offering today has to do with the Department of Labor statistics, specifically the Consumer Price Index. There is a disparity on what the Consumer Price Index reflects as the correct purchases of Americans of all ages and what older Americans have to—I repeat, Mr. President, have to—purchase. The amendment is simply this: The amendment directs the Bureau of Labor Statistics to look at what older Americans purchase and develop an index for older Americans.

Why? Well, I will tell you why. Because last January when older Americans on Social Security and other retirement programs found out that the cost-of-living adjustment was 1.3 per-

cent, they looked at what they had spent in 1986 and they found out that it had gone up a great deal more than 1.3 percent. So they thought some way, somehow they had been rooked, they had been abused. I think I can agree with that.

What do older Americans buy and what would the amendment do that would look at this problem, directing the Department of Labor through their Bureau of Labor Statistics to develop?

Well, I would want them to take into consideration what health care costs are, what doctor's fees are, what hospital fees are, whether they had gone up and how much, and how much prescription drugs had gone up.

I might say to my colleagues, just taking health care costs including those items, they went up about 8 percent in 1986. Of course, that is what older Americans are faced with. They have to buy these kinds of services. They have to buy prescription drugs. They have to go see the doctor.

Then they are also involved in public transportation. That is their form of transportation, rather than buying a new car. Financing a new car in 1986 went down because interest rates were lower. But older Americans are not buying too many new cars, or financing a new house. That financing also went down in 1986 because interest rates went down. But how many older Americans are buying a new house?

On public transportation, that is important to them, and that went up between 6 and 7 percent.

Then, of course, they are buying supplemental health insurance premiums to go along with Medicare. That also went up much higher than 1 or 2 percent.

Finally, something we do not think of very often but older Americans think of it: funerals. Funeral costs went up between 6 and 7 percent in 1986.

What I am saying in this amendment to the Bureau of Labor Statistics is to look at this to reflect what the differences are between the CPI you get, produce, develop and publish, between what it is for the average Americans of all ages and what it is for older Americans on the average. There are hundreds of components in the CPI, the Consumer Price Index, and then those components are weighted and there is a formula. Over the course of time, the Bureau of Labor Statistics has tried to constantly improve on them. But the idea is, in the amendment, that sometimes for older Americans those cost-price increases, whether it is for goods or services that they buy, are not properly reflected in the CPI, and that indeed was the case in 1986.

I hope the terms of the amendment are not too rash. I do not think they are. It directs the Bureau of Labor Statistics to look at this for the next 90 days after this bill becomes law and to use funds that are available to them now rather than appropriating new funds which we were told by the Congressional Budget Office might be in the neighborhood of $200,000.

As we all know, the Social Security COLA is tied to the Consumer Price Index. The CPI, like most any other figure released by the Government, is an ambiguous number that really does not exist. It is an average. However, when computing this average rate of inflation, I believe it is essential to make certain that the categories of different goods and services are properly weighted.

There are hundreds of components which are included in the development of the Consumer Price Index. All of these components are given different weightings according to useage, costs, adjusted inflation rates, and other variables. The CPI is the index that is used to formulate the Social Security COLA. The seven major categories and their associated current weightings on the CPI's 100 point scale are:

| | |
|---|---|
| 1. Housing | 40.492 |
| 2. Food and beverages | 19.733 |
| 3. Transportation | 19.094 |
| 4. Apparel and upkeep | 6.362 |
| 5. Personal care, education, tobacco | 5.768 |
| 6. Medical care | 4.469 |
| 7. Entertainment | 4.082 |

These weightings were recently revised, as they are done every 10 years, to make adjustments for high inflation and reduced consumption. The idea is that as prices increase, consumption decreases. As a result of the medical inflation rate and a number of other factors, the weight of the medical component of the index was reduced from 6.129 to its current 4.469.

While the tendency to reduce consumption as costs go up applies to most goods and services, the elderly—or anyone else for that matter—cannot, and certainly should not, significantly alter consumption of needed medical care just because inflation has increased costs. Moreover, 11 percent of the elderly's expenses—not even close to the CPI's 4.469—go to medical care. Prescription drugs alone rose 9 percent from 1985 to 1986. There is no question in my mind that these figures should be better reflected in the CPI.

In my mind, and those of many older Americans, the CPI does not adequately reflect the inflation rate in medical and other certain key services which are essential to the elderly. To address this situation, I am directing the Department of Labor to develop an inflation index for the elderly which accurately reflects the inflation they face for those goods and services that they spend their fixed incomes on.

My amendment provides that the Department would furnish its findings to the Congress within 90 days after the enactment of the supplemental appropriations legislation. I believe this amendment is important because it will enable the Congress to have a more accurate picture of the true impact of inflation on the lives of older Americans. I urge my colleagues to join me in supporting this amendment.

I believe that the amendment is entirely justified. The Bureau of Labor Statistics, not just looking at the items that the elderly purchase, but also on a weighting formula that would be reflective of what inflation means to older Americans, looking at both the weighting and the items, goods, and services that the older Americans purchase, I believe they can come up with a more fair, more honest Consumer Price Index for the elderly. We would like to have that reported back to us in 90 days under the wording of the amendment.

The PRESIDING OFFICER. The time of the Senator from Montana has expired, being 10 minutes equally divided. Who seeks recognition?

Mr. CHILES. Mr. President, we have had an opportunity to look at this amendment and it would be my feeling that this study is to be done within available funds and so therefore would be revenue neutral. There would not be a requirement on this as far as the waiver. This money basically does come out of the subcommittee on appropriations of which I am in charge. This study is certainly something we could look at and see whether it could be made as the Senator from Montana has requested. It would be my feeling that we could accept this amendment.

The PRESIDING OFFICER. Does the Senator from Oregon seek recognition?

Mr. HATFIELD. Mr. President, the amendment has been cleared on the minority side.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I thank both Senator HATFIELD and Senator CHILES.

I ask unanimous consent that Senator PRESSLER be made a cosponsor of the amendment.

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

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on or in relation to this amendment occur today at 5 o'clock p.m. and that no

amendment to the amendment be in order at that time.

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

Who yields time?

Mr. STENNIS. What is the pending business?

AMENDMENT NO 207, AS MODIFIED

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Pennsylvania [Mr. HEINZ].

Mr. CHILES. We still do not have the official word back from CBO so I would think we should temporarily pass it.

Mr. STENNIS. Mr. President, as I understand there was certain information desired by both sides. The understanding was that we would try to get it, and it has not been reported back yet. But presumably it will be shortly. I hope the Chair would indulge us timewise.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

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

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I am advised by the Budget Committee that the amendment which I sent to the desk and which I showed to the Budget Committee last week and which they assured me was budget neutral is now no longer budget neutral. I want to apologize to the Senate for this. It, you might say, is a circumstance beyond my control, but the estimators have to do what they have to do. And so I would like to send to the desk a modification of my amendment. I am going to need unanimous consent to send this modification to the desk, which is in effect a replacement for the amendment that is at the desk, and I will take a moment to describe it so that everybody knows what it is.

The part regarding title V, the Older Americans Act, is the same. That is the part that spends money. The offset in this case is derived from page 15, line 24 where we would strike $70 million and insert instead $68 million, and this time I am told this particular offset will spend out at a rate where it will offset the cost of our amendment.

So I ask unanimous consent to modify my amendment as I have described it.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. STENNIS. Mr. President, I am not sure the Senator is correct, but I understood the request was for a modification of his amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HEINZ. The Senator is correct.

Mr. STENNIS. I understand it is a serious modification and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEINZ. Mr. President, I was wondering if the Senator from Mississippi would reconsider his objection for this reason: today there are only four or five amendments in order—one of them is mine—and later on there will be no unanimous consents and I will be able to offer this precise amendment, and we will vote on it.

If the Senator wants more time to study it, that is one thing. But I do not know what he gains by objecting to this amendment because although he can preclude me, quite properly, from modifying my amendment now, if this is the amendment that I want to have a vote on, we will eventually be able to have a vote on it.

Although the Senator may have some concerns about part of the amendment, I do not know whether it makes much difference whether he objects.

Mr. STENNIS. Mr. President, I was not necessarily trying to defeat the original amendment of the Senator. But I have before me what purports to be the modification which is proposed to strike out the figure $70 million and insert in lieu thereof the figure $68 million.

Mr. President, that relates to an item for the U.S. Navy which is already in the bill.

Now, I am not trying to just merely defeat this amendment. I think it raises a very serious and very grave question.

We bring in these great numbers of bills totaling many millions of dollars, even hundreds of millions of dollars, and take it out of a fund, with no chance to very well cover or make understood now, and take it over to another fund that is smaller and can be partly explained.

It is unthinkable, it seems to me, for a vast proposal like this bill, the supplemental, and when others which are much larger come in, that, without any relationship between the different projects that are represented by these funds, we switch from one to another. It is not only bad precedent; it is an intolerable practice to cultivate and permit to grow.

So, with all deference to the author of the amendment, it seems to me that we should not think of trying to go that route and thereby set a precedent. That is the trouble with the whole thing—setting a precedent whereby we can throw these matters around from place to place.

The PRESIDING OFFICER (Mr. GRAHAM). The Chair observes that an objection has been heard, and the time of the Senator from Mississippi, the manager of the bill, has expired.

Who yields time?

The Senator from Pennsylvania has 5½ minutes remaining.

Mr. HEINZ. Mr. President, I reserve the remainder of my time.

I ask for the yeas and nays on the Heinz amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CHILES. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. CHILES. The Senator from Florida is confused as to whether the Senator from Pennsylvania has further modified his amendment or not.

Mr. HEINZ. No. The Senator from Pennsylvania has not modified his amendment.

I did send a modification to the desk, but there was an objection. That modification, therefore, is not a part of the Senator's amendment. I did send an earlier modification to the desk, roughly an hour ago. That was agreed to by the Senate, and that is what is pending. That modification has an offset.

Mr. CHILES. My understanding from CBO is that that offset does not totally cover the outlays.

Mr. HEINZ. That is correct. You might put it down as a good-faith effort that worked last week and falls somewhat short of the mark this week.

Mr. CHILES. Then, I have to say to my good friend, reluctantly, that when he asks for the yeas and nays, I will ask for a point of order.

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

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. CHILES. Mr. President, I raise a point of order on the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the point of order cannot be raised until all time has expired on the amendment. There is 1 minute and 30 seconds remaining on the time for this amendment.

Mr. HEINZ. Mr. President, in order to expedite matters, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania yields back his time.

All time has expired.

Mr. CHILES. I make the point of order, Mr. President.

Mr. HEINZ. Mr. President, I move that the Budget Act be waived.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

Mr. CHILES. 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.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote—which will be a rollcall vote—on the waiver of the Budget Act occur immediately following the disposition of the amendment by Mr. MELCHER later today.

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

The vote on the point of order will occur immediately after the vote on the Melcher amendment.

Mr. BYRD. Mr. President, following in the train of that vote, there could ultimately be a vote on the amendment by Mr. HEINZ. In that event, I ask unanimous consent that no amendment to that amendment be in order.

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

The question now recurs on amendment No. 218. Is there further debate?

Mr. BYRD. Is that the Metzenbaum amendment?

The PRESIDING OFFICER. It is the amendment offered by the Senator from Ohio.

Mr. HATFIELD. Will the Chair define the amendment?

The PRESIDING OFFICER. Will the Senator from Oregon repeat the question?

Mr. HATFIELD. Will the Chair describe the amendment that the Chair has placed before the body?

The PRESIDING OFFICER. It is the amendment offered by the Senator from Ohio [Mr. METZENBAUM]. It is amendment No. 218.

Does the Senator wish the amendment to be reported again?

Mr. HATFIELD. What is the question?

AMENDMENT NO. 218

The PRESIDING OFFICER. The question recurs on the consideration of this amendment.

Mr. HATFIELD. Mr. President, does the Chair have the information as to the question of the scoring on this amendment that was raised by myself earlier on, for which this amendment was temporarily laid aside?

The PRESIDING OFFICER. The scorekeeping information has not yet been made available.

The amendment was to be set aside for consideration of the Heinz amendment; and, that consideration having been completed, the business before the Senate is the Metzenbaum amendment.

Mr. HATFIELD. Mr. President, I raised the question earlier, and I will raise it again if that matter has not been resolved.

As I indicated, the Gramm-Rudman-Hollings amendment to the Budget Act designated the Budget Committee as the responsible authority to score such amendments as this in our appropriations process; and inasmuch as a point of order was just raised about the Heinz amendment, until we get this information, this amendment also would be subject to a point of order, which I will not make, because I believe that the Budget Committee was in the process of determining the outlay impact.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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, while the managers are here this would be a good time for Senators to call up their amendments. No rollcall votes will occur today until 5 o'clock. I think this is probably a pretty good example of what happens when rollcall votes on the day after a break have been scheduled not to occur before 5 o'clock. It shows how things can be stalled. Senators know there will not be rollcall votes until 5 o'clock. Some Senators who have amendments do not show up to call them up. As a consequence, the managers sit here and a lot of time passes when the Senate does nothing.

Mr. President, I hope Senators will avail themselves of this opportunity to call up amendments.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

AMENDMENT NO. 220

(Purpose: To provide an additional $100,000,000 and a method of distributing these supplemental funds for the Summer Youth Employment and Training Program under title II-B of the Job Training Partnership Act)

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

The PRESIDING OFFICER. The question to the Senator from Illinois is, Is the amendment which has been submitted the amendment contemplated under the unanimous-consent agreement previously entered?

Mr. DIXON. Yes, Mr. President, this is the summer youth amendment that is contemplated in the unanimous-consent agreement. I think it is in line with the advance information given to the distinguished managers of the bill.

The PRESIDING OFFICER. It will require unanimous consent to set aside the pending amendments in order that this amendment might be considered.

Mr. DIXON. I thank the Chair. Mr. President, I ask unanimous consent that the existing presently contemplated amendments be set aside in order to take up the question of the amendment I have sent to the desk.

Mr. STENNIS. Mr. President, reserving the right to object, and I do not expect to object, what is the agreement timewise?

Mr. DIXON. May I say, Mr. President, I am not sure, but I am very amenable to any decent agreement or a short time period.

The PRESIDING OFFICER. The time agreement has 30 minutes per side on the amendment which the Senator from Illinois is now posing to offer under the unanimous-consent agreement.

Mr. STENNIS. I do not object.

The PRESIDING OFFICER. Without objection, the previous business is temporarily set aside and the clerk will read the amendment offered by the Senator from Illinois.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. METZENBAUM, proposes an amendment numbered 220.

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

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

The amendment is as follows:

On page 35, line 13 strike out "$207,476,749" and insert in lieu thereof "$107,476,749".

On page 61, between lines 21 and 22, insert the following:

"For an additional amount for 'Training and employment services' for the Summer Youth Employment and Training Program for program year 1986, $100,000,000, which shall be allotted promptly to the States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.".

Mr. DIXON. Mr. President, I rise today to offer an amendment on an issue many of my colleagues know is dear to my heart, saving the Summer Youth Program. I originally came here, Mr. President, with the intention of offering a simple amendment, an amendment to transfer $50 million from next year's budget and apply it to this year's budget. The problem that we face, however, is even with a $50 million transfer, this program will still be $96 million below last year's level.

Taking $50 million in a transfer only puts a little patch on the problem. So I say, let us try to solve the problem with a solution, not with a patch.

A $100 million offset in this year's supplemental appropriations bill, however, will go a long way to solve this problem.

I ask you, Where can the Senate cut $100 million that can be used by the Summer Youth Program? The answer is, take $101 million in the severance plan being proposed for the World Bank.

How can the Senate, Mr. President, in good conscience, support a severance plan that would give up to $200,000 per individual in severance pay, in addition to any already earned pensions, to World Bank employees? Now listen to this: $200,000 per person in severance pay over and above grand salaries and over and above earned pensions for World Bank employees when we are cutting 140,000 youths from the Summer Youth Program at $1,067 a month.

Mr. President, I do not think of any right offhand, but I am sure there are many good things that the World Bank performs, but $200,000 per person is not one of them. Further, what do we, as Senators, say to those youths that need help in getting a summer job and are denied it because of lack of funding, when we are giving over $200,000 in individual severance pay to World Bank employees?

Mr. President, to point out the problem our youth have in getting summer jobs, I ask unanimous consent that an article that appeared in today's Washington Times be printed in the RECORD at this point. I might observe, Mr. President, that the Washington Times is not known as one of the more liberal publications in the United States of America. This particular publication points out the very serious emergency situation with respect to the lack of summer jobs in the country for youths.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN JOB BOOM REMAINS A BUST FOR YOUNG BLACKS SEEKING WORK

(By Isaiah J. Poole)

BOSTON.—On the surface, Boston—with an idyllic 3.1 percent unemployment rate—is a job hunter's paradise.

Yet in Roxbury, a predominately black section of the city, youth unemployment is about 50 percent, says Lyn Nicholson, executive director of ADAPT, a private youth training program.

"The young people are constantly asking us for jobs," he said. "We don't have jobs for them."

That view is echoed at Franklin Field, a neatly manicured but troubled black housing project in Dorchester, another Boston neighborhood. "The unemployment rate here statistically has to be about 70 percent of the youth," says Thomas Jenkins, a counselor with the Franklin Field Task Force youth jobs program.

City officials and regional federal employment statisticians say they cannot even estimate what the black youth unemployment rate is in Boston as a whole, but they do not dismiss the reports of youth employment workers and community leaders.

Boston is not the only city experiencing this odd dichotomy. In many metropolitan areas, youth unemployment, particularly among blacks, has increased or remained stagnant in the midst of a job boom in the entry-level wage service sector.

Nationwide, at least 1.4 million youths who want jobs cannot get them. In April, the youth unemployment rate was 17.4 percent, compared to 5.5 percent for adults, according to the Bureau of Labor Statistics. For black teen-agers, the rate was 38 percent.

"If you look at the numbers in our central cities, they are terrifying," said Secretary of Labor William Brock in a recent interview. "Whereas the rate overall might be 18 percent across the board, in some of our central cities it is running 30, 40 or 50 percent."

High black youth unemployment rates are a relatively recent phenomenon, most private and government economists say. As late as 1954, black youth unemployment was 13.4 percent, lower than the white rate of 14 percent, the Department of Labor reported.

But by the mid-1960s, black youth unemployment rates began consistently running double the white rate, peaking at 47.3 percent in 1983 when the white rate reached 22.6 percent.

Many point fingers at the educational system as a major reason. "The performance of our educational system is just miserable," Mr. Brock said.

When the National Alliance of Business, a trade association specializing in employment issues, predicted last year that youth unemployment will increase through the end of the century, it blamed "continuing ineffective vocational counseling and job placement and lack of basic literacy skills of youth, particularly minorities."

In Boston, the school dropout rate is the critical factor in keeping youth unemployment rates high, said Gary Kaplan, director of Jobs for Youth-Boston, a private program that offers training and counseling for teen-agers and young adults. In the 1985-86 school year, 2,900 students graduated from high school. Another 3,500 dropped out. For those who drop out, job opportunities have all but vanished.

"Nine out of 10 jobs in Boston now require a high school diploma," Mr. Kaplan said.

In recent years, businesses have sought closer linkages to school systems. Major corporations and the school system in Boston formed the "Boston Compact" in 1982, with businesses agreeing to provide youth jobs and scholarship funds and schools committing themselves to improving student academic performance and job readiness.

The results of these efforts so far have been mixed.

Still, Pierce A. Quinlan, executive vice president of the National Alliance of Business, says his organization is encouraging the expansion of such efforts nationwide. "It's not a silver bullet, but it is one way the private sector is getting involved," he said.

Social, business and political leaders say the youth unemployment problem also has been exacerbated by lagging economic growth and difficult social conditions in low-income areas.

But the leaders also have more hope than ever that they can make a dent in the problem.

In addition, the White House hopes to modify the federal summer youth jobs program this year so that states can, if they choose, offer a year-round job training program for welfare-dependent youth. The proposal has been approved by the Senate, but House Education and Labor Committee Chairman Augustus Hawkins, California Democrat, has denounced it as "just a gimmick" and predicts House rejection.

The bill, if passed, would increase spending on the summer youth jobs program by $50 million, to $850 million.

But the subminimum or "youth opportunity" wage is expected to be the major youth unemployment fight this year.

While Democrats in Congress seek to gradually increase the minimum wage—currently $3.35 and hour—to $3.85 next year and to $4.65 an hour by 1990, the Reagan administration plans to resurrect its subminimum wage proposal.

"If we just succeed on that, I think we would see a major improvement for minority youth," said Gary Bauer, White House assistant to the president for policy development.

The Labor Department has estimated that a youth subminimum wage could help create some 400,000 summertime jobs.

Yet in the last five years, the administration had made little significant progress in winning congressional support for a subminimum wage, despite a 1986 endorsement from the National Conference of Black Mayors. The conference backed a limited test of it for first-time summer-job seekers.

But this year, with the introduction of bills to raise the minimum wage by the chairmen of the Senate and House Labor committees—Sen. Edward Kennedy, Massachusetts Democrat, and Mr. Hawkins—the White House sees a way to force the issue.

"We want to make Mr. Kennedy and the others answer publicly why they come down on the side of big labor at the expense of those who need jobs," Mr. Bauer said.

Many economists suggest that, based on historical trends, each 10 percent increase in the minimum wage results in the disappearance of 100,000 jobs.

Black conservative economist Walter Williams of George Mason University believes the minimum wage is responsible for the disappearance of such unskilled entry-level jobs as theater ushers, service station attendants and supermarket baggers.

Rick Berman, a Dallas-based restaurateur who owns 450 Steak and Ale and Bennigan's restaurants and heads a coalition against a minimum wage increase, thinks the Kennedy-Hawkins proposal could eliminate as many as 300,000 entry-level jobs.

The last series of minimum wage hikes, which ended in 1981, meant a loss of 2,000 jobs through attrition in his chain alone and has led to a decline in service in other restaurant chains, Mr. Berman said.

Mr. Hawkins agreed that there will be some "displacement" of youth as a result of a minimum wage increase. But he said the minimum wage needs to be increased for the approximately 30 percent of persons working at that wage who are supporting families.

A person working full time at the minimum wage today earns $6,968 a year, $15 under the poverty line for a family of two and $1,309 under the poverty line for a family of three.

"The way to help those youth [who are displaced] is to target programs to help them, and not to depend on the wage," Mr. Hawkins said. "It's a question of providing a livable wage for the parent so they can keep their kid in school."

If Congress is determined to raise the minimum wage despite administration and business concerns. "the least we can do is exempt those who have never had a job or those under 21 with nothing but entry-level skills, so we don't deprive them of any job at all," Mr. Brock said.

Some directors of youth employment programs also think a subminimum wage for youth is a bad idea. For one thing, labor shortages have bid up wages above the minimum, making the subminimum wage issue irrelevant, they say. And, they add, some

youth do not think the current wage is worth working for.

"In a city like New York or Washington, D.C., by the time you factor in the cost of transportation to and from the job and other expenses, a youngster might come out with only $20 a week. They'll say it's not worth the aggravation," said Albert McIntosh, director of the Community Services Council of Greater Harlem, a New York City program that offers youth employment programs and other social services.

But Mr. Williams said youth leaders should encourage teen-agers to change their attitudes toward such job opportunities.

"If I'm honest and compassionate with them and taking the long-range view," he said, "I would tell them to take a job they can qualify for. Take them around to some 30- to 40-year-old people who have been on drugs or something, and let them see whether that's the way out."

While the minimum versus subminimum wage debate rages in Washington, the Franklin Field Task Force in Boston is tackling the local unemployment problem with a job fair next month. As many as 60 companies are expected to attend.

"These companies say that they want to do anything they can to help the community," said Wayne Rutledge, activities coordinator for the task force. "We say give us jobs."

YOUTH UNEMPLOYMENT

[Average estimates, 1986; in percent]

| | Official overall rate | All youth ages 16 to 19 | Black youth ages 16 to 19 | White youth ages 16 to 19 |
|---|---|---|---|---|
| New York | 7.4 | 26.3 | 33.3 | 22.9 |
| Los Angeles | 7.1 | 23.1 | [1] 34.6 | 19.9 |
| Chicago | 13.1 | 36.0 | 61.2 | 18.7 |
| Philadelphia | 7.2 | 23.5 | [2] 33.3 | [2] 20.8 |
| Detroit | 21.7 | 51.5 | 57.1 | [2] 33.3 |
| Boston [3] | 3.1 | 7.7 | [2] 25.0 | 7.1 |
| Houston | 12.0 | 25.2 | [2] 36.3 | 20.5 |
| Dallas/Ft. Worth [3] | 8.4 | 18.7 | [2] 31.5 | 15.5 |
| Washington | 7.7 | 27.7 | 31.1 | [4] NA |
| Miami [3] | 6.9 | 23.3 | [2] 41.6 | 16.1 |
| St. Louis | 9.5 | [1] 23.7 | [1] 35.5 | [4] NA |

[1] Estimated from data provided by State employment agencies.
[2] Estimated from BLS data: the margin of error is outside range of Federal statistical standards but is confirmed by anecdotal reports.
[3] Includes metropolitan statistical area.
[4] Data not available.
Source: Bureau of Labor Statistics except as noted.

Mr. DIXON. Mr. President, we should not be funding $200,000-per-person severance plans for World Bank employees when we have serious problems right here at home, in America. Let me remind my colleagues that there is a human cost borne by our youths and a financial cost borne by our businesses that must train these youths associated with the summer youth program. According to the report "Reconnecting Youth: The Next Stage of Reform," a report from the Business Advisory Commission of the Education Commission of the States, business and industry are spending $40 billion annually to train employees. The employees of the next decade will be even more expensive to train. Increasingly, the private sector will find itself teaching them remedial reading, writing, and mathematics. By 1990, education and training in the public and private sectors may constitute the largest industry in America.

In our major cities—Chicago, Los Angeles, New York, Philadelphia, Houston, Miami, Cleveland, Baltimore, Boston, and many others—the estimate is that half of the high school population is at risk.

We have a chance with this amendment to help these people. By accepting this amendment, the Summer Youth Program will assist more than 93,700 youths. We will also be letting the World Bank know that we object to this outrageous raid on the U.S. Treasury.

And it is, Mr. President, an outrageous raid on the public treasury, and I believe most Senators here do not even know about it.

In Chicago, we are faced with a $7.1-million cut in the 1987 Summer Youth Program. Without this amendment, over 8,000 disadvantaged youth, ages 14 to 21, would be denied gainful summer employment in the city of Chicago, in my State.

I sent a letter to every Senator outlining the severe impact this year's level would have on your State. Forty-eight of the fifty States in the Union are losers if we do not adopt this amendment. Further, there are at least 26 States that will receive at least a 19 percent cut from last year's funding without this amendment.

The States are: Alabama, a cut of 23.5 percent; California, 19.7 percent; Connecticut, 26.9 percent; Florida, 26.9 percent; Hawaii, 22.3 percent; my home State of Illinois, a cut of 24.9 percent; Indiana, 26.9 percent; Kansas, 26.9 percent; Maine, 26.9 percent; Maryland, 26.9 percent; Massachusetts, 26.9 percent; Michigan, 23.9 percent; Minnesota, 24.5 percent; Missouri, 26.9 percent; New Hampshire, 23 percent; New Jersey, 26.9 percent; New York, 26.9 percent; North Carolina, 26.9 percent; Ohio, 22 percent; Pennsylvania, 26.9 percent; Rhode Island, 26.9 percent; Utah, 26.9 percent; Virginia, 26.9 percent; Washington, 21.8 percent; West Virginia, the State of the distinguished majority leader, 21.4 percent; Wisconsin, 24 percent.

The 140,000 kids in America, Mr. President, young people who want to work, affected by this cut cost $1,067 per person to both train and enter into the work force. On the other hand, the World Bank reorganization plan—the World Bank—affecting 390 people, costs $200,000 per person to leave the work force.

I wish every Senator were on the floor, Mr. President, one of the grievous things, sadly—I mean this sincerely—about the way we do business here is that many Senators will not hear this. I believe I would win on this amendment 100 to 0, Mr. President, if they heard. I want to say again 140,000 poor kids in America, 140,000 at $1,000 each against 390 people nobody in this room knows at the World Bank, $200,000 apiece because they are leaving a job. I wish, Mr. President, that everyone could know that.

I say let us put our kids back to work. Let us let those 390 workers at the World Bank find other work.

Mr. President, at this point, I rest my case so that others may be heard on this issue. Let me simply say in conclusion that I wish the managers could consider this. I believe it is a meritorious amendment. We are cutting summer youth this year if we do not adopt this amendment down to $638 million. Next year, $750 million is provided—that is next year. Last year, or rather the year we are in, $782 million. So this year, we are spending $782 million on summer youth. If we do not adopt this amendment, we are cutting it to $638 million this year, then jumping it back up to $750 million next year. So all I am trying to do with this amendment, Mr. President, is hold it kind of close, roughly the same, for this year and next, and the next out year, after the coming year, that begins October 1. I do not think that is an unreasonable request, Mr. President, and I cannot think of a better way to do it than to take this money from the World Bank where they want to give $200,000 a head to 390 people.

I yield back my time, Mr President, subject to an opportunity to respond to those who may wish to oppose the amendment.

THE SUMMER YOUTH EMPLOYMENT PROGRAM—A GOOD INVESTMENT IN THE FUTURE

● Mr. RIEGLE. Mr. President, I rise as a cosponsor and strong supporter of the amendment proposed by the Senator from Illinois.

The Summer Youth Employment Program, title II-B of the Job Training Partnership Act, puts disadvantaged youth to work during the summer. In recent years, the funding for this program has been drastically cut, from $825 million in 1985, to $725 million in 1986, and now only $636 million for this summer. Little by little, we are cutting the number of jobs available for the poorest young people in our Nation's cities—from 803,000 jobs in 1985, to 775,000 in 1986, and now only 635,000 for this summer.

Without this restoration, most States across the country will receive a cut in funding and a cut in the number of summer jobs which can be provided for underprivileged kids this summer. The biggest losers are: California, which will lose an estimated $15.1 million; New York will lose $14.8 million; Illinois, $11.3 million; Pennsylvania will be short $10.7 million and Michigan which will lose $9 million.

Often we debate preventing problems that face our youth, such as drug abuse and teenage pregnancy. But a problem which affects many more of these young people is the problem of

teenage unemployment. In April, the unemployment rate was 17.5 percent for teenagers and 38 percent for black teenagers. These figures are an outrage. But instead of trying to do something about them and help our young people we continue to whittle away at this jobs program and whittle away at the future of our young people. Last year 48,000 summer jobs were lost due to cuts in this program and over three times that, 159,000 will be lost this summer if we fail to act.

While this amendment would restore some funds for the program, it is only a partial restoration and does not even meet last year's levels of funding. The amendment will provide approximately 90,000 additional jobs, for a total of 725,000 jobs this summer still far fewer than have been provided in many years.

By putting these young people to work, we move against many problems they face and accomplish many positive things. We need to prevent many other problems they might otherwise face. We keep them busy and out of mischief. But most important, we begin to build character and responsibility and provide valuable job training experience.

Not only do our teenagers lose out but so do our cities. The cities lose because this is where youth unemployment hits us the hardest. But also because these jobs have been providing our cities and their residents with services which they would not otherwise be able to provide for themselves.

A good example comes from the city of Detroit. Last summer the city of Detroit employed 7,000 young people in a number of city departments. Not only did these 7,000 young people benefit but the whole city benefited because these young people were put to work cleaning parks, planting trees and flowers, assisting the elderly, assisting with clerical work in hospitals and generally making the city of Detroit a better place in which to live.

I urge my colleagues to vote for this amendment because it is necessary, it is money well spent, and it contributes on many levels to the future of our country.●

● Mr. METZENBAUM. Mr. President, I rise as a cosponsor and enthusiastic supporter of the amendment offered by my distinguished colleague from Illinois, Mr. DIXON. This amendment is of great importance to America's young people and to America's cities. It would transfer $100 million to the 1987 Summer Youth Employment and Training Program.

Summer is nearly upon us and millions of young people soon will be looking for summer jobs. In past years, thousands of economically disadvantaged high school students, many of whom live in our Nation's urban centers, were employed through the Summer Youth Employment and Training Program. This program is a part of the Job Training and Partnership Act of 1982.

But this summer, because of an unexplained shortfall in funding for the program, tens of thousands of poor youngsters likely will have no jobs and will be forced to languish on the streets. According to the Department of Labor, last summer we appropriated $724 million to this program and next summer the administration intends to conduct a $750 million program.

This summer, however, there is only $636 appropriated for summer youth jobs. That means in a few weeks more than 120,000 poor youngsters across the country who want and need summer jobs and who expected to have productive summer months could be frustrated and bitter because they will be turned away. In my State of Ohio, for example, over 8,000 summer jobs will be lost.

I do not need to tell Members of this body what an explosive situation this could create. Unemployment breeds other problems like crime and drug and alcohol abuse. Unemployed, bitter young people are a seething cauldron waiting to boil over. Those trapped in the streets of our inner cities may lash out unless we channel their energies into productive activities.

The Summer Youth Employment and Training Program channels that energy and provides more than just a job—it builds selfesteem and confidence. Remedial education and training services provided through the program also help academic performance when youngsters return to school.

The Dixon amendment closes the unexplained gap in funding for this summer's program. Without this amendment, cities will face major summer job cutbacks. In Cleveland, for example, this summer's program will have 29 percent fewer jobs than in 1985. But these cutbacks are not limited just to large cities. In Toledo, there will be a staggering 44 percent fewer summer jobs than in 1985.

Local officials and groups dedicated to serving young people strongly endorse this effort. I urge my colleagues to join with me in supporting the Dixon amendment as well.●

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, if there is any Senator present who wishes to use some time on this matter, why, I will be glad to yield to them. Senator CHILES is the chairman of the subcommittee, as I have said, that handles this legislation, along with others. He is available but is not in the building as of right now, as I am told.

Mr. DIXON addressed the Chair.

Mr. STENNIS. We have been in touch with him.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. STENNIS. I will yield to the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I am advised, not having been advised of it until during the course of my remarks, that the amendment I am offering amends a section on a piror occasion, that it would require unanimous consent to do that. I ask at this point unanimous consent that I may proceed on the merits.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, will the Senator restate the request, please.

The PRESIDING OFFICER. Will the Senator from Illinois restate his unanimous-consent request.

Mr. DIXON. I ask unanimous consent to proceed with this amendment notwithstanding the fact that that section has been amended on a prior occasion, as I am now informed by staff.

Mr. STENNIS. Mr. President, I am advised by someone representing the other side of the aisle that objection is made to this amendment so I have to object.

Mr. DIXON. I regret very much, Mr. President, the meritorious aspects of this amendment would be objected to by the other side, it appears. If that is the case, Mr. President, it will be necessary for me to recraft an amendment, I expect, and offer it at a later occasion today. I had not been informed before undertaking this amendment that it did amend a section amended on a previous occasion. Does the distinguished minority manager, who is not even on the floor, persist in objecting to the merits of this on the obvious grounds that there is a technical problem?

The PRESIDING OFFICER. An objection having been heard to the request, the request is not granted. The amendment is not in order.

Mr. DIXON. Mr. President, I will have to recraft an amendment and offer it at a later time. I regret very much taking the time of the Senate. Obviously, I had not been informed of the circumstances. I am surprised, however, that the ranking minority member would persist in an objection where there is no reasonable dispute about the merits of the amendment. However, I will withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 221

(Purpose: To prevent the Bureau of Indian Affairs from transferring certain Bureau schools to tribal, State, or local control)

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

The PRESIDING OFFICER. Is there objection to the consideration of the amendment at this time?

Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 221.

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

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

The amendment is as follows:

On page 55, line 17 before the period, insert the following:

SEC. . (a) Provided further, that no school operated by the Bureau of Indian Affairs may be transferred to the control of any tribal, State, or local government until the Secretary of Interior has submitted to the Congress, or to the appropriate committees of the Congress—

(1) a report on the studies and surveys required under section 1121(a) of Public Law 95-561 (25 U.S.C. 2001(a)), and

(2) the report required under section 1136(a) of Public Law 95-561 (25 U.S.C. 2016(a)) for fiscal year 1986.

(b) Subsection (a) shall not apply with respect to any transfer of a school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer.

Mr. BINGAMAN. Mr. President, I offer this amendment to the supplemental appropriations bill for fiscal year 1987 to prohibit the Bureau of Indian Affairs from implementing its proposal to transfer Bureau of Indian Affairs schools to tribes or to States, until the Bureau complies with the study requirements mandated in Public Law 95-561, the Indian Education Amendments of 1978, relative to the quality of Indian education.

Mr. President, I am troubled by the fact that the Bureau has never sent to the Congress studies mandated under Public Law 95-561, the Indian Education Amendments of 1978. In this law, the Congress required that the Bureau, under section 2001, submit to it studies and surveys to establish and revise education standards for Bureau and contract schools. This law also required, under section 2016, that the Bureau submit an annual report to Congress on "the state of education" within the Bureau's education programs. According to both House and Senate authorizing committees, the Bureau has never submitted either report to the Congress. I originally intended to include in my amendment a requirement that the Bureau submit a study on the status of Indian education, but was told this had already been mandated in 1978. I find it a serious breach of responsibility that the Bureau has never told the Congress how its schools are doing in educating Indian children. Although it makes little sense to again add statutory language to require the Bureau to submit these studies, my amendment does specify that before the Bureau implements its plan that these studies be completed and submitted to Congress pursuant to Public Law 95-561. My amendment in no way changes the general prohibition language now in the supplemental bill regarding the Bureau's proposed initiatives.

I have been working with the tribes in New Mexico and the State department of education and the general consensus among these two parties is that there is a serious lack of information about and a general distrust of the BIA proposal to transfer control of the schools. My amendment merely assures that no action will be taken by the Bureau to allow this initiative to go into effect until and unless the Congress reviews it, ample guidance is developed, and the Bureau responds accordingly. This is all contingent on the Bureau giving to Congress the previously authorized studies.

Although the supplemental appropriations bill contains general language that broadly disallows the Bureau from implementing "proposed initiatives," I'm not convinced that this is sufficient. Therefore, I am specifying in my amendment that the BIA transfer proposal make the congressional intent clear that this "proposed initiative" will not be implemented until Congress has had the opportunity to review relevant reports associated with the status of Indian education. My amendment, however, still allows an Indian tribe, at its prerogative, to operate a school under a contract pursuant to the Indian Self-Determination Act.

Even more importantly, this amendment should allow those parties most directly involved—Indian tribes and State educators—to be included in shaping their own educational policies. In order to accomplish this goal, I hope that the Bureau will do an analysis of the current quality of education provided by Bureau, contract, and public schools serving Indian children in order to give us some baseline information. Also, I have asked that the Bureau actively solicit input from tribes and local and State education officials. I believe that unless we require a comprehensive factfinding and decisionmaking process, we will continue to fail to improve Indian education.

I am encouraged by the constructive activity undertaken by interested parties in my State. The State legislature recently appointed a legislative study committee to look at this issue. New Mexico Indian tribes are also debating the pros and cons of State versus tribal control over Indian education in their public forums and in council chambers. Many questions remain unanswered and I believe rather than rushing ahead blindly, we must carefully weigh the opportunities and the pitfalls of this proposal.

I have directed several of these questions to Mr. Ross Swimmer, Assistant Secretary for Indian Affairs. I just received his response May 20 and I ask unanimous consent that my letter to Mr. Swimmer and my questions to him, as well as his response, be inserted in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, this correspondence best illustrates the types of issues that I feel can more appropriately be included in a study. I encourage the Bureau to follow it as a basic guideline. I intend to raise these same issues back in New Mexico and am in the process of organizing a public forum to discuss the "proposed BIA initiative."

I wish to thank Senator BYRD and Senator MCCLURE for their support of this amendment, and I commend it to my colleagues.

I also note, Mr. President, that I have joined as a cosponsor to Senator MELCHER's amendment to delay final implementation of regulations relating to the Bureau of Indian Affairs Higher Education Grant Program. By joining Senator MELCHER, I agree with him that Congress should review the effects of the proposed changes and make clear that postsecondary educational opportunity for Indian students will not be undone through regulations.

Mr. President, I believe this amendment has been cleared by both the majority and minority sides. I, therefore, urge my colleagues to adopt the amendment. I believe it will bring a more responsible course of action from the BIA than we have seen to date. I believe this amendment is currently reasonable.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, DC, May 20, 1987.*

Hon. JEFF BINGAMAN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BINGAMAN: This is a follow-up to my letter of April 2, 1987. I am forwarding to you answers to the questions raised in your letter of March 17, 1987.

It is my desire to improve the quality of Indian education and put forth my initiatives with this single purpose in mind. Hopefully, the answers to these questions will allay any misunderstanding about my initiatives.

I hope the delay in answering these questions have not inconvenienced you.

Sincerely,

ROSS SWIMMER,
*Assistant Secretary,*
*Indian Affairs.*

RESPONSE TO SENATOR BINGAMAN

Question 1: How do you define the federal responsibility for Indian education?

Answer: The Synder Act of November 2, 1921, Public Law 65-85, authorized funds to provide for the general support of Indians along with other responsibilities to assure the welfare of Indian people. In carrying out this responsibility, the Bureau, in its mission statement for Indian Education (25 CFR Part 32), states as its goal the provision of comprehensive education programs and services for Native Americans as a function of the unique government-to-government relationship of Indian tribes with the Federal Government. The goal includes the provision of quality education from early childhood through life in accordance with the Tribes' needs for cultural and economic well-being, in keeping with the wide diversity of Indian Tribes as distinct cultural and governmental entities. It further states that the Bureau shall manifest consideration of the whole person within the family context. In carrying out its policy of Self-Determination for Native Americans, the Bureau committed to the facilitation of Indian control of Indian Affairs in all matters relating to education (25 CFR Part 33.2(a)).

Question 2: Some tribes, such as the Navajo, have education defined in their treaty as an obligation the federal government will carry out on their behalf. Has the Bureau and/or the Solicitor's Office distinguished and analyzed the proposal in light of direct treaty language? Do you plan to, and if so, how? How do you feel such language would influence your proposal?

Answer: Again, the Synder Act of November 2, 1921, (25 U.S.C. 13) is the basic authority under which the Secretary provides services, including education, to Federally-recognized Indian tribes. In carrying out its policy of self-determination for Native Americans, the Bureau is committed to the facilitation of Indian control of Indian Affairs in all matters relating to education. We have determined that this initiative is entirely consistent with the existing law and should not be construed as the aberration of Indian treaty rights, or federal responsibility to provide education services to the Indian tribes.

Question 3: Your handout on BIA budget intiatives makes reference to the Gould Report by a statement that "the quality of education on this reservation is poor" and "school administration is badly fragmented." Yet, this report also states: "Parents on reservations are particularly incompetent" and "The reservation is virtually a community of alcoholics". According to New Mexico educators, this report does not accurately portray Indian education and has little credibility among them as a basis to justify change.

Consequently, what other reports or proposed reports do you have in mind to assess and determine the more precise state of Indian education? How would you include the input and participation of tribal governments, tribal educators, state representatives, and local school districts? If you answered no to my initial question, why didn't the Bureau conduct a study or plan that would focus on such key issues as governance, funding, educational program content, and facilities?

Answer: We have met and talked with state leaders to explore their willingness to provide an alternative delivery system if tribes opt not to contract. We have met across the country with many tribal leaders to discuss the various BIA initiatives. The points raised in those meetings are already becoming part of the initiative. In addition, we are pursuing a consultation program that will continue to seek tribal involvement. The initiatives were a result of a widespread belief that change is needed in Indian education. This initiative was proposed as part of the BIA's fiscal year 1988 budget request in order to allow time for consultation before implementation. Because the initiatives are part of the President's budget request, certain restrictions are placed on the release of budget details until the President delivered the request to Congress. The FY 1988 budget request was released on January 5, 1987. Since that time, we have met individually and in area meetings with tribal leaders across the country. We have sent numerous letters to tribes, held press conferences, and briefed Congressional members and staff. The BIA has no plans to conduct further studies.

Question 4: How do you know that you are doing such a bad job in educating Indian children? Is this based on any qualitative and quantitative data to measure the academic progress of Indian children (apart from the Gould report and the McGraw-Hill test scores)? Please explain.

Answer: In some public schools, Indian students academically outperformed their counterparts in BIA schools, as evidenced by the 1985 McGraw-Hill study of Indian students in New Mexico. In other schools, the BIA students outperform their counterparts in public schools. More importantly, improvements in Indian education are needed in every system. Differences in academic performance, however, are not the main justification for this initiative. We think student's tend to perform better when the local community assumes more responsibility in the management of the school.

Question 5: If a tribe chose to enter into an education contract with the state, it obviously changes the tribe's relationship with the state on many levels. What analysis, if any, has been done to look at the possible implications, such as applicability with other federal statutes, land title and transfer questions, maintenance and construction of facilities, transportation costs, and the like? If no analysis has been done, will the Bureau conduct such an analysis? If so, when might you begin and complete this analysis? Will the tribes and the states be involved? If so, how?

I have read that the BIA wants tribes to contract schools or enter into "cooperative agreements" with states. What is a cooperative agreement?

Answer: We are aware that we will need to review many items prior to the implementation of any initiative. Prior to entering into a contract with any organization other than a tribal organization under Public Law 93-638, we will perform the necessary analyses to determine the entity best able to provide the services. This activity will occur throughout Fiscal Year 1988. A cooperative agreement is an arrangement whereby a school is operated jointly by a state school district, tribes and/or the BIA under specific terms which are mutually agreed upon. Shared facilities, programs, personnel, support services or division of grades are generally the basis for such an agreement. A cooperative agreement is cost effective and creates good community relations.

Question 6: In a letter of January 28 addressed to you from Alan D. Morgan, State Superintendent of Public Instruction for New Mexico, he expressed that "the proposal was conceived without benefit of discussion with the affected entities, including state education officials from New Mexico." He further stated, "I am reluctant to take a position on this matter until the State Board of Education, the tribes, Governor Carruther, and other state agencies have been consulted and provided full information." Clearly, the states will need to be informed of the details and costs of your proposal. Other than a state forming its own task force to study the matter and to be a liaison for your office, as New Mexico is planning to do, what will you do to keep a state informed and involved? Also, as Mr. Morgan's letter states, he will not make any decision regarding the state assuming contract responsibility until both the State Board of Education and the New Mexico tribal governments are consulted and involved. How will you assure him that this will happen and in what way will these two groups be involved to address his concern?

Answer: We have met individually and in area meetings with many tribal leaders across the county to discuss the various BIA initiatives. In addition, meetings have been held with state leaders to explore their willingness to be an alternative delivery system if tribes opt not to contract. The points raised in those meetings have become a part of the initiative. As mentioned before, we are developing a consultation program that will continue to seek tribal involvement. We, of course, cannot and will not attempt to impose on states or others the obligation to operate BIA schools. The remainder of FY 1987 will be devoted to consulting with Indian tribes and organizations in order to develop a detailed tribal plan of action for this initiative.

Question 7: There is a better than fifty percent chance that a state will decline to accept Bureau or contract schools within their system, either due to lack of funding, lack of adequate facilities, lack of staff, or a lack of any definite plan. What happens at that point? Please describe. And who is then responsible for education of those Indian children. The Bureau or the tribes?

Answer: In all instances, the Bureau recognizes that it has an obligation to provide a good education for Indian children within its responsibility. One option may be for the Bureau to enter into an agreement with an independent school system. If this is not possible or desirable, the Bureau would continue to fund and operate the school. The Bureau would ensure that an education program is made available to eligible Indian students. We hope, however, that the tribe would assume an integral role in the operation of any education program serving its members.

Question 8: There may be an equally good chance that the tribe will decide against transfer of BIA schools either to 638 status or to the public schools. In that case, what is the Bureau's position? Will this option for maintaining the status quo be available to the tribe? Or will the Bureau unilaterally decide for the tribe what will be the educational arrangement? What redress is provid-

ed for the tribe if it disagrees with the Bureau?

Answer: The purpose of our proposal to contract the management of BIA schools is this: local control of a school is essential to the creation of an environment that fosters academic and cultural growth among its students. We believe this growth will be enhanced if schools are managed by local people rather than far-removed policymakers in Washington, D.C. Public Law 93-638, the Indian Self-Determination and Education Assistance Act, gives Indian tribes and Indian organizations the right to contract BIA services and thereby bring about local control. Under the initiative, we are proposing that management of BIA schools be transferred to local tribal governments. Federal funding for the schools will continue but management would move from the national level to the local level. In some cases, tribes may decide not to contract the local BIA school. The BIA would seek to provide for the education services by the best means available. This could involve an agreement with the state, local school or an independent school system or other entity that might be appropriate. Finally, the BIA would encourage cooperative agreements between BIA, tribes and the public school system. In the last analysis, if the tribe will not contract to operate their school—if they insist the Bureau must provide the education for the children, then it is the Bureau's obligation to provide the best education it can. In some cases the best may be a Bureau-operated school. The Bureau is committed to carry out its responsibilities.

Question 9: What is the time frame for your proposal? Do you have a date by which tribes have to initially respond by? Will you please describe and outline the steps required in order to effect a transfer, either to the state or to the tribe, or to maintain the status quo? If you are unable to answer these questions with any specific dates, what are your general target dates? May I have a copy of the general time line that the BIA develops?

Answer: Fiscal Year 1987 will be devoted to consulting with Indian tribes and organizations in order to develop a detailed tribal plan of action for this initiative. The Bureau anticipates that all elementary and secondary schools whom the tribes intend to contract would be contracted by the school year beginning in the Fall of 1989.

Question 10: My fear with your 638 contracting option is that tribes are having enough difficulties surviving under that process. If a tribe chose to undertake a school under a 638 contract, what will be the indirect cost rate? What if a tribe started pursuant to a 638 contract, but was then unable to continue? How would the BIA assist the tribe, if at all? Would the 638 contract revert back to the Bureau, and if so, how and under what arrangements would the Bureau plan to continue that school?

Answer: All Bureau of Indian Affairs contracts receive some form of administrative support. This rate, of course, varies from tribe to tribe. The Bureau through the Indian Self-Determination and Education Assistance Act has the authority and procedures to reassume a 638 contract. If that were to occur, the Bureau would ensure that an education program was made available (See 25 CFR Section § 271.71 through § 271.77). This education program could be operated by the Bureau or through another arrangement, such as with a public school district. Each case would have to be reviewed individually. The Bureau would provide for the best quality education program available.

Question 11: You have stated your overall proposal is prefaced on improving Indian eduation. How will the Bureau monitor that this is being achieved by schools that are 638 or state contracted? What educational/academic standard will be used? If the Bureau has no standard, then it is a standard proposed by the tribe or by the state? What about any enforcement of that standard—whose responsibility is that?

Answer: The BIA will maintain oversight over all programs and monitor the contracts for compliance in accordance with applicable contracting requirements. In consultation with tribes, contracts will be developed to ensure that the academic and cultural needs of Indian children are met. Through contract monitoring, strict adherence to the negotiated contract will be enforced. In fact, the BIA will retain staff in the field to monitor the contracts.

When schools are not properly operated according to the negotiated contract, the BIA will have several options to bring contractors into line with the defined standards. These options include: (1) to provide technical assistance to help bring the contractor into compliance; and (2) to revoke the contract and enter into an agreement with another contractor.

Presently, Bureau-operated schools have elected school boards that usually are comprised of parents and/or community members. The school board provides the majority of local involvement. Nevertheless, final decisions on policy and operations in Bureau-operated schools can be appealed to the BIA's central office in Washington, DC. If a tribe decides to contract, the tribal council immediately becomes involved, along with its education committee and its education staff. The tribe must stay involved at all levels—both at the council level and the community level—to ensure that the contract is awarded and implemented. This ownership of a community school goes beyond having only the school board involved. A contract school becomes the education focal point for ensuring local input and control.

Question 12: All the Indian tribes in New Mexico have gone on record against your proposal, a state memorial was introduced in the New Mexico legislature against it, and the State Department of Education has expressed its reservations about it. By using the budget process to push your proposal, it appears you have alienated all significant parties. In order to bring a working group together to work toward improving Indian education, would you welcome a Congressionally-authorized task force to study the ways of improving Indian education? Please explain. If not, what do you propose as an alternative? Please explain.

Answer: The aim of the Bureau's initiatives is to improve the quality of Indian education. We welcome the input and participaton from Congressional and any other sources in our effort to move toward this goal. We do not believe, however, that it is necessary to convene a Congressionally authorized task force in order to study ways of improving Indian education.

We are meeting with tribal government representatives, tribal organizations, and interested individuals to discuss not only the initiatives but also ways to improve the Bureau's education program. This effort is currently under way and will continue throughout the summer. In addition, we are continuously reviewing our regular and supplemental education programs in order to improve our delivery system. Through our school board training project, we provide school board members the opportunity to receive training which will assist the movement of schools toward quality education programs. The Bureau also has convened task forces and work groups to explore academic programs, gifted and talented projects, professional development programs, and other administrative concerns, such as personnel, funding, and procurement. The Bureau is continuously searching for ways to improve its education system.

Mr. CHILES. Mr. President, we have looked over the amendment. I do not think we have any objection to it. I think it has been cleared on our side.

Mr. HATFIELD. Mr. President, we have yet to clear it on our side.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. 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. DIXON. Mr. President, prior to the time that you assumed the Chair, I had made a speech regarding an amendment I offered which is pending at the desk concerning an additional $100 million being authorized in this supplemental for the next fiscal year beginning October 1 for summer youth employment in which I had taken that $100 million from the World Bank funds in connection with a severance pay at $200,000 a head for 390 World Bank employees. I was going to give $1,000 to kids that are starving and want jobs and take $200,000 a head away from 390 World Bank people.

An objection was made by the managers originally that my language was unacceptable in the amendment because it amended a section amended on a prior occasion. I now understand that, while that would be technically correct and we will agree it is technically correct, the probabilities are that in a moment that the managers will withdraw that objection so that we can go to the fundamental issue on my amendment without redrafting the amendment which would cause a lot of time to be expended and would ultimately result in a very convoluted amendment from the standpoint of the language.

I believe as soon as the distinguished manager on our side returns, Mr. President, my friend, the ranking manager, having already given his approval, that we can proceed on the merits. I see the distinguished manager appearing now. Should that be the case, I would like to make some brief remarks before another objection is raised, Mr. President.

Do I have the unanimous consent to waive any objection on the language on the technical aspects of the amendment?

Mr. CHILES. Yes.

Mr. DIXON. I thank very much my friend, the manager on our side, and the ranking manager. I understand the objection on the amendment's language has been now withdrawn.

May I ask how much time I have, Mr. President?

Mr. CHILES. Did the Senator ask for unanimous consent?

Mr. DIXON. I had asked for unanimous consent and understood it was granted.

The PRESIDING OFFICER. The Chair is unclear as to exactly what the unanimous-consent request is.

Mr. DIXON. Mr. President, I now understand it is agreed by the managers that the amendment is in order.

The PRESIDING OFFICER. First, the Chair would like to say to the Senator from Illinois that we are now on the amendment offered by the distinguished Senator from New Mexico. That is the pending amendment at this point.

Mr. DIXON. Mr. President, I ask unanimous consent that we may set aside the pending amendment by my distinguished colleague from New Mexico, which is being discussed at this time, and revert to my amendment previously offered.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from New Mexico? Hearing none, it is so ordered.

Mr. CHILES. Mr. President, I wanted to say to my good friend from Illinois, my understanding was—so that we are clear—that the point of order was going to be waived or the Senator was going to ask unanimous consent that his amendment be in order, that portion of the amendment which amends part of the text that has already been amended, which would, therefore, be subject to a point of order, that his amendment would be in order for that. I do not think he was asking that it be in order on the budget point of order.

Mr. DIXON. My friend is correct.

Mr. CHILES. Because that is the point. I just wanted to make sure the unanimous consent does not include that. I think we were in agreement I would make that point when his time has expired.

Mr. DIXON. May I say, that is correct.

The PRESIDING OFFICER. The Chair would like to say to the Senator from Illinois that when the amendment fell on a technical point, the Senator from Illinois had 14 minutes 33 seconds remaining. The manager had 29 minutes 19 seconds remaining.

Is there objection now to that amendment being considered? Is there objection now to that amendment being in order at this time?

Without objection, it is so ordered. Who yields time on the amendment?

Mr. DIXON. Mr. President, I would like to proceed very briefly now on the amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. I understand the amendment is in order. The distinguished manager will proceed at some point in time, Mr. President, to raise a further objection to this amendment on budgetary grounds. At that time, I understand, and he may want to express a different view, the objection will be that while I am taking $100 million from the World Bank at $200,000 per head for 390 employees for severance pay and giving it to disadvantaged youth in America, that it is the position of the General Accounting Office, or somebody, that from an outlay standpoint, the outlays would not take place for the World Bank in the same years as the outlays would take place for the disadvantaged summer youth.

I think that is an oversimplification of what my friend the manager will suggest at that time when the opponents are heard.

First, may I say that Senator HEINZ of Pennsylvania would like to join me as a cosponsor, along with Senator METZENBAUM of Ohio. Senator RIEGLE of Michigan and my friend Senator BINGAMAN of New Mexico would like to join as cosponsors.

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

Mr. DIXON. Mr. President, I realize this is somewhat complicated; the whole budgetary process is. But I want to make it this simple for everybody so that they ultimately understand it: Sometime, if not in this next year, in the next out year, but sometime soon, under this supplemental, Mr. President, this bill, we will authorize the payment of $200,000 per head for World Bank employees in severance pay, bankers that have big jobs, a lot of them driven around in limousines, with superpensions. Sometime, maybe under the gobbledygook of the budget process, and it is gobbledygook, sometime we are going to give $200,000 per head to banker-type people who do not need the dough. If we do not adopt this amendment, Mr. President, we are going to deny hundreds of thousands of kids in this country who are disadvantaged summer jobs, 8,000 of them in the city of Chicago and in my State.

I just want that understood.

You can cut this baloney any way you want. Somebody we do not known, some obscure person never elected to public office with a green eyeshade somewhere, is saying that for some reason they are going to be able to cop out this $200,000 apiece for World Bank employees who are bankers making all kinds of money and deny summer jobs to kids of America.

This is crazy.

This year, we are spending $700 million for these summer kids. The year after next we are again spending $700 and some million for kids. But for this year, and I do not know who figured this out, we are spending $100 million less for those same summer kids. Why? It is not because those jobs are not needed, Mr. President. You can see them standing on every street corner in America wanting jobs. No matter how you do it, no matter how much you talk about authorization and budget outlay, believe me when I tell you this, and everybody in America knows it is so, those World Bank people are going to get 200 grand cash for nothing, and all these kids want to do is work.

So, I say to you, I am going to need 60 votes on this, Mr. President, because of the goofy process involved, and because some person someplace with a green eyeshade on his brow said something. I understand all that. Those kids' bellies are going to be as empty, and those World Bank employees are going to be as fat. You understand, Mr. President. I can tell you. You have a hungry day or two in your life, I will bet.

All I want to say is it takes 60 votes to take $200,000 from World Bank people and put a little food in the bellies of hungry kids. I hope I can get 60 votes on that. Sometime, Mr. President, when it is all over, I hope I find the guy with the eyeshade that makes these rulings that gives $200,000 to the rich and takes summer jobs from hungry kids.

In the meantime, I tell my colleagues in the Senate, everybody who wants to give $200,000 to World Bank employees vote no; anybody who wants to give a little food to hungry kids, vote aye later on this evening.

In the meantime, I want to thank my friends, the managers, for waiving another technical objection that did not mean much either, so that we can eventually vote on the question of whether these kids get jobs, Mr. President. If they get the jobs this year, the year after this they will get a job, but for some crazy reason I do not understand, when they vote on this bill they take them out of the jobs for this coming summer, 8,000 in Chicago, hundreds of thousands in America. They would certainly thank everybody if they take the money away from the rich bankers and give it to the poor kids. I want to thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I yield back the remainder of my time unless there are some kind of objections on

the other side. That will save us some time.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally on both sides.

Mr. CHILES. If the Senator from Illinois is prepared to yield back his time, I think we will yield back our time.

Mr. DIXON. If there is no further discussion at any time, Mr. President—do I understand there will be future discussion, a brief discussion, at the time the amendments are voted on later this evening? I do not understand what the process is.

Mr. CHILES. I do not think there is any time set aside. There will just be automatic votes beginning at 5 o'clock.

Mr. DIXON. Then I want to thank my distinguished friends, the manager and the ranking manager for their cooperation and consideration of my request. They have been very kind. I do, Mr. President, yield back the remainder of my time.

Mr. HATFIELD. I want to make just one remark. Have I any time?

The PRESIDING OFFICER. The managers of the bill have 28 minutes 9 seconds.

Mr. HATFIELD. I yield myself 2 or 3 minutes.

Mr. President, I want to share the general reservation the Senator from Illinois has expressed concerning the subject matter of his amendment. I certainly empathize fully and am very supportive of the essence of the amendment and the program that it represents. But I would only have to say to the Senator from Illinois that his amendment is an example of precisely what the Gramm-Rudman-Hollings amendment to the Budget Act developed. It creates this situation.

We have not, in the appropriations process, created obstacles nor have we attempted to frustrate Senators from offering amendments to be decided on their merit and argued and debated out on their merit. But I would have to remind the Senators after the many years we did function here on the Senate side in the appropriations process against budget authority. Now as a consequence of the amendments to the Budget Act, to which I have referred, we are having to measure every amendment against the measurement of budget outlay.

Mr. DIXON. Will my friend yield, Mr. President?

Mr. HATFIELD. Yes; I yield.

Mr. DIXON. Mr. President, just for the edification of the people of America, who probably wonder how this place could be so fouled up, I ask my friend a question. He is the distinguished ranking member of the Appropriations Committee, whom the rest of us have great respect for. If I understand this correctly, in the next fiscal year, beginning October 1, my amendment providing an additional $400 million for summer youth, kids who need jobs, would be a budget outlay for that year but in fact, the $200,000 apiece for the fat cats of the World Bank may not be spent as an outlay next year. Is that what the green eyeshade man says?

Mr. HATFIELD. If I understand it correctly, it will add to the outlay of the current fiscal year, 1987. This is a supplemental to the current fiscal year.

I also add that the Senator is aware that we are, at this present time, over $13 billion in excess of the cap established when we set the continuing resolution into operation last fall.

Mr. DIXON. What I am trying to find out, if I may say so, and I do understand that part, is are those who are raising this objection—I understand the difficulty the managers have. I hope the Senator understands that I am sympathetic. The problem is as much his as mine or anybody else's. So I am not railing at him and I hope he understands that.

But he is saying while the outlay will take place in this year for the kids, it will take place next year for the fat cats. The money is still going to get spent. America should understand that. The fat cats will still spend it.

Mr. HATFIELD. I still do not in any way differ with the Senator on his observation of the importance of this program, our summer youth program, and the inadequate funding of that program as we may measure it against the need. I am merely commenting that we are now in a constraint, through the amendment that the Senate and the House adopted some time back.

As a consequence, let the Senator also be aware that the whole supplemental bill is vulnerable to the same point of order, because we did not have the offsets to offset the outlays that we have represented in this bill. As the Senator knows, we tried a vote on a budget waiver to bring this bill to the floor and that failed. We are now in that situation where the bill is before us, vulnerable as it is. At any point in time, any Senator could raise a point of order against this entire supplemental. But also, until that is raised, any amendment is vulnerable as well.

We are hoping that we do not make a number of amendments that will then raise a point of order against the entire bill. I just have a very strong feeling that if we can put this bill through pretty much as it is, there will not be a point of order raised against the entire bill, hopefully, and the White House has already indicated the President will sign this bill.

Mr. DIXON. May I say to the distinguished ranking manager if my amendment fails, that $200,000 to those 390 World Bank employees, who do not need it—and I think most Americans will agree with that—is still in this bill. I think at some point in time later on, we ought to talk about that. Because if we make the case to America that we are doing the right thing around here, I can think of a lot of Illinoisans who are going to ask why we are giving 390 people, none of whom I know, $200,000 each.

Mr. HATFIELD. The Senator is quite correct in this fact that he could add an amendment to strike anything in this bill as well as add anything. For that matter, the Senator could offer an amendment to strike, so any part of this bill is open to any amendment either by deleting or by adding. He can raise that point for discussion at any time he wishes.

Mr. DIXON. May I ask the distinguished manager this: I thought we were on a unanimous-consent list, of which the Senator's amendment was one, a list of amendments on the unanimous-consent list.

Mr. HATFIELD. The Senator is right.

Mr. DIXON. Is the Senator saying to me when we dispose of the unanimous-consent list, there will still be further opportunities to amend this bill?

Mr. HATFIELD. Yes.

Mr. DIXON. I am delighted to hear that. I want to say if I am defeated, I shall weep for the hungry kids of America who are hurt by the procedure, but I shall still come back to the $200,000 apiece from the 390 people.

Mr. HATFIELD. The Senator has not yielded any of his rights by offering this amendment.

Mr. DIXON. I thank the Senator.

Mr. CHILES. Mr. President, does the Senator wish for the yeas and nays on his amendment?

Mr. DIXON. I thank the manager. I do 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.

Mr. CHILES. Mr. President, I raise the point of order under section 311 of the Budget Act that the amendment is not in order.

Mr. DIXON. I move to waive the Budget Act, Mr. President.

The PRESIDING OFFICER. The point of order has been raised. Does the Senator from Illinois make the motion to waive the Budget Act?

Mr. DIXON. I do.

Mr. CHILES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to waive the Budget Act? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the vote on this budget waiver be stacked with the

votes to begin at 5 o'clock on behalf of the Senate leadership, not the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the vote on the motion to waive the Budget Act be postponed and stacked with the other votes to occur beginning at 5 p.m.? Without objection, it is so ordered.

AMENDMENT NO. 221

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I ask unanimous consent before we conclude debate on the amendment I have offered, that my colleague [Mr. DOMENICI] be added as a cosponsor.

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

Is there further debate on the amendment offered by the Senator from New Mexico? If not, the question occurs on the amendment offered by the Senator from New Mexico.

The amendment (No. 221) was agreed to.

AMENDMENT NO. 218

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Ohio [Mr. METZENBAUM]. Is there further debate on the amendment offered by the Senator from Ohio?

Mr. HATFIELD. Mr. President, again I make inquiry of the Chair, has the Chair been informed on the matter of the Budget Committee's determination on the outlay impact of this amendment? That is why it was set aside originally.

The PRESIDING OFFICER. The Chair has been advised that the amendment of the Senator from Ohio would cause an increase in the aggregate level of outlays, in violation of section 311.

Mr. HATFIELD. May I inquire further, as I understand the description of this impact by the Chair, the amendment then would be subject to a point of order?

The PRESIDING OFFICER. The Senator is correct. The amendment would be subject to a point of order under section 311(a) of the Budget Act.

Mr. JOHNSTON. Would the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. JOHNSTON. I have just been advised by staff that Senator METZENBAUM's staff is working with CBO and would like the matter to be set aside for a short period of time so we can see if that ruling is final or if we can renegotiate.

Mr. HATFIELD. Mr. President, I would have no objection. The Chair put the question to us on the matter of the Metzenbaum amendment without the information having been made available at least to the minority side.

I would not want to foreclose the Senator from Ohio reaching some kind of accommodation with the Budget Committee on the scoring of his amendment. Also, if that is not possible, I would think that the Senator from Ohio should be on the floor in order to make a motion to waive the Budget Act, if he wished to do so, because that would be his right. I am not in any way attempting to foreclose anyone's right. I merely wanted to make sure that we had received information and, therefore, I would ask unanimous consent that the amendment by the Senator from Ohio [Mr. METZENBAUM] be temporarily laid aside for consideration of other amendments.

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

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. 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. MELCHER. Mr. President, I ask unanimous consent that an amendment that I have be in order now.

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

AMENDMENT NO. 222

(Purpose: To amend the fiscal year 1987 supplemental appropriations bill to impose a moratorium on the approval and issuance of oil shale patents)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] for himself and Mr. WIRTH proposes an amendment numbered 222. At the appropriate place insert the following:

Notwithstanding any other provision of law, no oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, *et seq.*, 17 Stat. 91) shall be eligible for patent, nor shall any oil shale patent be issued, after the date of enactment of this provision, until Congress directs otherwise. This provision shall not apply to Patent Application Serial Nos. C-012327 and C-016671.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I am offering this amendment to impose a moratorium on issuance of any patents except the two identified on outstanding oil shale claims on Federal lands.

These are some oil shale claims that cover approximately 270,000 acres in Colorado, Utah, and Wyoming.

The reason this amendment is necessary is simply this: The Department of the Interior had a self-imposed moratorium which ends on June 1, 1987. After that time, Interior plans once again to begin processing oil shale patents.

Simply put, Mr. President, I believe that is very unwise on the part of the Department of the Interior, and this amendment will stop their actions until Congress acts on this matter.

Let me explain what this is all about. In 1872 the mining law was adopted by Congress and it said if you can locate a valuable mineral you can file a claim, anybody, any citizen, and if you show that you have done some work to get at that valuable mineral to produce it, then you can eventually get full title to the land. How much land? Generally speaking, under the 1872 mining law, that was about 20 acres of land per claim and if you did the necessary work each year for a series of years, generally about 5, 6, 10, sometimes it stretched out to 15 or 20 years, to get at that valuable mineral, and then if you could demonstrate that you could produce that valuable mineral for the benefit of the country you receive full title to the land on the oil shale.

In 1872, nobody thought that there was any value to oil shale lands, but a few years later prior to 1900, some people got the idea you could extract oil out of oil shale and, therefore, let them claim it. There were thousands of claims made out in Colorado, Wyoming, and Utah, by people who said they wanted to develop oil shale land and they were going to produce a valuable mineral—oil.

Nothing happened, even though there were thousands of claims until over a period of time somebody else bought up those claims from the individual citizens who initiated a specific oil shale claim.

In 1920 Congress did the right thing and said well, oil and gas is different, it is a very valuable mineral, but rather than having a claim under the 1872 Mining Act the lands that people wanted to explore and develop oil and gas from would not be subject to that act, the 1872 act, but would be subject to this new law, and you would not get title to the land. All you would get is the right to explore and develop and the land itself would remain under title to the United States; in other words, it is still part of the public domain and we all as citizens own it.

The 1920 act, however, did not go back to these old oil shale claims and say, well, your claim is no longer any good under the 1872 act. It just left that point open. Perhaps that was a mistake on the part of Congress in 1920 and since then because what happened to those thousands of oil shale claims filed by individuals from across the country who thought they might develop something worthwhile, they

were willing to take some risk and make some efforts to develop it. Those claims were bought up by oil companies. They bought them up and found the individuals and they said, "Are you willing to sell your oil shale claim?" And the typical individual said, "well, it has no value; let us see where that paper is."

So they were bought up for little or nothing. Some of them might have had some value paid for by an oil company.

The oil companies have in these oil shale claims then approached the Department of Interior and said, "We want to do whatever is necessary so that we can have title to the land; in other words, the patent to the land."

It was litigated for years, 50 years, as a matter of fact. And the judge out in Colorado said, "Well, they have some claim there and maybe they are right," and issued a finding that several of these companies were right and perhaps they had done everything that was necessary and therefore they should have title to the land.

Mr. President, I mean no disrespect to the judiciary and to this particular Federal judge who made this finding, but to put it bluntly, I do not agree with his finding at all. I think his ruling was wrong. I believe as thousands of other people in this country believe who have been following this tortuous series of cases that were brought during the past 50 years, like thousands of other people who have examined them, I believe that this land ought to remain property of the U.S. Government and that, if oil shale is going to be developed, it has to be developed on terms and conditions established by the Interior Department now.

The solicitor for the Interior Department decided on his own that he would not appeal this case to take it up to the Court of Appeals, the Supreme Court if necessary; he would just let it go and advise the Secretary of Interior to go ahead and issue the patents, that is, give title to the land on the basis and the criteria that have been established by these oil companies.

What would the oil companies pay? Well, there is the rub. They paid $2.50 an acre—$2.50 an acre. Now, admittedly, that is not a fair price for this land, but that is what the 1872 Mining Act and any amendments thereto left it at—$2.50 an acre.

When the Department of the Interior decided some 6 months ago to impose a 6-month moratorium on any further consideration of granting title to the oil companies for this land, it did so to give Congress a chance to look at it and see whether they wanted to pass new legislation. I suspect that perhaps 6 months was not long enough, because the subcommittee that would consider this matter I now chair. And while I have every intention, and have so notified the Department of the Interior and anybody else that requested it, to indeed open hearings this summer on this point, perhaps I could be accused of being dilatory.

Well, I think maybe there is some credibility to that, because, frankly, I believe we should have set up the hearings for sometime this spring. So I plead guilty to being slow. But the hearing will be this summer and out of it I expect legislation to be developed to handle this problem.

What I would seek in that legislation would be to establish a system whereby the 1872 mining law would be lived up to. Because there is an obvious feature, an obvious part of the 1872 mining law that really has not been met in this instance, and that is the requirement under that old law that you have located a valuable mineral. Oil is valuable. But the second part of it is that you can demonstrate that you are going to produce that valuable mineral to be used by the public in the public's interest. And that is a part that has not been met. No one has demonstrated that this valuable mineral, oil, will be produced out of oil shale to be available for the public good; in other words, be on the market.

If we could do that, under the current economic conditions, I think there would be some merit into going ahead and saying to these oil companies: "Boy, that is good for the country. Produce some more oil."

There are some pilot plans that have been attempting to do this and they can successfully extract oil from oil shale. The problem is it costs a lot of money. I am not sure what it costs because figures vary, but I suspect that it costs more than $100 a barrel to produce oil out of oil shale. Well, that is not marketable. That is not merchantable.

On that point, I do not understand why the solicitor for the Secretary of the Interior said that the 1872 Mining Act seemed to have been complied with. As a matter of fact, I do not understand the Federal judge's interpretation of the act that says go ahead and issues the patent or title to the land to these oil companies because they have complied with the law. I do not think that case has been made at all.

There is one other point. Not only must they produce the oil from the shale but, under subsequent law that has been passed by Congress and must be complied with, they are going to have to demonstrate what they are going to do with the oil shale refuse that is left over. What happens to that? Is it just going to be piled up in huge piles bigger than this Chamber? Have they got some useful purpose for it? That has not been demonstrated yet.

So, on those two points, I believe we do need some legislation. I think it is appropriate that the Energy Committee, and in particular the subcommittee on which I serve and Chair, should address that problem. And so I approach my colleagues here in the Senate with some trepidation on this amendment, because it clearly demonstrates that the facts are that we ought to be taking care of this in the appropriate committee as an authorizing committee and to develop the solution there rather than coming to the floor on an appropriation bill and say, "Well, nothing is going to be done until Congress acts."

Having admitted all of that, I can tell you Mr. President, that the best solution we have at this moment is just to adopt this amendment and to hold it in abeyance until we have acted properly on it.

I hope that there will be serious consideration by all Members of the Senate looking at this, because of the public policy that ought to be addressed and it is public land that belongs to all of us in this land and we want to treat it right and to do the proper thing with it.

And the two points that I mentioned—I do not believe the oil companies can comply with the 1872 act—that is, have they done the proper amount of work, which is doubtful, to comply with the act, and, second, have they demonstrated that they can produce this valuable mineral—that is, oil—and make it commercially available for the public good of all of us here in this country? They have not so far because the cost is so great that nothing looks practical.

The third point, which has nothing to do with the 1872 act, has to do with subsequent laws that we have enacted and put into our laws; and that is, what are you going to do with all of this land that you have disturbed? After you have worked through the shale, what is going to happen to the refuse; that is, the land itself? That has to be clearly demonstrated, also.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I rise to oppose the amendment of my friend from Montana. There are a couple of good reasons why the amendment should not be enacted. Those reasons are both procedural and substantive.

Procedurally, beyond any doubt and beyond any question, this is legislation on an appropriations act. And it is, in fact, the statement in the Dear Colleague letter of the Senator from Montana that it is legislative action that must be taken. It was the letter

that Senator MELCHER and Senator WIRTH wrote on the 26th of May.

But, further, the amendment places an indefinite moratorium on any further activity with respect to unpatented oil shale claims, including the eight pending patent applications. This moratorium would last forever, or until or unless Congress were to subsequently enact some unspecified legislation and some unspecified criteria. There is no reason why people who hold legitimate claims should have to be punished by the Senator from Montana's amendment.

This is a matter for the proper committee of jurisdiction, the Energy and Natural Resources Committee, as the Senator has said, on which the Senator from Montana serves, and its subcommittee of specific jurisdiction, which the Senator chairs.

He rightly said, as well, that he could be charged as being dilatory for not having held a hearing on his own legislation, which was introduced early this year, in February. It is not because there has not been sufficient time. Clearly, there has been sufficient time to hold such a hearing.

In fact, that subcommittee already has that legislation pending before it, the same legislation introduced by the Senator from Montana and the chairman of the committee. No action has occurred on that legislation. There is no need, no imminent, ponderous, national threat which would require resorting to a floor amendment not discussed or considered by the Appropriations Committee.

There simply is no catastrophe waiting in the wings to justify this extraordinary avoidance of the authorizing committee.

Stripped to its essential, this amendment would place an indefinite moratorium on all oil shale claims until the Senator from Montana decides to consider legislation in the subcommittee which he chairs.

Would we all not like to be able to take on the law with which we found ourselves in momentary disagreement? This is not the way the process has worked traditionally around here and ought not to be the way the process begins to operate around here.

This is not the situation where a Senator has come to the floor on a matter of overriding concern because the supplemental is the only vehicle open to him. This is not a situation where a Senator has been denied consideration of legislation which he believes is critical to the welfare of the Nation.

If any consideration has been denied, it has been denied the Senator from Montana by the Senator from Montana.

Enactment of this amendment would accomplish just the reverse. It would allow the Senator from Montana to block any, and I would repeat any, legislation to undo the moratorium unless he were satisfied with it. He would be in a position to object that the process was being ignored, that there had been no hearings, that the proper subcommittee, much less committee, had been ignored.

It is a very artful position into which the Senator from Montana seeks to insert himself.

The substantive concerns are equally as great, which may explain the resort to offering this amendment here. Despite all the dire predictions we heard last year when the Tosco settlement was reached, there has been no rush to patent. There are only eight patent applications pending. I would like to emphasize that number—eight. Of those eight, only four have gone to final certificate and are likely to have patents issued in the near future. If this still sounds like a massive giveaway, let us focus on one of those claims, that of Frank Wineger. This application has now been in the process for 30 years.

Is it not as though judgment ever has been or is ever likely to be rushed into.

You may ask, why is an administration so bent on wholesale giveaways taking so long? Why, you may ask, is the crisis suddently here? The answer is that this claim was challenged, and challenged, and challenged. This claim even went to the Supreme Court. At long last, with a Supreme Court opinion, Mr. Wineger will get his patent. Why does Mr. Wineger not have his patent now, you may ask? Well the Department has had a self-imposed moratorium in place while they investigate how to deal with all the unpatented claims. Incidentally, all the other claims which went to the Supreme Court with Mr. Wineger now have their patents, not through any largesse from the Department, but because the applicants had to resort to mandamus. Can you imagine the scene up here if the Department of Justice decided on a self-imposed moratorium on paying claims it lost, or if EPA decided to initiate a self-imposed moratorium on enforcement actions? This amendment would put Mr. Wineger into yet another limbo.

Surely this is not the kind of justice our country has been famous for and rightly prides itself in the year of the 200th anniversary of its Constitution.

There is a simple element of fairness which the public has a right to expect from its Government and this amendment violates that element. Once to the Supreme Court should be enough.

Mr. MELCHER. Will the Senator yield at that point?

Mr. WALLOP. I will yield for a question without losing my right to the floor.

Mr. MELCHER. I thank my friend for yielding.

As my friend knows, we have exempted two patents that the Department of the Interior said they thought were meritorious. Is he suggesting perhaps the third one, which I believe involved 320 acres, the Wineger patent, should be exempted from the moratorium?

Mr. WALLOP. Mr. President, my answer to that question is absolutely not. Mr. Winger has been 30 years seeking this patent and has gone all the way to the Supreme Court, paid his legal bills, and is now entitled to it. Three hundred twenty acres seems scarcely likely to bankrupt the United States of America.

A second of the pending applications also demonstrates why this amendment should not be approved. The Department is challenging one claim on the basis of res judicata. This claim had previously been disallowed and there is now an attempt to resurrect it based on the latest court decisions. The Department has challenged that attempt. Whatever the merits of either side, this amendment would halt the Department's efforts. This does not sound to me like a department bent on trying to give away the public lands, but it would be interesting if the effect of the amendment were to prevent the Department that we now seek to restrain from challenging the claim and allowing it to be resurrected through default.

Mr. President, there has been a lot of rhetoric about the administration seeking to give away the public lands. There simply is no evidence to support the hysteria. There is no rush to patent. There has been no flood of applications. There has been, in fact, a totally illegitimate self-imposed moritorium which has only served to frustrate an applicant who won in the Supreme Court. The moritorium appartently did not apply to challenges to applications. The record of the administration, in fact, has been to process applications in exacting detail.

Mr. President, there is simply no reason for this amendment. procedurally, it is the worst form of legislation on an appropriations bill. I say again there is no emergency. I say again there is no imminent threat to be dealt with. I say again, there is not even the situation of the sponsor being frozen out from having his concern dealt with in the proper committee. Substantively, the amendment would invest the sponsor with a personal veto over the operation of law. It is almost unconscionable with respect to one application which should have proceeded to patent long ago, and it is counterproductive with respect to another which the Department is challenging precisely as the Senator from Montana would wish. A final concern would be whether the courts would consider this sort of permanent mora-

torum to be a legislative taking whenever the Department refuses to accept or process an application. There is a right which now exists which would be taken away by this amendment, not a very artful thing for the Senator to do. I submit that the cost of this amendment, if enacted, could be very high. If we are to attempt something like this, it should not be in this fashion or on this bill.

It should be after appropriate hearings. It should be in a circumstance which would not allow one Senator to determine the course of oil shale patents for the rest of time.

It should be through the committee process, which has had ample time to work, which has yet ample time to work because there is no rush to judgment, no rush to patent, and certainly no rush on the Department of Interior's side to approve. The emergency does not exist. It is, in fact, legislation on an appropriations bill. At the appropriate moment in time, Mr. President, I shall make that point of order.

Mr. MELCHER. Mr. President, I think my friend from Wyoming is absolutely right in this respect, that indeed, the committee should examine this situation and find out what needs to be done.

Second, I think my friend from Wyoming [Mr. WALLOP] is exactly right in saying to me, "Why haven't you done something about it prior to now?" I concede that. I admit that during the past 4 or 5 months, we should have started the process. I think we probably should have started it last year and the year before also, becaue what has been coming down out of this whole process has been something that officials and professionals in the Department of Interior are privately deploring.

What are they deploring? They are deploring the fact that under the 1872 mining law, through interpretations and judgments by courts, the law is not clearcut and therefore, the courts are making these decisions that it is all right to get some public land, get the title to it, for $2.50 an acre; if you have bought up some oil shale claims and have pursued through the courts as Tosco did in arriving at the decision that was rendered in the Colorado case, they should not be subject to the 1872 Mining Act.

The point my friend from Wyoming [Mr. WALLOP] makes about the Winegar claim, I think, has some merit. The amendment does exempt two claims where the patents have proceeded to the point where the Department of the Interior says they ought to be granted and should be granted. I think perhaps that also applies to the third one, the Winegar claim.

If, at the appropriate time, that would resolve the debate, I would certainly modify my amendment to include the Winegar claim because I think there is real merit, as the Senator from Wyoming has described, in not holding it up anymore.

As to what is happening in Congress this summer or the balance of the year, we will certainly get into it in the Energy Committee, a subcommittee I chair. I promise that. What will be the best wisdom in changing the statutes to take out the opportunity to gaining title to public land at just $2.50 an acre will depend upon my colleagues in the Energy Committee and by the balance of our colleagues on the Senate floor and in the other body also. But I think something is needed.

I think we need to hold up the process while that goes on. To the extent that the Winegar claim for 320 acres has been processed to the stage it has, I think perhaps the Senator from Wyoming is correct on that one claim. But I do believe that a moratorium, a delay, is necessary.

I point out to my friend from Wyoming that the Department itself imposed on itself a 6-month delay, a moratorium, without accepting any new processing of claims than they had in front of them at the time which, I believe, instead of eight, is about a dozen, if I am not mistaken. And there could be another hundred, I suspect. Perhaps that is too large a number; another score of claims will be started this summer and some of them involve thousands of acres.

That is what prompts me to offer the amendment. I do not think it is good public policy to allow thousands of acres of public land to be sold from the United States or title given for $2.50 an acre.

Mr. President, I am about to yield the floor. Before I do, 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. GARN. 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. GARN. Mr. President, I rise to oppose in the strongest terms the amendment offered by the Senator from Montana. The amendment before the Senate is neither urgent nor necessary. It should be ruled out of order on this urgent supplemental appropriations bill. In the 12 years I have been in the Senate, if there were ever a clear case of legislating on an appropriations bill, this is it. The Senator from Montana has introduced a bill which is nearly identical to this amendment. To date, as subcommittee chairman, he has held no bearings on this own bill, and no substantive action has been taken by the authorizing committee. This puzzles me because normally, in the time I have been here as a member of the Appropriations Committee for the last decade, when someone comes to the floor and tries to authorize on an appropriations bill, the excuse is that their subcommittee chairman has not held any hearings, it is being bottled up in committee, and this is their only alternative. That is what puzzles me about the Senator from Montana. He is the subcommittee chairman. He can schedule hearings. He can move his own legislation.

I think this is the first time in my career I have seen someone come to the floor and authorize on an appropriations bill when he was chairman of the subcommittee or full committee, in full control of the process, then tell us this is urgent. So on a procedural matter, it makes no sense at all. Whatever the issue is, it makes no sense for us to be considering this on what is called an urgent supplemental. That means emergency funds. This is no emergency.

I hope my good friend from Montana would hold back his amendment and exercise his authority as chairman of the subcommittee that has jurisdiction over this and hold hearings. Many of us who oppose this amendment would certainly be willing to work with him and see if we could come up with legislation that solves the problem.

The amendment would put into place an indefinite moratorium on the Department of Interior's ability to process patent applications on oil shale claims. It is a blatant end run, as I have said, around the authorizing process.

The effect of this amendment on oil shale claimants in Utah could be devastating because there are more than 700 unpatented claims which would be hit.

For example, a 63-year-old woman in Salt Lake City holds 40 such claims. She has spent her own funds to conduct the required annual assessment work of $100 per claim or $40,000 a year on her holdings. Like everyone else who is interested in oil shale, she continues to hope that one day America's huge quantities of shale can be developed. She would like to have her claims be part of that contribution to our oil needs.

But, Mr. President, if the amendment of the Senator from Montana becomes the law of the land, the result may be that she can not patent her claims. It may also be the beginning of a legislative process which takes away her claims altogether without compensation. This is likely to be an unconstitutional taking. But, that is an argument which should be made in the authorizing committee, not on this supplemental appropriations bill.

There are some problems here that need to be addressed. We need to hold those hearings and find the answers

rather than do it in the middle of an urgent supplemental appropriations bill. I hope my colleagues will see this for what it is, reject it, rule it out of order as authorization on an appropriations bill. I hope my friend from Montana will withdraw his amendment and let those of us who are from oil shale States see if we can be of assistance in developing some legislation that is not hurried.

This bill is not the time or the place for that discussion. Certainly, the hearings in the authorizing committee are—and subsequently action on this floor. I suggest the absence of a quorum.

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

Mr. BYRD. Mr. President, I again call to the attention of Senators that this would be an excellent time for Senators to call up amendments.

The Senate is just going through a quorum call. I hope Senators will come to the floor.

As I said earlier, this is a good example of the problem the leadership has when it tries to accommodate Senators by setting the time of 5 o'clock to start the voting. Many Senators who have amendments do not get back into town until 5 o'clock. Others who are here do not seem to be in a hurry to get to the floor to call up amendments. It makes it pretty hard to do business.

Senators know there will not be any rollcall votes until 5 o'clock, and they will wait until the next day to call up their amendments and manage to get back into town to have votes.

I hope Senators will answer the call to duty here and call up amendments. The managers have been here today and others have been here, trying to get Senators to call up their amendments. I think we have had one amendment called up on the other side of the aisle, and there have been a few called up on my side of the aisle.

I hope that Cloakrooms on both sides will bestir themselves in urging Senators who have amendments to come to the floor and call them up.

We will continue to stack amendments for a little while yet. There should be several votes beginning at 5 o'clock.

While I have the floor I should ask the Chair, what was the order entered with respect to the waiver on the amendment by Mr. DIXON, may I ask the Chair?

The PRESIDING OFFICER. The order was that vote occur after the votes that have already been ordered stacked at 5 o'clock.

Mr. BYRD. Mr. President, I ask unanimous consent to change that order to provide that upon the disposition of the amendment by Mr. HEINZ then the vote on the waiver of the Dixon amendment occur.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the vote which was to occur today at 5 p.m. occur at 5:15 p.m. and that the other votes stacked subsequent to that be accordingly changed.

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

RECESS UNTIL 4:24 P.M.

Mr. BYRD. Mr. President, since no Senators seem to be in the mood for the moment to call up amendments, I ask unanimous consent that the Senate stand in recess for 10 minutes. In the meantime, we will try to stimulate a little interest.

There being no objection, the Senate, at 4:14 p.m., recessed until 4:24 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BURDICK].

The PRESIDING OFFICER. The pending business is the Melcher amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senator from New York may be recognized for an amendment.

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

AMENDMENT NO. 223

(Purpose: To extend the availability of previously appropriated but undisbursed economic development funds for 1 fiscal year, or 2 fiscal years after such funds have been obligated, whichever date is later)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk for myself, Mr. DIXON, Mr. D'AMATO, and Mr. SIMON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. DIXON, Mr. D'Amato, and Mr. SIMON, proposes an amendment numbered 223.

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

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

The amendment reads as follows:

On page 46, at the end of line 26, insert the following: *Provided further*, That any funds appropriated and available for obligation and expenditure under Section 108(a)(1) and (5) of P.L. 99-190 as amended, shall remain available for obligation and expenditure through September 30, 1988, or during the two year period following the date by which all such funds have been obligated, whichever date is later.

Mr. MOYNIHAN. Mr. President, this is a simple matter that has no budgetary impact of any kind. In the course of the 1970's, the Congress funded a local Public Works Program. In two States, New York and Illinois, the process of finishing up programs and then accounting for the programs left a small surplus, some $15 million or thereabouts in New York City, some little under $1 million in Illinois. This amendment would simply provide those funds would remain available. No additional fund of any kind would be appropriated and the States and cities involved would be most grateful.

I am most grateful to the distinguished chairman of the Subcommittee on Commerce of the Appropriations Committee, who has made this possible and who I understand is agreeable to this amendment.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from New York would yield, I do agree. The committee has extended it once before and we want to extend the availability of the funds granted to those States of Illinois and New York by EDA until September 30, 1988, or 1 year after the funds are obligated. It has already been allocated. It has been appropriated. We want to just keep that appropriation and go ahead with the original intent of this particular appropriation for the projects in New York and Illinois.

Mr. MOYNIHAN. I express great appreciation on behalf of all four Senators.

In 1985, Congress extended the availability of these surplus funds for 2 additional years—through fiscal year 1987—however, the closeout process has taken longer than expected and EDA has not yet obligated funds for critical New York City projects.

This amendment would allow for the obligation and expenditure of all such surplus funds—about $10 to $20 million—through the end of fiscal year 1988, or until 2 years after all such funds have been obligated. This arrangement is intended to result in the timely obligation and expenditure of these funds.

New York has several projects in mind, and has submitted three applications totaling $8.8 million, and four preapplications totaling $4.7 million. An eighth application is currently being prepared.

The proposed projects include: Development of the Atlantic terminal site in Brooklyn; renovation of the Brooklyn Army terminal; rebuilding the farmers market in Jamaica; revitalization of the 125th Street corridor in Harlem; and, upgrading the Brooklyn Navy Yard's ship repair facility.

Illinois is the only other State that would be affected by this amendment. it has about $800,000 of surplus funds.

I thank Senators DIXON, D'AMATO, and SIMON for their assistance in this effort, and once again I express our appreciation to Senator HOLLINGS and the managers.

Mr. DIXON. Mr. President, I rise in support of the amendment being offered by the senior Senator from New York, which would extend the period for obligation of certain funds for the Economic Development Administration.

This amendment clarifies the intent of Congress to extend the period of time that the EDA should have money available for obligation.

Specifically, Illinois has two projects that were authorized and appropriated in 1985 that total $820,000. The project's sponsors have been diligent and responsive. Unfortunately, the money from the EDA has not been forthcoming. Without any additional action from Congress, this money will be lost by the end of this fiscal year.

Since November 25, 1986, these projects have been set to go. The money has been appropriated and the project sponsors have worked to meet the deadlines, the agency has not released the funds, therefore Congress must do the right thing and extend the deadline for these projects.

I am glad that my colleagues on the Appropriations Committee understand this problem and are willing to extend the deadline.

To my colleagues that are rightfully concerned with the adding to the outlays of this bill, let me assure you that by extending the deadline the Congressional Budget Office has determined that there will be no additional outlays to the supplemental appropriation bill.

Mr. President, I ask unanimous consent that a copy of a letter sent to me by the treasurer of the Will County Development Co., Mr. Lawrence Zeeb, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WILL COUNTY
LOCAL DEVELOPMENT CO.,
*Joliet, IL, May 6, 1987.*

Memo To: Senator Dixon's Washington D.C. Office; Congressman Davis' Washington D.C. Office; Governor Thompson's Washington D.C. Office.

From: Lawrence J. Zeeb, Sr., Treasurer.

Re: EDA $400,000 Grant to the Will County Local Development Company (LDC) for a Revolving Loan Program (RLF).

As a result of phone calls yesterday, from Kevin Gillogly and Mike Lincoln, and following a phone conversation with Jim Wheeler, I transmitted 32 pages of documents to Kevin Gillogly from Congressman Jack Davis' Joliet office via the Telefax.

Essentially, initial inquiry for a grant from EDA for the RLF was in May of 1983, when the availability of funds was made public in the Wednesday, May 11, 1983 Federal Register (pp. 21173 and 21174).

Through the direct efforts of the late Congressman George O'Brien, specific legislation and appropriation § 470.221: ". . . 819,650: the conferees intend that $400,000 will be for a grant to the Will County Local Development Company and the balance of these funds will be allocated to the Illinois and Michigan Canal Commission . . ." This was further delineated in the Congressional Record: ". . . (ii) a $400,000 grant to the Will County Local Development Company for the establishment of a revolving loan fund."

On December 19, 1985, the continuing resolution for fiscal year 1986 (H.J. Resolution 465 passed the House by a vote of 261-137, with $400,000 for the LDC and $419,650 for IMNHC.)

On May 8, 1986, the House passed the Urgent Supplemental bill for FY 1986 (H.R. 4515) by a vote of 242 to 132, included in the Commerce section of the bill, with a total of $820,354 to fund the $400,000 LDC and $419,650 I & M National Heritage Corridor grants. These figures had already been adjusted for Gramm-Rudman-Hollings and ". . . the full amounts should therefore be available."

The President signed the bill (H.R. 4515) on July 2, 1986, which became Public Law 99-349. This information was transmitted to us, by letter from Dorothy L. Powell, dated August 7, 1986.

After completing all documentation and application details for EDA, we were informed by phone conversation from Mr. Edward Jeep, Regional Director, Chicago, that ". . . we should be able to consumate the grant agreement and receive drawdown approval November 14, 1986."

As of today, May 6, 1987, this has not been accomplished, and I do not know why. Our matching funds have been encumbered, by us, since November 25, 1986.

Copies of documents to support the above were transmitted yesterday.

Please advise.

L.J. ZEEB, SR.,
*Treasurer.*

Mr. JOHNSTON. Mr. President, as I understand it, this amendment would have no budgetary impact.

Mr. MOYNIHAN. None.

Mr. JOHNSTON. It has been cleared by the distinguished chairman of the subcommittee, Mr. HOLLINGS. I am also advised that this has been cleared on the Republican side by their counsel.

So, Mr. President, we are pleased to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 223) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I thank the managers.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the pending amendment, the Melcher amendment, be temporarily set aside so that I might offer an amendment that has been cleared with both managers of the bill.

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

AMENDMENT NO. 224

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself, Mr. DOMENICI, and Mr. D'AMATO, proposes an amendment numbered 224.

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount of "Operating Expenses", $4,120,000, to be derived by transfer from "United States Customs Service, Operation and Maintenance, Air Interdiction Program".

Mr. DECONCINI. Mr. President, this is an amendment that will not take a long period of time. There is a little history that I want to lay out for the Senate to tell what we are doing here. Sometime ago, the Commissioner of Customs agreed to transfer $8 million from the Customs Air Interdiction Program to the Coast Guard to purchase a number of helicopters that would be used in the Bahamian-United States Drug Interdiction Task Force. That transfer did not come about, however, because the Coast Guard, we learned, was able to get some helicopters from other resources, specifically from the Department of Defense. The Coast Guard nevertheless still wanted this $8 million for operation and maintenance and for buying certain additional equipment for use in the United States-Bahama Drug Interdiction Task Force.

Without the specific permission of the Customs Service, a transfer of funds was made from the Customs account to a Coast Guard account. This Senator and a number of others objected to that transaction and the money was replaced. Actually, the physical transfer of the funds took place by computer system and the accounting actually took place. So we had one agency drawing on another agency's account without the permission of the Appropriations Committee. We do not know if OMB had signed off. We could find nothing that indicated that. And certainly the agency that the money had been appropriated to—Customs—had not agreed to such transfer for this purpose. That was reversed. The money was transferred back to the proper account.

This particular amendment now transfers $4,120,000 of the $8 million to the Coast Guard account. And I ask unanimous consent that the table of how this money will be spent also be printed in the RECORD.

Now the balance of the $8 million, if it is still needed, we will anticipate

putting that in the 1988 budget of the Coast Guard, transferring the $3.880 million from Customs in that year, if approved by the committee.

The reason I want to go through this, Mr. President, is because it is very important, it seems to me, that those who have the authority and responsibility to appropriate money not be usurped by an executive agency that decides that their interpretation of a consent to transfer money for one purpose can be interpreted by that single agency that it now grants them authority to transfer that money for another purpose. And that is the whole purpose of this amendment.

I think it is important that we go on record that the disgraceful turf battles among any agencies and certainly law enforcement agencies, do nothing to enhance the effectiveness and the credibility of our law enforcement. These agencies have to work together.

We had a good case here where the Commissioner of Customs, Mr. von Raab, was willing to transfer this money to the agency that was going to buy helicopters in the drug enforcement effort. That is a cooperative effort with Customs and Coast Guard in the Bahamas. The Coast Guard in this case changed its position regarding the use of these funds. The reason it changed its position is it got some helicopters and did not need to buy them. It then elected, on its own, to take that money from the Customs anyway and use it for other purposes. I violently object to that. I have to say that the Customs people, the Commissioner, was willing to overlook it, reluctantly, but I objected to it as I know many members of the Appropriations Committee did also.

Mr. President, this amendment is offered on behalf of myself, Senator DOMENICI, and Senator D'AMATO.

Mr. President, my amendment will allow for the transfer of $4,120,000 in Customs air drug interdiction funds to the U.S. Coast Guard to bolster our helicopter drug interdiction effort in the southeast and in support of the newly established United States-Bahamas Drug Interdiction Task Force. These funds will allow the Coast Guard to upgrade a number of its existing helicopters in the Southeastern United States and to establish a command, control, and communications center in the Bahamas as part of the task force effort. Coast Guard is coordinating its efforts in the task force with the Customs Service; the Drug Enforcement Administration; the State Department; and the Government of the Bahamas.

Mr. President, I ask unanimous consent that a table outlining exactly how the $4,120,000 would be used by the Coast Guard be printed in the RECORD, as well as a letter to the Comptroller General.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST ESTIMATES: FISCAL YEAR 1987 ESTIMATED GUARD COSTS

| | | | Costs allocated to USCS transfer |
|---|---|---|---|
| Secure comms (C3I) | | $1,000,000 | $1,000,000 |
| H-3 ballistic seats | | 270,000 | 270,000 |
| TAD expenses | | 108,000 | |
| Transfer of two HH-3F from Astoria to Clearwater: | | | |
| OG-20 (PCS transfer of 40 personnel) | | 120,000 | |
| OG-30/41 (transfer of aircraft and equipment) | | 60,000 | |
| Aircraft upgrades: | | | |
| NVG helmets | $30,000 | | |
| NVG (ANVIS 6) | 150,000 | | |
| NVG training | 25,000 | | |
| NVG cockpit mods | 300,000 | | |
| Body armor | 20,000 | | |
| Helo parts and Deploy kits | 475,000 | | |
| Ground support equipment | 150,000 | | |
| Flir | 1,500,000 | | |
| Omega | 200,000 | | |
| Subtotal | | 2,850,000 | 2,850,000 |
| Total | | 4,408,000 | 4,120,000 |

Mr. DECONCINI. Mr. President, it is this Senator's sincere hope that this amendment will help to put to rest once and for all, the disgraceful turf battle that has been raging for months between Customs and Coast Guard. This amendment, coupled with the decison of the National Drug Enforcement Policy Board this week to make Customs the lead drug interdiction agency and give Coast Guard increased drug interdiction responsibilities, will finally put the war against each other on the table, and allow us to make war against the narcotics smuggler.

Mr. President, as you may know, last month the truf battle reached a low point when the Coast Guard, without specific authorization from Customs, transferred $8 million from the Customs air program account into the Coast Guard operating expense account. The Coast Guard has since been forced to return the money once it was found that proper procedures had not been followed by all parties. Senator DOMENICI, ranking member on the Treasury, Postal Service Subcommittee, and I have asked GAO to examine this particular transaction and to look at the larger potential problem of unauthorized interagency or interdepartmental transfers of appropriated funds. I ask that a copy of our request to the Comptroller General be included in the RECORD at this point.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
*Washington, DC, May 12, 1987.*

Mr. CHARLES A. BOWSHER,
*Comptroller General of the United States, General Accounting Office, Washington, DC.*

DEAR MR. BOWSHER: Information brought to the attention of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government indicates that on or about April 2nd the U.S. Coast Guard transferred $8,000,000 from the U.S. Customs Service Operation and Maintenance, Air Interdiction Program account into the Operating Expenses account of the Coast Guard. The transfer of appropriated funds between two Departments, either with or without authorization from the Customs Service, without any Congressional input, is of deep concern to us and the Committee.

In this particular instance, two separate letters were sent from the Chairman of the Treasury, Postal Service, and General Government Subcommittee rejecting a proposed transfer of funds from the Customs Service to the Coast Guard.

The purpose of this letter is to request the General Accounting Office to conduct a full review of this particular transaction between the Coast Guard and the Customs Service, to determine the circumstances surrounding this transaction, and the propriety of such transfer of funds. We would ask that in examining this particular transaction, you would broaden your review to include an investigation of the generic problem within the Federal government regarding the ability of agencies and Departments to implement such inter-agency, or inter-Departmental fund transfers without formal approval by one of the parties and without Congressional approval. We are also deeply concerned that such inter-Departmental transfers of funds could be conducted in contravention of Congressional mandates under current law, regardless of formal agreement between two agencies or Departments.

In this regard, your assistance would be helpful in resolving a number of issues, including but not limited to the following:

What are the specific facts involving this particular transfer of funds from the Customs Service to the Coast Guard, including the roles that each agency played in the transaction, and who authorized the transaction;

What was the legal basis for initiating the transfer and were any Federal laws or regulations violated;

To what extent do such transfers of appropriated funds occur between agencies or Departments and what specific procedures are required before such transfers can occur;

What role does the Department of the Treasury play in implementing the transfer of funds betwen Federal agencies and Departments; what was the Department's role in this particular transfer; and, if such transfers are proper and legal, are additional procedures and safeguards needed to control them and make the agencies and Departments accountable to Congress; and

Should inter-Departmental or interagency transfers of appropriated funds be subject to Congressional approval, especially in such instances where the transfer could run counter to recommendations; directives; funding earmarkings; or mandates contained in current statutes, including appropriations acts and their accompanying reports.

We would hope that you would be in a position to act promptly on this request and provide us with at least an interim report prior to completion of Committee action on the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1988. We would further ask that you work with Bobby Mills (224-6280) and Becky Davies (224-7219) of the Appropriations Committee staff during the course of your review.

Thank you for your prompt and thoughtful consideration of this request.

Sincerely,

DENNIS DECONCINI,
*Chairman, Subcommittee on Treasury, Postal Service, and General Government.*

Mr. President, the reason I decided to make this transfer by amendment to the supplemental appropriation bill is to establish the clear, unmistakable precedent that such transfers of appropriated funds should be done only through the normal appropriations process, and not merely by memorandum of agreement between agencies. In fact, I intend to include language in the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1988 that would preclude such transfers unless they are approved through the normal appropriations process. I note that the Department of Defense authorization bill includes a similar provision that allows the transfer of funds between agencies but only under very strict conditions. I believe that we need to scrutinize these transfers and tighten up the procedures by which such transfers are made.

Mr. President, I hope the Senate will accept this amendment. It will allow us to increase our helicopter antidrug fleet in the Southeast where the flow of drugs continues to be a devastating problem. It will resolve a longstanding dispute between two great drug interdiction agencies, Customs and Coast Guard. And it will establish the clear precedent in the Senate that transfers of appropriated funds between agencies and departments shall only be handled through the normal appropriations process. With this amendment I also send one final admonition to both Coast Guard and Customs: stop fighting each other; work together; and fight the drug smuggler with even greater vigor than before. I can assure this body that I will stand foursquare in support of providing both agencies the tools that they need to meet this challenge. For all of these reasons, I urge that the amendment be adopted.

Mr. CHILES. Mr. President, I join Senator DECONCINI in sponsoring this amendment which basically gives congressional approval for an agreement made between the Customs Service and the Coast Guard concerning support of the United States Bahamian Drug Interdiction Task Force.

Last year in the AntiDrug Abuse Act, Public Law 99-570, the Congress approved $10 million for the U.S. Bahamian Task Force, primarily for three additional helicopters to be used for drug interdiction. In the continuing resolution, Public Law 99-591, Congress appropriated the $10 million for the task force to the Customs Service.

Early this year, the Commandant of the Coast Guard and the Commissioner of the Customs Service agreed to a transfer of a portion of these funds from Customs to the Coast Guard for the purpose of supporting the acquisition, operation, and maintenance of helicopters to be used for drug interdiction in the Bahamas. It is my understanding that this agreement was formally approved by the Customs Service, the Coast Guard, and the Department of State.

Mr. President, this agreement has merit. The agreement would allow for a more efficient use of Bahamaian Task Force dollars because the Coast Guard would be able to upgrade and operate at least nine helicopters from its inventory and from helicopters from the Air Force. In other words, we would be getting nine upgraded helicopters for the task force instead of three new helicopters as specified in the Drug Act.

This enhancement of helicopter support for the United States Bahamian Drug Task Force will also assist the Coast Guard in its role as the lead agency in the interdiction of drugs on the seas and in the air, especially in the area of the Bahamas. The location of these many islands is key to drug transshipment to our shores and strengthening the United States Bahamain Task Force will hopefully result in more effective interdiction.

Mr. President, this agreement is exactly the type of cooperation and wise use of our taxpayers dollars that the Congress encourages in our drug policy. I know this Senator has been urging such cooperation for a long time. I would hope that we will see more such cooperative endeavors from these agencies and their fellow drug enforcement counterparts in the future. Some of my colleagues and I have been more than disturbed at the turf battles which have taken place over the past few years amongst the drug enforcement agencies and would hope that this cooperative spirit is contagious and will continue as the rule and not the rare exception.

Mr. President, I know that the Senator from Arizona agrees with me that it is the prerogative of the Congress to transfer funds between appropriations accounts. I also know that the agencies involved in this transfer believe they have the authority to provide goods or perform services for other Federal agencies under reimbursable agreements under the Economy Act, Public Law 98-216. It is my understanding that this amendment does not address the matter of reimbursements under the Economy Act, but merely shows congressional approval of transferring the $4.1 million from Customs to Coast Guard. The Senator from Arizona has requested the GAO to study the issue of reimbursement agreements and report to the Congress on this matter. I believe it is appropriate for the Congress to review the GAO's analysis before there is discussion of any interpretations under the authorities of the Economy Act.

Mr. President, I urge my colleagues to support this transfer of funds which will hopefully result in coordinated and efficient drug enforcement policy for the United States.

Mr. LAUTENBERG. I have no objection to this amendment.

I support the Senator's intent of underscoring the oversight prerogatives of the committee with respect to interagency transfers of funds.

I would note for the record, however, that the Department of Transportation's position is that the original electronic transfer from the Customs Service to the Coast Guard was properly authorized and went through the usual clearances for routine reimbursable transactions.

I have here a chronology of this episode and ask unanimous consent that it be printed in the RECORD.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

COAST GUARD/CUSTOMS REIMBURSABLE AGREEMENT CHRONOLOGY OF EVENTS

Anti-Drug Abuse Act of 1986, (P.L. 99-570), directed establishment and operation of U.S.-Bahamas Task Force. Membership includes Coast Guard and Customs. Directs that members enter into negotiations with government of the Bahamas for joint operation and maintenance of any drug interdiction assets used by new Task Force. Authorized $10M. $9M for three drug interdiction pursuit helicopters and $1M for enhanced communications capabilities.

Title II of the Continuing Resolution, (P.L. 99-591), provided in "Operations and Maintenance, Air Interdiction Program" account of Customs, $10M for the U.S. Bahamas Task Force. Presumably, although not specifically mentioned, this was funding authorized by the Anti-Drug Abuse Act.

24 Dec 1986, Commissioner von Raab sent letter to Adm Yost detailing Customs plans for Bahamian Task Force. Specifically, letter discussed the purchase of three commercially available helicopters.

2 Jan 1987, Adm Yost letter to Commissioner von Raab stated strong concerns about Customs service straying farther and farther from U.S. shores. Emphasized funds were for Task Force, not Customs. Recommended the Task Force in coordination with NDPB determine how $10M should be expended.

5 Jan 1987, Adm Yost letter to Ann Wrobleski, Assistant Secretary of State for International Narcotics, expressed concern about Customs impending purchase of helicopters for $6M dollars. Recommended no money be spent until Policy Board acts. Reiterates that nothing in the legislation requires that funds be spent for Customs assets.

9 Jan 1987, Commissioner von Raab to Adm Yost letter. $8M would be transferred from Customs to Coast Guard. $7M for acquisition, operation, and maintenance of helicopters to be used in drug interdiction efforts in the Bahamas. $1M for design, development, and installation of the C31 for Bahamas task force. In return CG agrees: $2M of the $10M would remain with Customs for Customs Aerostat enhancements, give open-minded and objective review of

Customs need to patrol between Bimini and Florida, and Adm Yost "acknowledgment of Customs gracious offer and cooperative spirit before the Drug Policy Board."

12 Jan 1987 letter Adm Yost to Ann Wrobleski. Applauded Customs $8M transfer agreement. Recommend agreement be taken to the NDPB. One Coast Guard H-3F dedicated to mission at this time.

Proposed reimbursable agreement with Customs worked out between Coast Guard and Customs budget offices on 4 Feb 1987.

Customs proposed changes to the reimbursable agreement just prior to scheduled signing. Changes regarding Congressional directions voiding agreement were unacceptable to Coast Guard. Would put Coast Guard in position of having to obligate funds without assurances of being reimbursed. Could result in violation of Anti-Deficiency Act.

11 Feb 1987 final signed reimbursable agreement. When Customs was appraised of our concerns they removed the objectionable language.

By using a reimbursable agreement, the head of an agency has the power to procure services from another agency if determined: 1. funds are available, 2. order is in best interest of United States, 3. agency to fill order able to provide, 4. ordered goods or services cannot be provided by contract as conveniently or cheaply by commercial enterprise. "Payment shall be made promptly on the request of the agency filling the order. Payment may be made in advance . . . and shall be for any part of the estimated cost as determined by the agency filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of the payment".

27 Mar 1987 letter, Commissioner von Raab to Adm Yost. Raised concern that Senator DeConcini stated he still expects Customs to use funds to purchase helicopters. Raised concern about state of communications at OPBAT headquarters and questions about Coast Guard pilots flying "blacked-out" at night. Did not suggest canceling agreement.

22 Apr 1987 letter, Adm Yost to Commissioner von Raab. Shared concerns of 27 Mar 1987 letter, discussed Coast Guard commitment of $4.4M in FY 1987 and our future plans. Thanked Customs for providing funds expeditiously.

CHRONOLOGY OF FISCAL TRANSACTIONS

Fiscal transactions followed procedures identified in official Treasury Fiscal Requirements Manual. CG began using Treasury's electronic system called On-line Payment and Collection (OPAC) in November 86. Under this system, all civil agencies on system have their account numbers published in a directory. CG and Customs both on system. System allows agencies to directly bill and collect automatically.

Prior to 2 Apr 1987 official OPAC contact of Customs was called and informed of intention to bill. Although not a requirement, CG policy is to call an agency beforehand.

2 Apr 1987: CG billed Customs through OPAC for $8M. Electronic bill included language from Memorandum of Agreement (MOA), CG accounting data, and a CG point of contact.

8 Apr 1987: After the billing, CG decided to reduce bill to $4.4M which was anticipated obligations for FY 87. CG called Customs again and told them that we would process a $3.6M credit. Credit was automatically processed on 8 Apr.

10 Apr 1987: CG received a phone call from Customs requesting some documentation on the bill. A copy of the MOA and supporting legislation was telefaxed that day. Individual was also given the name of person in Customs budget office in Wash., D.C. with whom CG had negotiated agreement.

24 Apr 1987: Customs Indianapolis accounting office, advised that they wanted to reverse the billing. Told by CG budget office that this was signed agreement by their Commissioner on which obligations had been made. Could not agree to return of funds without approval of Commandant who was in Europe. Suggested Commissioner discuss with ADM Yost when he returned on 30 April.

28th of each month: Treasury "closes the books" on all transactions and produces a statement of months transaction. This was apparently not done. As of that date, Customs' had not billed back.

30 Apr 1987: The Deputy Commissioner Treasury Management Systems, Mr. M. Page, called CG Chief of Acounting and advised him that the billing transaction had been reversed.

4 May 1987: CG received documentation that the billing had been reversed because it was "erroneous".

Mr. LAUTENBERG. Mr. President, in any case, the GAO inquiry that has been requested will determine the legal validity of the Department of Transportation's position.

In the meantime, I support this amendment.

Mr. DECONCINI. Mr. President, I move the adoption of the amendment.

Mr. JOHNSTON. Mr. President, as I understand it, this, of course, has been cleared by the subcommittee of which the Senator from Arizona is the chairman. Also, Senator CHILES, the chairman of the Budget Committee, is also a coauthor and continues to be an enthusiastic supporter of this amendment.

Mr. DECONCINI. If the Senator will yield, let the record show that the Senator from Florida is no longer a coauthor, but he does not object to this amendment. He has assured us of that as of 5 minutes ago.

Mr. JOHNSTON. But he has no objection to the amendment?

Mr. DECONCINI. He supports the amendment, but his name does not appear as a coauthor.

Mr. JOHNSTON. And there is a dollar-for-dollar transfer from the Customs to the Coast Guard?

Mr. DECONCINI. The Senator from Louisiana is absolutely correct.

Mr. JOHNSTON. Mr. President, we, therefore, have no objection to the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to indicate my support for this amendment. In early April of this year, $8 million in funds appropriated in the fiscal year 1987 continuing resolution to the Air Interdiction Program, operations and maintenance, account of the U.S. Customs Service were transferred to the U.S. Coast Guard operating account. This transaction has now been reversed. However, I am highly disturbed over the circumstances which permitted such a transfer of funds to occur in the first place.

As the ranking member of the Treasury-Postal Service-General Government Appropriations Subcommittee with jurisdiction over the Customs Service, I have joined my distinguished chairman, Mr. DECONCINI, in a request to have the General Accounting Office not only explore and report on the facts with respect to this particular transaction but to advise us as to the extent to which such shifting of appropriated moneys from one account to another is occurring as a result of interdepartmental or interagency agreements.

Until the GAO results are in, on the face of it, it appears to me that this movement of appropriated funds, without approval by the Appropriations Committee and the Congress, is inappropriate. If this is not the case, those of us on the committee and in this body are wasting a lot of effort and time authorizing the use of funds for specific purposes and deciding what level of funding is appropriate and where those funds should be placed. I submit to you that those are the responsibilities assigned to the Congress. If subsequent to congressional action, new circumstances arise which would permit appropriated funds to be spent in a more efficient manner, then there are procedures in place to obtain congressional approval of such proposals.

This amendment reflects such a procedure—congressional approval to transfer previously appropriated funds to another account. I am certain that neither the Customs Service nor the Coast Guard acted in bad faith in attempting to accomplish this transfer by interagency agreement. In recognition of this, we are officially providing for such a transfer of funds. However, we will be exploring this general issue more fully and intend to address it in the fiscal year 1988 appropriations bill.

Mr. President, obviously, the distinguished Senator from Arizona has indicated that I am a cosponsor. I sit on his subcommittee as his ranking member. I obviously support the amendment.

I am informed, I say to my friend from Arizona, that the distinguished ranking member, Senator HATFIELD, asked to reserve judgment on this, He will be here shortly. I understand he is getting a reading as to the outlay impact. I assume because of consistency, he wants to make sure there is no outlay impact and that others have been required to waive the Budget Act if, indeed, there are. A preliminary reading on it is that, indeed, it may

have an outlay impact. I am not aware of that. I do not understand how that can be. But I have not studied it in terms of the outlay as compared to the outlays under the previous usages.

Senator HATFIELD had indicated that he had objection to it on the same basis that he objected to previous amendments that had outlay disparity.

Mr. DECONCINI. I am not aware of that.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the DeConcini amendment be temporarily set aside pending the arrival on the floor of the distinguished Senator from Oregon, and that I be permitted to offer an amendment for immediate consideration.

The PRESIDING OFFICER (Mr. SANFORD). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 225

Mr. HOLLINGS. Mr. President, on behalf of Mr. RUDMAN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 225.

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

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

The amendment is as follows:

On page 3, after line 11 insert the following:

Funds appropriated or otherwise made available to the Department of Commerce and the National Oceanic and Atmospheric Administration shall be available for the procurement of launch services for geostationary weather satellites I, J, and K, to be conducted only by the National Aeronautics and Space Administration: *Provided*, That such procurement may be conducted by the Department of Commerce upon written certification to the appropriate Committees of the Congress prior to July 1, 1987, that the conduct of such procurement by the Department of Commerce will not delay the availability of launch services compared to the availability of launch services conducted by the National Aeronautics and Space Administration.

Mr. HOLLINGS. Mr. President, I am offering this amendment on behalf of myself and the distinguished junior Senator from New Hampshire [Senator RUDMAN], the ranking minority member of the Commerce, Justice, State Subcommittee. We believe that the Department of Commerce in rushing to directly procure launch services for geostationary weather satellites, I, J, and K, endangers the Weather Satellite Program. We fear that shifting the contracting responsibilities from NASA to NOAA could delay the availability of launch services for up to 1 year and offer this amendment to slow this down before we find ourselves in a bad situation. Last year we lost a geostationary weather satellite at the launch, so there is already concern about the sustainability of a two-satellite system until the next scheduled launch in late 1989. Even under the current procedures we fear that we may be down to one satellite coverage by that time, so that the Pacific areas could be deprived of information on severe storms and hurricanes, if launch services are delayed or if we have a failure by the satellite launched a few months ago.

The Department of Commerce has been moving along on this without any consultation with the Commerce Committee or the Appropriations Committee until after they made their decision. Why, I do not know—as I believe the Commerce Department requires legislative authority in order to directly procure launch services.

Mr. President, our amendment gives the Commerce Department the benefit of the doubt if they can certify that the change in contracting procedures will not result in a delay in the availability of launch services. Therefore, the amendment includes a proviso to allow for such a certification in consultation with the Administrator of the National Aeronautics and Space Administration.

Mr. President, I urge adoption of this amendment.

Mr. RUDMAN. Mr. President, I am cosponsoring this amendment with my good friend from South Carolina due to my concern that the Department of Commerce is overlooking public safety considerations in its decision to directly procure launch services for geostationary weather satellites I, J, and K. Normally I would enthusiastically support efforts to commercialize government activities; however, in this case the shift in contracting procedures could delay the availability of launch services for up to 1 year. Given the loss on launch of a geostationary weather satellite last spring, there is justifiable concern about the sustainability of a two-satellite system until the next launch in late 1989. It is quite possible we will be down to one satellite coverage by that time, which means that the Pacific will not be adequately covered due to the need to monitor storms and hurricanes in the South Atlantic and the Gulf of Mexico. If launch services are delayed and during that period of time the most recently launched satellite fails, hurricane coverage would be eliminated.

I would also like to point out that this decision was made without any consultation with the Commerce Committee or the Appropriations Committee. This is particularly troubling due to the subsequent realization that the Commerce Department will probably require legislative authority in order to directly procure launch services.

Mr. President, I'm willing to give the Commerce Department the benefit of the doubt if they can certify that the change in contracting procedures will not result in a delay in the availability of launch services. Therefore, the amendment includes a proviso to allow for such a certification in consultation with the Administrator of the National Aeronautics and Space Administration.

Mr. President, I am pleased to be a cosponsor of this amendment and urge its adoption. I also ask unanimous consent that an options list prepared by the Department of Commerce in preparing for their decision be printed in the RECORD, as well as a letter from the National Oceanic and Atmospheric Administration to the National Aeronautics and Space Administration informing them of the Commerce Department decision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
*Washington, DC, March 2, 1987.*

Dr. BURTON I. EDELSON,
*Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration, Washington, DC.*

DEAR BURT, I would like to thank NASA for completing the planning for procurement of ELV-based launch services for GOES I-K as I requested last fall. The NASA team, led by Lewis Research Center, has prepared an excellent solicitation and evaluation package. It is consistent with guidance provided by our staff.

The Department of Commerce has made a policy decision that Commerce/NOAA should conduct this procurement for ELV-based launch services. NOAA intends to build on the solicitation and evaluation package that has been completed by NASA and to issue a solicitation as quickly as possible. We would welcome having NASA technical staff participate in the evaluation of proposals and in the follow-on contract monitoring. Our staff will be making every effort to have launch services available to meet our current schedule, with the launch of GOES I in late 1989.

We look forward to continuing our productive and collegial working relationship with NASA in the development of the GOES I-M spacecraft, the development of NOAA's future polar metsats, and in planning for future data management, instruments, and operations for the 1990s.

Sincerely,

THOMAS N. PYKE, Jr.

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OPTIONS CONSIDERED FOR GOES I-M LAUNCH PROCUREMENT

OPTION 1.—DOC TO COMPETITIVELY PROCURE LAUNCH SERVICES DIRECTLY WITH TECHNICAL ASSISTANCE FROM AIR FORCE

*Pros*

Direct procurement (rather than through NASA) is substantive Fed vote of confidence in building a competitive commercial launch services industry.

Maximum DOC control over procurement decision.

Experienced USAF staff for guidance.

Lowest cost available to Government: will use fewer full-time staff than NASA services require.

*Cons*

Need to schedule USAF support around USAF "peak loads", and familiarize DOC/NOAA procurement personnel with launch service procurement procedures.

Delay of 4-12 months.

OPTION 2.—NASA CONTINUES PROCUREMENT OF LAUNCH SERVICES ON BEHALF OF DOC

*Pros*

Experienced staff.

No delay; ongoing procurement process continues.

DOC participates in selection.

*Cons*

Continues reliance on NASA as go-between with private sector.

Limits DOC control over selection. Contract still NASA's responsibility; DOC would have "veto" authority.

Higher staff costs (NASA maintains large full-time team).

OPTION 3.—FORD AEROSPACE, THE GOES SPACECRAFT CONTRACTOR TO PROCURE LAUNCH SERVICES ON BEHALF OF DOC

*Pros*

Strongly supports commercialization; by providing less Federal oversight, relies more on contractor.

*Cons*

No DOC control over selection.

DOC must justify large sole-source contract to Ford; protest is likely.

Delay of 2-10 months, longer if major protest of sole-source.

Ford would need to staff up with launch vehicle experts.

Greatly reduced Federal oversight, resulting in increased risk.

Higher cost due to middleman: would have to pay Ford general administration plus fee, estimated at 16 percent.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOMENICI. Mr. President, I just wanted to ask my friend, Senator HOLLINGS, does this amendment have any budgetary impact?

Mr. HOLLINGS. No, it does not. It could at a later time. That is what we are concerned about. We do not want to start a budgetary impact by establishing a new launching service within NOAA when we just provide the service through NASA. Of course, we have the military launches at the Pentagon. We do not want to start a third one without any knowledge. We wanted to avoid any such impact.

Mr. DOMENICI. Mr. President, I have been informed by the distinguished floor manager on our side that, based upon the fact that it has no budgetary impact, we have no objection to the amendment on this side.

Mr. HOLLINGS. I thank the distinguished Senator from New Mexico.

Mr. JOHNSTON. Mr. President, Senator HOLLINGS is chairman of the subcommittee, and I also see the chairman of the Budget Committee here on the floor who is, I think, familiar with this amendment. I think I can definitely say on behalf of Senator STENNIS that the committee has no objection.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 225) was agreed to.

Mr. HOLLINGS. I thank the distinguished Senator from Louisiana and the distinguished Senator from New Mexico.

AMENDMENT NO. 226

(Purpose: Provided for continuation of disaster loan making activities)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and Senator BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment temporarily? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. BUMPERS, proposes an amendment numbered 226.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment is as follows:

On page 13: restore the matter stricken on line 7 and insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,000,000 for disaster loan making activities, derived by transfer from the "Business Loan and Investment Fund": Provided, that of the funds made available under the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1987, as included in Public Laws 99-500 and 99-591, for Small Business Development Centers, an amount not to exceed $2,000,000 may be transferred for disaster loan making activities.

Mr. HOLLINGS. Mr. President, on behalf of myself and Senator BUMPERS I offer an amendment which provides an additional $10 million to the Small Business Administration for the necessary salaries and expenses for employees involved in the Agency's disaster loan making [DLM] activity. We are advised that at the current level of operation, the current availability for the disaster loan activity of $20 million will run out in mid-July. It is currently estimated that if SBA continues the same level of service to disaster victims, and provides the required support to the Federal Emergency Management Agency [FEMA], a total of $30 million will be required this fiscal year. Without these additional funds, the disaster loan making employment level of 470 personnel would have to be drastically reduced and possibly eliminated entirely in the fourth quarter, and yield a double whammy to the victims of disaster and to the budget later on because we would have to supplant it at a later time.

Between October 1 and March 25, SBA declared a total of 69 disasters. Similarly, during the same period of fiscal year 1986, SBA declared 61 disasters. In addition, the last half of fiscal year 1986 shows another 49 disasters declared by the SBA. Based on the actual number and type of physical disasters declared in the last 5 years, SBA expects to declare major physical disasters resulting from 2 fires, 16 floods, 3 hurricanes, 3 major storms and 11 tornadoes between the months of March and September. The total disasters declared as of May 5, 1987 is 83 disasters, and I ask unanimous consent to print a listing of these 83 disaster declarations in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1987—DISASTER DECLARATIONS

| Declaration date | State | Physical declaration number | Economic injury number | Physical termination date | E.I. termination date | Interest rate | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | HCE [4] | HNCE [5] | BCE [6] | BNCE [7] | Nonprofit |
| 1. Oct. 6, 1986 | Pennsylvania | (S) [1] | 6446 01 | | June 1, 1987 | | | | 4 | 9½ |
| 2. Oct. 6, 1986 | Iowa | (S) | 6447 01 | | June 1, 1987 | | | | 4 | 9½ |
| 3. Oct. 8, 1986 | Kansas | (S) | 6448 01 | | June 3, 1987 | | | | 4 | 9½ |
| 4. Oct. 8, 1986 | Wisconsin | (P) [2] 2253 06 | 6449 00 | Dec. 8, 1986 | July 7, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 5. Oct. 8, 1986 | Illinois | (P) 2254 06 | 6450 00 | Dec. 8, 1986 | July 7, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 6. Oct. 15, 1986 | Missouri | [3] 2255 06 | 6451 00 | Dec. 15, 1986 | July 15, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 7. Oct. 15, 1986 | Kansas | 2256 06 | 6452 00 | Dec. 15, 1986 | July 15, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 8. Oct. 15, 1986 | Minnesota | (S) | 6453 01 | | June 8, 1987 | | | | 4 | 9½ |
| 9. Oct. 15, 1986 | Wisconsin | (S) | 6454 01 | | June 8, 1987 | | | | 4 | 9½ |
| 10. Oct. 15, 1986 | Montana | (P) 2257 06 | 6455 00 | Dec. 15, 1986 | July 14, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 11. Oct. 15, 1986 | Missouri | (P) 2258 06 | 6456 00 | Dec. 15, 1986 | July 14, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 12. Oct. 15, 1986 | Oklahoma | (P) 2259 06 | 6457 00 | Dec. 15, 1986 | July 14, 1987 | 8 | 4 | 7½ | 4 | 9½ |

FISCAL YEAR 1987—DISASTER DECLARATIONS—Continued

| Declaration date | State | Physical declaration number | Economic injury number | Physical termination date | E.I. termination date | Interest rate HCE [4] | HNCE [5] | BCE [6] | BNCE [7] | Nonprofit |
|---|---|---|---|---|---|---|---|---|---|---|
| 13. Oct. 22, 1986 | Minnesota | (S) | 6458 01 | | June 15, 1987 | | | | 4 | 9½ |
| 14. Oct. 22, 1986 | Kansas | (S) | 6459 01 | | June 17, 1987 | | | | 4 | 9½ |
| 15. Oct. 24, 1986 | Kansas | (P) 2260 06 | 6461 00 | Dec. 22, 1986 | July 22, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 16. Oct. 27, 1986 | Missouri | (S) | 6460 01 | | June 22, 1987 | | | | 4 | 9½ |
| 17. Oct. 28, 1986 | Alaska | (P) 2261 06 | 6462 00 | Dec. 26, 1986 | July 27, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 18. Nov. 3, 1986 | Idaho | | 6463 00 | | Aug. 3, 1987 | | | | 4 | 9½ |
| 19. Nov. 7, 1986 | Minnesota | (S) | 6464 01 | | June 30, 1987 | | | | 4 | 9½ |
| 20. Nov. 7, 1986 | Missouri | (S) | 6466 01 | | July 3, 1987 | | | | 4 | 9½ |
| 21. Nov. 7, 1986 | Missouri | (S) | 6465 01 | | July 1, 1987 | | | | 4 | 9½ |
| 22. Nov. 19, 1986 | Ohio | (S) | 6468 01 | | July 7, 1987 | | | | 4 | 9½ |
| 23. Nov. 19, 1986 | Pennsylvania | (S) | 6467 01 | | July 7, 1987 | | | | 4 | 9½ |
| 24. Nov. 24, 1986 | Arkansas | (S) | 6469 01 | | July 14, 1987 | | | | 4 | 9½ |
| 25. Nov. 24, 1986 | Michigan | (S) | 6470 01 | | July 14, 1987 | | | | 4 | 9½ |
| 26. Nov. 24, 1986 | Kansas | (S) | 6471 01 | | July 17, 1987 | | | | 4 | 9½ |
| 27. Nov. 24, 1986 | Arkansas | (S) | 6472 01 | | July 20, 1987 | | | | 4 | 9½ |
| 28. Nov. 25, 1986 | Arkansas | | 6473 00 | | Aug. 25, 1987 | | | | 4 | 9½ |
| 29. Nov. 25, 1986 | Kentucky | (S) | 6474 01 | | July 20, 1987 | | | | 4 | 9½ |
| 30. Dec. 8, 1986 | Michigan | (S) | 6475 01 | | July 27, 1987 | | | | 4 | 9½ |
| 31. Dec. 11, 1986 | Trust Territories | (P) 2262 06 | 6476 00 | Feb. 9, 1987 | Sept. 10, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 32. Dec. 16, 1986 | Washington | (P) 2263 06 | 6477 00 | Feb. 13, 1987 | Sept. 15, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 33. Dec. 16, 1986 | Nebraska | (S) | 6478 01 | | Aug. 10, 1987 | | | | 4 | 9½ |
| 34. Dec. 17, 1986 | Texas | (S) | 6479 01 | | Aug. 12, 1987 | | | | 4 | 9½ |
| 35. Dec. 23, 1986 | Illinois | (S) | 6480 01 | | Aug. 17, 1987 | | | | 4 | 9½ |
| 36. Dec. 23, 1986 | New York | (S) | 6481 01 | | Aug. 17, 1987 | | | | 4 | 9½ |
| 37. Jan. 7, 1987 | Minnesota | (S) | 6482 01 | | Aug. 24, 1987 | | | | 4 | 9½ |
| 38. Jan. 7, 1987 | Louisiana | (S) | 6483 01 | | Aug. 24, 1987 | | | | 4 | 9½ |
| 39. Jan. 7, 1987 | Idaho | (S) | 6484 01 | | Aug. 31, 1987 | | | | 4 | 9½ |
| 40. Jan. 7, 1987 | Texas | (S) | 6485 01 | | Aug. 31, 1987 | | | | 4 | 9½ |
| 41. Jan. 7, 1987 | New York | (S) | 6486 01 | | Aug. 31, 1987 | | | | 4 | 9½ |
| 42. Jan. 14, 1987 | Oklahoma | (S) | 6487 01 | | Sept. 8, 1987 | | | | 4 | 9½ |
| 43. Jan. 14, 1987 | Iowa | (S) | 6488 01 | | Sept. 8, 1987 | | | | 4 | 9½ |
| 44. Jan. 14, 1987 | New Mexico | (S) | 6489 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 45. Jan. 20, 1987 | Idaho | (S) | 6490 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 46. Jan. 20, 1987 | Kentucky | (S) | 6491 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 47. Jan. 20, 1987 | Michigan | (S) | 6493 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 48. Jan. 20, 1987 | Texas | (S) | 6494 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 49. Jan. 20, 1987 | Texas | (S) | 6495 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 50. Jan. 28, 1987 | South Carolina | 2264 06 | 6496 00 | Mar. 30, 1987 | Oct. 28, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 51. Jan. 29, 1987 | American Samoa | (P) 2265 08 | 6497 00 | Mar. 25, 1987 | Oct. 26, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 52. Feb. 3, 1987 | New York | (S) | 6492 01 | | Sept. 9, 1987 | | | | 4 | 9½ |
| 53. Feb. 3, 1987 | New York | (S) | 6498 01 | | Sept. 15, 1987 | | | | 4 | 9½ |
| 54. Feb. 3, 1987 | Texas | (S) | 6499 01 | | Sept. 16, 1987 | | | | 4 | 9½ |
| 55. Feb. 4, 1987 | South Dakota | 2266 05 | 6500 00 | April 6, 1987 | Nov. 4, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 56. Feb. 9, 1987 | Maine | (S) | 6501 01 | | Sept. 29, 1987 | | | | 4 | 9½ |
| 57. Feb. 9, 1987 | Mississippi | (S) | 6502 01 | | Sept. 29, 1987 | | | | 4 | 9½ |
| 58. Feb. 9, 1987 | Texas | (S) | 6503 01 | | Sept. 29, 1987 | | | | 4 | 9½ |
| 60. Feb. 9, 1987 | Michigan | (S) | 6504 01 | | Sept. 29, 1987 | | | | 4 | 9½ |
| 61. Feb. 10, 1987 | Micronesia | (P) 2267 06 | 6505 01 | April 3, 1987 | Nov. 2, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 62. Feb. 17, 1987 | New Mexico | (S) | 6506 01 | | Sept. 30, 1987 | | | | 4 | 9½ |
| 63. Feb. 17, 1987 | Texas | (S) | 6507 01 | | Sept. 30, 1987 | | | | 4 | 9½ |
| 64. Mar. 5, 1987 | California | 2268 05 | 6508 00 | May 4, 1987 | Dec. 7, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 65. Mar. 6, 1987 | Mississippi | (P) 2269 05 | 6510 00 | May 4, 1987 | Dec. 7, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 66. Mar. 11, 1987 | Mississippi | (S) | 6509 01 | | Oct. 27, 1987 | | | | 4 | 9½ |
| 67. | | 2270 00 | 6511 00 | | | | | | | |
| 68. Mar. 25, 1987 | Texas | (S) | 6512 01 | | Nov. 17, 1987 | | | | 4 | 9½ |
| 69. Mar. 25, 1987 | Virginia | (S) | 6513 01 | | Nov. 19, 1987 | | | | 4 | 9½ |
| 70. Mar. 25, 1987 | Texas | | 6514 00 | | Dec. 28, 1987 | | | | 4 | 9½ |
| 71. Apr. 3, 1987 | Massachusetts | 2271 06 | 6515 00 | June 2, 1987 | Jan. 4, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 72. Apr. 7, 1987 | Mississippi | 2272 12 | 6516 00 | June 8, 1987 | Jan. 7, 1987 | 8 | 4 | 7½ | 4 | 9½ |
| 73. Apr. 7, 1987 | Alabama | (S) | 6517 01 | | Nov. 25, 1987 | | | | 4 | 9½ |
| 74. Apr. 7, 1987 | Massachusetts | 2273 05 | 6518 00 | June 8, 1987 | Jan. 7, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 75. Apr. 9, 1987 | Maine | (P) 2274 06 | 6520 00 | June 8, 1987 | Jan. 11, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 76. Apr. 10, 1987 | Louisiana | 2275 12 | 6521 00 | June 9, 1987 | Jan. 11, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 77. Apr. 10, 1987 | Texas | | 6519 00 | | Jan. 11, 1988 | | | | 4 | 9½ |
| 78. Apr. 21, 1987 | New Hampshire | (P) 2276 06 | 6522 00 | June 15, 1987 | Jan. 18, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 79. Apr. 21, 1987 | Massachusetts | (P) 2277 06 | 6524 00 | June 18, 1987 | Jan. 18, 1988 | 8 | 4 | 7½ | 4 | 9½ |
| 80. Apr. 22, 1987 | Texas | (S) | 6523 01 | | Dec. 15, 1987 | | | | 4 | 9½ |
| 81. Apr. 23, 1987 | New Jersey | 2278 06 | 6525 00 | June 22, 1987 | Jan. 25, 1988 | 8 | 4 | 7¾ | 4 | 9½ |
| 82. Apr. 27, 1987 | California | (S) | 6526 01 | | Dec. 17, 1987 | | | | 4 | 9½ |
| 83. May 5, 1987 | Minnesota | (S) | 6527 01 | | Dec. 28, 1987 | | | | 4 | 9½ |
| 84. May 5, 1987 | Texas | (S) | 6528 01 | | Dec. 30, 1987 | | | | 4 | 9½ |

[1] Secretary of Agriculture.
[2] Presidential.
[3] Small Business Administration.
[4] Home—Credit Elsewhere.
[5] Home—No Credit Elsewhere.
[6] Business—Credit Elsewhere.
[7] Business—No Credit Elsewhere.

Mr. HOLLINGS. Mr. President, as I indicated previously, if additional funds are not provided, there would be a significant fall off in service to all disaster victims all over the country. The work required by these disasters consists of processing loans, verifying damages and losses, and disbursing loans. The disbursement of a loan is a long process in which loan funds are disbursed as each borrower completes replacement or repair of damaged or destroyed property. Actual full disbursement can occur in as little as 1 month or as long as over 1 year, depending upon how long the borrower takes to complete and return legal documents and market the necessary repairs. If no additional disasters occur during the rest of the fiscal year, most of the workload for the year would consist of closing—existing—loan approvals. In addition, the agency is required to participate in manning the various disaster assistance centers. Currently there are 25 active centers. These centers are established by FEMA in response to a Presidential disaster declaration and require three or four SBA employees along with employees from other departments and agencies. Without the additional funding, SBA will be forced to reduce significantly, and in some cases entirely, our participation in these centers.

Finally, Mr. President, in accordance with the requirements to keep amendments outlay neutral, we have offset the increase by transferring $8 million from the business loan and investment funds and $2 million from the amount currently appropriated for the small business development centers. While I would rather not make those transfers, continuation of disaster loan

making must have the higher priority and we must conform to the overall fiscal constraints.

In addition, SBA has advised of additonal receipts of $3.5 million than was projected for 1987.

Mr. HOLLINGS. Mr. President, we have made this revenue neutral, I say to the distinguished chairman and acting manager of the bill.

I move adoption of the amendment.

Mr. HATFIELD. Mr. President, we have gone along with a fairly uniform procedure, I would say to the Senator from South Carolina. Under Gramm-Rudman-Hollings the Budget Committee is assigned the task of scoring these amendments. I would like to make a legislative record that we are being consistent with our management procedures by asking the chairman of the Budget Committee if the amendment has been scored by the Budget Committee and, if it has been, what is its budgetary impact.

Mr. HOLLINGS. I will repeat, we have offset the increase by transferring $8 million from the business loan and investment fund and $2 million from the amount appropriated for small business development centers. That can be checked with both Senator BUMPERS and Senator WEICKER, the chairman and the ranking member on the authorizing side, as well as the appropriations Committee.

Mr. HATFIELD. I wonder if the Senator would agree to a quorum call for a few moments to give the Budget Committee an opportunity to give a formal statement. I would say to the Senator from South Carolina I want to make it very clear we have had about five amendments this morning and on each one—Senator HEINZ, Senator DIXON, and others—we have gotten the formal ruling in order to carry out the procedure that is imposed upon us by the Gramm-Rudman-Hollings amendment to the Budget Act, and we feel as appropriators we should abide by that procedure. And so we have asked for that formal ruling from the Budget Committee in conjunction with their consultation with the CBO. If the Senator from South Carolina would be willing to temporarily lay this aside for the possibility of entertaining other amendments, it would be done without prejudice of any kind against his amendment. Will the Senator agree to temporarily laying aside his amendment?

Mr. HOLLINGS. I am delighted to agree. I have stated what it is. I do not know what the scorekeeper is waiting on. But that is why we drew the amendment as we did, in order to comply with the procedure that the committee has adopted. I agree with that procedure and that is why the amendment is drawn accordingly. I do not know who the scorekeeper is, but I know who the author of the amendment is. That is why we have it written that way.

Mr. HATFIELD. I say to the Senator that I understand the wording of his amendment and what it purports to do. At the same time, I know as well that there are many different accounts, that some accounts spend out faster than other accounts, and so that a total figure oftentimes as an offset does not represent a real offset for budget deficit neutrality; it takes more than the round figures. I am not that well acquainted with all of the various accounts and that is why the Budget Committee and the CBO have provided us with this service.

Mr. President, I would then with the assent of the Senator from South Carolina ask unanimous consent to temporarily lay aside his pending amendment without any prejudice to that amendment for the possibility of entertaining other amendments.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

AMENDMENT NO. 227

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 227.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. . None of the funds made available by this or any other Act for fiscal year 1987 for Health Care Financing Administration Program Management activities shall be used to promulgate or enforce any rule, regulation, instruction, or other policy having the effect of establishing a mandatory holding of Medicare claims processing or payments."

Mr. CHILES. Mr. President, this amendment will prevent the Health Care Financing Administration from establishing a mandatory holding of Medicare claims for processing and payment. We have recently learned that the Health Care Financing Administration is planning to slowdown the payment of electronic media claims to 10 days in July of 1987 and to 18 days in September of 1987. These actions are absolutely contrary to the intent of Congress in establishing the prompt payment legislation for Medicare claims. Congress enacted the prompt payment legislation so that the claims could be paid in a timely manner. Congress clearly intended to set a ceiling and not a floor for the payment of Medicare claims. There was never any intention to buildup backlogs or to hold claims for payment.

There are several reasons why setting a mandatory floor for the payment of claims is a very bad idea.

If payments to providers, especially physicians, are slowed down and delayed, we are going to be discouraging those physicians from taking assignment. Those doctors will insist the beneficiary pay the additional cost between the Medicare-approved fee and the physician's fee and that reduced cash flow is going to make it more difficult for them to meet payroll and pay their bills in a timely manner. And that is another additional disincentive to accept assignment.

For physicians on 1-year contract, it is unfair to change the rules in the middle of the year. Actions of this type will again discourage physician participation in the future.

In addition to the increased cost of computer system changes and increased computer storage, there is going to be increased costs for handling more inquiries and for duplicate claim submission. Furthermore, doctors and providers will be discouraged from automating their processing. As a result of that, the administrative cost for processing paper claims is going to increase.

The 1986 reconciliation bill provides that participating physicians will be paid within 19 days as of October 1, 1987, but by holding on to electronic media claims for 18 days in September the intermediaries will be most unlikely to meet that standard. The proposed floors could result in the inability of the intermediaries to meet prompt payment standards and, if that happens, the periodic interim payment, the PIP program will be reinstated. Under that system, payments are made more frequently than under the prompt payment system and that will result in increased trust fund outlays.

Mr. President, this amendment does not require any additional funding. It has been cleared by the Congressional Budget Office in that regard.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHILES. Both the manager of the bill and the ranking minority member have been given copies of the amendment.

Mr. JOHNSTON. Mr. President, we have examined the amendment and we have no objection to the amendment.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

Mr. CHILES. I yield back any time I might have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 227) was agreed to.

Mr. MELCHER addressed the Chair.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I will yield to my friend from Arizona in just a moment. We have pending an amendment on oil shale claims that started, I believe, around 3 o'clock. I believe we have worked it out now satisfactorily to both sides of the aisle. At the appropriate time I would like to go back to that, get the amendment modified, and then get the modified amendment accepted.

Mr. BINGAMAN. Will my friend yield?

Mr. MELCHER. Yes, I do yield to my friend from Arizona for a statement or question or whatever.

Mr. DECONCINI. Mr. President, I ask the distinguished Senators from Wyoming and Montana if they would let me make a unanimous-consent request to set aside their amendment for less than 1 minute. The amendment that was pending, the DeConcini amendment, has now been cleared by CBO, has no budgetary effect whatsoever, and is ready to be accepted, and I could get that one out of the way if the Senator will yield.

Mr. MELCHER. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized on his amendment and that immediately following that I would be recognized on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

AMENDMENT NO. 224

Mr. DECONCINI. Mr. President, the arguments have been made on behalf of this amendment. We have now been advised by CBO that it is revenue neutral and that there is no budget impact whatsoever and the majority and minority I understand have been so advised and have cleared the amendment. It is ready for adoption, I believe.

Mr. JOHNSTON. Mr. President, the amendment has been cleared.

Mr. HATFIELD. Mr. President, the amendment has been cleared on our side of the aisle.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from Florida appear as an original cosponsor of the amendment.

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

Mr. DECONCINI. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 224) was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I thank the distinguished Senators from Montana and Wyoming and also the managers of the bill for their cooperation, and also the Budget Committee.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 222 AS MODIFIED

Mr. MELCHER. Mr. President, I send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), proposes an amendment numbered 222, as modified.

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

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

The amendment, as modified, is as follows:

None of the funds in this or any other Act shall be available prior to March 31, 1988, to issue a patent for an oil shale mining claim located prior to enactment of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 181, et seq., 41 Stat. 437) as provided for under the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, et seq., 17 Stat. 91) except for patent applications C-012327, C-016671, C-023661, C-41836, C-43354, C-39464, C-38579, C-38402, C-35080, C-36293:

Mr. MELCHER. Mr. President, this amendment as now modified is not an unlimited time that the Department of the Interior would be prevented from issuing patents on these oil shale claims. The amendment as I offered it earlier this afternoon simply stated that nothing would be done on these claims, with the exception of two, until Congress acted. Senators WALLOP and GARN have appropriately pointed out, "Well, can we be sure Congress is going to act? Why hasn't the Senator from Montana done something about it prior to now? Why come to the floor on an appropriations bill?"

Mr. President, I have to concede that that is a fair criticism of myself.

The PRESIDING OFFICER. Can we have order in the Chamber so that Senators may be heard.

Mr. MELCHER. Thank you, Mr. President. The points that Senator WALLOP and Senator GARN made were very valid points. Now, in the past hour, hour-and-a-half, we have been discussing this with particularly my colleague from Colorado, Senator WIRTH, and this compromise has been worked out to put the date that nothing be done on issuing patents for oil shale mining claims until March 31, next spring, and there will be more than two of these claims that are now being processed being exempted. In fact, there is a total of 10 in this amendment as modified, each of them identified. I think it takes care of the difficulties that the Senator from Wyoming, the Senator from Utah, and others found with the amendment I proposed.

I welcome this modification. I believe this will give us enough time in the Energy Committee to consider the matter and to lay out whatever corrections there should be in the statute.

Mr. WALLOP. Mr. President, I thank the Senator from Montana and the Senator from Colorado. I appreciate that Senator MELCHER has clarified that the modified amendment does not affect the eight pending patent applications, not does it attempt to affect final processing of the two remaining claims involved in the Tosco settlement.

This amendment would not affect new applications in their processing but would block any issuance on any new applications until March 31, 1988, except for the eight pending and the two Tosco applications.

That is my understanding, and I believe it is the understanding of the Senator from Montana, and I believe that in his statement that was as he stated it.

Mr. JOHNSTON. Mr. President, this is an excellent solution to a difficult problem.

I congratulate the Senator from Montana [Mr. MELCHER], the Senator from Colorado [Mr. WIRTH], and the Senator from Wyoming [Mr. WALLOP]. If no one else is on the floor, they do not deserve congratulations.

Mr. President, this is an excellent solution, and we accept the amendment.

Mr. WALLOP. Mr. President, I believe the Senator from Wyoming still has the floor. I thank the Senator from Louisiana. I was just seeking affirmation from the Senator from Montana as to my question.

Mr. MELCHER. The Senator from Wyoming [Mr. WALLOP], my friend, has correctly stated that there are 10 exemptions of oil shale mining claims that are not covered, not restricted, by the language of this amendment. They are identified by those numbers.

Mr. WALLOP. I thank the Senator from Montana. That would not block any processing, just the issuance of patents.

Mr. WIRTH. Mr. President, I commend and thank the Senator from Montana and the Senator from Wyoming.

Senator ARMSTRONG is particularly concerned that we not try to breach the patent applications already filed. The compromise worked out took care

of the concerns of the senior Senator from Colorado.

Mr. President, this amendment will not take away anyone's mining claims. This amendment will do no more than give the Congress a chance to review this whole issue. It merely instructs the Department of the Interior not to issue patents for additional oil-shale mining claims until the Congress has had a chance to review the situation and decide if substantive legislation is needed.

This Senator believes that the Congress ought to take a look at this problem. As a member of the Energy and Natural Resources Committee, along with the distinguished Senator from Montana, I intend to do that. And once the committee has acted, the entire Senate will have a chance to be heard on this issue.

This amendment will give the Senate the time to take a look at the problem—it does no more than that.

Last year, the Department of the Interior decided not to appeal a district court decision, and settled one of the many lawsuits on this issue. The result was that 82,000 acres of Federal land in my own State of Colorado ended up in private hands. The selling price for these lands—for mining claims filed more than 60 years ago—was $2.50 an acre.

The Department has told the Congress that this was a great deal.

But the Department would not let the lawyers who worked on this issue testify before a House committee last year. Those lawyers said that the Department should challenge the mining claims.

The Department would not let the BLM's State director testify last year—even though the State director's predecessor had pleaded with the Department to continue its challenge to these claims.

Mr. President, the Denver Post said that the Government should never have given up its lawsuit—and counseled a long, hard look at these claims.

The Rocky Mountain News said this deal looked a lot like a land grab.

And many Coloradans told me that they thought this was a lousy deal.

I have to agree with them. This Senator believes that the Congress should take a long, hard look before we let the Interior Department sell any more public lands for $2.50 an acre.

A great deal is at stake here. Another 100,000 acres of public lands in my State alone could be sold because someone filed a mining claim more than 60 years ago; 116,000 acres in Utah are on the auction block. And 54,000 acres in Wyoming could be sold for $2.50 an acre.

This looks like a land grab to me. I believe it is wrong.

But the Senate does not have to decide that question today. All that this amendment does is tell the Interior Department not to issue any more patents for public lands, until the Congress has had a chance to consider this issue.

The House is scheduled to take up legislation on this issue tomorrow. As a member of the Senate Energy Committee, I intend to work with the distinguished Senator from Montana in scheduling hearings.

This amendment will give the Senate the time it needs to consider these oil shale claims and decide what ought to be done.

This amendment is needed to protect the public lands in the West, Mr. President. It is needed to protect habitat for mule deer, antelope, and elk. And it is needed to make sure that there are no more bargain basement sales of the public lands.

Mr. President, I urge the adoption of this amendment.

I ask unanimous consent to have printed in the RECORD two editorials in connection with this matter.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain (CO) News, Aug. 6, 1986]

VALUABLE COLORADO LAND GOING, GOING AND GONE

Great land grabs of the past usually brought a circling of the wagons and a fight to the finish. The latest one in Colorado is ending with barely a whimper.

Where were the heroes to save about 190,000 acres of Colorado's richest territory from oil companies who long ago filed claims for mineral rights and are winding up carrying off the whole shebang? Where was 3rd District Congressman Mike Strang who it seems, actually blocked a review by Congress that would at least have forestalled selling this land for $2.50 an acre? Strang must have been off studying law books and deciding that once something has gone to court, Congress should keep its paws off. That kind of thinking has never stopped our national legislature before, as witness the proposed school prayer and right-to-life amendments.

It's true the claims case is an old one, limping along for 25 years or more. Unfortunately, there seems to be more incentive to end it than to end it properly. It may be a long time for a case to gather spiders, but it's not long enough unless the interests of the public prevail.

In all, the settlement affects some 360,000 acres in Colorado, Utah and Wyoming—about 2,200 claims for oil shale and other minerals. Some of the claims were filed before the 1920s but never developed. Some of the mineral leases went for a few cents an acre. Unfortunately, during that time government didn't do much to see that claims were kept up to date and records properly filed.

The drawn-out case brought by Tosco Corp. and other claimants came to a conclusion in May 1985 in the U.S. District Court of Judge Sherman G. Finesilver, who ruled that the claims of Tosco and the others were valid. The Interior Department and Justice Department filed an appeal. It would not be the first time such a case had gone to the U.S. Supreme Court. But suddenly, in what appears to be a political decision rather than a legal one, the government decided to settle.

In the agreement, which becomes valid when signed by Finesilver, the oil companies will have not only mineral rights to federal land but full title—for the paltry sum of $2.50 an acre. During the oil shortage of the 1970s, the government sold leases in this area for up to $40,000 an acre. Something's been sold, all right. And someone's been sold out.

Among the latter are taxpayers, who will see no revenues from minerals taken from this land, ranchers who now graze cattle there under grazing permits that, once expired, will sell for whatever the new owners charge. Water rights are to be given up by the federal government and will have to be negotiated with the states.

It's the grandest sell-out in many years—360,000 acres of public land turned over to private interests. Recreation, mining, farming, hunting all will be permitted with the good grace of the land owners. It may be true that the case had become a colossal bore. It may be that Finesilver should be congratulated for bringing it to an end. That's not how it looks from here.

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[From the Denver (CO) Post, Aug. 7, 1986]

LAND FOR SALE—CHEAP

Interior Secretary Donald Hodel is due to visit Colorado over the next few days. The trip should give him ample opportunity to explain why the federal government just agreed to let go of 82,000 acres of oil-shale land on the western slope for a measly $2.50 an acre.

Mike Strang, the Republican congressman who represents the area, characterized the agreement as "the best that could be expected." But his colleague, Morris Udall, House Interior Committee chairman, described it as "morally wrong" and an "abdication of the public trust."

It's true that the adbsurdly low price was fixed by Congress more than a century ago, and that the new owners—mainly Tosco, Exxon, Union Oil and the family that once owned the Lake Eldora ski resort—sought title under long-established mining laws. It's also true that the agreement, will give the government the rights to any coal, oil and natural gas that may underlie the properties.

But on the other hand, it's possible that the original claims may have been fraudulently filed, and that the oil-shale deposits may never prove valuable enough to dig up and turn into fuel—and thus many never justify the decision to turn over the surface land to private interests to do with as they please.

So it's hard to understand why the Reagan administration chose to settle the longstanding legal dispute over the claims, rather than to appeal an adverse ruling handed down by a federal district judge in Denver last year. And in view of the far-reaching implication of the case, it's especially hard to figure out why Hodel and his forces negotiated the deal in such a surreptitious manner.

Udall has scheduled a hearing next Tuesday to seek answers to these questions. He and Hodel's other critics in Congress may not be able to overturn the settlement reached this week, of course. But they may be able to keep some 280,000 additional acres of public land in Colorado, Utah and Wyoming from being forfeited in the same way.

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It's important to realize that while the tracts are not all contiguous, they together represent an enormous amount of public domain. The 280,000 acres that still could be lost, for instance, total more than the entire Dinosaur National Monument.

At the very least, any further deals should bring a far higher price and prove much stronger guarantees that public access would not be denied. Putting such real estate in private hands not only deprives the federal and state governments of possible mineral royalties, but also limits use of the land for grazing, water storage or recreation—particularly deer hunting, an economic mainstay in western Colorado.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, whose amendment is now before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Montana [Mr. MELCHER].

Mr. BYRD. I ask unanimous consent that the vote occur on the Melcher amendment immediately following the disposition of the amendment by Mr. DIXON.

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

Mr. BYRD. Mr. President, whose amendment now is before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina [Mr. HOLLINGS].

Mr. BYRD. Mr. President, what amendment is backed up behind the amendment by Mr. HOLLINGS?

The PRESIDING OFFICER. The amendment of the Senator from Ohio [Mr. METZENBAUM].

Mr. BYRD. I thank the Chair.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside in order that the Senator from North Carolina [Mr. SANFORD] may propose an amendment.

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

The Senator from North Carolina.

AMENDMENT NO. 228

(Purpose: To provide that funds made available to carry out the emergency disaster assistance program may also be used to make additional payments required by the Farm Disaster Assistance Act of 1987)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. SANFORD] for himself and Mr. HELMS and Mr. BOREN proposes an amendment numbered 228:

On page 80, line 19, insert after "claim" the following: "and to make additional payments required by the amendments to such section made by the Farm Disaster Assistance Act of 1987".

Mr. SANFORD. Mr. President, I am today introducing an amendment that would correct an oversight in the 1987 supplemental appropriations bill relating to farm disaster assistance. My amendment would simply clarify that the $135 million appropriated in this bill will be used to provide relief to all eligible producers under section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act for 1987.

We all know that this is a difficult period for our farmers. And we all know that many agricultural producers suffered greatly from natural disasters in 1986—disasters such as drought, flood, or freeze that only added to considerable stress already present in our farm economy.

The Congress acted promptly to provide assistance, and in so doing has without a doubt kept many farmers in business. But last year's disaster assistance program, effective though it was, inadvertently excluded some producers. We have corrected such oversights in passing H.R. 1157, the Farm Disaster Assistance Act of 1987, which I am advised the President has just signed into law. H.R. 1157 means a great deal to many farmers—not just those who were unable to receive full payment on last year's claims, but also those producers of cotton, rice, sugar beets, apples, and other crops who were left out in 1986.

My amendment would simply ensure that the disaster assistance funds we are appropriating today can be used to relieve all producers eligible under section 633(B) of last year's appropriations bill, including the new programs set up under H.R. 1157. The amendment will add no new funding. It does not specify a particular allocation between new and old programs. It would simply extend the philosophy we expressed in H.R. 1157—if producers left out of last year's programs by oversight have now been made eligible for relief, it stands to reason that they should be eligible for a portion of the funds we are now appropriating.

This amendment would allow relief to go where it is desperately needed. In my State of North Carolina, our apple growers have suffered through three severe freezes in the last 5 years—the worst of which was last year's. We are normally one of the top six or seven apple-producing States, with production of around 10 million bushels a year. Last year we produced just 2 million bushels, due to the severe freeze and drought conditions experienced in western North Carolina.

Our apple farmers need relief now—they cannot afford to wait for a later appropriation. And I am advised that many of the other farmers whose problems were addressed in H.R. 1157 need relief now—including cotton producers in the South, sugar producers in the West, producers in the State of Maine, and others. My amendment will ensure they can get much-needed assistance.

Mr. President, this amendment is cosponsored by Senator HELMS, and we will determine whether or not we have approval from the minority manager.

Mr. JOHNSTON. Mr. President, as I understand it, this amendment is debt neutral, in that it does not increase the pot from which these claims are paid, but simply recognizes that legislation signed into law by the President earlier today, which adds some additional crops—I believe apples is one—can be paid from moneys already appropriated and in the pot.

Therefore, it is deficit neutral, and I understand that it has the support of the distinguished chairman of the Agricultural Appropriations Committee, Mr. BURDICK, who is on the floor at this time.

Am I correct?

Mr. SANFORD. That is my understanding.

Mr. JOHNSTON. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, I understand that Senator Hatfield would like a moment's delay. So, if the Senator from North Carolina has no further debate at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 228) was agreed to.

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

Mr. SANFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, we have about 5 minutes left until the first vote starts. If anyone in the Chamber has another amendment at this time, we can handle one more before the vote starts.

If not, I suggest the absence of a quorum.

Mr. HATFIELD. Mr. President, will the Senator withhold a moment?

Mr. JOHNSTON. I withhold.

Mr. HATFIELD. May I inquire of the Chair if we have had a report back from the Budget Committee on the scoring on the Metzenbaum amendment and/or the Hollings amendment?

The PRESIDING OFFICER. It appears that the Metzenbaum amendment would cause the appropriate level of total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for fiscal year 1987 to be exceeded by the amount of $500,000.

Mr. HATFIELD. I thank the Chair. Is there a report on the Hollings amendment?

The PRESIDING OFFICER. The Chair has not been informed on the Hollings amendment.

Mr. HATFIELD. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMMITTEE AMENDMENT—PAGE 23, LINES 14-20

Mr. BENTSEN. Mr. President, I ask unanimous consent that the language on page 23, lines 14 through 20, be deemed a committee amendment and that that amendment be deemed tabled. This action will allow important language regarding the Battleship *Texas* to be restored. My amendment has been cleared with the managers of the bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BENTSEN. Mr. President, last year the Congress approved spending $5 million to help match private contributions to restore the battleship *Texas*. That proud ship was in a shocking condition of disrepair. It needed immediate structural repairs to avoid complete deterioration. The Congress agreed that it would be appropriate to help restore that historic ship for current and future generations to visit and admire.

My amendment today adds no additional money to this project, but rather sets conditions so that the intent of Congress can be carried out without additional delays or complications. Those conditions are that none of the funds may be given for remuneration for fundraising activities for this project and that the restoration grant should go to the Texas Parks and Wildlife Department rather than the original designee, the Battleship *Texas* Advisory Board.

Without those conditions, there is a possibility of a continuing dispute over the payment of Federal funds for remuneration of fund raising, something which I do not believe Congress wants or intended. Recently the Texas Parks and Wildlife Commission formally adopted a resolution pledging to devote all of the Federal grant to the restoration project.

The House of Representatives has already adopted this clarifying language. My amendment would put the Senate on record in support of the same conditions so that this worthy project can move ahead at full speed.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

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

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, what is the question on which the Senate will be voting?

The PRESIDING OFFICER. The Senate will first be voting on the Melcher amendment No. 219.

Mr. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum, and I suggest that the cloakrooms advise Senators that votes are about to begin.

The PRESIDING OFFICER. 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.

VOTE ON AMENDMENT NO. 219

The PRESIDING OFFICER. The hour of 5:15 p.m. having arrived, the Senate will now proceed to vote on the Melcher amendment No. 219. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—95

| | | |
|---|---|---|
| Adams | Glenn | Nickles |
| Armstrong | Graham | Nunn |
| Baucus | Gramm | Packwood |
| Bentsen | Grassley | Pell |
| Bingaman | Harkin | Pressler |
| Bond | Hatch | Proxmire |
| Boren | Hatfield | Pryor |
| Boschwitz | Hecht | Quayle |
| Bradley | Heflin | Reid |
| Breaux | Heinz | Riegle |
| Bumpers | Helms | Rockefeller |
| Burdick | Hollings | Roth |
| Byrd | Humphrey | Rudman |
| Chafee | Inouye | Sanford |
| Chiles | Johnston | Sarbanes |
| Cochran | Karnes | Sasser |
| Cohen | Kassebaum | Shelby |
| Conrad | Kasten | Simon |
| Cranston | Kerry | Simpson |
| D'Amato | Lautenberg | Specter |
| Danforth | Leahy | Stafford |
| Daschle | Levin | Stennis |
| DeConcini | Lugar | Stevens |
| Dixon | Matsunaga | Symms |
| Dodd | McCain | Thurmond |
| Dole | McClure | Trible |
| Domenici | McConnell | Wallop |
| Durenberger | Melcher | Warner |
| Exon | Metzenbaum | Weicker |
| Ford | Mikulski | Wilson |
| Fowler | Mitchell | Wirth |
| Garn | Moynihan | |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Gore | Murkowski |
| Evans | Kennedy | |

So the amendment (No. 219) was agreed to.

The PRESIDING OFFICER. The question now occurs on the Heinz motion to waive the Budget Act for consideration of the Heinz amendment No. 207.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

The managers and some of the rest of us have had a rather difficult time today trying to get amendments up and a good bit of time went by in quorum calls and so on. I hope we do not have a repeat of this tomorrow.

ORDER OF BUSINESS TOMORROW

Mr. BYRD. I understand Mr. DOLE and Mr. GRASSLEY have an amendment. I talked to Mr. DOLE a while ago and he said it would be all right for me to get consent for that amendment to be in order immediately tomorrow morning, after the vote which will occur, I believe, at 10 a.m. I, therefore, make that request now that the amendment by Mr. DOLE and Mr. GRASSLEY be the pending amendment following the vote on tomorrow morning which is scheduled already.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. BYRD. Mr. President, I hope that other Senators will work with our staffs during the remainder of the afternoon and I hope that staffs will contact Senators in an attempt to get Senators lined up for amendments on tomorrow.

Mr. CRANSTON. If the leader will yield, I would like to call up my homeless funding amendment tomorrow. It passed the Senate by an overwhelming majority. If we could work that out, I would be delighted to have that taken up tomorrow.

Mr. BYRD. I thank the able majority whip.

Mr. President, I ask unanimous consent that the amendment by Mr. CRANSTON follow the amendment by Mr. DOLE and Mr. GRASSLEY tomorrow.

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

TEN MINUTE ROLLCALLS

Mr. BYRD. Mr. President, this request has been cleared with Mr. DOLE. I ask unanimous consent that all remaining rollcall votes today be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

VOTE ON BUDGET WAIVER—AMENDMENT NO. 207

Mr. BYRD. Mr. President, would the Chair state the question so the Senators will know what the question is?

The PRESIDING OFFICER. The question now occurs on the Heinz motion to waive the Budget Act for consideration of the Heinz amendment No. 207.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 21—as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—74

| | | |
|---|---|---|
| Adams | Fowler | Moynihan |
| Baucus | Glenn | Packwood |
| Bentsen | Graham | Pell |
| Bingaman | Grassley | Pressler |
| Bond | Harkin | Pryor |
| Boren | Hatch | Quayle |
| Boschwitz | Hatfield | Reid |
| Breaux | Hecht | Riegle |
| Bumpers | Heflin | Rockefeller |
| Burdick | Heinz | Roth |
| Byrd | Hollings | Sanford |
| Chafee | Johnston | Sarbanes |
| Cochran | Karnes | Sasser |
| Cohen | Kerry | Shelby |
| Cranston | Lautenberg | Simon |
| D'Amato | Leahy | Simpson |
| Danforth | Levin | Specter |
| Daschle | Matsunaga | Stennis |
| DeConcini | McCain | Stevens |
| Dixon | McClure | Thurmond |
| Dodd | McConnell | Wallop |
| Dole | Melcher | Weicker |
| Domenici | Metzenbaum | Wilson |
| Durenberger | Mikulski | Wirth |
| Ford | Mitchell | |

NAYS—21

| | | |
|---|---|---|
| Armstrong | Helms | Nunn |
| Bradley | Humphrey | Proxmire |
| Chiles | Inouye | Rudman |
| Conrad | Kassebaum | Stafford |
| Exon | Kasten | Symms |
| Garn | Lugar | Trible |
| Gramm | Nickles | Warner |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Gore | Murkowski |
| Evans | Kennedy | |

So the motion to waive the Budget Act was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the point of order is waived and the question is on the amendment.

The yeas and nays have been ordered.

Mr. HEINZ. Mr. President, the Senate has voted overwhelmingly to waive the Budget Act on this amendment, the Heinz amendment. I ask unanimous consent to waive the yeas and nays on the amendment.

Mr. KASTEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON AMENDMENT NO. 207, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. 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. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—88

| | | |
|---|---|---|
| Adams | DeConcini | Johnston |
| Baucus | Dixon | Karnes |
| Bentsen | Dodd | Kassebaum |
| Bingaman | Dole | Kasten |
| Bond | Domenici | Kerry |
| Boren | Durenberger | Lautenberg |
| Boschwitz | Exon | Leahy |
| Bradley | Ford | Levin |
| Breaux | Fowler | Lugar |
| Bumpers | Garn | Matsunaga |
| Burdick | Glenn | McCain |
| Byrd | Graham | McClure |
| Chafee | Grassley | McConnell |
| Chiles | Harkin | Melcher |
| Cochran | Hatch | Metzenbaum |
| Cohen | Hatfield | Mikulski |
| Conrad | Hecht | Mitchell |
| Cranston | Heflin | Moynihan |
| D'Amato | Heinz | Nickles |
| Danforth | Hollings | Nunn |
| Daschle | Inouye | Packwood |
| Pell | Sarbanes | Thurmond |
| Pressler | Sasser | Trible |
| Pryor | Shelby | Wallop |
| Quayle | Simon | Warner |
| Reid | Simpson | Weicker |
| Riegle | Specter | Wilson |
| Rockefeller | Stafford | Wirth |
| Roth | Stennis | |
| Sanford | Stevens | |

NAYS—7

| | | |
|---|---|---|
| Armstrong | Humphrey | Symms |
| Gramm | Proxmire | |
| Helms | Rudman | |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Gore | Murkowski |
| Evans | Kennedy | |

So the amendment (No. 207) was agreed to.

VOTE ON BUDGET WAIVER—AMENDMENT NO. 220

The PRESIDING OFFICER. The question is on the motion to waive section 311(a) of the Budget Act in response to the point of order against the amendment of the Senator from Illinois. The yeas and nays have been ordered.

Mr. CHILES. Mr. President, I ask unanimous consent to be able to proceed for 2 minutes.

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

Mr. BYRD. May we have order so that Senators may listen to Mr. CHILES.

Mr. CHILES. Mr. President, in the recent action that we took, we voted to waive the Budget Act. I just want to point out I raised the budget point of order on the Heinz amendment because the Congressional Budget Office had told us it was not deficit neutral; it did cause an outlay of expense.

I just want to point out that we are dealing in a situation now in which we have already exceeded, before this bill came to the floor, we exceeded our budget resolution by $13.3 billion in outlays. This bill, as it came out of committee, added another $2.9 billion in outlays.

Based on what I felt was the job the committee had tried to do and that there were some emergency items in the bill, I had agreed to seek a budget waiver on that figure as it came out of the committee. I carefully said that I did not include that to be if we added amendments on the floor.

I just think that everything we vote on in the way of an appropriation is good. I never voted for a bad one. It all helps somebody. They all have a constituency.

The whole thing of trying to pass the Budget Act to start with, and then Gramm-Rudman-Hollings after that, which contained these kinds of provisions, was that at some stage we were going to say we only have so many dollars in the store and we have to set those dollars and how we are going to go about doing that. That is what I thought we were trying to do.

The reason for the waiver is so that the body, by 60 votes, can decide if it

wants to do that. I am not trying to say they cannot do that. They can.

The Senator from Florida has made the waiver, required the point on all of the bills that were offered. I intend to try to continue doing that if they are materially over at all.

But I will not support a waiver on the overall bill if it is going to continue to grow. Then I guess everybody makes up their minds on that. But I just wanted to raise that point.

The PRESIDING OFFICER. The question is on the motion to waive. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—33

| | | |
|---|---|---|
| Adams | Dixon | Metzenbaum |
| Bingaman | Dodd | Mikulski |
| Bradley | Ford | Mitchell |
| Bumpers | Harkin | Reid |
| Burdick | Heinz | Riegle |
| Cochran | Kerry | Rockefeller |
| Cohen | Lautenberg | Sarbanes |
| Cranston | Levin | Shelby |
| D'Amato | Matsunaga | Simon |
| Daschle | McCain | Specter |
| DeConcini | Melcher | Wilson |

NAYS—62

| | | |
|---|---|---|
| Armstrong | Grassley | Pell |
| Baucus | Hatch | Pressler |
| Bentsen | Hatfield | Proxmire |
| Bond | Hecht | Pryor |
| Boren | Heflin | Quayle |
| Boschwitz | Helms | Roth |
| Breaux | Hollings | Rudman |
| Byrd | Humphrey | Sanford |
| Chafee | Inouye | Sasser |
| Chiles | Johnston | Simpson |
| Conrad | Karnes | Stafford |
| Danforth | Kassebaum | Stennis |
| Dole | Kasten | Stevens |
| Domenici | Leahy | Symms |
| Durenberger | Lugar | Thurmond |
| Exon | McClure | Trible |
| Fowler | McConnell | Wallop |
| Garn | Moynihan | Warner |
| Glenn | Nickles | Weicker |
| Graham | Nunn | Wirth |
| Gramm | Packwood | |

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Gore | Murkowski |
| Evans | Kennedy | |

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 62. Three-fifths of the Senators duly chosen not having voted in the affirmative, the waiver motion is not agreed to. The point of order is well taken. The amendment falls.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. DIXON. Mr. President, the Senate has just refused to appropriate moneys for summer youth jobs and take the money from the World Bank, which is going to give $200,000 a head to 390 people of the World Bank who do not deserve the money and have adequate salaries. I want to tell my colleagues I shall offer an amendment tomorrow to take out the $78 million for $200,000-golden parachutes for people at the World Bank.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak out of order for 1 minute.

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

Mr. GRAMM. Mr. President, had the distinguished Senator from Illinois been serious about this amendment, he would not have cut a program that is spending out. Instead, by claiming to take $100 million out of the World Bank when no outlays were coming out of that program and adding it to a program where $85 million out of the $100 million would have been spent this year, the effect of that amendment was to raise the deficit of $85 million. I submit to our colleague if he is serious about this program, cut some real program that is going to spend out and there will be no point of order on it. Then Members can decide on the merits of the two programs. This is simply playing games and raising the deficit in the process. That is why it failed and richly deserved to fail.

AMENDMENT NO. 222 AS MODIFIED

Mr. BYRD. Mr. President, this will be the last rollcall vote today. I urge Senators to be here at 10 o'clock tomorrow morning, because there is a rollcall vote that will occur at 10 o'clock tomorrow morning. I hope we do not have to hold that vote for 35 minutes. I urge Senators to be here and ready to vote.

I thank all Senators.

The PRESIDING OFFICER. The question is on agreeing to the Melcher amendment (No. 222). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1—as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—94

| | | |
|---|---|---|
| Adams | Glenn | Nickles |
| Armstrong | Graham | Nunn |
| Baucus | Gramm | Packwood |
| Bentsen | Grassley | Pell |
| Bingaman | Harkin | Pressler |
| Bond | Hatch | Proxmire |
| Boren | Hatfield | Pryor |
| Boschwitz | Hecht | Quayle |
| Bradley | Heflin | Reid |
| Breaux | Heinz | Riegle |
| Bumpers | Helms | Rockefeller |
| Burdick | Hollings | Roth |
| Byrd | Humphrey | Rudman |
| Chafee | Inouye | Sanford |
| Chiles | Johnston | Sarbanes |
| Cochran | Karnes | Sasser |
| Cohen | Kassebaum | Shelby |
| Conrad | Kasten | Simon |
| Cranston | Kerry | Simpson |
| D'Amato | Lautenberg | Specter |
| Danforth | Leahy | Stafford |
| Daschle | Levin | Stennis |
| DeConcini | Lugar | Stevens |
| Dixon | Matsunaga | Thurmond |
| Dodd | McCain | Trible |
| Dole | McClure | Wallop |
| Domenici | McConnell | Warner |
| Durenberger | Melcher | Weicker |
| Exon | Metzenbaum | Wilson |
| Ford | Mikulski | Wirth |
| Fowler | Mitchell | |
| Garn | Moynihan | |

NAYS—1

Symms

NOT VOTING—5

| | | |
|---|---|---|
| Biden | Gore | Murkowski |
| Evans | Kennedy | |

So the amendment (No. 222), as modified, was agreed to.

Mr. LEVIN. Mr. President, I voted in favor of waiving the point of order on the Dixon amendment because the amendment makes a good-faith effort to be deficit neutral by seeking an offset for funding for the World Bank. The fact that it does not comply with the Budget Act in a very technical sense must be weighed against the very real benefit of this program for thousands of young people in our country. Unless additional funds are provided for this program the allocation for my State of Michigan will be almost 30 percent less than last year. In the city of Detroit, this cutback would result in 2,500 fewer summer youth jobs. The unemployment situation in our Nation has not improved so much that we can afford to sit back.

Mr. ARMSTRONG. Mr. President, I commend the efforts of Senators for reaching a compromise on the amendment (No. 222) concerning a moratorium on the issuance of patents for oil shale claims.

The proposed amendment would have imposed a moratorium on the issuance of patents on outstanding oil-shale claims on Federal lands. In part, amendment proponents question whether proper assessment work could have been done by the oil-shale claimholders on their claims, and feel that claimholders have not demonstrated they can actually produce shale oil and make it commercially available.

Opponents of the amendment state that it's a matter of law that claimholders with oil-shale claims held under the 1872 Mining Act have a right to apply for patent. Claimholders acquired equitable title to the land when they located and maintained their claims under the prevailing law. There is no requirement that they seek legal title, which they do when they apply for a patent. However, they should not have that right to receive a patent suddenly denied.

In the spirit of compromise, Senators agreed to modify this amendment so that the eight currently pending oil-shale patents will continue to be processed by the Bureau of Land Management according to law, and patents will be issued as the BLM determines.

In addition, nothing in this amendment shall affect or be construed to affect, either directly or indirectly, any patent application covered by the settlement agreement of August 4, 1986 in *Tosco* v. *Hodel* (611 F. Supp 1130) and related cases.

Those oil-shale claimholders who have yet to apply for patents may still apply. The BLM may process new patent applications, but not issue patents for those new applications until after this amendment expires on March 31, 1987.

This amendment as modified is not intended to prejudice the property rights of oil-shale claimholders, and patents still must be issued in conformance with current laws and regulations. Therefore I support the compromise amendment.

THE PENNSYLVANIA STATE UNIVERSITY AGRICULTURE SCIENCE AND INDUSTRY CENTER

Mr. SPECTER. Mr. President, I would like to address Senator BURDICK, in his role as chairman of the Appropriations Subcommittee on Agriculture, and Senator COCHRAN, the ranking minority member.

The House version of H.R. 1827, fiscal year 1987 supplemental appropriations, carries an earmark of $16,200,000 for the construction of the new agricultural science and industry facility to be located at the Pennsylvania State University.

Since agriculture is Pennsylvania's largest industry, this project is extremely important to the Commonwealth. Penn State's current facilities were constructed in the 1930's and the school is often forced to use equipment significantly inferior to that found on medium-sized private farms in Pennsylvania today.

Congress has recognized the need for this new facility. In the fiscal year 1987 continuing appropriations bill, the committee provided $1,800,000 for the planning costs associated with this facility. For fiscal year 1986, the committee provided $50,000 for a feasibility study, which produced a highly supportive report.

Because of his prior standing as ranking minority member of the subcommittee, I know that the chairman has been supportive of this project, and recognizes its importance. The same is true for Senator COCHRAN, as former chairman of the subcommittee. I have not offered an amendment to the current legislation in the hope that the Senate will recede to the House on this issue. I wonder if the chairman and ranking minority member would share their thoughts on this matter with me.

Mr. BURDICK. Mr. President, I thank the Senator from Pennsylvania for his description of the need for the construction of the agriculture center at the Pennsylvania State University. This project does appear to address important concerns of Pennsylvania and the Nation, and I hope we will be able to include it in our final bill.

Mr. COCHRAN. I appreciate the Senator from Pennsylvania's remarks and sympathize with his concerns. I will also keep his views in mind in conference and hope to be able to accommodate him.

Mr. SPECTER. Mr. President, I thank the Senators for their remarks and look forward to working with them on this urgent matter in conference.

Finally, I should point out that the Senate has allocated funds for this project that are awaiting this Federal match.

ECONOMIC DEVELOPMENT ADMINISTRATION SECTION

Mr. D'AMATO. Mr. President, I am pleased to join the senior Senator from New York and my colleagues from Illinois in offering an amendment to the fiscal year 1987 supplemental appropriations bill. The amendment would ensure the availability of previously appropriated but undisbursed local public works [LPW] funds under the Economic Development Administration [EDA] for title I projects in New York City and in Illinois.

In the case of New York City, under title I of the Local Public Works [LPW] Capital Development and Investment Act of 1976, as amended by the Public Works Development Employment Act of 1977 (Public Law 94-369), EDA awarded the city of New York $295.6 million in grant funds to cover up to 100 percent of the cost of completing 131 specific public works projects. To date, the city has expended approximately $281.5 million of these LPW funds to complete these projects. The surplus LPW funds of approximately $14.1 million are attributable in part to the fact that a number of the 131 projects were completed at a lower cost than originally planned. However, Mr. President, due to EDA's established audit close out process and New York City's right of appeal in the event of any disallowance of cost concerning a specific project subject to an audit of the original 131 projects, the total amount of surplus LPW funds previously authorized and appropriated under title I of Public Law 94-369 has not been finally determined. This means that the $14.1 million figure may not represent the final total amount of eligible undisbursed funds available to New York City.

Mr. President, under section 108(a) of Public Law 99-190, the Congress clearly indicated that any title I funds currently obligated and not disbursed shall remain available for reobligation and expenditure in the city of New York. Furthermore, Public Law 99-500 extended from September 30, 1977, until March 31, 1988, the deadline for obligation and expenditure of any funds authorized and appropriated under title I of Public Law 94-369. This 6-month extension applies in the event that the total amount of eligible undisbursed funds was not finally determined by October 15, 1986. Since the city received closeout letters for a number of the LPW project grant audits as late as November 29, 1986, and since approximately $4.2 million in disallowed costs was still under appeal through January 2, 1987, clearly no final amount was determined by October 15, 1986.

The proposed amendment being offered today to the supplemental appropriations bill would ensure that the surplus funds are obligated and expended for new title I projects in New York City. It also would clarify the spending deadline and allow sufficient time to establish the actual amount of surplus funds available to the city under the law. The amendment would provide the city with the needed flexibility to ensure that the intent of Congress in initially authorizing these funds is finally realized.

The city of New York has invested considerable effort, funds and other resources in these title I projects. They depend on the availability of critical EDA grant funds. I am pleased to support this amendment that will assist in providing vitally needed funds for job creation and local economic development. I urge the Senate to support this amendment and I commend my colleagues from Illinois and New York for their support in this effort.

Mr. NICKLES. The House-passed supplemental appropriations for fiscal year 1987 provides for $3 million for the Red Ark Development Authority. My colleague from Oklahoma [Mr. BOREN] and I support efforts such as this to provide much needed assistance to this economically depressed area of our State.

Mr. BOREN. These funds will be used for the Choctaw Regional Rural Industrial Park which will help alleviate some of the high unemployment in

a five-county area. As a consequence of these funds the rural electric co-op will be able to lower its costs of providing electricity to people in the area, a cost that has risen substantially in recent years due to outmigration of people and industry. Thus a vitally important project rests on this grant.

Mr. NICKLES. Recognizing that the chairman of the subcommittee wishes to keep amendments off this bill and respecting that desire, Senator BOREN and I approach him at this time.

Mr. BOREN. Can the chairman give Senator NICKLES and me assurances that he will make every effort to retain this funding during the conference between the House and Senate?

Mr. BURDICK. I thank the Senators for their remarks made to me here, as well as those made privately, and I appreciate the strong commitment that they have to this project as well as their understanding the difficulty I have in accepting any amendments to the bill at this time. I will certainly do what I can to see that this is seriously considered during the conference.

Mr. METZENBAUM. Mr. President, I would like to direct the chairman's attention to four small projects in Ohio.

The conference report of the Fiscal Year 1987 continuing resolution directed the U.S. Army Corps of Engineers to undertake these projects: To complete engineering and design work to stabilize the shoreline at Maumee State Park; to complete a study of the Ohio riverfront; to complete a boat launch in Sheffield Lake; and to restore the Century Park Bathing Beach at Lorain.

The administration refuses to spend the money for these projects—even though Congress has already provided the money.

The supplemental, as passed by the House, directed the corps, specifically, to undertake two of these projects.

However, that language was struck from the bill in the Senate committee.

I am prepared to offer an amendment today that would direct the administration to move these projects forward. But I understand the chairman's predicament, given the fact that there are many other projects in other States on which the administration also refuses to move.

Therefore, I would inquire of the Senator from Louisiana whether he will accept the House language with respect to the two Ohio projects in conference. And further, will he support the inclusion of the other two Ohio projects in the fiscal 1988 energy and water appropriations bill.

Mr. JOHNSTON. I appreciate the Senator's inquiry, and his restraint in withholding the amendment.

I would like to assure the Senator from Ohio that I will urge that we recede to the House position on the two projects in the supplemental, and will make every effort to include the other two projects in the fiscal year 1988 bill.

Mr. METZENBAUM. I thank the Senator for his assurances in this most important matter.

## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, while Mr. KARNES is the acting leader, I ask if these two resolutions have been cleared on his side for immediate consideration.

Mr. KARNES. I say to the majority leader that they have been cleared on our side.

Mr. BYRD. I thank the distinguished Senator.

## RESOLUTION AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. BYRD. Mr. President, I send to the desk a resolution, by myself and Mr. DOLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) to authorize testimony of Senate employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on April 1, 1987, Keykavous Hemmati was arrested by the Capitol Police on the charge of unlawful entry when he refused to leave Senator BYRD's Hart Senate Building office after he had been requested to do so several times. The United States, which is prosecuting the case, requires the testimony of two employees in Senator BYRD's office, Joan Drummond and Carol S. Kiser. The resolution would authorize that testimony.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas, in the case of *United States* v. *Keykavous Hemmati*, Crim. No. 3927-87, pending in the Superior Court of the District of Columbia, the United States has obtained subpoenas for the testimony of Joan Drummond and Carol S. Kiser, two employees of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate may be needed in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

*Resolved*, That Joan Drummond and Carol S. Kiser are authorized to testify in the case of *United States* v. *Keykavous Hemmati*.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

## APPEARANCE OF SENATE AS AMICUS CURIAE IN SUPPORT OF CONSTITUTIONALITY OF INDEPENDENT COUNSEL LAW

Mr. BYRD. Mr. President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in defense of the constitutionality of the independent counsel law, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 222) to direct the Senate Legal Counsel to appear as amicus curiae in In re *Sealed* Case.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on March 6, 1987, the Senate agreed to Senate Resolution 160 to direct the Senate legal counsel to appear as amicus curiae in two civil actions in the name of the Senate to defend the constitutionality of the independent counsel law, 28 U.S.C. sections 591-598. The two actions were brought by Lieutenant Colonel North and Michael Deaver against the independent counsels who were appointed to investigate them. Both lawsuits were dismissed as premature.

Lieutenant Colonel North has now initiated a new challenge to the independent counsel law which is scheduled to be heard on an expedited basis in the U.S. Court of Appeals for the District of Columbia Circuit on June 2, 1987. The underlying events in this matter are sealed because they relate to the proceedings of the grand jury. The court of appeals has ordered, however, that it will receive unsealed briefs on Lieutenant Colonel North's challenge to independent counsel Lawrence E. Walsh's authority to proceed with his investigation before the grand jury.

The following resolution will authorize the Senate legal counsel to present to the court of appeals, as a friend of the court, the reasons for sustaining the law's constitutionality.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 222

Whereas, in *In re Sealed Case,* No. 87-5168, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

*Resolved,* That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *In re Sealed Case* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KARNES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1987, the Secretary of the Senate, on May 26, 1987, during the adjournment of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received on May 26, 1987, are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 22, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 290. Joint resolution designating May 25, 1987, as "National Day of Mourning for the Victims of the U.S.S. Stark".

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on May 22, 1987, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

## MESSAGES FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. STENNIS].

## 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-1270. A communication from the Assistant Secretary, Conservation and Renewable Energy, Department of Energy, transmitting, pursuant to law, an annual report of Federal Activities and programs in geothermal energy; to the Committee on Energy and Natural Resources.

EC-1271. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989; to the Committee on Finance.

EC-1272. A communication from the Assistant Secretary, Legislative and Intergovernmental Affairs, U.S. Department of State, transmitting, pursuant to law, a travel advisory for the Philippines; to the Committee on Foreign Relations.

EC-1273. A communication from the Records Officer, U.S. Postal Service, transmitting, pursuant to law, a Federal Register notice of a computer matching program between the Postal Service and Department of Labor; to the Committee on Governmental Affairs.

EC-1274. A communication from the Commissioner, U.S. Sentencing Commission, transmitting, pursuant to law, his dissenting view on the promulgation of the sentencing guidelines and amendments submitted to Congress by the Commission; to the Committee on Judiciary.

EC-1275. A communication from the Chairman, U.S. Sentencing Commission, transmitting, pursuant to law, the Commission's guidelines and policy statements for the Federal courts; to the Committee on the Judiciary.

EC-1276. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, four draft bills, Statements of Need and Purpose, and Section-by-Section Analyses; to the Committee on Small Business.

EC-1277. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to amend the National School Lunch Act and Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1278. A communication from the Director of Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; pursuant to the order of August 4, 1977, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1279. A communication from the Acting Director of the Defense Security Assistance Agency, U.S. Department of Defense, transmitting, pursuant to law, information concerning the Department of the Air Force's proposed Letter(s) Offer to Honduras for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1280. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ending March 31, 1987; to the Committee on Armed Services.

EC-1281. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, notification of the recent discovery and emergency disposal of a suspected chemical bomblet at Dugway Proving Ground, UT; to the Committee on Armed Services.

EC-1282. A communication from the General Counsel, U.S. Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commission officers of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

EC-1283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on how the Department has administered sections 408, 409, 412, and 414 of the Federal Aviation Act of 1958; to the Committee on Commerce, Science, and Transportation.

EC-1284. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 1985 Annual Report regarding information on highway accidents which will permit evaluation or comparison of highway safety performance of the States; to the Committee on Commerce, Science, and Transportation.

EC-1285. A communication from the Deputy Associate Director for Royalty Management, U.S. Department of Interior, transmitting, pursuant to law, notification of the Department's intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1286. A communication from the Secretary of Energy, transmitting, pursuant to law, a second report, which supplements the earlier summary report, analyzes the technologies that were addressed in earlier submittals, and also contains the Project Summary Forms; to the Committee on Energy and Natural Resources.

EC-1287. A communication from the Acting Director of the Defense Security Assistance Agency, U.S. Department of Defense, transmitting, pursuant to law, information regarding military assistance to Chad; to the Committee on Foreign Relations.

EC-1288. A communication from the Assistant Secretary, Legislative and Intergov-

ernmental Affairs, Department of State, transmitting, pursuant to law, a report on the status of United States preparations for the International Conference on Drug Abuse and Illicit Trafficking; to the Committee on Foreign Relations.

EC-1289. A communication from the Acting Assistant Attorney General for Administration, U.S. Department of Justice, transmitting, pursuant to law, three copies of a report including copies of the "Federal Register" notice; to the Committee on Governmental Affairs.

EC-1290. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled Final Regulations for the Income Contingent Loan Program; to the Committee on Labor and Human Resources.

EC-1291. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the activities of the Committee during the fiscal year ending September 30, 1986; to the Committee on Labor and Human Resources.

EC-1292. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled Notice of Final Funding Priorities—Handicapped Children's Early Education Program; to the Committee on Labor and Human Resources.

EC-1293. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, the annual report for fiscal year 1986 of the Administration on Aging; to the Committee on Labor and Human Resources.

EC-1294. A communication from the Chairman of the National Council on Educational Research, U.S. Department of Education, transmitting, pursuant to law, the fiscal year 1986 report of the National Council on Educational Research; to the Committee on Labor and Human Resources.

EC-1295. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on smokeless tobacco; to the Committee on Labor and Human Resources.

EC-1296. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a draft of proposed legislation to amend section 1007 of title 37, United States Code, to authorize the collection of moneys owed to service relief societies from the pay of members of the uniformed services; to the Committee on Armed Services.

EC-1297. A communication from the Deputy Director of the Contracts Division, U.S. Department of the Navy, transmitting, pursuant to law, notification of findings and determination regarding the construction of a parallel runway at Clark Air Base, Philippines; to the Committee on Armed Services.

EC-1298. A communication from the Assistant Secretary, U.S. Department of Defense, transmitting, pursuant to law, an interim report describing preliminary facility requirements for construction, repair, and rehabilitation of dependent educational facilities on military installations in the United States; to the Committee on Armed Services.

EC-1299. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report regarding operations of the Board during calendar year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-1300. A communication from the Director of the National Bureau of Standards, transmitting, pursuant to law, a technical report entitled "Structural Assessment of the New U.S. Embassy Office Building in Moscow;" to the Committee on Commerce, Science and Transportation.

EC-1301. A communication from the Secretary of Transportation, transmitting, pursuant to law, annual report of Accomplishments under the Airport Improvement Program; to the Committee on Commerce, Science, and Transportation.

EC-1302. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report on the activities of the U.S. Travel and Tourism Administration for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

EC-1303. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Federal Air Marshal Program; to the Committee on Commerce, Science, and Transportation.

EC-1304. A communication from the Secretary of Transportation, transmitting, pursuant to law, a draft of proposed legislation entitled "Trucking Productivity Improvement Act of 1987," which would further enhance the productivity gains achieved by the Motor Carrier Act of 1980 by eliminating the remaining economic controls on the trucking industry and by providing additional incentives to increase the efficiency and competitiveness of motor carrier operations; to the Committee on Commerce, Science, and Transportation.

EC-1305. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1988 and fiscal year 1989, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1306. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual revised comprehensive program management plan under section 4 of the Wind Energy Systems Act of 1980; to the Committee on Energy and Natural Resources.

EC-1307. A communication from the Chairman of the National Drug Policy Board, U.S. Department of Justice, transmitting, pursuant to law, a report on the subject of narco-terrorism; to the Committee on Foreign Relations.

EC-1308. A communication from the Acting General Counsel and Congressional Liaison, U.S. Information Agency, transmitting, pursuant to law, the 1987 independent evaluation of the Radio Marti Programming of the Voice of America; to the Committee on Foreign Relations.

EC-1309. A communication from the Executive Director of the District of Columbia Retirement Board, transmitting, pursuant to law, notification that the report for fiscal year 1986 will be submitted on May 29, 1987; to the Committee on Governmental Affairs.

EC-1310. A communication from the Chief of the Insurance and Employee Benefits Executive Secretariat Air Force Welfare Board (Retirement Plan Administrator), U.S. Department of the Air Force, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC-1311. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a copy of a proposed notice amending a continuing computer matching program submitted on May 13, 1987, to the Office of Federal Register for publication; to the Committee on Governmental Affairs.

EC-1312. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, three copies of a new record system submitted by the Department of the Navy; to the Committee on Governmental Affairs.

EC-1313. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, three copies of the two new record systems submitted by the U.S. Marine Corps; to the Committee on Governmental Affairs.

EC-1314. A communication from the Secretary of the U.S. Postal Rate Commission, transmitting, pursuant to law, a final rule entitled "amendment to Domestic Mail Classification Schedule," which was adopted as Commission Order No. 757; to the Committee on Governmental Affairs.

EC-1315. A communication from the Executive Director of the District of Columbia Retirement Board, transmitting, pursuant to law, submissions of personal financial disclosure statements by each board member for calendar year 1986; to the Committee on Governmental Affairs.

EC-1316. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a draft of proposed legislation entitled the "Federal Property and Procurement Management Improvement Act of 1987;" to the Committee on Governmental Affairs.

EC-1317. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, a semiannual report of the Inspector General covering the period October 1, 1986, through March 31, 1987; to the Committee on Governmental Affairs.

EC-1318. A communication from the Clerk of the District of Columbia Circuit, United States Court of Appeals, transmitting, pursuant to law, notification regarding the appointment of Independent Counsels; to the Committee on the Judiciary.

EC-1319. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a copy of a decision granting defector status in the case of an alien who has been found admissible to the United States; to the Committee on the Judiciary.

EC-1320. A communication from the National Legislative Commission of the American Legion, transmitting, pursuant to law, financial statements as of December 31, 1986; to the Committee on the Judiciary.

EC-1321. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the fiscal year 1985 Alcohol Abuse, Drug Abuse, and Mental Health Services [ADMS] Block Grant; to the Committee on Labor and Human Resources.

EC-1322. A communication from the Secretary of the U.S. Department of Transportation, transmitting, pursuant to law, the 1987 annual report on highway safety improvement programs; to the Committee on Commerce, Science, and Transportation.

EC-1323. A communication from the President of the United States, transmitting, pursuant to law, fiscal year 1987 appropriations requests for the Veterans Administration, the Department of Transportation, and the White House Conference on Drug Abuse and Control; to the Committee on Appropriations.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-143. A concurrent resolution adopted by the Legislature of the State of South Carolina favoring continuation of the National Agricultural Pesticide Impact Assessment Program and the Interregional Project 4 Program for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION THAT WILL CAUSE THE CONTINUATION OF THE NATIONAL AGRICULTURAL PESTICIDE IMPACT ASSESSMENT PROGRAM AND THE INTERREGIONAL PROJECT 4 PROGRAM FOR FISCAL YEAR 1988

"Whereas, the National Agricultural Pesticide Impact Assessment Program (NAPIAP) and interregional Project 4 (IR-4) are cooperative programs between the United States Department of Agriculture, United States Environmental Protection Agency, Clemson University Cooperative Extension Service, and South Carolina Agriculture Experiment Station; and

"Whereas, pesticides are vital to continued production of traditional crops and forests, revitalization of agriculture in the State, and development of alternative enterprises in agriculture, forestry, and natural resources; and

"Whereas, the purpose of NAPIAP is to ensure continued registration of pesticides necessary for the production of agricultural and forestry commodities/products in the State of South Carolina; and

"Whereas, the purpose of the IR-4 program is to register pesticides for use on minor crops and for minor uses on major crops; and

"Whereas, both programs have benefited the agricultural and forestry industries in South Carolina for over fifteen years; and

"Whereas, the President of the United States elected not to include both programs in the administration's budget request for fiscal year 1988; and

"Whereas, Congress enacted legislation to continue both programs in each of the past three years. Now, therefore,

"Be it Resolved by the House of Representatives, the Senate concurring:

"That the General Assembly of the State of South Carolina memorializes Congress to enact legislation that will continue the NAPIAP and IR-4 programs for fiscal year 1988.

"Be it further Resolved that a copy of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the Congressional Delegation from South Carolina."

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POM-144. A petition from the Governor of the State of Washington urging congressional approval of an Interstate Mutual Aid Compact between Washington and Idaho; to the Committee on Armed Services.

POM-145. A joint resolution adopted by the Legislature of the State of California relative to air traffic control facilities at Whiteman Airport; to the Committee on Commerce, Science, and Transportation.

"Whereas, Whiteman Airport, located in the community of Pacoima in the San Fernando Valley area of the County of Los Angeles, has experienced a substantial increase in use by general aviation aircraft in recent years, and this increased use is likely to continue; and

"Whereas, The San Fernando Valley area has become increasingly urbanized, resulting both in congested air traffic corridors and a need to better control air traffic to protect the safety of the more than one million residents of the valley; and

"Whereas, Whiteman Airport is the only airport in the San Fernando Valley without a control tower; and

"Whereas, Recently the pilot of a Continental Airlines jetliner confused Whiteman Airport with nearby Burbank-Glendale-Pasadena Airport, nearly landing at Whiteman Airport, thus barely avoiding what could have been a major catastrophe; and

"Whereas, On another occasion, a private plane crashed into a warehouse near Whiteman Airport, resulting in one fatality and substantial property damage; and

"Whereas, The approach patterns to Whiteman Airport and Burbank-Glendale-Pasadena Airport overlap, contributing to this confusion; and

"Whereas, A control tower at Whiteman Airport staffed by Federal Aviation Administration air traffic controllers is needed to properly guide aircraft and ensure the safety both of the pilots and the residents of the San Fernando Valley; now therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish and staff an airport control tower at Whiteman Airport in the San Fernando Valley area of Los Angeles County; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Administration."

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POM-146. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 256

"Whereas, The Superconducting Super Collider is a project supported by the Reagan Administration which would be the largest and most powerful particle accelerator in the world; and

"Whereas, Accelerating particles of matter around a 52-mile ring to nearly the speed of light and then forcing them to collide, the Superconducting Super Collider would be the world's premier center for research in high energy physics; and

"Whereas, The estimated $4-6 billion cost for the Superconducting Super Collider project could be reduced by at least $350 million if the Fermi National Laboratory in Batavia, the world's most powerful accelerator, were used to inject protons and the highly trained Fermi National Laboratory staff could be used as the core of the Superconducting Super Collider staff; and

"Whereas, Extensive environmental and geological studies have been done by the Illinois Department of Energy and Natural Resources and the results show that the Femi National Laboratory in Batavia would be a prime location for the collider; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Fifth General Assembly of the State of Illinois,* that we urge the Illinois Congressional Delegation to support the Superconducting Super Collider and that we ask that they make an extra effort on behalf of the State of Illinois to promote this State as the site for the project; and be it further

"*Resolved,* That suitable copies of this preamble and resolution be presented to each member of the Illinois Congressional Delegation."

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POM-147. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUEST A PROMPT RULING FROM THE INTERSTATE COMMERCE COMMISSION REGARDING RAILROAD EMPLOYEE PROTECTION IN THE CASE OF THE SPRINGFIELD TERMINAL, NEW YORK DOCK

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

"Whereas, the Maine Central Railroad owned by Guilford Transportation Industries has made application to the Interstate Commerce Commission for an exemption to lease certain trackage rights; and

"Whereas, this exemption is to lease Maine Central Railroad trackage rights on Maine Central branch lines to the Springfield Railway Company, another Guilford Transportation Industries wholly-owned subsidiary; and

"Whereas, the proposed transaction has raised considerable concern in Maine for the rights of employees affected by the transfer and continued safety compliance on the branch lines; and

"Whereas, that concern has raised important questions concerning the opportunity for a public hearing on the application and whether *Mendocino Coast* or *New York Dock* labor protection provisions apply if the application is approved; and

"Whereas, affected Maine citizens are entitled to a prompt ruling on the Interstate Commerce Commission's review of this application; now, therefore, be it

"*Resolved:* That We, your Memorialists, do hereby respectfully urge the Congress of the United States to use the power within their authority to obtain not only a prompt ruling on the review of this application by the Interstate Commerce Commission, but also an assurance that the *New York Dock* labor protection provisions will apply if the application is approved, to relieve the concerns of the Maine Legislature and those citizens, especially our rail workers; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation."

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POM-148. A resolution adopted by the West Texas County Judges' and Commissioners' Association opposing the location of a high-level nuclear waste repository in

Deaf Smith County, Texas; to the Committee on Energy and Natural Resources.

POM-149. A resolution adopted by the Senate of the State of Alaska; to the Committee on Energy and Natural Resources.

"SENATE RESOLVE NO. 9

"Be it Resolved by the Senate:

"Whereas, Gulf Canada Corporation, the Government of Canada, and the Governments of the Yukon Territory and the Northwest Territories have worked together to find and develop the oil reserves in the Mackenzie Delta and the Beaufort Sea; and

"Whereas, it is estimated that 11 wells have been drilled in the Beaufort Sea and at least three wells have been drilled east of the Firth River in the Procupine caribou habitat area with no apparent harm to the herd or to the subsistence users of the herd; and

"Whereas, this commitment to the development of oil reserves in the Arctic has put Gulf Canada Corporation in a position to be in full production of oil in the Beaufort-Mackenzie area in six to seven years, at a time when Canada, along with the rest of North America, is expected to be short of oil; and

"Whereas, in an effort to develop a market for the oil produced in the Beaufort Sea, Gulf Canada Corporation has shipped the oil west through the Beaufort Sea to Japan, exhibiting a tenacity unequaled in the oil industry;

"Be it Resolved that the Alaska State Senate sends its hearty congratulations and expresses its deep admiration to Gulf Canada Corporation, the Government of Canada, and the governments of the Yukon Territory and the Northwest Territories for successfully developing a leading edge in Arctic oil production for the international petroleum industry."

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POM-150. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Environment and Public Works:

"A CONCURRENT RESOLUTION

"Whereas, the United States currently depends on oil imports for nearly forty percent of United States demand, with imports possibly making up fifty percent or more of domestic supplies in three to five years if current trends continue; and

"Whereas, such heavy reliance on oil imports undermines national security, weakens the United States economy, costs American jobs, and worsens the trade deficit; and

"Whereas, such overdependence on foreign oil is particularly dangerous at a time of continuing political turmoil and terrorism throughout the Middle East; and

"Whereas, the Organization of Petroleum Exporting Countries (OPEC) could regain its control over world oil prices and subject United States consumers to sharply rising prices and a return to the severe energy disruptions of the 1970's; and

"Whereas, it is in the nation's economic and security interests to take steps now to encourage increased domestic energy production and reduced dependence on oil imports from insecure foreign sources; and

"Whereas, in its recent draft report to Congress, the United States Department of the Interior stated that the Arctic National Wildlife Refuge (ANWR) coastal plain "is clearly the most outstanding oil and gas frontier remaining in the United States, and could contribute substantially to our domestic energy supplies" and proposed that the coastal plain be opened to leasing; and

"Whereas, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

"Whereas, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; and

"Whereas, the area of over two hundred forty-two thousand acres in the southeastern part of the section 1002 area that is the calving area of the Porcupine Caribou heard can be reserved to the last area for leasing; and

"Whereas, Congress can and should provide the authority and the Department of Interior can exercise such authority to impose any restrictions to ensure that unnecessary adverse effects are avoided and to require compensation in the event of significant unavoidable losses of habitat quality; and

"Whereas, Congress can and should provide the authority for the Department to issue regulations that will ensure environmental integrity in all oil and gas operations in that area; Now, therefore be it

"*Resolved*, That the General Assembly of the State of South Carolina, by this resolution, expresses its support for development of the resources of the Arctic National Wildlife Refuge (ANWR) coastal plain to provide for future United States energy needs and to reduce the dangerous overdependence on oil imports and urges Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

"*Be it further resolved*, that a copy of this resolution be forwarded to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of South Carolina's congressional delegation in Washington, DC."

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POM-151. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"A CONCURRENT RESOLUTION

"Whereas, the protection of the nation's environment is of grave importance and concern to its citizens, as reflected by the enactment of legislation creating the United States Environmental Protection Agency; and

"Whereas, in Louisiana this concern was manifested by passage in 1979 of the Louisiana Environmental Quality Act, a comprehensive and far-reaching program for environmental protection; and

"Whereas, the Legislature and the people of Louisiana gave even greater recognition to the need for stringent environmental regulation by centralizing environmental jurisdiction in a new Department of Environmental Quality in 1983; and

"Whereas, the people of this state demand clean air and water, free from contamination and pollution; and

"Whereas, Louisiana is striving diligently to regulate the dumping within the state of garbage and other waste products so as to keep Louisiana environment wholesome; and

"Whereas, the dumping or disposal of garbage or waste of any origin in the Gulf of Mexico will necessarily impact the waters, marshes, estuaries, and lands of adjacent states, adversely affecting not only water quality but also human health and fish and wildlife resources; and

"Whereas, such dumping would undermine state efforts to protect and enhance environmental quality; and

"Whereas, as a recent example, a barge load of potentially infectious supplies from New York was denied access to Louisiana based on regulatory requirements and was subsequently returned to federal waters offshore Louisiana where it remains aimless and a potential hazard to the state's environment; Therefore, be it

"*Resolved* that the Legislature of Louisiana memorializes the Congress of the United States and federal agencies having related jurisdiction, including the United States Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United States Coast Guard, to prohibit the dumping or disposal of garbage or waste of any origin in federal waters of the Gulf of Mexico.

"*Be it further resolved* that a copy of this Resolution shall be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation, as well as to the secretary of the United States Environmental Protection Agency, the undersecretary of the National Oceanic and Atmospheric Administration within the United States Department of Commerce, the commander of the United States Coast Guard, and any other federal agency having related jurisdiction."

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POM-152. A resolution adopted by the House of Representatives of the State of Oklahoma; to the Committee on Finance:

"RESOLUTION

"Whereas, thousands of senior Oklahomans are Medicare program beneficiaries each year; and

"Whereas, Oklahoma is divided into five geographic localities for Medicare reimbursement to physicians and for durable medical equipment; and

"Whereas, locality reimbursement differentials affect the availability, accessibility, quality and cost of health care to Oklahomans; and

"Whereas, current policies have created an increasing reimbursement differential between urban and rural localities, resulting in:

"1. higher out-of-pocket costs to rural elderly,

"2. a requirement of physician visits in rural areas to meet the deductible, and

"3. reimbursement discrimination against rural physician practices; and

"Whereas, according to the 1980 Federal Decennial Census, 52.4% of persons over the age of 65 live in the predominantly rural locality, and 57% of the state's primary care claims originate from physicians located in that locality; and

"Whereas, all Medicare beneficiaries are subject to the same deductible and premium payments regardless of which reimbursement locality they live in, which forces rural beneficiaries to receive less for their tax dollar than those in urban localities; and

"Whereas, senior citizens in rural localities have reported traveling to urban localities in order to receive needed medical care in a reimbursement area which allows less out-of-pocket costs for them; Now, therefore, be it

*Resolved by the House of Representatives of the 1st session of the 41st Oklahoma Legislature:* That the Oklahoma State Legislature does hereby petition the President of

the United States, the Congress of the United States and the Secretary of the United States Department of Health and Human Services to take immediate and appropriate action to convert Oklahoma from the existing five reimbursement localities to a single-statewide Medicare reimbursement locality based upon the most recent statewide prevailing rates.

"That copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Oklahoma Congressional Delegation and the Secretary of the United States Department of Health and Human Services."

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POM-153. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"A RESOLUTION

"Whereas, The Tax Reform Act of 1986 reduced the maximum corporate tax rate from 46% to 34%; and

"Whereas, For many years, telephone, electric, gas, water, and sewer utilities have been allowed to depreciate plant and equipment over different lengths of time for income tax and ratemaking purposes. Therefore, utilities may collect, through today's rates, taxes that will not be due to the United States Treasury for 20 or 30 years. Together, utilities have collected and are now holding approximately $60 billion towards future tax obligations. The Office of Consumer Advocate estimates that Pennsylvania's major electric, gas, and telephone utilities are alone holding over $700 million in excess deferred taxes which will not have to be paid to the Federal Government; and

"Whereas, when the maximum corporate tax rate was reduced, $15 billion in taxes which had been collected in advance under the higher tax rate was forgiven. It is not due to the United States Treasury now or ever; and

"Whereas, Section 203(e) of the new tax law requires each utility to flow through these excess taxes to ratepayers over the entire remaining book life of the asset which originally enabled the company to defer the tax obligation, and bars utility regulators from ordering speedier refunds; and

"Whereas, The result is that ratepayers may have to wait as long as 30 years to be reimbursed. By that time, each dollar of overcollections will be worth only 23; therefore be it

*"Resolved (the House of Representatives concurring),* That the General Assembly of Pennsylvania urge that section 203(e) of the Tax Reform Act of 1986 be repealed to give State regulators the flexibility they had after the 1978 tax cut to prescribe the return rate on a case-by-case basis; and be it further

*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania, with the request that this action by the General Assembly of the Commonwealth of Pennsylvania be promptly published in the Congressional Record."

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POM-154. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 5014

"Whereas, Members of the House of Representatives and the Senate of the Kansas Legislature deplore the apartheid system of racial segregation in South Africa; and

"Whereas, There should be universal application of the principle that all people are created equal and endowed with certain inalienable rights of life, liberty and the pursuit of happiness; and

"Whereas, South African apartheid is in direct contradiction of the basic principles of fundamental human rights and violates all aspects of democratic process; and

"Whereas, All of our states demand the democratic principle that guarantees all citizens the right to participate in the electoral process which determines their destiny, their form of government, and their election of political leaders at all levels; and

"Whereas, Racial apartheid in South Africa denies Black South Africans participation in the political process and indeed denies them fundamental human rights; and

"Whereas, On a continuing basis Blacks and other opponents of apartheid in South Africa are detained, arrested, imprisoned, beaten and killed without cause or due process of law; and

"Whereas, The system of apartheid not only represses public participation but also violates the principles of private enterprise by restricting equal access to the market place and to the extensive resources of the South African land and society; and

"Whereas, The continued oppression in South Africa threatens all Black South Africans, compromises the dignity, integrity and humanity of Coloured, Asian and White South Africans, and also threatens the peace and political, economic and social well-being of southern Africa, the entire continent and, indeed the entire world: Now, therefore,

*"Be it resolved:* That the House of Representatives and the Senate of Kansas urge that the State Legislatures increase actions to end apartheid in South Africa; and

*"Be it further resolved:* That the House of Representatives and the Senate of Kansas urge an increased level of activity by the states including, but not limited to, statements, personal testimony and actions by individual legislators, legislative resolutions and statutes condemning apartheid, calling for increased divestment of state funds in companies doing business in South Africa and any other actions to bring about a rapid end to apartheid in South Africa; and

*"Be it further resolved:* That the House of Representatives and the Senate of Kansas call for the end of the state of emergency, release of Nelson Mandela and all other political prisoners, the dismantling of apartheid and establishment of elections free and open to all South Africans without regard to color, race or creed; and

*"Be it further resolved:* That the House of Representatives and the Senate of Kansas call upon the President and Congress of the United States to utilize increasingly strong and effective measures to bring about an end to apartheid; and

*"Be it further resolved:* That the House of Representatives and the Senate of Kansas note and commend the House of Representatives of the Congress for its recent passage of the Anti-Apartheid Act of 1986 and we further note and commend the Senate Foreign Relations Committee of the Congress for its approval of Senator Lugar's "Comprehensive Anti-Apartheid Act of 1986 with the support of the Senate leadership; and

*"Be it further resolved:* That in light of continuing injustice, despite current United States' Policies, the House of Representatives and the Senate of Kansas call upon the President and Congress of the United States to increase pressure on South Africa including support for divestment, application of economic sanctions, and resisting renewal of bank loans to South Africa; and

*"Be it further resolved:* That the Secretary of State is hereby directed to send enrolled copies of this Concurrent Resolution to the President, the presiding officers of each House of Congress, the Secretary General of the United Nations, the President of the Republic of South Africa, the Ambassador to the United States from the Republic of South Africa, the leadership of the African National Congress, the Archbishop of Capetown, and the presiding officers of each legislative body of each state."

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POM-155. A resolution adopted by the Senate of the State of Michigan; to the Committee on Foreign Relations:

"SENATE RESOLUTION NO. 45

"Whereas, The present record-high water levels of the Great Lakes are ravaging the vast shoreline of Michigan. It is predicted by most experts that the lakes will continue to rise in the spring of 1987, and no one foresees a lessening of the record levels that have existed over the past year. The cost of the damages from land erosion and flooding has been estimated by the Army Corps of Engineers at 100 to 150 million dollars for 1986 and 1987 to the United States and Canada. The eight states and two provinces which border these natural wonders teem with major population centers, manufacturing sites, and scenic vistas. Since Michigan possesses more shoreline than any other state or province in the Great Lake Basin, we are well aware of the numerous dangers that the high levels create; and

"Whereas, Although this problem is a natural disaster of emergency proportions, the federal government has yet to recognize it as such. As a result, we have not been allocated the financial help necessary for adequate protection. In the last two and one-half years, the State of Michigan has spent several million dollars to preserve homes and communities, but we need federal aid for increased short-term protection measures; and

"Whereas, The climatic causes of the problem are beyond our control. However, many experts have outlined courses of action that can be taken to alleviate this danger. Since the issue threatens the economic well-being and quality of life of Great Lakes shoreline residents, we recommend that all possible solutions be examined; and

"Whereas, The governments of Canada and the United States should begin immediate negotiations on the closure of the Ogoki and Long Lac diversions which transfer water from the James Bay Basin in Canada to Lake Superior. It is also possible to construct channels and gates which would increase the flow from Lakes Erie and Ontario out the St. Lawrence Seaway. By decreasing the levels in these three lakes, the levels of all the Great Lakes will be decreased. However, these steps alone will not solve the problem. The government's of Canada and the United States must also examine other long and short-term methods to improve the situation. The International Joint Commission undertakes studies and makes recommendations, but it is the governments of both nations which must enact the necessary solutions; and

"Whereas, While this natural disaster is the cause of very real human, economic, and

environmental hardships, the gravity of the situation lies in the fact that the current situation may only be the beginning of even greater danger; now, therefore, be it

*"Resolved by the Senate,* That we urge the Congress of the United States and the International Joint Commission to take decisive and affirmative action regarding the dangerously high levels of the Great Lakes; and be it further

*"Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan Congressional delegation, and the International Joint Commission."

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POM-156. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary:

"A CONCURRENT RESOLUTION

"Whereas, the people of the State of Arizona, in the interest of protecting the religious freedom of their children, wish to encourage the enactment of legislation guaranteeing the right of voluntary prayer in public schools; and

"Whereas, guaranteeing these rights requires that the Constitution of the United States be amended so that it clearly and definitely asserts the right to voluntary prayer in public schools; therefore be it

*"Resolved by the House of Representatives of the State of Arizona, the Senate concurring:*

"1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States to add to the Constitution of the United States an article that clearly and definitely asserts the right to voluntary prayer in public schools.

"2. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

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POM-157. A resolution adopted by the Senate of the State of Kansas; to the Committee on the Judiciary:

"SENATE RESOLUTION NO. 1908

"Whereas, It is imperative that Congress take action in passing House Resolution 1242 which relates to the collection of sales and use taxes on out-of-state mail order sales; and

"Whereas, A hearing will be held May 13, 1987, on the issue, and the Kansas Congressional Delegation is urged to attend the hearing and support the changes; and

"Whereas, The present system is ineffective and has serious enforcement problems. State tax administrators have no way of assessing or collecting use taxes on many mail order purchases. As a result the integrity of the states' tax bases are being undermined and severe damage is being done to the perceived equity of the tax system; and

"Whereas, In-state merchants are at a competitive disadvantage under the present system. These merchants cannot legally avoid the collection of state and local sales and use taxes as out-of-state vendors can; and

"Whereas, As the volume of mail order sales rises, revenue losses to state and local governments from uncollected taxes are rising. The Advisory Committee and Intergovernmental Relations estimates that in 1986 state and local revenue losses ranged from $1.6 to $1.7 billion; and

"Whereas, Estimated 1986 state revenue loss from mail order and direct marketing sales in Kansas totaled $11,705,900; and

"Whereas, The out-of-state mail order problem will worsen because of the substantial growth in mail order sales, the use of television advertising, "800" telephone numbers for placing orders, and other technological innovations such as the use of home computers for shopping and purchasing; and

"Whereas, State and local governments have become increasingly dependent on sales and use taxes; they constituted 24 percent of all tax revenues for state and local governments in 1982, an increase of 19 percent since 1967. From 1979 to 1985, the number of local jurisdictions levying sales and use taxes grew by 22 percent from 5,448 to 6,668; and

"Whereas, Additional state and local sales and use tax revenues in excess of $1.1 billion would be possible if states and localities were able to collect the taxes owed. As the mail order industry continues to grow, revenues also will increase: Now, therefore,

*"Be it resolved by the Senate of the State of Kansas,* That we urge the Congress of the United States to take action on House Resolution 1242 relating to the collection of sales and use taxes on out-of-state mail order sales; and

*"Be it further resolved;* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; and to each member of the Kansas Congressional Delegation."

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POM-158. A petition from the Director of the Legislative Counsel Bureau of the State of Nevada proposing amendments to the Tahoe Regional Planning Compact between the States of California and Nevada; to the Committee on the Judiciary.

POM-159. Joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION NO. 1019

"Whereas, Mining has been and continues to be a vital industry in the development of the state of Colorado; and

"Whereas, Minerals are a key raw material for numerous industries in our nation and an economic lifeblood that can only be obtained by the toil and diligence of the dedicated men and women who find, extract, and process these vital elements; and

"Whereas, The economic growth, quality of life, and military strength of our country would not have been possible without the sacrifices and hard work of the American miner; and

"Whereas, Mining and miners have played a colorful and fascinating role in the history of Colorado; and

"Whereas, It is fitting that we should honor the men and women of the mining industry by establishing a place where the people of this state and nation may learn of the achievements of America's miners; and

"Whereas, Colorado, with its rich heritage of mining history, would be an unsurpassed location for an institution that celebrates and teaches the accomplishments of the mining industry; now, therefore,

*"Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:*

"(1) That the General Assembly hereby supports the establishment of the National Mining Hall of Fame and Museum, to be located in Leadville, Colorado, and commends the founders of the museum for their efforts.

"(2) That the Congress of the United States is urged to enact legislation establishing the National Mining Hall of Fame and Museum.

"(3) That each member of Congress from the state of Colorado is urged to give full support to such legislation.

*"Be it further resolved,* That copies of this Resolution be sent to each Member of the United States Senate and the United States House of Representatives from the state of Colorado, and to the Speaker of the United States House of Representatives and the President of the United States Senate."

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POM-160. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION

"Whereas, Alzheimer's disease and related disorders afflict a substantial number of older Americans; and

"Whereas, These disorders result in a lengthy degenerative process requiring a wide array of medical and social services throughout the course of the disease; and

"Whereas, The type of length of care needed by Alzheimer's patients can be emotionally, physically, and financially devastating to the victims and their families; and

"Whereas, Patients with Alzheimer's disease suffer progressive behavioral changes, cognitive decline, and increasing functional disabilities and display other characteristics that necessitate constant care and supervision; and

"Whereas, To continue providing quality care for an Alzheimer's victim, it is necessary for family members to remove themselves periodically from the day-to-day hardships of caring for a loved one who may have become unmanageable; and

"Whereas, Respite care provides the means for family members to take some much-needed time off, while knowing that the Alzheimer's patient is still receiving optimum care and attention; and

"Whereas, As our country's elderly population increases, so, too, will the number of Alzheimer's patients, resulting in an increased demand for respite care and related programs; now, therefore, be it

*"Resolved,* That the 70th Legislature of the State of Texas hereby request the Congress of the United States to raise respite care for Alzheimer's disease victims and their families to a higher priority under the Older Americans Act programs; and, be it further

*"Resolved,* That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives, and to the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."

## REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1987, the following reports of committees were submitted on May 22, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

S. 1274. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1988, to authorize payments to certain multilateral development banks, and for other purposes (with additional views) (Rept. No. 100-60).

## 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. SANFORD:

S. 1275. A bill to advance the national leadership in semiconductor technology, to establish a National Advisory Committee on Semiconductors, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. FORD, and Mr. REID):

S. 1276. A bill to amend the Federal Aviation Act of 1958 to provide for improved reliability of airline flight schedules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. HOLLINGS):

S. 1277. A bill to amend the Communications Act of 1974 regarding the responsibilities of broadcasting licensees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE:

S. 1278. A bill to permit certain payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) based on incorrect determinations under section 2(a)(1)(C) of that Act; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BAUCUS, Mr. BUMPERS, Mr. CHILES, Mr. DANFORTH, Mr. FOWLER, Mr. GORE, Mr. KARNES, Mr. LUGAR, and Mr. SASSER):

S. 1279. A bill to extend the Renewable Resources Extension Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. QUAYLE:

S. 1280. A bill to increase the sale of U.S.-made auto parts and accessories to Japanese markets for original and after-market equipment in Japan, in the United States and in third markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 221. Resolution to authorize testimony of Senate employees; considered and agreed to.

By Mr. BYRD:

S. Res. 222. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in "In re Sealed Case"; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANFORD:

S. 1275. A bill to advance the national leadership in semiconductor technology, to establish a National Advisory Committee on Semiconductors, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL ADVISORY COMMITTEE ON SEMICONDUCTOR RESEARCH AND DEVELOPMENT ACT

Mr. SANFORD. Mr. President, I am today introducing legislation that I believe will help restore this Nation to its rightful place of leadership in high technology. It addresses the critical need for a national strategy on semiconductors, recognizing that the semiconductor industry has a crucial role to play in enhancing our industrial competitiveness and strengthening our national defense. It also recognizes the importance of Federal intervention to buffet the serious and, in many cases, unfair challenges this industry is facing from foreign competitors.

This legislation would create a National Advisory Committee on Semiconductors that would identify and prioritize the needs and capabilities of the industry, the Federal Government, and the scientific and research communities. The committee would identify the components of a national semiconductor strategy and recommend roles for public and private participants in that strategy.

The committee would be composed of 13 members, including the Secretaries of Defense, Commerce, and Energy, and the Directors of the Office of Science and Technology Policy and the National Science Foundation, or their designees. The President would appoint four members from the industry and four from the fields of technology, defense, and economic development. Provisions are made for staff support and for regular reporting to the Congress and the administration.

Mr. President, the U.S. semiconductor industry is in real danger of losing its technological leadership and market share to Japan and other competitors aided by their governments. The rate of decline has been nothing short of precipitous. Less than a decade ago, there was little challenge to U.S. leadership in this industry. Now, we are clearly behind in many of the key technologies and are being challenged in practically all of the others. The world market share of U.S. manufacturers is decreasing. Given this state of affairs, this decline can only be expected to accelerate and extend to allied industries whose end products depend on advanced semiconductor components for high-end performance. If we do not act very soon, we will most assuredly become an also-ran in the high technology sweepstakes.

Many activities that seek to address the semiconductor problem are under way, being planned, or have been proposed by the industry, by the Federal Government, and by our great universities and research laboratories. All of these programs and proposals, while good and rational in isolation, are uncoordinated and overlapping when viewed as part of an overall plan to address a problem of this magnitude. A coherent strategy that ties the many programs and players together is essential if our Nation is to make the most effective use of the limited resources we have available.

The National Advisory Committee on Semiconductors will develop and articulate goals for a national semiconductor strategy, the implementation of which would assure the continued leadership of the United States in semiconductor technoloy. The national strategy that will evolve from this committee will provide the technological underpinnings for a strong economy and a strong national defense.

I invite my colleagues to join me in cosponsoring this bill, and I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1275

*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 Advisory Committee on Semiconductor Research and Development Act of 1987."

SEC. 2. PURPOSES.

(a) GENERAL FINDINGS.—The Congress finds and declares that—

(1) our future economic status is firmly wedded to leadership in the high technology industries that depend upon semiconductors;

(2) the leadership position of this country in high technology areas is threatened by the changing nature of foreign competition, which is often strongly supported by the national governments involved;

(3) our national defense is highly dependent upon the availability of leading edge semiconductor devices, and it is counter to the national interest to be dependent upon foreign sources for this technology;

(4) government actions to address these issues are fragmented in many Federal departments and agencies; and

(5) responses to these challenges require concerted actions of industry and government.

(b) SPECIFIC PURPOSES.—The purposes of this Act are—

(1) to establish the National Advisory Committee on Semiconductors; and

(2) to assign to such Committee the responsibility for devising and promulgating a national semiconductor strategy, including research and development, the implementation of which will assure the continued leadership of the United States in semiconductor technology.

SEC. 3. ESTABLISHMENT OF THE NATIONAL ADVISORY COMMITTEE ON SEMICONDUCTORS.

There is hereby created in the executive branch of the Government an independent advisory body to be known as the National Advisory Committee on Semiconductors (hereinafter referred to as the "Committee").

SEC. 4. FUNCTIONS OF THE COMMITTEE.

(a) IN GENERAL.—The Committee shall—

(1) collect and analyze information on the needs and capabilities of industry, the Federal Government, and the scientific and research communities related to semiconductor technology;

(2) identify the components of a successful national semiconductor strategy in accordance with section 2(b)(2);

(3) analyze options, establish priorities, and recommend roles for participants in the national strategy; and

(4) provide results and recommendations to agencies of the Federal Government involved in legislative, policymaking, administrative, management, planning, and technology activities that affect or are part of a national semiconductor strategy, and to the industry and other nongovernmental groups or organizations affected by or contributing to that strategy.

(b) SPECIFIC FUNCTIONS.—In fulfilling this responsibility, the Committee shall—

(1) monitor the competitiveness of the United States semiconductor technology base;

(2) determine technical areas where United States semiconductor technology is deficient relative to international competition;

(3) identify new or emerging semiconductor technologies that will impact the national defense or United States competitiveness or both;

(4) develop research and development strategies, tactics, and plans whose execution will assure United States semiconductor competitiveness; and

(5) recommend appropriate actions that support the national semiconductor strategy.

SEC. 5. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS.

(a) MEMBERSHIP.—

(1) The Committee shall be composed of 13 members, 7 of whom shall constitute a quorum.

(2) The Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Director of the Office of Science and Technology Policy, and the Director of the National Science Foundation, or their designees, shall serve as members of the Committee.

(3) The President shall appoint, as additional members of the Committee, 4 members from outside the Federal Government who are eminent in the semiconductor industry, and 4 members from outside the Federal Government who are eminent in the fields of technology, defense, and economic development.

(4) One of the members appointed under paragraph (3), as designated by the President at the time of appointment, shall be chairman of the Committee.

(b) STAFF SUPPORT.—Administrative support for the Committee shall be provided through an arrangement with an appropriate agency or organization designated by the Committee. The funds necessary for such support shall be provided to the designated agency or organization, from sums available to the Committee to carry out the purposes of this Act, in accordance with a memorandum of understanding entered into between them.

(c) EXPENSES.—Members of the Committee, other than full-time employees of the Federal Government, while attending meetings of the Committee or otherwise performing duties at the request of the Chairman while away from the home or regular places of business, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(d) FIRST MEETING.—The Chairman shall call the first meeting of the Committee not later than 90 days after the date of enactment of this Act.

(e) REPORTS.—At the close of each fiscal year the Committee shall submit to the President and the Congress a report on its activities conducted during such year and its planned activities for the coming year, including specific findings and recommendations with respect to the national semiconductor strategy devised and promulgated under section 2(b)(2). Each report shall include an estimate of the length of time the Committee must continue before the achievement of its purposes and the issuance of its final report.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act such sums as may be necessary for the fiscal years 1988, 1989, and 1990. Appropriations for any fiscal year pursuant to the preceding sentence shall be made through a specific line item in the Act making appropriations to the National Science Foundation for that year.

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By Mrs. KASSEBAUM (for herself, Mr. FORD, and Mr. REID):

S. 1276. A bill to amend the Federal Aviation Act of 1958 to provide for improved reliability of airline flight schedules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL AIRLINE FLIGHT SCHEDULING PRACTICES

Mrs. KASSEBAUM. Mr. President—I am today, along with the Senator from Kentucky [Mr. FORD], and the Senator from Nevada [Mr. REID], introducing legislation to address the need for improved accuracy and reliability in commercial airline flight scheduling. I believe optimistic scheduling is the single most serious cause of the myriad of problems being experienced by airline consumers today.

Serving as the ranking member on the Aviation Subcommittee which Senator FORD chairs, I have listened to hours of testimony from DOT, the FAA, and commercial air carriers about the nature and causes of consumer complaints. I have also reviewed the correspondence I have received from the traveling public expressing concern over the recent deterioration in airline performance. To a large extent, I have concluded the delayed arrivals and departures, missed connections, canceled flights, and even lost baggage, are a result of optimistic scheduling.

Flight schedules by nature tend to be optimistic for a number of reasons. Airlines realize that passengers generally try to book the most convenient flight that shows the shortest elapse time. The computer reservation systems used by all scheduled airlines and travel agents display such flights prominently, which in turn, constitutes a significant marketing advantage. The result is a computer full of flight times for every major airline between major U.S. cities that represents an industrywide "wish list."

Air carriers are presently locked into a vicious cylce where no single carrier, or group of carriers, can afford to drop optimistic scheduling because of the advantage such scheduling gives competitors. When combined with flight delays resulting from a lack of capacity in the existing airports and airways system, this tendency toward optimistic scheduling becomes a nightmare for airline consumers.

The legislation that Senator FORD, Senator REID, and I are introducing today is designed to improve greatly the reliability and accuracy of published airline schedules. Our bill would require airlines to publish actual flight-time data as experienced over the immediate past, rather than the optimistic times that airline scheduling departments currently provide. These actual flight times would be published in the Official Airline Guide and in the computer reservation systems used by travel agents and airlines when ticketing passengers.

The published flight times would be based on a 12-month rolling average. For example, a departure from Washington National that is presently scheduled to leave at noon and arrive at Chicago O'Hare at 2 p.m. would be reprinted in the OAG to reflect actual experience. If, on average, over the past 12 months the flight arrived at 2:25 p.m. the carrier would be required to publish an arrival time of 2:25 p.m. until, based on the rolling average, the company got the time back to 2 p.m.

Under this proposal it makes no difference whether the delay is caused by a delayed departure or waiting for a gate after arrival. The total travel time builds in the average delay regardless of where the delays occur. Because the published time will be based on 365 days of experience, only those flights that are truly "never on time" will require scheduling adjustments. Occasional lengthy delays caused by mechanical or flight cancellations—which would be treated as an hour delay—should not unduly skew the times because of the large number of flights in the sample.

I believe this proposal offers a number of advantages over the current system of scheduling. First, information is provided to airline consumers that is, on average, more accurate and, therefore, more useful than data that is presently provided by commercial airlines. Second, delays are greatly reduced because consistently bad performance is reflected in the schedule. Third, the proposal avoids the need to attribute "causality" in airline delays. And finally, real incentives are created for the airlines to improve performance and reduce total elapsed travel times.

The benefits of this proposal are further outlined in a very informative op-ed article of Elizabeth Bailey and David Kirstein, published in today's New York Times. Dean Bailey and Mr. Kirstein both contributed significantly to the formulation of this legislative proposal and their efforts are truly appreciated. I ask unanimous consent that their article be reprinted at the end of my remarks.

Because the information required to implement this proposal is currently generated by commercial airlines for their internal use, the cost to airlines should be minimal. For that reason, and because of the favorable impact this proposal would have on the lives of air travelers, I am hopeful that this body can act on this, or similar legislation, in the near future.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1276

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Title XI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501 et seq.) is amended by adding at the end the following:

INFORMATION REGARDING AIRLINE SCHEDULES

TIMES OF ARRIVAL

SEC. 1119. (a)(1) No air carrier or foreign air carrier shall, directly or indirectly, make any representation to any person regarding the anticipated time of arrival in the United States for any interstate or foreign air transportation, unless such representation reflects the average actual time of arrival for such transportation.

(2) As used in this subsection, the term "average actual time of arrival" means the average time at which particular air transportation or foreign air transportation arrived in the United States during the twelve-month period immediately preceding the month in which any such representation is made.

AUDIT AND EXAMINATION

(b) The Secretary shall conduct an ongoing review of compliance with the provisions of subsection (a) of this section. As part of such review, the Secretary shall establish a system for inspecting any records of an air carrier or foreign air carrier upon which any such representation was based. The Secretary shall, on the Secretary's own initiative, investigate any representation made by an air carrier or foreign air carrier where there is a reasonable basis for questioning the accuracy of such representation. The Secretary shall have access for the purpose of audit and examination to any records of air carrier or foreign air carrier which the Secretary determines necessary or appropriate.

FINES

(c) In order to carry out the purposes of this section, the Secretary shall assess such fines as the Secretary determines to be appropriate, considering the nature and severity of the violation.

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting immediately after the item relating to section 1118 the following:

"Sec. 1119. Information Regarding Airline Schedules."

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[From the New York Times, May 27, 1987]

REQUIRE AIRLINE TRUTH IN SCHEDULING

(By Elizabeth E. Bailey and David M. Kirstein)

Airlines could help to ease air traffic congestion and reduce the danger of collisions by telling consumers the truth about expected arrival times of their flights. But since some airlines will not share this information voluntarily, Congress should make it Federal policy to require truth in scheduling. That would reduce the number of flights in highly congested areas at peak periods and ease the burden on air traffic controllers.

True information on flight schedules provides strong economic incentives, to moderate the problems of flight delays and airport congestion, which have now become common for virtually every air traveler.

The truth-in-scheduling approach would require airlines to publish a rolling average of actual flight times rather than the optimistic times they currently provide. If a flight regularly suffers from lengthy delays—whatever the cause—the public has a right to know.

Because people value their own time and wish to avoid delay, they would use the information to shift their flights away from peak periods and select times of day, airlines and airports that minimize travel time.

The problem of persistently inaccurate flight schedules has been discussed by the aviation subcommittee of the Senate Commerce, Science and Transportation Committee. A member of that committee, Nancy Kassebaum, Republican of Kansas, said she planned to introduce legislation next week that would require the airlines to provide accurate flight schedules.

Under the plan, carriers would face fines if they continued the deceptive practice of listing optimistic rather than actual arrival times in computer reservations systems and published flight schedules.

The approach would be less intrusive to airline operations and more effective in improving performance than other legislative proposals, such as one that would compel airlines to post each quarter the percentage of their overall on-time flights. This information is too general to help consumers. They want specific information about the flights available for particular trips.

For example, if a consumer plans to travel from New York City to Chicago on an early morning flight, he might want to know that one from Newark airport is regularly delayed an hour or more, while a later flight from the satellite airport in White Plains, N.Y., tends to arrive on time.

It would not cost the airlines any more money to provide correct information. They already generate accurate delay tables for internal use. Moreover, travel departments at large corporations have access to this information, published in a guide sold by an air traffic controller for more than $3,000 a year. Congress should make this information freely available to all consumers.

The truth-in-scheduling proposal would require that consistently bad performance be reflected in flight schedules. It thus offers a solution to the peak-load problem, which airlines now address by charging higher prices for peak flights. With accurate information, consumers could continue to enjoy the benefits of a variety of low air fares resulting from deregulation while also benefiting from improved performance, such as fewer missed connections.

The plan avoids placing blame for delays. Indeed, there are many causes for delays, as the airlines will attest, including weather conditions, insufficient numbers of air traffic controllers, antiquated air traffic control systems, reliance by some airlines on hub-and-spoke operations, labor and other problems at recently merged airlines and inadequate numbers of satellite airports.

Under truth in scheduling, travel time would include the average delay regardless of how it occurred. Because the rolling averages would be derived from a large number of flights, only flights that are consistently late would need adjusting.

Occasional lengthy delays caused by mechanical problems or flight cancellations (these might be treated as an hour's delay) should not unduly skew the flight times because many flights are included in the average.

The schedules could provide leeway. If an arrival is scheduled at 2 p.m., and the average arrival is 2:10 p.m., the scheduled time could remain at 2. But customers would have to be told that arrival times are generally only accurate to within 10 minutes. Similarly, the rolling averages could reflect actual arrival times over one month or longer periods.

This system would create real incentives for the airlines to improve their performance. Carriers could use the truth of their better performances to attract customers from their less effective rivals. Moreover, the Federal Aviation Administration could use the averages to match staffing levels to peak traffic periods.

The policy would offer a valuable supplement to the F.A.A.'s air traffic display systems that soon will enable traffic managers to predict, alleviate, and perhaps forestall traffic congestion across the country. Even as controllers use this new air traffic display to reduce congestion, consumers could do their part by making use of new schedules to minimize their own travel time and frustration.

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By Mr. INOUYE (for himself and Mr. HOLLINGS):

S. 1277. A bill to amend the Communications Act of 1934 reading the responsibilities of broadcasting licensees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BROADCASTING IMPROVEMENTS ACT

● Mr. INOUYE. Mr. President, over the past decade, we have seen the Federal Communications Commission react to changes in the broadcast marketplace by altering or eliminating many traditional regulatory require-

ments. From the first efforts to remove certain requirements for radio broadcasters to "postcard renewal" to the repeal of the 3 year antitrafficking rule to the ability to own more broadcast stations, the Commission—particularly in the past five years—has been on a clear deregulatory course. I have supported many of these Commission actions because our regulatory oversight must change to fit actual market conditions. At the same time, I have believed that we need to retain the bedrock public interest requirements since the broadcast market has yet to become fully competitive. So long as the public does have genuine alternatives to the broadcast media, it is imperative that broadcasters continue to be required to act in the best interests of the public.

We are now seeing the effects of these deregulatory actions, and there are definite problems. It is not surprising that broadcasters are paying more attention to the bottom line. What is surprising and most disconcerting is that many broadcasters are making this an exclusive goal. Public service—as opposed to the mere catering to commerical desires—has little meaning for these broadcasters. This fact can be demonstrated by looking at two headlines in the recent issue of the RTNDA Communicator: "News Staffs Trimmed in Major-Market Radio and Independent TV" and "Broadcast Editorials in Decline." Such stories are not unusual and are becoming more frequent. We can also see evidence of this by examining the frequent flipping of broadcast stations over the past few years. Broadcast licenses are not like other commodities. Because broadcast licensees use a limited public resource and because they are not subject to full competition, they need to act as public trustees so that the larger interests of the American public can be served.

It is because of the problems caused by the sum of these deregulatory actions that I am joining with my colleague, Senator HOLLINGS, to introduce the Broadcasting Improvements Act of 1987. Our objective here is to impose selected requirements to strengthen the incentives of broadcasters to serve the public interest. We do not intend in any way to return to the days of extensive Government oversight of the broadcast industry. That is simply not warranted. We also seek in this legislation to balance these requirements by alleviating certain regulatory burdens where costs have proven to outweigh the benefits.

The main provisions of this legislation that provide incentives for greater public service are:

One, the reinstatement of the 3-year antitrafficking rule; and

Two, the requirement that a broadcaster's overall programming—and for a television broadcaster, its nonentertainment programming and programming directed toward children—is meritorious and responds to the interests and concerns of the local community.

This legislation also seeks to maintain certain requirements that we believe are necessary to ensure our system of broadcasting serves the entire American public. It is for that reason that this bill codifies the minority and female preference policy, the distress sale and tax certificate policies, the restrictions on owning multiple broadcast licenses, and the assignment of key VHF channel to public broadcasters.

The provisions that ease regulatory burdens are the elimination of the comparative hearing requirement for license renewals and the restrictions on financial settlements. This legislation also contains language eliminating the "sunset" that the FCC has placed on its newly adopted must carry rules.

I expect there to be much discussion about this legislation and plan to hold hearings in about a month. I can assure all parties that we are open to their comments and will work with them to pass legislation that is properly balanced.

I ask unanimous consent that the bill be printed in the RECORD as well as a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1277

*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 "Broadcasting Improvements Act of 1987".

TITLE I—RENEWAL OF BROADCAST LICENSES

RENEWAL OF A LICENSE

SEC. 101. (a) Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following:

"(j)(1) In any case in which a radio broadcasting station licensee submits to the Commission an application for renewal of its licensee, the Commission shall grant such application if it finds that, during the preceding term of its license—

"(A) the licensee's programming, as a whole, has been meritorious and has responded to the interests and concerns of the residents in its service area, including through the coverage of issues of local importance;

"(B) the operation of the station by such licensee has been free of willful or repeated failure to observe any provision of this Act or any rule or regulation promulgated under this Act; and

"(C) the licensee continues to meet the qualifications prescribed under section 308(b) of this Act.

"(2) In any case in which a television broadcasting station licensee submits to the Commission an application for renewal of its license, the Commission shall grant such application if it finds that, during the preceding term of its license—

"(A) the licensee's programming, as a whole, and the non-entertainment programming and the programming directed towards children have been meritorious and have responded to the interests and concerns of the residents in its service area, including through the coverage of issues of local importance;

"(B) the operation of the station by such licensee has been free of willful or repeated failure to observe any provision of this Act or any rule or regulation promulgated under this Act; and

"(C) the licensee continues to meet the qualifications prescribed under section 308(b) of this Act.

"(3) The Commission shall randomly select ten percent of the television applications for renewal of a broadcast license in each calendar year for review under this paragraph. Each licensee submitting an application selected for review shall submit to the Commission the records maintained under section 102 of the Broadcasting Improvements Act of 1987 with regard to a period of one month during each year since the most recent renewal of such license, or since the date the station commenced operation, whichever is longer. The Commission shall review each renewal application selected, including the records and materials submitted, in order to ensure compliance with the standards specified in paragraph (2) of this subsection.

"(4) In making the determinations required by paragraphs (1) and (2) of this subsection, the Commission shall not consider whether the public interest, convenience and necessity might be served by the grant of a license to a competing applicant for the facilities involved.".

(b) The amendment made by subsection (a) of this section shall take effect six months after the date of enactment of this Act, and shall apply to applications filed on or after such date.

IMPLEMENTATION OF REVISED BROADCAST LICENSE RENEWAL PROCEDURES

SEC. 102. The Federal Communications Commission shall, not later than six months after the date of enactment of this Act, promulgate rules and procedures implementing the standards set forth in section 309(j) of the Communications Act of 1934, as added by section 101 of this title, and requiring every broadcast licensee to maintain records indicating the issues of interest and concern to the residents in its service area, and the meritorious and responsive programming broadcast by such licensee, including the coverage of issues of local importance and including, for television broadcast licensees, the non-entertainment programming and the programming directed towards children. Each such licensee shall annually place copies of such records in the public files of the station. Such records shall be in addition to the materials required under sections 3526 and 3527 of part 73 of title 47 of the Code of Federal Regulations (47 CFR 73.3526 and 3527).

LIMITATIONS ON FINANCIAL SETTLEMENTS

SEC. 103. (a) Section 309 of the Communications Act of 1934, as amended by section 102 of this title, is further amended by adding at the end the following:

"(k)(1) If an application for a broadcast license filed under subsection (a) or an application for renewal filed under subsection (j) of this section is pending before the Commission, it shall be unlawful for the applicant who filed such application and any other person to enter into any agreement under which such other person withdraws or withholds from filing a petition to deny

or informal objection with regard to any such application in exchange for the payment or promise of money or any other thing of value by or on behalf of such applicant, unless the consideration for such withdrawal or withholding is an agreement involving no monetary consideration and the agreement is approved by the Commission.

"(2) In accordance with such regulations as the Commission may prescribe, the prohibition specified in paragraph (1) of this subsection shall not apply to amounts legitimately and prudently expended or to be expended in connection with preparing, filing or advocating any such petition to deny or formal objection.

"(3) For purposes of this subsection, an application shall be deemed to be pending before the Commission until an order of the Commission is no longer subject to rehearing by the Commission or review by any court.".

(b) The amendment made by subsection (a) of this section shall take effect 90 days after the date of enactment of this Act, and shall apply to applications filed on or after such date.

## TITLE II—BROADCAST OWNERSHIP STABILITY

### PERIOD OF OWNERSHIP

SEC. 201. Section 307 of the Communications Act of 1934 (47 U.S.C. 307) is amended by adding at the end the following:

"(f) If, upon examination of an application for consent by the Commission to an assignment of a broadcast construction permit or license or the transfer of control of a corporate permittee or licensee, the Commission finds that the station involved has been operated on-air by the current licensee or permittee for less than three years, the application shall be denied unless—

"(1) the application involves only an FM translator station or FM booster station;

"(2) the application involves a pro forma assignment or transfer of control;

"(3) the assignor or transferor has made an affirmative factual showing, supported by affidavits of a person or persons with personal knowledge thereof, that establishes that, due to death or disability of station principals, or unavailability of capital or other materially changed circumstances affecting the licensee or permittee occurring subsequent to the acquisition of the license or permit, consent by the Commission to the proposed assignment or transfer of control will serve the public interest, convenience and necessity; and

"(4) the permit or license was authorized in accordance with any rule, regulation, or policy referred to in section 402 of the Broadcasting Improvements Act of 1987.".

## TITLE III—MANDATORY CARRIAGE OF BROADCAST SIGNALS

### EXPIRATION OF MANDATORY CARRIAGE

SEC. 301. (a) The Federal Communications Commission shall, not later than 10 days after the date of enactment of this Act, amend rules promulgated by the Commission requiring the mandatory carriage of qualified television broadcast signals to delete the expiration of such requirement contained in section 64 of part 76 of title 47, Code of Federal Regulations (47 CFR 76.64). Such amendment shall take effect on the date on which such amendment is made.

(b) The federal Communications Commission shall undertake a study to determine the impact of the rules regarding mandatory carriage of qualified television signals contained in part 76 of title 47, Code of Federal Regulations, on cable and over-the-air television. Such study shall be completed and transmitted to the Congress not later than December 31, 1992.

## TITLE IV—DIVERSIFICATION IN OWNERSHIP OF BROADCAST STATIONS

### CONSIDERATION OF CERTAIN APPLICANTS

SEC. 401. (a) Section 309 of the Communications Act of 1934, as amended by this Act, is further amended by adding at the end the following:

"(l)(1) Except as provided in subsection (i) of this section, in the granting of authorization to construct and operate broadcast stations for which there is more than one application, the Commission shall award—

"(A) a substantial enhancement credit to any applicant which is wholly owned or controlled by one or more women who will be integrated into the daily management of the broadcast station; and

"(B) an enhancement credit, greater than the credit provided under subparagraph (A) of this paragraph, to any applicant which is wholly owned or controlled by one or more members of a minority group who will be integrated into the daily management of the broadcast station.

"(2) For purposes of this subsection, the term 'minority group' has the meaning given to such term in subsection (i)(3)(C)(ii) of this section.".

### GRANTS OF CERTAIN CERTIFICATES AND DISTRESS SALES

SEC. 402. The Federal Communications Commission shall not eliminate any rule, regulation or policy in effect on May 1, 1987—

(1) with respect to the granting of certificates under section 1071 of the Internal Revenue Code of 1986 for the sale or exchange of broadcast properties to entities owned or controlled by one or more members of a minority group; or

(2) with respect to the sale, prior to commencement of a hearing, or a broadcast station by a licensee whose license has been designated for a hearing regarding revocation or renewal to an entity wholly owned or controlled by one or more members of a minority group at a price substantially below its fair market value.

### MULTIPLE OWNERSHIP OF BROADCAST STATIONS

SEC. 403. The Federal communications Commission shall not repeal or in any way alter the rules regarding multiple ownership contained in section 3555 of part 73 of title 47, Code of Federal Regulations (47 CFR 3555), as in effect on May 1, 1987.

## TITLE V—MISCELLANEOUS PROVISIONS

### EXCHANGE OF BROADCAST STATIONS

SEC. 501. The Federal Communications Commission shall take no action to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments contained in section 606 of part 73 of title 47, Code of Federal Regulations (47 CFR 73.606).

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## BROADCASTING IMPROVEMENTS ACT: SECTION-BY-SECTION ANALYSIS

### TITLE I

*Renewal of Broadcast Licenses (Section 101)*

Subsection 101(a) amends section 309 of the Communications Act to add a new subsection (j). Subsection (j)(1) establishes the criteria a licensee must meet in order for the Commission to renew a radio broadcast license. Licensees will have to demonstrate that they have broadcast programming that is meritorious and responsive to the interests and concerns of the residents in their service area, including local programming on important issues. In addition, the Commission must find that a licensee has not intentionally or repeatedly violated the Communications Act or the Commission's rules and regulations and meets the requirements of section 308 of the Act. Subsection (j)(2) establishes the criteria a licensee must meet in order for the Commission to renew a television broadcast license. The criteria are the same as for the renewal of radio licenses except that a television licensee must demonstrate in addition that its non-entertainment programming and its programming directed towards children have been meritorious and responsive to the interests and concerns of the residents in the service area. Except as provided in subsection (j)(3) of this Act, the Commission may continue to permit licensees to use the "postcard" renewal process to demonstrate compliance with these new standards. The current "petition to deny" process remains in effect.

Subsection (j)(3) provides that each year 10 percent of the television renewal applications will be randomly selected for additional scrutiny by the Commission. Each licensee selected shall submit to the Commission program records maintained under Section 102 for one month for each year since their last renewal or since the date the station went on the air, whichever is longer. The Commission shall review each renewal application selected, including records and materials submitted, to ensure compliance with the renewal standards set forth in (j)(2).

Subsection (j)(4) provides that the issue of whether the public interest would be better served by the grant of a competing application shall not be a factor in deciding if a particular license should be renewed. The effect of this provision is to preclude the Commission from accepting or considering applications from other parties for authorization to operate on the licensee's frequency unless the Commission denies the licensee's renewal application.

Subsection 101(b) provides that subsection (a) shall take effect six months after the date of enactment.

*Implementation of Revised Procedures (Section 102)*

Section 102 directs the Commission to promulgate rules and procedures implementing the new renewal standards and requiring that licensees maintain records of the programming on important local issues, and on the meritorious and responsive programming broadcast, including, in the case of television stations, non-entertainment and children's programming. This subsection also provides that the new information to be maintained or submitted to the Commission is in addition to the recordkeeping requirements contained in the Commission's present rules.

*Limitations on Financial Settlements (Section 103)*

Subsection 103(a) amends Section 309 of the Communications Act to add a new subsection (k)(1) to prohibit the payment or promise of payment of any consideration in return for the withdrawal or promise to withhold the filing of a petition to deny a renewal application. Agreements entered into by the renewal applicant and another party are permitted provided that no monetary consideration is involved and the Commission approves the agreement.

Subsection (k)(2) provides that the challenging party may receive reimbursement

for its legitimate and prudent expenses incurred in connection with the submission of a petition to deny or formal objection.

Subsection (k)(3) provides that an application shall be considered as pending before the Commission until it is no longer subject to review by the Commission or any court.

Subsection 103(b) provides that this provision shall take effect 90 days after the date of enactment.

TITLE II

*Broadcast Ownership Stability (Section 201)*

Subsection 201(a) amends section 307 of the Communications Act. It prohibits the assignment or transfer of control of any broadcast station if the licensee or permittee has not owned the facility for at least three years, except in four instances: (1) the sale of only an FM translator or FM booster station; (2) a pro forma assignment or transfer of control, where there is no change in the individuals who control or have the power to influence the operation of the station, for example, where the name of the corporation changes; (3) the sale is necessitated by the death or disability of station principals, financial distress, or other materially changed circumstances; and (4) the station is being transferred to an entity controlled by one or more members of a minority group under the policies set forth in Section 402 of this Act.

Subsection 201(b) provides that this provision shall take effect 90 days after the date of enactment.

TITLE III

*Must-Carry (Section 301)*

Subsection 301(a) instructs the Commission to eliminate the sunset provision of the cable mandatory carriage rules (which terminates the requirement that cable systems carry local television stations after 1992) within 10 days of enactment of this Act.

Subsection 301(b) requires the Commission to conduct a study by 1992 on the impact of the mandatory carriage rules on cable and over-the-air television.

TITLE IV

*Diversification in Ownership (Section 401)*

Section 401 amends Section 309 of the Communications Act to add subsection (1) to codify the preferences awarded to minorities and females in comparative proceedings for new broadcast facilities. Subparagraph (l)(1)(A) requires the Commission to award a substantial enhancement credit to any applicant controlled by one or more women who propose to work in the daily management of the station. Subparagraph (l)(1)(B) requires the Commission to award an enhancement credit greater than the credit provided in subparagarph (A) to any applicant controlled by one or more members of a minority group who propose to work full-time in daily management of the station.

Subsection (l)(2) defines "minority group" as having the same meaning set forth in Subsection (i)(3)(C)(ii) of Section 309.

*Grants of Certain Certificates and Distress Sales (Section 402)*

Section 402 prohibits the Commisison from eleminating its current policy of awarding tax certificates pursuant to Section 1071 of the Internal Revenue Code for the sale of broadcast facilities to entities controlled by one or more members of a minority group and its policy of permitting distress sales of broadcast stations to entities controlled by one or more members of a minority group.

*Multiple Ownership (Section 403)*

Section 403 prohibits the Commission from eliminating or altering its multiple ownership rules: the 12-12-12 rule (which prohibits the ownership of more than twelve AM stations, twelve FM stations and twelve television stations by one entity or individual); the duopoly rule (which prohibits the ownership of two stations in the same service in the same market, i.e. two AM's in the same community); the one-to-a-market rule (which prohibits the ownership of more than one broadcast station in a particular service in the same market, i.e. an AM and TV); and the newspaper crossownership rule (which prohibits the ownership of a daily newspaper and a broadcast station in the same community).

TITLE V

*UHF/VHF Swaps (Section 501)*

Section 501 prohibits the Commission taking any action that would diminish the number of VHF channels allocated to noncommercial educational television stations in the Table of Assignments.●

● Mr. HOLLINGS. Mr. President, we are finally seeing the return of common sense. A few years ago, it seemed that virtually everyone around here was chanting the sacred mantra: "deregulation, deregulation, deregulation." Our policymakers were mesmerized by its ring and placed great faith in it. Now, we are seeing that all of deregulation's great promises have not come to pass, and that any benefits we derived have been accompanied by problems.

Common sense now returns to correct what has gone wrong. Early in the year, the Commerce Committee reported legislation dealing with transportation safety and drug use. Just last week, we reported legislation on the matter of airline safety. Here today, we continue our work—begun with the Fairness Doctrine bill—to address problems in the broadcast industry.

The recently departed Chairman of the FCC, Mark Fowler, used to say that policymakers should treat broadcast stations just like they do toasters. He used to say that we shouldn't worry, the marketplace will protect everyone. Well, the facts demonstrate otherwise.

Broadcasters used to be the epitome of the local citizen dedicated to serving the community. Many still are. But lately we have seen the emergence of a new generation of broadcasters—the post deregulation breed—who seem to care only about the bottom line on their balance sheets. The dollar philosophy of these broadcasters is beginning to dominate the industry. Even those dedicated to public service have felt its effects. It is sort of like Gresham's law—bad broadcasters drive good broadcasters out of the market.

We now see that Government oversight is absolutely essential to the public interest. I know many broadcasters belive this to be so. The public trust requirement benefits them.

That is why Senator INOUYE and I have introduced the Broadcasting Improvements Act. This bill will provide some meaning to the broadcaster's public trust requirement. It will also reduce some burdens on broadcasters that are no longer warranted. What it represents is a return to common sense.

We all know what to do when your toaster keeps burning the toast. You fix it. And that's just what we aim to do by this legislation. I hope we can move forward to pass it as expeditiously as possible.●

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By Mr. TRIBLE:

S. 1278. A bill to permit certain payments under the act of September 30, 1950 (Public Law 874, 81st Congress) based on incorrect determinations under section 2(a)(1)(C) of that act; to the Committee on Labor and Human Resources.

BATH AND CRAIG COUNTIES SCHOOL DISTRICTS LEGISLATION

Mr. TRIBLE. Mr. President, I am introducing legislation to provide desperately needed relief for Virginia's Bath and Craig County School Districts and I urge my colleagues to join with me in this effort.

Since 1972, Bath County and Craig County School Districts had been receiving moneys under the Federal Government's Impact Aid Program. This program provides funds to school districts which have a significant amount of nontaxable Federal land under their jurisdiction.

However, both Bath County and Craig County were recently informed by the Department of Education that they did not qualify for all amounts of Federal impact aid moneys received. As a result of bureaucratic bungling, these school districts have apparently been receiving the Federal subsidy although they did not meet the eligibility requirements.

Payments to Bath County School District have suddenly been cut off. Bath County must now find a way to continue meeting the needs of its school system without the Federal funding.

Not only have payments suddenly stopped, but the Federal Government is now demanding that Bath County repay all moneys it received under the Impact Aid Program for the last 15 years.

Craig County just learned that—although it was originally deemed eligible to receive impact aid—the Department of Education has determined that it was actually ineligible to receive payments from 1972 to 1977. Now, the Federal Government wants this money back.

Mr. President, these demands are intolerable. Both school districts cooperated fully with the Department of Education when the original determi-

nation of eligibility was made and during reviews of their eligibility status. Through no fault of their own, and certainly without any attempt to mislead the Federal Government, these school districts have learned that mistakes were made in the original assessments.

Bath County and Craig County should not be required to pay for mistakes made by the Federal Government. Moreover, attempts to comply with the Government's request would be devastating.

The Federal Government should bear the burden of its own mistake rather turning to there school districts which acted in good faith reliance on Government eligibility determinations. Bureaucratic errors should be borne by those departments which committed them, not by the school districts.

I urge my colleagues to assist Bath and Craig Counties.

Mr. President, I ask unanimous consent that the text of my 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. 1278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding any other provision of law, the amount of any payment made to a local educational agency, for fiscal years prior to 1986, that is attributable to an incorrect determination under section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) shall be deemed to have been made in accordance with such section.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount of payments made pursuant to this Act.

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By Mr. LEAHY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BAUCUS, Mr. BUMPERS, Mr. CHILES, Mr. DANFORTH, Mr. FOWLER, Mr. GORE, Mr. KARNES, Mr. LUGAR, and Mr. SASSER):

S. 1279. A bill to extend the Renewable Resources Extension Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

RENEWABLE RESOURCES EXTENSION ACT AMENDMENTS

● Mr. LEAHY. Mr. President, on behalf of myself and the distinguished senior Senator from Oregon, Senator HATFIELD, I am introducing legislation today to reauthorize the Renewable Resources Extension Act of 1978. We are pleased to be joined by Senators ADAMS, BAUCUS, BUMPERS, CHILES, DANFORTH, FOWLER, GORE, KARNES, LUGAR, and SASSER in sponsoring this important legislation.

I am particularly pleased to be introducing this reauthorization with my distinguished colleague from Oregon, with whom I worked in authoring this legislation in 1978. At that time, we envisioned the Renewable Resources Extension Act [RREA] as a means of expanding and encouraging natural resources programs within the Cooperative Extension System. And I believe we can be proud of its accomplishments to date.

Since the program was first funded in fiscal year 1982, RREA funds have been used in all 50 States for natural resource education programs. The funding has been used in a variety of different ways: Annually, about 70 percent is used for forest management and wood utilization programs, between 9 to 15 percent is spent on range management programs, and between 9 to 12 percent is used for fish and wildlife programs. The program has been extremely successful in generating State and county natural resource extension activity as well. Every dollar of Federal investment through RREA has generated at least three times that in State and local investment in renewable resource extension activities.

In the State of Vermont, RREA funding has been particularly valuable in promoting forestland management. While more than 80 percent of Vermont is forested, less than 30 percent of this land is under management. In fiscal year 1985, RREA funds were used to add two natural resource specialists to the Extension Service staff, in order to encourage forest management by educating landowners in basic forest management skills. Funds have also been used to educate landowners in forest products marketing—education that should led to increased timber and fuelwood sales.

Other States have developed educational programs designed to fit their State's resource base and needs. Some have focused on rangeland restoration and improvement, others have developed environmental education programs for youths. Many States have expanded management and marketing skills training. The value of the RREA program is further enhanced by its flexibility. Under the guidance of the Cooperative Extension System, States have been able to tailor their RREA program to fit the unique needs and ongoing work of State and local extension offices.

The need for the Renewable Resources Extension Act is as great now as it was in 1978. Seventy-one percent of the commercial forest land and 64 percent of the rangelands in the contiguous United States are privately owned. These lands represent the greatest potential source of the future supply of renewable natural resources in this country. Yet the lack of knowledge of management alternatives among private landowners and managers continues to limit the potential of our private forests and rangelands to provide these resources.

In addition, the economic opportunities possible from improved management and marketing of renewable resources have become increasingly important to farmers and ranchers looking to augment their income from traditional agricultural operations. The RREA Program, by maintaining a strong extension education delivery system, has helped—and can continue to help—increase these opportunities.

An integral goal of the RREA is to promote sound natural resource stewardship. As evidenced from the increasing concern over ground water quality, nonpoint source pollution and pesticide use, proper land management practices have become critical to the health of our land and water resources. For this reason, a continued commitment to promoting sound resource management practices among landowners and users is surely a wise long-term investment.

The Renewable Resources Extension Act is scheduled to expire on September 30, 1988. My bill would reauthorize the RREA through 1998, at its currently authorized annual funding level of $15 million. While appropriations for the RREA have not exceeded $3 million in any fiscal year, I believe that a $15 million annual investment in resource management education and training programs is certain to return many times that in future dividends.

Mr. President, as public debate increases over the best use of our public lands throughout the remainder of this century and into the next, we must focus on the potential of this country's private lands to provide many of our future renewable resources. It makes sense to continue the commitment we made in 1978 to provide sound resource management education to the owners and users of these private lands. For by doing so we will not only be expanding the economic opportunities of rural Americans, we will also be ensuring that these lands will contribute to the future wealth and needs of Americans well into the next century.

Mr. President, I hope my colleagues will consider giving their support to this valuable legislation, and 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. 1279

*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 "Renewable Resources Extension Act Amendments of 1987".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking out the first sentence

and inserting in lieu thereof the following new sentence: "There are authorized to be appropriated to implement this Act $15,000,000 for fiscal year 1988, and $15,000,000 for each of the next 10 fiscal years.".

SEC. 3. EXTENSION PROGRAMS.

Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note) is amended by striking out "1988" and inserting in lieu thereof "1998".●

● Mr. HATFIELD. Mr. President, I am delighted to join my colleague from Vermont in bringing this important legislation before the Senate. The Renewable Resources Extension Act has been a valuable tool in developing and conserving our most precious resources.

When Congress first authorized the Renewable Resources Extension Act in 1987, it was with the hope that progams could be developed which would increase our understanding of our forest, range, and wetland areas that yield renewable resources. This is an important task because these lands cover 70 percent of the surface area of the United States. Since the program was first funded in fiscal year 1982, RREA has met its congressional mandate and continues to function as intended.

During fiscal year 1985, the most recent year for which complete statistics are available, $2.5 million was utilized by RREA in 43 States to meet the program goals of developing and delivering educational programs that enhance our understanding of forest and rangeland. What may be most important, the various States which received RREA funding were able to develop programs without excessive Federal interference. Under the guidance of the Cooperative Extension Service, individual States can tailor programs to meet the needs of its citizens and resources.

My own State created a coordinated extension service which concentrates on four areas: forest land management, rangeland management, fish and wildlife management, and outdoor recreation. Each of those areas is very important to the economic health of Oregon and the long term economic health of this Nation. Some States have used funds to educate financially troubled farmers about how to supplement their incomes by utilizing effective wildlife and forest land management.

Like other Extension Service programs, the RREA is a cooperative program involving Federal, State, and local governments. In addition to paid staff members who plan programs to meet the needs of local areas, a large group of volunteers tirelessly gives of their time and talents. Extension has proven to be a valuable Federal program because it translates a national need, education, into local action and solutions. After all, national problems are no more than local problems which persist in various locations.

One of the initial goals of RREA was to focus attention upon the need to preserve our resources. Measured within the framework of the Extension Service, that is precisely what has happened. During fiscal year 1980, prior to the funding of RREA, only 1.8 percent of all extension funding was used for renewable resource education. With the leverage provided by RREA, this figure had rose to nearly 3 percent by fiscal year 1985.

As our Nation begins to run short of its finite resources, it becomes even more important for us to understand, utilize, and enhance our renewable resources. By reauthorizing the Renewable Resources Extension Act, Congress can take an important step to ensure that we will be able to produce the food, fiber, industrial materials, wildlife habitat, clean air, and recreational opportunities our citizens will need in the next century. I urge all of my colleagues to join the effort to reauthorize this important program.●

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By Mr. QUAYLE:

S. 1280. A bill to increase the sale of U.S.-made auto parts and accessories to Japanese markets for original and after-market equipment in Japan, in the United States and in third markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAIR TRADE IN AUTO PARTS ACT

● Mr. QUAYLE. Mr. President, today I am introducing legislation designed to improve sales of U.S.-made automotive parts and accessories to Japanese markets in Japan, in the United States and in other countries.

I plan to offer my initiative as an amendment to S. 490, the Omnibus Trade Act of 1987, which the Senate is scheduled to take up within the next few weeks.

My bill, the Fair Trade in Auto Parts Act of 1987, is intended to help address the serious inequity that now exists between the United States and Japan in auto-parts trade.

Of the $58.6 billion U.S. trade deficit with Japan in 1986, $33.3 billion was in automotive-related commerce, including $3.6 billion in auto parts alone, according to the U.S. Department of Commerce.

American manufacturers supplied less than 1 percent of the $55 billion worth of original and after-market parts and components used in vehicles assembled and serviced in Japan last year—and no more than 40 percent of the parts used in vehicles assembled at Japanese auto plants here in the United States.

The health of this basic American industry is critical to the health of our Nation's economy. Nationwide, 3,300 auto parts and accessories manufacturers employ over 370,000 workers. In Indiana, the heart of the automotive-component manufacturing industry, there are more than 115 parts-makers with a total work force of nearly 32,000 employees.

The gross imbalance in United States-Japan auto-parts trade cannot be blamed on inferior American-made products. Nor is it due to any failure of United States parts manufacturers to deliver price-competitive and quality components and accessories to Japanese automakers on time.

No, the problem is that Japanese car companies have developed very close ties to Japanese parts suppliers, and American companies have been unable to break those bonds and gain the fair access to the Japanese parts market they deserve.

Since last August, the United States and Japan have been engaged in negotiations—the Market Oriented, Sector-Specific [MOSS] Talks on transportation equipment—that are focusing on opening Japanese markets in Japan and the United States to American-made original equipment and after-market auto parts.

But to date, despite the concerted efforts of the American delegation, which is led by Under Secretary of Commerce for International Trade S. Bruce Smart, the MOSS talks on auto-parts trade have produced only marginal gains. For that reason, and because the year-long negotiations are scheduled to conclude this August, I believe legislation is needed to press Japanese automakers further to increase their purchases of American-made parts.

Our negotiators at the MOSS talks have made several suggestions that deserve attention and support. One important United States objective is the development of a system for the monitoring of Japanese purchases of American-made parts. In order to measure any improvement in sales accurately, we must have a credible system of accounting. I support this initiative as long as the United States and Japanese Governments supervise its implementation, and I stressed this point in a February meeting in my office with Japanese Vice Minister of Trade Makato Kuroda. While I have been disappointed with the progress of the MOSS talks on this point to date, I remain hopeful that the Japanese will cooperate in the development of a responsible and reliable system of monitoring.

The monitoring of sales is essential after the fact, but on a more fundamental level, I believe the key to stimulating increased commerce between United States suppliers and Japanese automakers is accelerated industry-to-industry contact and education. The MOSS talks have already led to increased communication, new business opportunities and a better mutual un-

derstanding of the situation facing U.S. parts companies seeking access to the Japanese market.

For example, last September, I was pleased to announce a $464,000 Trade Adjustment Assistance [TAA] grant by the U.S. Commerce Department to the Motor and Equipment Manufacturers Association [MEBA] for the establishment of an office in Japan to promote sales of U.S.-made auto parts and accessories.

Another constructive outgrowth of the MOSS Talks is taking place today and tomorrow in Indianapolis, where the U.S. Commerce Department, Senator LUGAR and I are sponsoring a national conference on selling auto parts to the Japanese. Designed to bring American auto-parts manufacturers together with Japanese auto executives and United States trade experts in an effort to open Japanese markets, this 2-day conference is featuring panel discussions and workshops led by senior official of the United States Commerce Department and senior personnel of eight top Japanese automakers.

Proof that there is a recognized need for further bilateral exchanges of this sort can be found in the number of people who registered for the Indianapolis Conference on Selling Auto Parts to the Japanese. It attracted more than 425 individuals representing over 250 American parts manufacturers from 26 States—including 96 registrants from 56 parts-makers in Indiana alone.

The conference is also welcome evidence that the Japanese delegation to the MOSS Talks is beginning to understand that that their willingness to resolve this dispute has implications for United States-Japan trade relations in areas well beyond that of auto parts and accessories. The Indianapolis Conference on Selling Auto Parts to Japan is being held in cooperation with the Japanese Ministry of International Trade and Industry [MITI] and the Japanese Automobile Manufacturers Association [JAMA].

But while the MOSS talks have helped curb the Japanese bias against purchasing American-made parts to a modest extent, our efforts to open Japanese markets must not end when the auto-parts trade talks conclude in August.

It is essential that we establish a framework for continued industry-to-industry communication and sales promotion, monitoring and reporting to sustain and capitalize on government-to-government pressure our negotiators have brought to bear during the MOSS Talks.

That is the purpose of the Fair Trade in Auto Parts Act I am introducing today.

My bill would direct the Secretary of the United States Department of Commerce to establish within that agency a program to increase the sale of American-made auto parts and accessories to Japanese markets in Japan, in the United States and in other countries. The bill clearly and simply details the steps the Commerce Secretary should take in implementing this initiative. In addition, my bill would require the Secretary to report annually to Congress on sales of United States-made auto parts in Japanese markets.

The Fair Trade in Auto Parts Act also would direct the Commerce Secretary to appoint and chair a special industry advisory committee on auto parts sales in Japan. Although the size and membership of this panel would be left to the Secretary's discretion, it is my expectation that it would be comprised of senior management and labor representatives of the American auto-parts and accessories industry and senior officials of the Federal Government. The special industry advisory committee on auto-parts sales in Japan would be charged with monitoring auto-parts sales data, reporting to the Commerce Secretary on barriers to Japanese markets, counseling him during consultations on auto-parts trade issues with the Japanese and reporting to Congress annually on progress achieved through the Commerce Department's auto-parts sales-promotion program.

Mr. President, I am a staunch advocate of free trade, but I insist on fair trade. The bill I am introducing today provides for a nonprotectionist but aggressive Federal initiative to help remedy the intolerable situation now faced by American auto parts and accessories manufacturers, who are being denied access to Japanese markets because Japanese automakers are engaging in wholly inappropriate, collusive procurement practices.

The adopting of the Fair Trade in Auto Parts Act will send an unmistakable message to both Japanese automakers and the Japanese Government that the United States fully intends to extend and expand its efforts to open Japanese markets to American-made parts long after the MOSS talks on auto-parts trade conclude this summer.

I invite my colleagues who share my commitment to fair trade in auto parts to cosponsor this bill—and to back my proposal when I offer it as amendment to the Senate's omnibus trade bill.

I ask unanimous consent that the text of the Fair Trade in Auto Parts Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

*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 "Fair Trade in Auto Parts Act of 1987."

SEC. 2. ESTABLISHMENT OF INITIATIVE ON AUTO PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall establish an initiative to increase the sale of U.S.-made auto parts and accessories to Japanese markets in Japan, in the United States and in third markets.

(b) FUNCTIONS.—In carrying out this Section, the Secretary shall—

(1) foster increased access for U.S.-made auto parts and accessories to Japanese companies, including specific consultations on access to markets in Japan,

(2) increase the exchange of information between United States auto parts manufacturers and the Japanese automobile industry,

(3) collect data and market information on the Japanese automotive industry regarding needs, trends and procurement practices, including the types, volume and frequency of parts sales to Japanese automotive companies located in Japan, in the United States and in third markets,

(4) establish and identify contacts with Japanese automotive companies in order to facilitate contact between United States auto parts manufacturers and Japanese automotive companies,

(5) report on and attempt to resolve disputes which result in barriers to increased commerce between United States auto parts manufacturers and Japanese automotive companies,

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of U.S.-made auto parts in Japanese markets,

(7) submit annual written reports or otherwise report annually to Congress on sales of U.S.-made auto parts in Japanese markets.

SEC. 3. ESTABLISHMENT OF SPECIAL INDUSTRY ADVISORY COMMITTEE ON AUTO PARTS SALES IN JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the U.S. automotive parts industry in carrying out the intent of this Act.

(b) STRUCTURE OF COMMITTEE.—The Secretary of Commerce shall select and establish a Special Industry Advisory Committee for purposes of carrying out this Act.

(c) FUNCTIONS.—The Special Industry Advisory Committee established in this Act shall—

(1) report to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets,

(2) review and consider sales data collected,

(3) advise the Secretary of Commerce during consultation with the Government of Japan on issues concerning sales of U.S.-made auto parts in Japanese markets,

(4) establish goals for and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of Section 1 above, and

(5) report to Congress annually on the progress in sales of U.S.-made auto parts in Japanese markets.

(d) AUTHORITY FOR SPECIAL INDUSTRY ADVISORY COMMITTEE.—The Special Industry Advisory Committee shall, to the extent possible, draw upon the resources of the Department of Commerce as the Secretary may determine necessary to carry out the purposes of this Act.

SEC. 4. EXPIRATION DATE.—The authority for this act shall expire on December 31, 1993.●

## ADDITIONAL COSPONSORS

S. 124

At the request of Mr. INOUYE, the name of the Senator from Massachusetts [Mr. KERRY], was added as a cosponsor of S. 124, a bill to amend title XVIII of the Social Security Act to provide that certified nurse-midwife services are covered under part B of Medicare.

S. 178

At the request of Mr. RIEGLE, the name of the Senator from Connecticut [Mr. WEICKER], was added as a cosponsor of S. 178, a bill to amend the Social Security Act to provide for improved procedures with respect to disability determinations and continuing disability reviews and to modify the program for providing rehabilitation services determined under such act to be under a disability, and for other purposes.

S. 220

At the request of Mr. SYMMS, the names of the Senator from Nebraska [Mr. KARNES], and the Senator from Nevada [Mr. HECHT], were added as cosponsors of S. 220, a bill to require the voice and vote of the United States in opposition to assistance by international financial institutions for the production of commodities or minerals in surplus, and for other purposes.

S. 274

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES], was added as a cosponsor of S. 274, a bill to restrict the use of federal funds available to the Bureau of Prisons to perform abortions.

S. 419

At the request of Mr. SIMON, his name was added as a cosponsor of S. 419, a bill to require specific congressional authorization for certain sales, exports, leases, and loans of defense articles, and for other purposes.

S. 530

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. BURDICK], was added as a cosponsor of S. 530, a bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from Missouri [Mr. DANFORTH], was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Delaware [Mr. ROTH], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH], were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 715

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. MATSUNAGA], was added as a cosponsor of S. 715, a bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes.

S. 769

At the request of Mr. JOHNSTON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 769, a bill to amend the Public Health Service Act to authorize assistance for centers for minority medical education, minority pharmacy education, minority veterinary medicine education, and minority dentistry education.

S. 780

At the request of Mr. REID, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 784

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. KARNES], the Senator from Indiana [Mr. LUGAR], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 784, a bill to provide that receipts and disbursements of the Highway Trust Fund and the Airport and Airway Trust Fund shall not be included in the totals of the budget of the United States Government as submitted by the President or the congressional budget.

S. 926

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 926, a bill to amend the Development Disabilities Assistance and Bill of Rights Act to provide grants for the operation of the National Information System for Health Related Services.

S. 998

At the request of Mr. DECONCINI, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act".

S. 1069

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as cosponsor of S. 1069, a bill to revise and extend the older American Indian grant program under the Older Americans Act of 1965, and for other purposes.

S. 1070

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1070, a bill to increase the amount authorized to be allotted under title XX of the Social Security Act.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1981, a bill to establish a coordinated National Nutrition Monitoring and Related Research program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1194

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1194, a bill to transfer jurisdiction over certain lands in Bernalillo County, New Mexico, from the General Services Administration to the Veterans' Administration.

S. 1203

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1220

At the request of Mr. KENNEDY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Wisconsin [Mr. KASTEN] 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 38

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 40

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. CONRAD], the Senator from Utah [Mr. GARN], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. REID], the Senator from Florida [Mr. CHILES], the Senator from Michigan [Mr. RIEGLE], the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to give special recognition to the birth and achievements of Aldo Leopold.

SENATE JOINT RESOLUTION 51

At the request of Mr. EXON, the names of the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. GLENN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. GORE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 76

At the request of Mr. QUAYLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the week of October 4, 1987, through October 10, 1987 as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. DECONCINI, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from Oklahoma [Mr. BOREN], were added as cosponsors of Senate Joint Resolution 86, a joint resolution to designate October 28, 1987, as "National Immigrants Day."

SENATE JOINT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Indiana [Mr. LUGAR], were added as cosponsors of Senate Joint Resolution 87, a joint resolution to designate November 17, 1987, as "National Community Education Day."

SENATE JOINT RESOLUTION 105

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI], was added as a cosponsor of Senate Joint Resolution 105, a joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 121

At the request of Mr. TRIBLE, the names of the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. DECONCINI], were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 133

At the request of Mr. DECONCINI, the names of the Senator from Illinois [Mr. DIXON] and the Senator from New York [Mr. D'AMATO], were added as cosponsors of Senate Joint Resolution 133, a joint resolution prohibiting the sale to Saudi Arabia of 12 F-15 aircraft.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor 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 RESOLUTION 174

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KASTEN] 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.

AMENDMENT NO. 207

At the request of Mr. HEINZ, the name of the Senator from South Dakota [Mr. PRESSLER], was added as a cosponsor of Amendment No. 207 proposed to H.R. 1827, a bill making supplementary appropriations for the fiscal year ending September 30, 1987, and for other purposes.

## SENATE RESOLUTION 221—AUTHORIZING THE TESTIMONY OF CERTAIN SENATE EMPLOYEES

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 221

Whereas, in the case of *United States* v. *Keykavous Hemmati*, Crim. No. 3937-87, pending in the Superior Court of the District of Columbia, the United States has obtained subpoenas for the testimony of Joan Drummond and Carol S. Kiser, two employees of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate may be needed in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

*Resolved*, That Joan Drummond and Carol S. Kiser are authorized to testify in the case of *United States* v. *Keykavous Hemmati*.

## SENATE RESOLUTION 222—DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE IN A CERTAIN CASE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas, in *In re Sealed Case*, No. 87-5168, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *In re Sealed Case* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

## AMENDMENTS SUBMITTED

## SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1987

### METZENBAUM (AND HATCH) AMENDMENT NO. 218

Mr. METZENBAUM (for himself and Mr. HATCH) proposed an amendment to the bill (H.R. 1827) making supplement appropriations for the fiscal year ending September 30, 1987, and for other purposes; as follows:

At the end of the bill, add the following new section:

Sec. . (a) Notwithstanding any provision of this Act, there are appropriated, out of the money in the Treasury not otherwise appropriated, for an additional amount for "Food and Drug Administration, Salaries and expenses", which shall be available for grants and contracts under section 5 of the Orphan Drug Act, $500,000.

(b) Notwithstanding any provision of this Act, the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 of title 5, United States Code, for each program, project, activity, or account of the Department of Health and Human Services under this or any other Act for fiscal year 1987, are reduced by a total amount of $500,000.

### MELCHER (AND OTHERS) AMENDMENT NO. 219

Mr. MELCHER (for himself, Mr. PRESSLER, Mr. INOUYE, and Mr. MATSUNGA) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 62, after line 26, insert the following:

BUREAU OF LABOR STATISTICS

From amounts appropriated under the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-500 and Public Law 99-591) and available to the Department of Labor, the Secretary of Labor shall develop data for, and publish, an index of consumer prices which accurately reflects the distribution of expenditures on goods and services, and the inflation rate within these goods and services, which are purchased by older Americans, and the Secretary shall furnish the Congress with the data and index within 90 days after the date of adoption of this Act.

### DIXON (AND OTHERS) AMENDMENT NO. 220

Mr. DIXON (for himself Mr. METZENBAUM, Mr. HEINZ, Mr. RIEGLE, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 35, line 13, strike out "$207,476,749" and insert in lieu thereof "$107,476,749".

On page 61, between lines 21 and 22, insert the following:

"For an additional amount for 'Training and employment services' for the Summer Youth Employment and Training Program for program year 1986, $100,000,000, which shall be allotted promptly to the States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.".

### BINGAMAN (AND DOMENICI) AMENDMENT NO. 221

Mr. BINGAMAN (for himself and Mr. DOMINICI) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 55, line 17 before the period, insert the following:

SEC. . (a) Provided further, that no school operated by the Bureau of Indian Affairs may be transferred to the control of any tribal, State, or local government until the Secretary of the Interior has submitted to the Congress, or to the appropriate committees of the Congress—

(1) a report on the studies and surveys required under section 1121(a) of Public Law 95-561 (25 U.S.C. 2001(a)), and

(2) the report required under section 1136(a) of Public Law 95-561 (25 U.S.C. 2016(a)) for fiscal year 1986.

(b) Subsection (a) shall not apply with respect to any transfer of a school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer.

### MELCHER (AND OTHERS) AMENDMENT NO. 222

Mr. MELCHER (for himself, Mr. WIRTH and Mr. BUMPERS) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, no oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, *et seq.*, 17 Stat. 91) shall be eligible for patent, nor shall any oil shale patent be issued, after the date of enactment of this provision, until Congress directs otherwise. This provision shall not apply to Patent Application Serial Nos. C-012327 and C-016671.

### MOYNIHAN (AND OTHERS) AMENDMENT NO. 223

Mr. MOYNIHAN (for himself, Mr. DIXON, Mr. D'AMATO, and Mr. SIMON) proposed an amendment to the bill H.R. 1827, supra; as modified:

On page 46, at the end of line 26, insert the following:

Provided further, that any funds appropriated and available for obligation and expenditure under section 108 (a) (1) and (5) of P.L. 99-190 as amended, shall remain available for obligation and expenditure through September 30, 1988, or during the two year period following the date by which all such funds have been obligated, whichever date is later.

### DECONCINI (AND OTHERS) AMENDMENT NO. 224

Mr. DECONCINI (for himself, Mr. DOMENICI, and Mr. D'AMATO) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 86, after line 17 but before line 18, insert the following:

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount of "Operating Expenses", $4,120,000, to be derived by transfer from "United States Customs Service, Operation and Maintenance, Air Interdiction Program".

### HOLLINGS (AND RUDMAN) AMENDMENT NO. 225

Mr. HOLLINGS (for himself and Mr. RUDMAN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 3, after line 11 insert the following:

Funds appropriated or otherwise made available to the Department of Commerce and the National Oceanic and Atmospheric Administration shall be available for the procurement of launch services for geostationary weather satellites I, J, and K, to be conducted only by the National Aeronautics and Space Administration: *Provided*, That such procurement may be conducted by the Department of Commerce upon written certification to the appropriate Committees of the Congress prior to July 1, 1987, that the conduct of such procurement by the Department of Commerce will not delay the availability of launch services compared to the availability of launch services conducted by the National Aeronautics and Space Administration.

### HOLLINGS (AND BUMPERS) AMENDMENT NO. 226

Mr. HOLLINGS (for himself and Mr. BUMPERS) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 13: restore the matter stricken on line 7 and insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,000,000 for disaster loan making activities, derived by transfer from the "Business Loan and Investment Fund": *Provided*, That of the funds made available under the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1987, as included in Public Laws 99-500 and 99-591, for Small Business Development Centers, an amount not to exceed $2,000,000 may be transferred for disaster loan making activities."

### CHILES AMENDMENT NO. 227

Mr. CHILES proposed an amendment to the bill H.R. 1827, supra; as follows:

At the end of the bill, add the following new section:

"SEC. . None of the funds made available by this or any other Act for fiscal year 1987 for Health Care Financing Administration Program Management activities shall be used to promulgate or enforce any rule, regulation, instruction, or other policy having the effect of establishing a mandatory holding of Medicare claims processing or payments."

SANFORD AND OTHERS AMENDMENT NO. 228

Mr. SANFORD (for himself, Mr. HELMS, and Mr. BOREN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 80, line 19, insert after "claim" the following: "and to make additional payments required by the amendments to such section made by the Farm Disaster Assistance Act of 1987".

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HELMS (AND OTHERS) AMENDMENT NO. 229

(Ordered to lie on the table)

Mr. HELMS (for himself, Mr. SYMMS, Mr. WALLOP, Mr. GARN, Mr. HUMPHREY, and Mr. MCCLURE) submitted an amendment intended to be proposed by them to the bill H.R. 1827, supra; as follows:

On page 16, at line 3, insert before the period the following: "of which $5 million shall be available only for continuing the previously authorized retrofitting of stockpiled Minuteman III Inter-Continental Ballistic Missiles (ICBMs) into existing Minuteman II ICBM silos".

● Mr. HELMS. This amendment is intended to assure the continuation of a program that is essential to the defense of the people of the United States. I am talking about retrofitting 100 stockpiled, MIRV'd Minuteman III missiles in existing single-warhead Minuteman II ICBM silos.

I would remind Senators that the present ICBM force structure consists of 450 Minuteman II's deployed, 536 Minuteman III's, and 14 MX's deployed, for a U.S. total of 2,198 ICBM warheads. This compares with a Soviet deployment of 6,500 to 8,000 ICBM warheads.

When we began the deployment of the Minuteman III's, the original intent was to complete deployment at the level of 1,000. By 1975, 550 Minuteman III's had been retrofitted into Minuteman II silos, and it was necessary to stockpile more Minuteman III's for retrofitting. One hundred had been stockpiled before the Carter administration stopped the production of Minuteman III's and broke up the machine tools and production lines in 1978 in anticipation of SALT II.

In 1979, the Soviets invaded Afghanistan, and the Senate Armed Services Committee declared that SALT II was "not in the national security interest of the United States."

The 100 Minuteman III's are still stockpiled. In 1980, Congress in the fiscal year 1981 defense authorization bill authorized the retrofitting the 100 stockpiled missiles into the Minuteman II silos. In 1981, $5 million was appropriated by Congress to begin this retrofitting. A total of only $50 million would have been required for the complete retrofitting of this stockpile. Most of the $50 million, however, was intended to install so-called functionally related observable differences [FROD] required under SALT II to differentiate MIRV'd Minuteman III silos from non-MIRV'd Minuteman II silos under SALT II counting rules. The FROD's involved were for distinctive antennas, which are now no longer necessary now that SALT is dead, and can be eliminated, saving considerable funding.

Mr. President, the retrofitting program moved forward in 1981, and in 1982 the Air Force requested $20 million more out of the total of the $45 million additional funding that was necessary for the whole project. However, the Soviet Union complained to the United States through diplomatic channels that actual United States retrofit of any of these 100 stockpiled Minuteman III MIRV'd ICBM's would place the United States in violation of the unratified SALT II Treaty by 1985. Nevertheless, the administration stood by its request to continue the retrofit. Unfortunately, Congress decided not to fund the program for fiscal year 1983.

Now, however, it is exactly 1 year since, on May 27, 1986, the administration decided to end its unilateral compliance with the unratified SALT II Treaty. That decision was based on 22 separate Soviet violations of SALT II confirmed to the Congress by the President. Therefore the only reason for delaying this retrofit is finally gone.

Mr. President, my amendment does not cost any additional funding under this bill. It merely fences $5 million of Air Force operations and maintenance funds to continue a program previously requested by the Reagan administration and authorized and appropriated by the U.S. Congress.

Upon completion of the retrofitting, the U.S. force deployment will have 200 net additional warheads, for a total of 2,398 U.S. ICBM warheads. This is an extremely modest increment, in the light of the Soviet force structure of 6,500 to 8,000 ICBM warheads. It would cost billions of dollars to start up the Minuteman III production line and build new ICBM's; but for very modest funding we can deploy these 100 stockpiled ICBM's and make sure that they can be used to improve significantly our deterrence of any attack on the American people.

Mr. President, I urge my colleagues to vote in favor of this amendment. There are several reasons.

First, the United States is no longer unilaterally complying with the unratified and expired SALT II Treaty, which the President has confirmed to Congress that the Soviets had previously violated in 22 instances.

Second, this amendment would resume a process of retrofit that would add 100 MIRV'd Minuteman III ICBM's to the American retaliatory force, for the very low cost of only $50 million. This would be the lowest cost strategic deployment by far in the history of American strategic deterrent forces. The cost would be only about $250,000 per additional deployed warhead, compared to about $43 million per deployed MX ICBM warhead, about $10 million per deployed B-1B bomber warhead, and about $8 million per deployed Trident warhead. If the SALT FROD antennas were not added to each silo, then the cost could be considerably less than $50 million and considerably less than $250,000 per additional deployed warhead.

Third, this very cheap retrofit would add a net of 200 U.S. ICBM warheads, increasing U.S. hard target kill capability by about 10 percent, and U.S. ICBM warhead survivability by about 15 percent.

Mr. President, I rest my case. If the U.S. Senate will not vote to continue a previously requested, authorized, and appropriated U.S. strategic deployment program that is extremely cost effective and militarily effective, but that was delayed only because of U.S. unilateral compliance with the unratified, expired, and Soviet violated SALT II Treaty, then unilateral disarmament has truly become the rule in the U.S. Senate. I do not believe the people want the U.S. Senate to embrace United States unilateral disarmament, especially in the face of Presidentially confirmed Soviet break out violations from SALT I, SALT II, and from the ABM Treaty.

Mr. President, this vote is an important signal of our will or lack of will to defend our country. It is crucial that the Senate vote to support this extremely cost effective deployment which will bolster the U.S. strategic deterrent posture.●

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## NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing on the need for a new Consumer Price Index [CPI] which would accurately reflect the inflation rate that the elderly face and the process by which the Department of Labor should develop such an index.

The hearing will take place on Monday, June 29, 1987, at 10 a.m., in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Max Richtman, staff director, at 202-224-5364.

## ADDITIONAL STATEMENTS

### NATIONAL COUNCIL OF NEGRO WOMEN RECOGNIZES NEW JERSEY LEADERS

● Mr. LAUTENBERG. Mr. President, I am pleased to bring to the attention of my colleagues a very important event that will take place this Saturday in New Jersey. On May 30, 1987, the National Council of Negro Women will present its Mary McLeod Bethune recognition awards to outstanding women and men in business who represent the spirit of achievement and pride exemplified by Mrs. Bethune.

Recognizing a need for black women to speak with a unified voice, in 1935, Mary McLeod Bethune organized a meeting of women representing the many black women's organizations across the country at the 137th Street branch of the YWCA in New York City. At that meeting the idea for the National Council of Negro Women was born. Its goals were then in the words of Mrs. Bethune what they are today: "to sustain our growth, broaden our vision and extend our service."

Mrs. Bethune's leadership in the drive to expand the voice of black women has become a continuing source of inspiration for the National Council of Negro Women. All her life she worked to secure opportunities for black women, men and children: as a pioneer in education, as an organizer, and as an effective spokeswoman for civil rights in the public and private sectors.

Today, following Mrs. Bethune's legacy, the NCNW reaches out to black women of all social and economic levels. The NCNW operates a number of programs to create opportunities for black women. These include job training, educational programs and career development, and child care for disadvantaged women and working mothers.

In 1944, Mrs. Bethune so eloquently spoke for black Americans when she hoped to answer those who cynically asked, "What does the black American want?" Her reply, "He wants only what all other Americans want. He wants opportunity to make real what the Declaration of Independence and the Constitution and the Bill of Rights say, what the four freedoms establish. While he knows these ideals are open to no man completely, he wants only his equal chance to obtain them." As we celebrate the bicentennial of our Constitution, the words of Mrs. Bethune remind us that we still have much work to do to bring these grand ideals into reach for all Americans.

Those individuals who have exemplified Mrs. Bethune's commitment to excellent include New Jerseyans Bertha Griffen, Sue Wilson, Gail A. Davis, Audrey Clark, William Franklin, Rev. William D. Watley, Mary E. Singletary, and Blonnie Wiltshire.

I would like to welcome NCNW President Dorothy I. Height and extend my best wishes to Dr. Annette Kearney, NCNW general chairperson for New Jersey.

Congratulations to those New Jerseyans and others who have earned the Bethune recognition awards. I ask that an excerpt from an article in the Newark Star-Ledger about the awards ceremony be printed in the RECORD.

The article follows:

COALITION WILL HONOR ACHIEVERS

Black men and women in education, business and industry will be saluted May 30 when the National Council of Negro Women Inc. stages the Mary McLeod Bethune Recognition Luncheon in the grand ballroom of the Meadowlands Hilton Hotel, 2 Harmon Plaza, Secaucus.

The luncheon hails the advancement of men and women in the corporate community and gives recognition to all "who exemplify achievement in the Bethune manner" and who "translate into action our underlying concepts of commitment, unity and self-reliance," an NCNW official said.

The program will be attended by NCNW president Dorothy I. Height, as well as representatives of the 11 New Jersey sections of the organization and the New Jersey Life Members Guild.

This year's awards recipients include Bertha Griffen, president of Porterhouse Cleaning and Maintenance Co. of Edison; Sue Wilson, a chemist at Colgate-Palmolive Corp. of Piscataway; Gail A. Davis, community affairs representative at Public Service Electric & Gas Co. and Audrey Clark, district administrator-elementary education, Long Branch Board of Education.

Also honored will be William Franklin, president of the Franklin Planning Group in Asbury Park, and Rev. William D. Watley, pastor of St. James AME Church in Newark.

A special award will go to Mary E. Singletary, director of the division of women in the state Department of Community Affairs and an outstanding service award will be given to Mrs. Blonnie Wiltshire of NCNW's North Shore Area section.●

### TRIBUTE TO ESTELLE R. ROBINSON

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a remarkable member of the New Jersey educational community, Estelle R. Robinson. Ms. Robinson is retiring this year after 18 years of service to Rutgers University, the State University of New Jersey. In recognition of her many contributions to the health and well-being of New Jersey's young people, her many colleagues and friends will be honoring Ms. Robinson on June 5, 1987.

A resident of Trenton, Estelle Robinson is a professor of social work at Rutgers. She is currently the director of the Center for Community Education at the Rutgers School of Social Work. She came to Rutgers in 1968 as a Ford Foundation fellow at the Rutgers Urban Studies Center. She has served as the university's title I project director; chair of the department of community education in the division of continuing education; and assistant to the dean of continuing education for instructional planning.

While at Rutgers, Ms. Robinson has become an authority on human services community planning and "networking." She has developed many programs to help professionals reach out to the problems of today's youth. In response to community need, she developed both the New Jersey Network on Adolescent Pregnancy and the New Jersey Network for Family Life Education. She has also chaired statewide conferences on youth issues such as ethnic differences, juvenile justice, adolescent pregnancy, and youth suicide.

Mr. President, Estelle Robinson's devotion to solving the problems of New Jersey's young people has earned her praise from human services professionals around the State as well as the Rutgers community. Ann Levine, the director of the New Jersey Family Planning Forum said that for Ms. Robinson, "networking is as natural as breathing." Rutgers President Edward Bloustein said she "epitomizes the dedication to the public good, which is one of the central purposes of this State University." I am pleased to be able to honor her many important contributions to New Jersey.●

### A CHANCE FOR ARMS CONTROL

● Mr. KERRY. Mr. President, during the past 2 years since the ascent of Mikhail Gorbachev, many significant changes have taken place in the Soviet Union. Some of the most significant changes in terms of United States interests have taken place in the Soviet approach to arms control.

A recent article in the Bulletin of the Atomic Scientists analyzes Gorbachev's moves in the area of arms control and their significance for American policy. The author is Jonathan Dean, the former head of the U.S. delegation to the Mutual and Balanced Force Reduction Talks.

Dean points out that in the past 2 years, Gorbachev "has made over 25 major moves, largely unilateral and unreciprocated, toward the U.S. position on arms control, with the United States making relatively few countermoves." And as he points out, "The record of these 25 or more major Soviet moves in 2 short years is both remarkable and positive. * * * For the first time in the nuclear era, they bring large-scale negotiated reduction of nuclear weapons within reach".

In the area of strategic reductions, the Soviets have made a series of concessions to United States positions. In September 1985, they accepted the earlier U.S. proposal for a 50 percent

reduction of strategic delivery systems. In effect, they agreed to the deep cuts proposed by the Reagan administration, to a limit of 6,000 warheads on each side.

In June 1986, Gorbachev dropped the Soviet insistence on banning submarine-launched cruise missiles with more than a 600-kilometer range, and dropped the Soviet demand that United States nuclear-capable aircraft be included in the count of United States strategic delivery systems.

At Reykjavik, in October 1986, the Soviet made three additional concessions. They agreed to a counting rule by which each aircraft equipped for carrying nuclear bombs and short-range attack missiles would be counted as a single warhead. They agreed to take sea-launched cruise missiles out of the count of U.S. strategic armaments. And they agreed to make substantial cuts in heavy SS-18 missiles.

As Dean points out, "the net effect of these important Soviet moves is United States-Soviet agreement on the main headings of an epoch-making strategic reduction, bringing an agreement in principle—or, with luck, even a completed agreement—within reach during Reagan's remaining term of office.

The Soviets have also made important concessions toward the United States position on space weapons. In June 1986, Gorbachev put aside the Soviet proposal to prohibit all space-strike weapons in favor of a proposal to apply the ABM treaty strictly and not to withdraw from it for a period of 15 to 20 years. At Reykjavik, he cut back this period to 10 years. Two weeks later, the Soviets agreed that the ABM treaty did permit fixed ground-based testing of ABM weapons, including those based on new technology, and sought to set up a working group with the United States at Geneva to determine which high-tech SDI devices could be tested in space under the treaty.

Dean states that "with this suggestion, the Soviet Union finally withdrew from the extreme proposal it had made in 1985 to ban all space-based weapons, and was offering what may be the only possible approach to reaching a practical compromise on SDI. Washington's first reaction was to instruct U.S. negotiator Kampelman not to negotiate on the subject."

On intermediate-range nuclear forces, the Soviets have also moved their position considerably. As a result, this is now the most promising area for an arms control agreement. Gorbachev agreed to a separated INF agreement at the 1985 Geneva summit, then revoked it after Reykjavik, then agreed to it again at the end of February of this year. This is a concession to the U.S. insistence on a separate INF agreement.

The Soviets have also agreed to exclude United States INF missiles in the overall count of strategic missiles and to drop INF aircraft in Europe from the INF talks. They have also agreed to drop British and French nuclear armaments from an INF agreement.

The Soviets have also agreed first to freeze their SS-20's in Asia, and then, at Reykjavik to reduce them to 100 warheads. They have also agreed to a heavily asymmetrical zero-zero reduction, under which they would reduce four Soviet warheads for every one American warhead, for a total of over 1,000 more Soviet than United States reductions in total.

They have also proposed to remove all of their short-range INF missiles from Europe without any corresponding reductions by the United States. And they have agreed to U.S. concepts for verifying an INF accord, including an exchange of data, on-site monitoring of destruction of missiles, and monitoring of production facilities.

In other areas of arms control, the Soviets have also made concessions. They have maintained a moratorium on testing antisatellite weapons, and also maintained a unilateral moratorium on underground nuclear testing from August 1985 to February 1987. During this period, the U.S. conducted 26 nuclear tests. The Soviets also permitted a team of American scientists to set up seismic monitoring devices near the Soviet test sites during the moratorium. In March 1987, the Soviets dropped their insistence on a test moratorium, in favor of lowering the threshold and number of nuclear tests.

In April of this year, Gorbachev proposed that each country carry out a nuclear test at the test site of the other country. Dean states that "This ingenious proposal should meet administration requirements for additional verification before finally ratifying the Threshold Test Ban Treaty signed in 1974."

While the Reagan administration has renounced the SALT II Treaty and exceeded its limits, the Soviets have unilaterally continued to abide by the SALT limits. The Soviets have also agreed to U.S. proposals that destruction of chemical weapons stocks be supervised, and that there be inspection of declared production and storage sites. They have also indicated a willingness to accept the British proposal on demand inspection of undeclared chemical weapons sites.

The Soviets have also made concessions in the area of conventional forces. They offered in the spring of 1986 to negotiate on reduction of NATO and Warsaw Pact conventional forces covering an area from the Atlantic to the Urals, 1,200 miles into Soviet territory. This is a major change in their position. They also made a number of concessions in order to achieve the Stockholm agreement of East-West confidence building measures, which was reached in September 1986.

The significance of all of these Soviet concessions, and others, on arms control issues is that there is now a real chance to reach meaningful arms control agreements with the Soviet Union. This is particularly true with respect to an INF agreement. But it is also possible to make serious progress on reducing long-range missiles, reaching an agreement on SDI testing, and strengthening the ABM treaty, if this administration is willing to bargain seriously in good faith. The recent United States-Soviet agreement on the establishment of risk reduction centers proves that even the Reagan administration can reach agreements with the Soviet.

But time is running out for the Reagan administration on an arms control agreement. President Reagan has only a year and a half left in office, and we are only a few months away from the 1988 Presidential campaign. Unless the President reaches an agreement soon, history will judge him not only by the massive Federal budget deficits he created, but by the opportunities for arms control he squandered.

I ask that an article by Jonathan Dean, entitled "Gorbachev's arms control moves", be printed in the RECORD.

The article follows:

GORBACHEV'S ARMS CONTROL MOVES

(By Jonathan Dean)

In the two years since Mikhail Gorbachev became General Secretary of the Communist Party of the Soviet Union he has made over 25 major moves, largely unilateral and unreciprocated, toward the U.S. position on arms control, with the United States making relatively few countermoves. Of course, Gorbachev's moves stemmed from earlier Soviet positions, many of which were considered by American negotiators to reflect a desire for Soviet advantages. But each original Soviet position had some rational basis and the moves away from them are notable.

These Soviet concessions to the U.S. position (Soviet officials, sensitive to domestic charges of excessive accommodation to the United States and apprehensive lest the "Reagan approach" to negotiation be adopted as standard practice in the West, prefer to call them "moves", "shifts," or "indications of flexibility") are unparalleled in the postwar history of U.S.-Soviet arms control negotiations. They document a compelling Soviet desire to conclude arms control agreements with the Reagan administration and have brought an agreement on reducing intermediate-range missiles, and possibly an agreement in principle on strategic reductions, in range this year. It is probable that, at least in the short term, Moscow will continue its pattern of flexibility. Whether the resulting opportunity is converted into actual accords depends largely on Washington's interest in concluding an agreement with the Soviet Union.

So far, the Reagan administration, divided within itself over arms control, has been

consistent only in its intransigence. In the face of Soviet moratoriums on testing of nuclear warheads and antisatellite weapons, the United States has tested both. It has renounced and exceeded the SALT II ceilings on strategic delivery systems. It seems intent on dismantling the Anti-Ballistic Missile Treaty through the testing in space of ballistic missile defense weapons on the basis of an arbitrary reinterpretation of the treaty.

A Soviet regime of past temper would probably have responded in kind to such actions, bringing anarchic, unregulated competition in weapons of offense and defense. But Gorbachev's moves toward the U.S. position have continued. Later, I shall explore the question of whether a deliberately unyielding Reagan administration strategy has elicited this flow of Soviet concessions or whether they are generated mainly by policy change in the Soviet Union itself. But first, it is necessary to look at the actual record of Soviet arms control moves of the last two years, dividing them into the major areas of reducing strategic nuclear forces; space weapons; reducing intermediate-range nuclear missiles (INF); and a fourth category comprising arms control in Europe, nuclear testing, and control of chemical weapons.

THE RESUMPTION OF NEGOTIATIONS

In the fall of 1983, at a time of unsteady leadership arising from the long illness and death of longtime leader Leonid Brezhnev and his brief succession by Yuri Andropov, himself on the verge of mortal illness, the Soviet Union made a major blunder in arms control. Perhaps expecting that public resistance would block deployment in Europe of intermediate-range U.S. Pershing II and ground-launched cruise missiles, it withdrew from the Geneva talks on reduction of intermediate-range and strategic armaments, and from the long-standing Vienna negotiations on reduction of conventional forces. As deployment of the intermediate-range nuclear missiles proceeded virtually unimpeded, and questions and criticism of the Soviet withdrawal from negotiation on the most important international issue of the age mounted, both within the Soviet Union and from Western Europe, the United States, and the world over, the Soviet leadership realized the extent of its error in leaving the arms control field to a U.S. administration that blandly reiterated its willingness to continue negotiation.

One of the first actions of the new Soviet leader Konstantin Chernenko after he came to power in February 1984 was to state the Soviet Union's desire to return to arms control negotiations if the United States would demonstrate by specific actions its interest in serious negotiation. In his February 1984 speech as candidate for the Supreme Soviet, Chernenko listed examples of U.S. actions that would meet Soviet conditions, among them commitments on non-use of force, no first use of nuclear weapons, an agreement limiting antisatellite weapons, and an agreement to limit military budgets. Restricting the Strategic Defense Initiative (SDI) was one of these items, but Soviet leaders told Maine Republican Senator William Cohen, on his visit to the Soviet Union in March 1984, that a U.S. move on any one of these topics would bring the Soviet Union back to the negotiating table. Clearly, Soviet motivation was to return to negotiations rather than to continue, through absence, to incur heavy penalties against Moscow's claim to a leading role in arms control. This, rather than concern over SDI, was the decisive factor. The specific timing of the Soviet return to the negotiating table was established by President Reagan's reelection; Soviet leaders were waiting out the elections, probably hoping for another outcome.

President Reagan, in a speech in Dublin in June 1984, indicated willingness to undertake a commitment on non-use of force in the context of a satisfactory agreement on confidence-building measures at the recently begun Stockholm Conference on Disarmament in Europe—a commitment later honored in the agreement reached in September 1986. But otherwise, the Reagan administration declined to make unilateral gestures.

It was only in the summer and fall of 1984 that the Soviet Union began to focus its public statements on opposition to SDI. Directly following Reagan's reelection, Foreign Minister Andrei Gromyko signaled readiness to resume negotations. He met with Secretary of State George Shultz in January 1985 at Geneva and the two leaders agreed on conditions under which the Soviets considered it feasible to return to Geneva:

The sides agree that the subject of the negotiations will be a complex of questions concerning space and nuclear arms, both strategic and intermediate range, with all the questions considered and resolved in their interrelationship. The objective of the negotiations will be to work out effective agreements aimed at preventing an arms race in space and terminating it on earth, at limiting and reducing nuclear arms and at strengthening strategic stability.

From the Soviet viewpoint, this communiqué established the linkage between nuclear reductions and ballistic missile defense on which the Soviets have since insisted, intermittently regarding intermediate-range missiles, and consistently regarding strategic missiles. The restructured Geneva negotiations resumed in March 1985, just as Chernenko died. The day after, he was replaced by Mikhail Gorbachev.

STRATEGIC REDUCTIONS

In the first weeks of the resumed Geneva talks, Soviet negotiators, under Viktor Karpov, focused on a procedural effort to assure acceptance by the U.S. negotiating team, led by Max Kampelman, of the linkage between the space weapons component of the talks and the START (Strategic Arms Reduction Talks) and INF components. By mid-June 1985 the Soviets had returned to negotiating on the basis of their 1983 proposal for a 25 percent cut in strategic delivery systems, which would have resulted in a ceiling of 1,800 on strategic missiles and aircraft.

Soviet officials told visiting Congressman Stephen Solarz, Democrat of New York, in July 1985 that the 25 percent reduction would cover warheads as well as delivery systems. This was a shift from the 1983 position and a move toward the Reagan administration's claim that SALT II had been "fatally flawed," in part because of its failure to prevent a huge increase of warheads in both countries, mainly in the form of MIRVs (multiple independently targeted reentry vehicles).

Soviet proposals, however, still did not provide for subceilings on Soviet heavy missiles like the silo-busting SS-18, as the United States wished. Moreover, the proposed ceilings would include both nuclear-capable long-range U.S. bombers and nuclear-capable U.S. forward-based systems in Europe and the Far East, as well as British and French nuclear weapons.

The Soviet definition, familiar from the SALT II talks, would have added together all U.S. and allied nuclear delivery systems capable of reaching Soviet territory and matched them with an equal number of Soviet strategic systems capable of reaching U.S. territory, omitting from the count all shorter-range Soviet systems, including those aimed at Japan and Western Europe. This would have resulted in a large preponderance of Soviet over U.S. strategic delivery systems. In SALT II, the United States had for this reason insisted on "equal aggregates" of the strategic forces of the two countries.

Late in June 1985, agreement was reached to hold a Reagan-Gorbachev summit in mid-November of that year—and the series of Soviet moves on arms control began. In September Gorbachev, in a letter delivered to President Reagan by newly appointed Soviet Foreign Minister Eduard Shevardnadze, accepted the earlier U.S. proposal for a 50 percent reduction of strategic delivery systems—to 1,600 for the United States. He also proposed a warhead ceiling of 6,000, the same overall figures as finally agreed upon in Reykjavik a year later, plus a limit of 3,000 warheads on land-based ICBMs, in return for U.S. agreements to relinquish the SDI program. At last the Soviets had agreed to the deep cuts proposed by the Reagan administration. But, although Moscow was willing to limit its own delivery systems to about 1,200, the Soviet proposal continued to include in its totals for delivery systems and warheads all U.S. systems capable of reaching Soviet territory, including the warheads of intermediate-range missiles, other forward-based systems, and the United States' large stock of aircraft-delivered nuclear bombs and short-range attack missiles.

U.S. reductions on this basis would again have resulted in the Soviets having a far larger number of strategic warheads on intercontinental ballistic missiles (ICBMs) and submarine-launched ballistic missiles (SLBMs) than the United States. Much of the U.S. total would have consisted of less deliverable aircraft bombs and of warheads for shorter-range missiles, plus the British and French systems. The Soviets also proposed a ban on all sea-launched cruise missiles of over 600-kilometer range, a new area of emerging U.S. superiority.

In October 1985 the United States presented its own summit reduction proposal, also a 50 percent cut in delivery systems and a limit of 6,000 warheads. This U.S. limit on strategic warheads covered only those for strategic ICBMs, SLBMs, and air-launched cruise missiles. It did not include aircraft bombs, short-range attack missiles, or warheads for the shorter-range delivery systems counted by the Soviets. The U.S. proposal also called for a drastic reduction in throw-weight—the payload of strategic ballistic missiles.

The get-together summit at Geneva, in which the focus was on Reagan's fireside presentation of his views on the desirability of SDI, produced little specific agreement on any aspect of arms control. With respect to reduction of strategic armaments, the two leaders confirmed that there was common ground on "the principle of fifty pecent reduction in the nuclear arms of the U.S. and the U.S.S.R., appropriately applied." The last phrase reflected continuing disagreement on what should be covered by the 50 percent reduction.

Preparations for a follow-on summit in 1986 were delayed when Foreign Minister Shevardnadze cancelled a scheduled meet-

ing with Secretary Shultz following the "antiterrorist" raid on Libya by U.S. aircraft. But in June 1986 Gorbachev, in an address to the Central Committee of the Soviet Communist Party, dropped the Soviet insistence on banning submarine-launched cruise missiles with more than a 600-kilometer range. And he made an even more important concession: he dropped the long-standing Soviet demand that U.S. nuclear-capable aircraft, including carrier aircraft within flying range of the Soviet Union, be included in the count of U.S. strategic delivery systems. Also in June, Soviet negotiators at Geneva informally presented views on verification of mobile strategic armaments in which, borrowing from Washington's position on verifying INF reductions, they indicated agreement in principle that mobile missiles could be restricted to specified deployment areas, that missiles could be monitored as they left the factory, and that rail-based SS-24s could be provided with visible identifying characteristics.

At the hastily convened October 1986 Reykjavik summit, called at Moscow's initiative, the Soviets made three further important concessions on strategic nuclear reductions:

They agreed to a counting rule for aircraft bombs and short-range attack missiles by which each aircraft equipped for carrying such weapons would be counted as a single warhead. The rule overlooks U.S. superiority of well over 1,000 in this class of weapons.

They agreed to take sea-launched cruise missiles out of the count of U.S. strategic armaments and to treat this issue separately.

They agreed to make "substantial" cuts in heavy SS-18 missiles. Soviet negotiators at Geneva subsequently stated that there would be a 50 percent reduction in Soviet SS-18s.

At Reykjavik, Reagan and Gorbachev endorsed a 50 percent reduction in strategic nuclear weapons to 6,000, including those carried on ICBMs, SLBMs, air-launched cruise missiles, and bomber aircraft; and a limit on these delivery systems at 1,600.

Theoretically at least, the net effect of these important Soviet moves in U.S.-Soviet agreement on the main headings of an epoch-making strategic reduction, bringing an agreement in principle—or, with luck, even a completed agreement—within reach during Reagan's remaining term of office. The Soviets progressively relinquished their efforts to achieve coverage and reductions important to them and agreed to deep cuts, using the U.S. definition of strategic delivery systems and warheads. The remaining unresolved issues on strategic reductions are to reach agreement on subceilings specifying how many delivery systems of each type will be reduced by each country and the composition of the residual force, the throw-weight issue, and verification of a strategic reduction agreement. The U.S. administration has not yet presented specific proposals on verification.

SPACE WEAPONS

From the outset of the resumed Geneva talks, as discussed above, the Soviet leadership placed primary stress on the connection between ballistic missiles and defenses against them. While Soviet leaders have sometimes linked ballistic missile defense with reducing intermediate-range missiles, this particular linkage appears to have been tactical, raised and suppressed at the negotiating convenience of Soviet leaders. But with respect to strategic reductions, Soviet leaders made this link a condition of resuming the Geneva talks. And, from the beginning, Soviet leaders have treated the link between strategic missile defense and strategic offensive arms as indissoluble, although they may show some flexibility about how this principle is reflected in an agreement.

The direct connection made by the Soviet Union between strategic weapons and the weapons designed to destroy them is well founded. The Johnson and Nixon administrations adopted an identical stance in the negotiations that culminated in the ABM Treaty. No country, including the United States, would enter an agreement to reduce its strategic weapons without at the same time insisting on agreed limits on defenses against these weapons. The only alternative to an agreement limiting both types of weapons is costly and dangerous competition in both.

Since the beginning of the resumed Geneva talks the main goal of the Soviet position on space weapons has been the prevention of testing and deployment of space-based ballistic missile defense devices. Gorbachev and his colleagues have given clear evidence of their desire to focus Soviet economic and technological resources on making the Soviet domestic system work better. And it is evident that they see in this aspect of the SDI program the most exacting economic and technological demands on the Geneva system. Clearly, they wish to avoid competition in this area.

At the resumed Geneva talks, Soviet negotiators identified this central concern by concentrating on efforts to gain U.S. agreement to an accord prohibiting testing and development of all "space-strike" weapons, offensive or defensive. Such an agreement would have been more restrictive than the ABM agreement because it would also have banned both antisatellite weapons and space-based testing of ABM subcomponents, neither of which is prohibited by the ABM Treaty. Its acceptance, as Reagan administration officials correctly pointed out, would have meant the end of all aspects of the SDI project except the fixed ground-based defenses on which the Soviet Union itself continues active research.

But, step by step, this Soviet position too has been relinquished. Early in 1985 Soviet space-arms negotiator Yuli Kvitsinsky presented in plenary session a letter from Gorbachev to the Union of Concerned Scientists in which Gorbachev, while reiterating the Soviet proposal to ban all space-strike weapons, also urged a formal reaffirmation and strenthening of the ABM Treaty. But a year later, in his June 1986 address to the Central Committee of the Soviet Communist Party, Gorbachev put aside the proposal to prohibit all space-strike weapons in favor of a proposal to apply the ABM agreement strictly and not to withdraw from it for a period of 15 to 20 years for the purpose of deploying ABM systems.

At the Reykjavik summit, which ultimately broke down over SDI, Gorbachev ill-advisedly and incorrectly claimed that under the ABM Treaty, SDI research would be confined to the "laboratory." Reagan, however, claimed the right, under his reinterpretation of the treaty, to full testing and development of ABM devices in space. But Gorbachev agreed to cut back to 10 years the period in which neither country could withdraw from the treaty, although he also vainly attempted to obtain agreement that, at the end of that period, the two countries would be bound by the treaty as it stands, including the six-month withdrawal clause. On this point U.S. officials argued that, when the 10-year period elapsed, the United States would have the automatic right to deploy an SDI system. The ABM Treaty would, in practice, be abrogated.

Two weeks later, at the otherwise unproductive Shultz-Shevardnadze meetings in Vienna, Soviet representatives explained that the ABM Treaty did after all permit fixed ground-based testing of ABM weapons, including those based on new technology, at the test sites designated for both countries in the treaty. They sought U.S. agreement to establish a special working group at Geneva, charged with establishing which high-tech SDI devices could be tested in space under the established version of the treaty.

With this suggestion, the Soviet Union finally withdrew from the extreme proposal it had made in 1985 to ban all space-based weapons, and was offering what may be the only possible approach to reaching a practical compromise on SDI. Washington's first reaction was to instruct U.S. negotiator Kampelman not to negotiate on the subject. Some change will have to be made in this administration position, or agreement on space weapons and on deep reductions in strategic forces—even if only agreement in principle—will not be achieved in Reagan's term of office.

INTERMEDIATE-RANGE NUCLEAR FORCES

For the United States, the issue of intermediate-range nuclear-tipped missiles in Europe has been mainly political. Washington decided on the deployment mainly to meet apprehensions of its NATO allies about the decreasing credibility of the existing U.S. nuclear deterrent in the face of Soviet achievement of parity with the United States in strategic nuclear arms, and of the rapid deployment from 1977 on the Soviet triple-warhead SS-20 missile. Even after the SS-20 deployment began, Carter administration officials argued that, militarily, already deployed U.S. delivery systems provided adequate coverage of Warsaw Pact targets. For the United States, the ensuing large-scale antinuclear demonstrations in Western Europe once again made the INF issue primarily a political competition with the Soviet Union over the loyalty of NATO and the capacity of NATO governments to make defense decisions.

For the Soviet Union, the issue was not only political but also strategic. In the late 1950's the Soviets had reacted strongly—by threatening to turn access to Berlin over to the East Germans, and ultimately, by deploying their own intermediate-range missiles in Cuba—to the deployment of U.S. intermediate-range Thor and Jupiter missiles in Western Europe. They had also reacted strongly to the multilateral force project for deploying additional sea-based missiles with integrated NATO crews, and to the planned deployment in Europe of U.S. intermediate-range nuclear missiles.

The reason was in each case the same—that the new missiles could strike Soviet territory, permitting the United States to launch a nuclear attack on the Soviet Union while keeping all its strategic armaments in reserve. Although the projected deployment of 572 Pershing II and ground-launched cruise missiles was relatively small, the Soviets saw the accuracy of the Pershing II as constituting the capability for a "decapitating" strike against their command and control installations.

Soviet leaders came only slowly to realize that their own decision to deploy the mobile, solid-fuel SS-20 had resulted in a

qualitative improvement over its obsolescent predecessor SS-4 and SS-5 missiles and thus had caused real concern in Western Europe. Nonetheless, the Soviet negotiators at Geneva were not long in making concessions to the U.S. position on INF.

Although the January 1985 Gromkyo-Shultz communiqué established that the INF issue was to be dealt with as a single package with strategic and space weapons—and this was justified by Soviet views on the strategic significance of U.S. INF missiles—Soviet officials early on informally hinted that a separate INF agreement might be possible. The ups and downs of this issue of a separate agreement are complex: Gorbachev agreed to it at the 1985 Geneva summit, only to revoke it in the aftermath of the breakdown at Reykjavik, and then to revalidate it at the end of February 1987. But it is a concession to U.S. insistence on a separate agreement.

Under Gorbachev, the Soviets also moved further toward the substance of the Reagan administration's position in agreeing to exclude U.S. INF missiles from the overall count of U.S. strategic missiles and in dropping INF aircraft stationed in Europe (where the United States has a qualitative lead)—first from the count of strategic American armaments and then from the INF talks themselves. Furthermore, although at least British nuclear assets are cooperatively aimed at Soviet targets in U.S. strategic nuclear planning, and although both Britain and France are U.S. allies, Gorbachev agreed to drop British and French nuclear armaments from an agreement on INF (as well as from an agreement on strategic reductions), and confirmed this at Reykjavik.

In addition, although the Soviets insisted that the scope of the INF talks be confined to Soviet SS-20 missiles deployed in Europe to the Urals, they agreed, under U.S. pressure, first to freeze their SS-20s in Asia and then, at Reykjavik, to reduce them to 100 warheads. Beyond this, the Soviets moved from proposing that the United States have zero INF in Europe and the Soviets from 150 to 200 warheads, to a heavily asymmetrical zero-zero reduction, under which they would reduce at a ratio of four Soviet warheads to one U.S. warhead. As of December 1986, the United States had 316 warheads deployed in Europe, while the Soviet Union was credited with at least 729 warheads on 243 SS-20 launchers, plus about 100 remaining SS-4s. In Asia, the Soviets are credited with about 510 warheads, to be reduced to 100, against which the United States would have the right to deploy 100 warheads on U.S. territory, for a total of over 1,000 more Soviet than U.S. warhead reductions over all.

Like linkage, another issue on which the Soviet position has switched back and forth to culminate in an important concession has been that of shorter-range missiles. Since 1981, the United States has, at the instigation of European NATO countries, proposed that, to avoid circumvention of an agreement on longer-range INF missiles—Soviet SS-20s and SS-4s, and U.S. Pershing IIs and ground-launched cruise missiles—the initial INF agreement must include collateral constraints on shorter-range missiles in the 300-600-mile range (that is, Soviet SS-23 and SS-12 missiles).

In the INF negotiations from 1981 to 1983, the Soviets accepted the concept that there should be collateral constraints on the short-range missiles. They then rejected these constraints in the resumed Geneva negotiations, but at Reykjavik, they offered a freeze on each side's current level. Then, in late February 1987, they proposed to take up the whole issue in separate negotiations.

Despite these shifts, Gorbachev in February definitively offered to withdraw Soviet SS-12 missiles deployed forward in East Germany and Czechoslovakia. During Shultz's Moscow visit in April of this year, the Soviets informally offered to eliminate SS-23s and SS-12s altogether. If they take this unilateral step, it would be one of Gorbachev's most striking arms control concessions.

And, at Reykjavik, the Soviets agreed in principle to U.S. concepts for verifying an INF accord including an exchange of data, on-site monitoring of destruction of missiles, and monitoring of production facilities. The United States presented an actual text of its INF verification proposals at Geneva for the first time in March 1987, and it is already clear that this detailed proposal, which goes further than the points discussed at Reykjavik or described to the Soviets orally in general terms, will, together with the issue of shortrange missiles, be the make-or-break issue for an INF agreement under the Reagan administration.

OTHER ARMS CONTROL ISSUES

On other issues, the Gorbachev leadership has taken unilateral action to maintain a moratorium on testing Soviet antisatellite weapons in the face of a U.S. ASAT test in September 1985 and related testing activity in 1984 and 1986. Gorbachev maintained a unilateral moratorium on Soviet underground testing of nuclear weapons from August 1985 to February 1987 and permitted a team of U.S. seismologists from the Natural Resources Defense Council to set up seismic devices near the Soviet nuclear testing site—although not, unfortunately, to register the Soviet tests when they were resumed in February 1987. In March 1987, following resumption of Soviet nuclear tests, Soviet negotiators dropped their insistence on a test moratorium in favor of an approach focused on lowering the threshold and number of nuclear tests. In April, Gorbachev proposed to Shultz that each country carry out a nuclear test at the test site of the other. Doing so would permit each to calibrate its verification instruments in the different rock structures of the test sites. This ingenious proposal should meet administration requirements for additional verification before finally ratifying the Threshold Test Ban Treaty signed in 1974.

During the Soviet test moratorium, the United States performed 26 nuclear tests and refused to permit a delegation of Soviet scientists invited to the United States by American members of the Natural Resources Defense Council to erect their seismic devices.

While the Reagan administration renounced—and exceeded—SALT II ceilings, the Soviet Union has thus far unilaterally refrained from increasing the overall level of its strategic delivery systems. Reacting to U.S. criticism of the Krasnoyarsk radar array as a violation of the ABM Treaty, Soviet officials in October 1985 offered at Geneva to suspend construction if the United States would suspend construction of radar arrays at Fylingdales Moor in the United Kingdom and Thule, Greenland, which the Soviets claim are ABM violations. Each country has continued to raise these claims of violations, but the Reagan administration has declined to bargain on the subject, arguing that the Krasnoyarsk array was a clear violation, as most U.S. experts agree, while the U.S. arrays were not—a more debatable proposition.

At the Geneva negotiations of the U.N. Conference on Disarmament, the Soviet Union has moved to agree to U.S. proposals that destruction of chemical weapons stocks be supervised and that there be inspection of declared production and storage sites. Moscow has not accepted the U.S. proposal for demand inspection of undeclared sites or, for that matter, formally accepted the less far-reaching British proposal backed by most European NATO members. Gorbachev, however, indicated informal agreement with that proposal during British Prime Minister Margaret Thatcher's Moscow visit at the end of March. If the Soviet Union does formally agree to the British proposal, a worldwide agreement prohibiting chemical weapons and destroying existing stocks will have moved closer, although the Reagan administration so far has rejected the proposal.

In the spring of 1986, the Soviets offered to negotiate on reduction of NATO and Warsaw Pact conventional forces covering an area from the Atlantic to the Urals beyond Moscow—1,200 kilometers into Soviet territory, the area where the Soviet mobilization base for conflict in Europe is located. This is an important move; in the long-stalled Mutual and Balanced Force Reduction (MBFR) talks in Vienna, the Soviets for over a decade have refused to include any of their home territory in the area of coverage. Under Gorbachev, the Soviet Union also made numerous individual concessions to achieve, in September 1986, the Stockholm agreement on East-West confidence-building measures. For example, Gorbachev acted to drop naval exercises from the scope of the agreement, even though there is a good case for including this activity, worrisome as it is from both the Soviet and general viewpoint. He accepted the NATO proposals for prenotification of military activities in the area from the Atlantic to the Urals and for obligatory observers at larger exercises. He also agreed to the West's requirement for onsite, demand inspection of Soviet territory, the first such specific obligation to be undertaken by the Soviets. The agreement entered into effect in January 1987, with positive compliance by Warsaw Pact states during the first months of implementation.

THE SIGNIFICANCE OF SOVIET CONCESSIONS

The record of these 25 or more major Soviet moves in two short years is both remarkable and positive. As a possible summit this fall approaches, there may be even more of them. The significance of individual concessions can be debated, but cumulatively their intrinsic significance is very large. For the first time in the nuclear era, they bring large-scale negotiated reduction of nuclear weapons within reach, a shift of direction that could have important positive effects both in reducing the possibility of a Soviet disarming first strike on the United States and in bringing considerable improvement in political relations.

These Soviet actions have in part reversed the pattern of postwar U.S.-Soviet arms control negotiations, where Washington took the initiative and Moscow followed with slow, grudging concessions. Today, the direction of initiative has been reversed. The concepts remain for the most part American, but the pace and extent of Soviet concessions have greatly increased.

Two major questions arise from this development: What has caused it? What does it

really mean for the longer-term U.S.-Soviet relationship?

Some Reagan administration supporters claim that the stream of Soviet concessions over the past two years has been the result of deliberate U.S. tactics. This interpretation will surely become more audible if the present administration does conclude some arms control agreements with the Soviets. It is a recognized part of the U.S. political process to raise claims of this kind; as Reagan has reminded us with respect to Iran, in the U.S. system both success and failure are ascribed to the leader whose watch it is.

Such claims would be more convincing if they reflected a deliberate and consistent line of U.S. foreign policy. But the current administration has been negative toward arms control since Richard Perle and Fred Iklé (later to have senior roles in the administration) publish hostile criticisms during Reagan's first election campaign, and since the administration designated three leading opponents of SALT II—Eugene Rostow, Edward Rowny, and Paul Nitze—to be its senior arms control officials.

Quite aside from the fundamentally negative views of most of this group, no one who has closely followed the complete disarray on arms control policy within the Reagan administration can believe that the U.S. arms control position has been the result of a deliberate, conscious strategy or tactic. Witness Reagan's sporadic, short-term attention to the subject matter; the diametric opposition of the State and Defense Departments on nearly every specific issue; and the incapacity of a weak National Security Council staff either to provide leadership to the interagency process or to suggest workable compromises.

True, the administration has been unyielding in negotiation. Its intransigence is documented in its insisting on continued nuclear testing in the face of a Soviet moratorium; in renouncing the SALT II ceilings and exceeding them; in implying that it would withdraw from the ABM Treaty as soon as the state of SDI research justifies this action, as the president suggested last August; and, in the meanwhile, in acting to move toward space-based testing of ABM devices on the basis of a self-serving interpretation of the ABM Treaty that would fundamentally distort the original sense of that agreement.

This intransigence, backed by the continued buildup of U.S. armed forces, probably has had considerable effect on the nature of the concessions advanced by the Soviet leadership. These concessions—for example, those on SDI or on INF—are, after all, designed to meet specific U.S. positions. If President Reagan had not been so immovable on SDI, Gorbachev would probably not have come so far to meet him, both on SDI and on nuclear reductions.

For its part, the United States finally agreed to include bombers in the count of strategic delivery systems of each country and, reluctantly, to seek some agreed limits on sea-launched cruise missiles. It also agreed not to deploy a new SDI-type missile defense system for a total of 10 years—since cut to five—not an important sacrifice since no new system would be available within either period. Washington did stick to its earlier offer to eliminate its INF missiles from Europe, despite strong criticism from some quarters in Europe and the United States, based on the conviction that some U.S. missiles should be left in place. The United States also agreed to confine deployment of its remaining INF missile warheads to the continental United States, where they would have limited military significance, rather than deploying them in Asia, a theoretical possibility.

Yet the weight of these American moves does not begin to approach that of the Soviet concessions. And the administration's lack of unity on positive arms control moves, along with its insistence on negative moves, raises important questions about its capacity to show the singleness of purpose, presidential follow-through, rapidity of decision, and flexibility necessary to achieve an agreement this year. There is a wide gap between generating leverage through an uncooperative position and converting that leverage to actual agreement.

Beyond these factors, there is a larger issue. The disadvantage of intransigence is that it can elicit competive stubbornness. Under a different Soviet leadership, the Reagan lead on SDI and on exceeding SALT II limits might have given rise to an all-out anarchic competition in strategic and space weapons—an outcome not yet excluded. That events have thus far not taken this direction is not because of deliberate administration policy, but because of the nature of the new Soviet leadership, whose selection Washington neither influenced nor forecast. It is the result of Gorbachev's urgent desire to reform the Soviets system; of most Soviet citizens' desire to see a let-up in the arms race; of Gorbachev's own need to expand his base of domestic support through a rapid arms control success, in the difficult internal struggle that all foreign experts agree he confronts. These are the main generating forces behind Gorbachev's arms control moves.

Even so, it would be a mistake to believe that such moves will continue indefinitely. As American experts have pointed out, Gorbachev may lose momentum within the Soviet Union. Indeed, U.S. rigidity on SDI appears to have nearly precluded any completed agreement on reduction of strategic arms, the topic of greatest interest to the American public, during the present administration; indeed, it may preclude even agreement in principle on this subject. And, of course, the Soviet Union has not only resumed nuclear testing; it is also free from SALT II constraints on strategic missiles, in which its potential for rapid buildup is far greater than that of the United States.

What about the significance of Gorbachev's arms control moves for long-term U.S.-Soviet relations? Many skeptical Americans are already worried over the effects of a possible period of improved East-West relations, in which the West relaxes its defenses and the Soviet industrial and technological base increases. These Americans fear later renewal of the East-West military confrontation under conditions more favorable to the Soviets. Indeed, it is not unlikely that these are the terms in which the Gorbachev leadership is explaining its conciliatory arms control policy to its own domestic critics. But judged on the most cold-blooded basis, such prospects are less fearsome than those of the present U.S.-Soviet nuclear arms race and the risk that it will spill over into space.

Americans should be confident about the long-term prospect of economic and technological competition with the Soviet system if agreement can be reached now to reduce the military component of that continuing competition, and to decrease the danger of war inherent in the nuclear confrontation between the two countries.

## WASTEFUL SPENDING

● Mr. ARMSTRONG. Mr. President, on May 6 the Senate passed the first budget resolution for fiscal year 1988. It called for a $1,061.4 billion in spending, $927.8 billion in taxes and other revenues and a deficit of $133.6 billion.

The budget plan was a travesty in many respects. We haven't seen so many bookkeeping gimmicks and legislative gimcrackery in the Senate in a long time. To listen to our Democratic friends, the time had come to loosen the belt a notch or two and live a little. The Nation's taxpayers were invited to come along on a year-long spending spree, and to foot the bill for all manner of luxury items we could well do without.

But to listen to the anguished debate on the Senate floor, you would have thought that we had already done all the budget-cutting the Republic could stand. We had cut away all the fat, they said, and all that was left in the Federal budget was muscle. We had to miss the Gramm-Rudman deficit reduction target by a whopping $25.6 billion, they said, because you can't get blood out of a turnip or more savings out of this Federal budget. More cuts would lead only to widespread unemployment, perhaps a calamitous recession, and certainly human misery on a colossal scale.

Well, Mr. President, I am not buying it. More to the point, the average American is not buying it either. It is laughable to say there is no further waste in the Federal budget and it is pathetic to miss the deficit target for the year by $25.6 billion. That is just not close enough, in my opinion, even for Government work. Every American could name a few areas where we could look for more budget savings. Just in recent months, I have been keeping track of some of the more interesting ones that have been written about in the Nation's newspapers. Here are some examples of our tax dollars at "work"; each American should be the judge of whether these are good uses of our increasingly scarce tax dollars.

The National Institutes of Health recently funded a variety of activities that merit a closer look. According to Dr. Marcia Angell, deputy editor of the New England Journal of Medicine, NIH grants have generated "a huge and unwieldy literature that is difficult to evaluate because of its size and the clutter of repetitious and often trivial reports." Here are some of them:

A 2-year Columbia University study of the formation process of Haitian ethnic organizations. Cost: $260,401.

A study of the lessons learned from older persons saving abandoned buildings. First year cost: $14,975.

A study of the food-foraging habits of the Ache people in eastern Paraguay. Cost: $163,254.

A study of late marriage in a village in Spain from 1873 to 1983. Cost: $74,561.

A study of how children cope with the stress of having their tonsils removed. A group of 80 children will be studied before, during, and after the operation to compare different "coping styles." Cost: $85,780.

A $242,508 2-year study to track the development of political attitudes of women who graduated from Bennington College in the 1930's.

In these days of Gramm-Rudman belt-tightening, the State Department is proposing to build 10 new residences for 10 foreign service officers in Canberra, Australia, at a cost of $6.5 million, or an average of $650,000 apiece. That's known as high living down under.

The State Department spends $131,000 a year, or $11,000 a month, for rent on the New York apartment of Ambassador Herbert Okun, the Deputy U.S. Representative to the United Nations. That is on top of the $20,000 the Department pays for Okun's government-provided servant, plus additional funds for entertainment.

The Interior Department has failed to collect about $3 billion in royalties on oil and gas payments produced on Federal and Indian land since 1979, according Congressman SIDNEY R. YATES. This is the conclusion of an 8-member panel of the House Appropriations Subcommittee on the Interior.

A recent report by the Inspector General of the Department of Health and Human Services details how $2 billion was squandered during the first 6 months of the 1986 fiscal year. Here are some highlights:

A Medicare carrier was bilked out of $850,000 from an employee who used her position to mail fraudulent checks to different addresses.

A Texas ophthalmologist was convicted on a 74-count indictment for billing Medicaid for work not performed and passing along inflated costs of goods bought from a fictitious corporation.

Fifteen people in Chicago claimed enrollment in various colleges in order to obtain more than $75,000 in student-aid benefits.

In a nursing home scam in Iowa and Texas, three podiatrists were convicted of submitting phony Medicaid or Medicare bills for services never performed in the amount of $120,000.

In two California cases, a man collected his dead mother's Social Security benefits for 6 years, defrauding the Government of $25,000, while a woman cashed $40,000 of her dead aunt's checks over 10 years.

In New York, $235,000 worth of Social Security checks were cashed by 23 people, even though the intended recipients of the checks had long since died.

A Medicaid scam in Illinois cost the program $20 million as a number of doctors and pharmacists were found to have been prescribing and selling codeine-containing sedatives and cough medicine to drug addicts.

When the Treasury Department's Bureau of Alcohol, Tobacco and Firearms seizes anything, it is required by law to place notices in local newspapers in case someone has a valid claim to the property. When the Bureau seized six rounds of .22-caliber ammunition, they spent $20 in newspaper advertisements in a New Mexico paper telling any person interested in the property to mail a petition into the Bureau and post a bond for $50. All for six bullets!

Meanwhile, back at the State Department, here are some examples of the recent track record of its Foreign Buildings Office, which builds our embassy facilities around the world:

A planned 20-story chancery building in Cairo estimated to cost $27 million and to be finished in January is only one-third completed, although $16 million has been spent.

A 26-unit housing facility for diplomats in Hong Kong has had such extensive leaks that it probably will need completely new exterior walls.

The agency has requested $10 million to buy 40 acres for a construction site in Uganda, even though nobody is sure what the price is based on.

We are building a new embassy, including seven residences, in Georgetown, Guyana—a poor South American country of only 775,000 people—at a cost of $3.2 million.

We are likewise building a new embassy in the Central American country of Belize at an estimated cost of $33 million. The entire GNP of Belize, which has a population of only 158,000, is only $143 million.

A new $25 million embassy in the oil rich monarchy of Oman on the Arabian peninsula.

Planned projects include new embassies in Jamaica costing $53.6 million; in Geneva costing $56.2 million; in Vienna costing $90 million; and $65 million in Panama.

The Smithsonian Institution spent $700,000 on a radio-controlled, life-like model of a prehistoric Pterosaurus. The winged mechanical creature was destroyed in a crash in its first demonstration flight before the public.

According to data released this year by the Office of Personnel Management, premium pay for overtime, holidays, hazardous duty, incentive pay, and Sunday and evening work is costing the Government over $15.3 million every day. The data are based on Government costs for fiscal years 1983 and 1984 and indicate that the Postal Service is the single biggest spender, chalking up $1.9 billion in overtime pay in 1984.

A report issued by the Government Accounting Office in October, 1985 found 102 instances of travel by government officials on riverboats and ocean liners during the 4 years ending September 1984. Investigators said ship travel between this country and foreign assignments cost taxpayers over $556,000, compared with the approximately $160,000 it would have cost if the officials traveled by air.

According to an audit by the Inspector General of the Department of Housing and Urban Development, about 30 percent of long distance telephone calls at the Department headquarters were illegal personal calls.

The Army had a year-long fireworks party in 1985, when it wasted over $750 million in ammunition by budgeting far more than needed and then urging soldiers to use as many of the bullets, explosives and grenades as possible in training, according to auditors. Army units in Europe were allotted from 2 to 6 times more small arms ammunition in 1985 than in 1984, as reported in January, 1986.

The GAO cites these examples of the misuse of funds provided by the Agency for International Development:

March, 1985 audit—only 12 percent of emergency food sent to Somalia reached the needy; 30 percent intended for sale to urban area residents was sold to Government institutions, including Somalia's Armed Forces; and 58 percent was not distributed at all.

September, 1985 audit—U.S. rice sold to Zaire was subject to profiteering by politically connected businessmen. The rice was being resold at markups as high as 400 percent, well beyond the means of the average citizen in Zaire. Also found were instances where U.S. rice was sold on the black market by Government officials.

Spring 1986 audit—flour was sold to Somalia with the proceeds to be used to help a local development project. It was instead intercepted by Somalian Government officials who sold the flour to their friends at about 17 percent of its market price, and the friends in turn resold it for a hefty profit.

The Government spend over $336 million for public relations in fiscal year 1985. According to a study released by the GAO in February of 1986, expenditures for public affairs by the various agencies ranged from $401,000 at the National Labor Relations Board to over $56 million at the Department of Health and Human Services. These figures do not include expenditures on congressional relations, which amounted to an additional $99.6 million for the Government as

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a whole, and enabled Federal agencies to lobby Congress.

A federally financed sewage system is on the drawing board in Franklin County, PA that would cost $12 million. Despite the fact that an adequate alternative system of the type that the EPA is now promoting would cost only $2 million, residents are discovering that "the only thing tougher than getting a slice of the Federal pie is trying to give a piece of it back," as one observer put it. A prime roadblock to changing designs is the fact that the engineering firm which designed the plant and stands to gain an estimated $3 million fee when it is constructed.

About one-third of the trips made by Government cars and drivers assigned to the Environmental Protection Agency executives were to go to lunch and cost $45 a trip on average, according to a report by the agency's inspector general. The report, covering April through August 1984, recommended more use of taxis at a cost of about $5 a trip, but the agency decided not to implement the recommendation.

In 1984, some 16,000 households with incomes of $75,000 or more were recipients of either cash public assistance or supplemental security income [SSI]. And 199,000 households with an annual income of $35,000 or more received such payments.

One of the Federal Government's specialties is studying things. Here is a checklist of studies funded recently by the National Science Foundation: $58,464 to study the social impact of television in rural Brazil $42,832 for an analysis of private banking institutions in London between 1720 and 1800; $18,000 for a study of agriculture and economic development in Russia between 1750 and 1860; $46,500 for a cultural analysis of Ghandian ideology; $49,971 for a study of children's television viewing behavior; $55,000 to study aggressive behavior in Siamese fighting fish; $37,982 to study urban growth, daily life, and biography formation in Stockholm between 1880 and 1910; $74,850 to study the multidimensional functions of nonmarket forms of exchange among Mexican Chicanos in Tucson, AZ; $42,930 to study the dynamics of spatial voting games and games on graphs.

The mandate of the Economic Development Administration [EDA] is to generate new jobs, help protect existing jobs, and stimulate commerical and industrial growth in economically distressed areas of the country. Here are some of the projects in "disadvantaged" areas listed in EDA's annual report for 1986: $4 million for the development of a state-of-the-art fiber optics/medium power cable research and development facility in Lexington County, SC, with unemployment rates averaging only 4.3 percent over the last 24 months; $4.5 million for the rehabilitation and development of commerical facilities at the stockyards in Fort Worth, TX, which had unemployment rates averaging at only 5.6 percent over the prior 24 months; $15 million for Dartmouth College's Thayer School of Engineering in Hanover, NH, with unemployment rates averaging only 3.8 percent over the prior 24 months; $5.7 million for the relocation of railroad tracks in Columbia, SC, with unemployment rates averaging only 5 percent over the prior 24 months; $19 million for the renovation and expansion of Boston University's Science and Engineering Complex in Boston, MA, with unemployment rates that averaged only 5 percent over the prior 24 months.

The National Endowment for the Humanities, Public Broadcasting Service, and the Corporation for Public Broadcasting provided a combined $1.1 million for the production of a film favorably portraying Mu'ammar Qadhafi, the Libyan strongman and terrorist. The film, called "The African," was broadcast by PBS in October 1986. Touting Qadhafi as an idealist who has used his oil wealth not to finance terrorism and subversion, but "for the greater glory of Africa, as well as Islam," the film equates the United States retaliation against Libya with Qadhafi's terrorist activities. The narrator says that "Americans' bombs dropped from the air killed children as surely as terrorist bombs left in an airport."

The Federal Reserve Board has just spent $3,500 to recondition the tennis court at its lavish headquarters in Washington, DC—Rocky Mountain News, Denver, CO, September 10, 1986, p. 46.

The Farmers Home Administration, which has outstanding loans of $12 to $30 billion that congressional economists say may never be paid back, has acknowledged that its lending practices have been sloppy. For example, FHA approved a $3.8 million loan in Maricopa County, AZ, to a business executive who was not a farmer and also approved a $581,000 loan to a person who was serving time in a Federal prison for bank fraud.

The Defense Department is not the only agency that gets taken to the cleaners on Federal contracts. According to the Environmental Protection Agency's Inspector General's report, markups that went as high as several thousand percent over market prices on equipment and 100 percent on labor have been common under EPA's program to meet toxic waste emergencies.

The U.S. Postal Service is giving air mail a bad name. A recent congressional report revealed that the Post Office top brass operate a $1.9 million Cessna Citation II jet that costs the taxpayers $820 every hour it is flown. It was used 21 times just for trips to New York; the round trip cost $1,400 by the private jet, but would have been only $150 on the convenient commercial shuttle that leaves every hour.

The Department of Housing and Urban Development has a program called the urban development action grants [UDAG]. It costs American taxpayers $225 million a year and here are some current examples of what we are getting for our money:

A $1.5 million UDAG went to the Corning Glass Works in Charleroi, PA, to upgrade one of its melting furnaces. Corning took in nearly $1.7 billion last year;

A $15 million grant went to Detroit to help clear a site for a new $540 million Chrysler Corp. plant there. Chrysler earned $21.2 billion last year;

An $8.9 million grant was also awarded to help renovate Detroit's Book Cadillac Hotel. When the project is finished the hotel will have 471 rooms, "class A" office space and 600 parking spaces;

Real estate developers in Philadelphia are being helped by a $10 million grant to build a "festival market mall" that will include a string of shops and boutiques, restaurants, and movies theaters;

A $9.7 million grant was awarded to help construct a seven-story office building in Memphis, TN, that will include a spacious retail mall, department stores, 1,200 parking spaces and a convention center;

A $10.6 million UDAG went to New Haven, CT, for the development of 530 housing units, office and retail space and parking facilities. Officials say only 20 percent of the newly built and remodeled units will be available to low- and moderate-income residents;

In St. Petersburg, FL, a $3.4 million UDAG grant is helping the Harbour View Hotel Corp. renovate a 337-room Hilton Hotel that will have a swimming pool and tennis courts;

A $1.4 million UDAG is helping the Lighthouse Landings Co. put up a 175-room lakefront hotel development, including a 110-seat restaurant, on a three-acre tract in Lorain, OH.

Mr. President, these examples are taken from a fairly casual reading of the popular press over the last 12 months or so. I believe they indicate that we still have a long way to go before we eliminate all the wasteful spending from the Federal budget.●

## THE 75TH ANNIVERSARY OF SENATOR HENRY JACKSON'S BIRTH

● Mr. BRADLEY. Mr. President, May 31, 1987, marks the 75th anniversary of the birth of Senator Henry M. Jackson of Washington. I call upon my colleagues to join me in paying tribute to a man whose outstanding public service career has left an important mark on history.

Senator Jackson was a man of integrity, a true statesman who showed wisdom and skill throughout his 43 years as an elected official. He was at the forefront of efforts to create a sound national energy policy and to protect America's wilderness areas. He was an articulate spokesman on the need for a strong national defense and an effective foreign policy. He was thoroughly committed to the cause of human rights, and he was a true champion of the homeless and oppressed.

With the death of Senator Jackson in 1983, at the age of 71, America lost a powerful political leader, whose leadership, dedication, compassion, and unbending pride in the principles of democracy has made our country a better place to live.

The Washington State Legislature has designated May 31 as "Scoop Jackson Day," and the Henry M. Jackson Foundation has planned a day of events in Seattle to celebrate Senator Jackson's 75th birthday. As one who had the special privilege of working with Senator Jackson, I join the citizens of Washington State on this very special occasion in honoring a great American.●

## NATIONAL NEIGHBORHOOD CRIME WATCH DAY

● Mr. D'AMATO. Mr. President, law-abiding citizens in this country are concerned about the pervasiveness of crime in our society. We worry for our own safety. Our immediate response is, and should be, to turn to the criminal justice system for protection. But with roughly 250 million Americans to be protected against crime, there simply are not enough law-enforcement officials to be everywhere at once.

People often react by buying a stronger door lock, a better burglar alarm, or even a gun. They end up isolating themselves in their homes, afraid to walk the block for fear of becoming a victim.

But bigger locks won't stop crime. We all must work together to ensure the safety of our streets, to send a clear message to would-be criminals that their crimes will not go unnoticed.

This message is carried by citizens who have gathered together to take responsibility for themselves, their neighbors, and their communities. Because of their justifiable concern for their own and their neighbor's safety, they offer their eyes and ears as extra help for local law-enforcement officials.

These eyes and ears belong to members of neighborhood crime watch organizations working in communities across the country. For example, civilian patrols equipped with noisemakers and sometimes two-way radios walk or drive through neighborhood streets at all hours of the day or night. They report anything suspicious to the police and alert neighbors and passers-by.

Other groups include tenant patrols which also help prevent crime. The New York City Housing Authority has more than 13,000 volunteers patrolling in 700 of its buildings. And in Battle Creek, MI, police train senior citizens, housewives, and others as silent observers who have reported crimes and received awards for valuable information since 1970.

All it takes is a small group of individuals, each sharing an appreciation and concern for the community in which they live, each deciding to help tip the scales in favor of safer communities.

Neighborhood watch organizations deserve our recognition. On behalf of these dedicated individuals, as well as for those they protect, I urge my colleagues to join me in lending support to Senate Joint Resolution 121, designating August 11, 1987, as "National Neighborhood Crime Watch Day."●

## SENATOR PHIL HART

Mr. RIEGLE. Mr. President, on May 20, 1987, we dedicated the Hart Office Building in memory of Senator Phil Hart who was my predecessor here in the Senate. The decision to honor him with this dedication reflects our deep yearning and aspiration that we somehow infuse this building and the work that goes on here with some special measure of grace and goodness.

In his own special self-effacing way Phil Hart embodied the finest qualities that we hope to find in citizen government. His integrity, decency and commitment to justice were a great moral force within the Senate. No matter how turbulent the legislative storms that raged in the Senate, he was always a calming, civilized and clarifying force. His quiet passion became a force of reason and leadership of remarkable strength. His decency and goodness helped the Senate find a way to a higher level of reason and conduct.

He profoundly loved his family and often ached about the relentless demands of the job and the necessary time away from family. He always advised the younger members to take time to be with their families.

There is on Mackinaw Island in Northern Michigan a small cemetery in a grove of pine trees where Phil Hart was laid to rest. It is a place of quiet beauty, where the clamorous sounds of modern life are far removed. That setting and this one express so well the two sides of this wonderful man. We are fortunate that he walked among us.

The following article in the Washington Post provides an excellent account of the dedication ceremony on May 20. I ask that it be printed in the RECORD.

The article follows:

A GOOD MAN'S IMMORTALITY

(By Mary McGrory)

The other two Senate office buildings are named for men of conspicuous consequence. When Richard Brevard Russell deposed on military matters, his word was law. Everett McKinley Dirksen was an orator—and operator—on the grand scale. Philip Hart of Michigan was a good man, and the wonder is that Washington knew it and put his name on a great marble pile.

Much has been written about the disparity between the structure and the senator. The Hart Office Building is as grandiose and pretentious as millions in cost overruns could make it. Hart was a quizzical, questing, gentle soul, forever on guard against self-righteousness and self-importance.

His son, Walter, speaking at last Wednesday's dedication, quoted one of Hart's most characteristic statements: "One thing you learn in politics is the need to avoid absolutism, especially the notion that your own conclusions must be correct or whatever you finally decide is what God would do if He were here." Walter Hart told about his father's famous question to George C. Wallace: "Do you think Heaven will be segregated?" At recollecting this typical metaphysical approach, the speaker broke down, and the audience with him.

Hart is dead for 10 years, but his name summons unanimity about smiling decency, conscience and honor. His causes were civil rights and antitrust reform. He understood, as Sen. Edward M. Kennedy (D-Mass.), the chief speaker at the dedication, said, "that there is no limit to what you can accomplish in this city, if you are willing to give someone else the credit."

For reporters, who covered him in his 18 years in the Senate, Hart was a phenomenon. He admitted he was wrong—not in off-the-record dinner party murmurings or from the privileged sanctuary of memoirs long after the fact, but at the time, and in public.

He served on the Church Committee, which uncovered the grave abuses of the CIA and the FBI during the Vietnam war. His wife, Janey, a vigorous critic of the war, reports that he came home one night and said, "Well, Janey, your wildest raving were the truth."

At a memorable hearing on FBI harassment of dissenters, Hart said emotionally that he had thought his children were paranoid in their suspicions and charges. He apologized to them on the spot, before the world.

"He was the best spokesman the voiceless and the voteless ever had in this country," said Sen. Daniel K. Inouye (D-Hawaii), an unexpected speaker at the tearful occasion.

Inouye, a man of much ceremony, volunteered to appear when he found that the two Democratic leaders of the Senate, Robert C. Byrd (D-W.VA.) and Alan Cranston (D-Calif.), could not make it. They were embroiled in a nasty floor fight on the defense bill. The Republicans were filibustering against the measure that would arm the Republic because the Democrats had added disarmament amendments that they feel will hamper the president's peace efforts.

Inouye met Hart in another life. They were both patients at the Percy Jones Vet-

erans hospital in Battle Creek, Mich. Hart, an infantry captain who was wounded on D-Day, was ambulatory. According to Inouye, "You would have thought he was a ward boy. He did errands for the others. He bought cigarettes at the PX. He never flaunted his wounds or his decorations. I thought at the time he might go home and manage a grocery store. The next thing I knew he was a senator."

Another fellow patient, Senate Minority Leader Robert J. Dole (R-Kan.), could not be there. He was off in Florida furthering his presidential ambitions. Over a telephone connection, which took some time to arrange, he spoke of Hart's kindnesses, organizing trips to baseball games, helping with the chores—and of their comradeship in the Senate, despite poles-apart political beliefs.

Ann Hart, oldest of the senator's eight children, is now a concert singer. She sang "America the Beautiful," and brought more tears. Kennedy was overcome when he said, "He was like a brother to me." During Hart's long, slow painful death of cancer, he was at home, tended around the clock by his family. Kennedy came at any hour of the day or night when Janey Hart called him.

Hart was told about being the first living senator to have a building named after him one day in October 1976, just after he learned he was dying. He was working on the last mile of laboriously fought antitrust legislation, when he got an urgent summons to the Rules Committee room in the Capitol. Complaining, he went, and found 99 colleagues gathered there to tell him of his imminent immortality. He was greatly pleased.

If tourists and visitors in time to come ask who he was, anyone who knew Phil Hart can answer: He was a good man, and everyone knew it.●

## TRIBUTE TO GARFIELD ELEMENTARY SCHOOL

● Mr. McCAIN. Mr. President, at a White House ceremony on May 20, 1987, Secretary of Education William Bennett praised the academic achievements of the bilingual education program at Garfield Elementary School in Phoenix, AZ. One of twenty-one schools in the Nation to be singled out in the Department of Education's handbook, "Schools That Work: Educating Disadvantaged Children," Garfield Elementary School is proof that given the proper motivation and educational opportunity many students, regardless of their economic background, can achieve excellence.

Working under the premise that the opportunity to acquire English language skills is the deserved right of every student, the administrators at Garfield have devised and implemented several innovative programs to address the needs of those who are limited English proficient. Noteworthy, are those programs that utilize the use of computers in developing vocabulary and writing skills, and the success Garfield has enjoyed in encouraging parental and community involvement in their student's educational experience. But despite these accomplishments the school officials at Garfield are not resting upon their laurels. Garfield's staff is continually working to improve and enhance the learning experience of their students.

A review of the Garfield program confirms that disadvantaged students learn best when they are offered clear standards of behavior, a rich and challenging curriculum, and vigorous teaching. And it is quite apparent that parents, communities, and local and State governments can help to instill values, supervise progress and supplement school resources.

It is safe to predict that the subject of bilingual education will remain controversial into the foreseeable future. But as the debate continues on which methodology should be implemented in a given situation, let us not lose sight of what we are attempting to accomplish. Our objective is to teach limited English proficient children English, our language of commerce. A solid grasp of the English language is vital to succeed in today's society, and it is incumbent upon all of us to ensure that we provide every child the opportunity to acquire the tools needed to attain their aspirations. This we owe to our Nation's children, but perhaps more importantly, this is what they deserve. And, Mr. President, this is what is being accomplished at Garfield Elementary School.

HELP STUDENTS LEARN ENGLISH—GARFIELD ELEMENTARY SCHOOL, PHOENIX, ARIZONA

Located in a declining inner-city neighborhood in Phoenix. Garfield Elementary enrolls 800 students, 99 percent of whom are from low-income families. The majority of the students are Hispanic, with 40 percent of the student body receiving bilingual instruction.

Camerino Lopez, principal of Garfield Elementary for the last 5 years, believes that "Education is founded on respect for knowledge, and respect is always a two-way street." That is why Garfield's bilingual programs respect the value of a student's original language and culture, while emphasizing the need for the students to become proficient in English.

To ensure that all Garfield students have an opportunity to increase their abilities, Garfield includes the following programs:

Kindergarten students receive the majority of instruction in their native language, with a gradual introduction of English. All students study English as a Second Language (ESL) each day.

Bilingual kindergartners attend an English writing-to-read program, which uses an IBM computer with a digitized voice to help children learn to write, using the words that they know.

In the transitional bilingual lab, all students in second through sixth grades receive intensive English instruction for 55 minutes each day for 10 weeks. Instruction cover 10 weeks, 80 percent of the students master the program and are able to use an English reader at the appropriate grade level.

An intramural sports program was established to encourage social interaction between bilingual and other students.

Many of Garfield's special activities reflect the culture of its bilingual students. For example, Las Posadas Christmas Pageant is a great success with the entire community.

An English class was started for parents of bilingual students. In addition to learning English, parents learn the importance of having their children master English quickly.

Parent and community participation is high. For example, the parent-teacher organization purchased 18 computers for individual classrooms to assist children in their English oral development. Many Phoenix businesses have partnerships with the school.

Results: Bilingual students are able to leave Garfield proficient in English. Garfield's attendance rate of 96 percent is the highest in the district. The February 1987 achievement scores reflect the effort of the school and students: sixth graders scored at grade level—at the 61st percentile in reading, 53rd percentile in math, and 46th percentile in grammar.

## TWO ANNIVERSARIES FOR RABBI LEO JUNG

● Mr. MOYNIHAN. Mr. President, on Monday evening, June 8, 1987, the Jewish Center in New York City will be celebrating the double anniversary of Rabbi Leo Jung's 95th birthday and his 65 years of service to their congregation. The Jewish Center is one of New York City's leading synagogues but Rabbi Jung's remarkable record of accomplishment should be celebrated by all Americans who cherish spiritual leadership.

Rabbi Leo Jung has served American Jewry and our Nation for over three-quarters of a century. Rabbi Jung was born in Moravia and raised in London. At the age of 18, he headed the Sinai League, the youth movement of London's Federation of Synagogues under the leadership of his father, Chief Rabbi Meir Zvi Jung, and edited its literary journal, "The Sinaist." In 1920 he accepted the position of rabbi of the Knesseth Israel Congregation in Cleveland, OH, and since 1922 has served with great distinction as the rabbi, senior rabbi, and rabbi emeritus of the Jewish Center. Rabbi Jung received rabbinic ordination from the Berlin Hildesheimer Seminary, a M.A. from Cambridge University, a Ph.D. from London University, a D.H.L. from New York University and an honorary doctor of divinity degree from Yeshiva University. He has been a prolific writer, publishing 35 volumes—32 in English and 3 in Hebrew—with 2 more presently in press. In addition, he has authored hundreds of articles on matters of Jewish life and lore, many of which have been translated into other languages. He is the editor of the Jewish Library and was the only American rabbi to participate in the historic Soncino translation of the Talmud into English. Rabbi Jung also lectured on Jewish ethics at Yeshiva University for 45 years.

Even more impressive than his literary output is his tireless and influential communal activity. The following represents only a small number of his

achievements in this area: In 1925, Louis Marshall invited him to join the Joint Distribution Committee of which he became national chairman in 1941 and subsequently served in that capacity for 40 years; in 1935 he persuaded the Governor of New York State to establish the first State advisory board for kosher law enforcement, the chairman of which he remained for 30 years; from 1928-36 he was president of the Rabbinical Council of the Union of Orthodox Jewish Congregations of America; in the 1930's he established the first school for mohalim—ritual circumcizers—in New York under the auspices of Mount Sinai Hospital. Rabbi Jung has played leadership roles in the New York Family Organization and the Jewish Board of Reconciliation. During the Second World War, Rabbi Jung served as a leader of the Jewish Welfare Board, was honored by a congressional medal for his travels to the Far East to promote the spiritual welfare of American soldiers in the Army and Navy. After the war he was instrumental in helping thousands of Hitler's victims to settle in America and begin a new life. In more than seven decades of active communal activity, Rabbi Jung has raised many millions of dollars and has been personally responsible for supporting countless institutions in America, Israel, and across the world.

Throughout his long and distinguished career, Rabbi Jung has been honored on numerous occasions for his many achievements and an entire settlement in Israel bears his name. Some of the more recent honors include: A 50,000 tree forest planted in Israel under the auspices of the Rabbinical Council of America in 1982; Shaarei Zedek Hospital in Jerusalem, which he chaired for 50 years, established a professorship in medical ethics in his name in 1982 and he was honored with a Statue of Liberty Medal by Mayor Edward Koch of New York City last year.

I am confident that Members of the Senate join me in saluting Rabbi Leo Jung on this latest milestone and wishing him a very happy 95th birthday and many more years of productive and fruitful service to his beloved synagogues, our Nation and world Jewry.●

## CLARENCEVILLE SCHOOL DISTRICT SESQUICENTENNIAL

● Mr. RIEGLE. Mr. President, I rise to salute Michigan's Clarenceville School District as it celebrates its 50th anniversary June 25-28, 1987. Coincidentally, Clarenceville is sharing its sesquicentennial this year with the State of Michigan.

The Clarenceville community, originally the Indian village of Pojomoka, was organized as the Fractional School District No. 5 on January 26, 1837. At that time their sole facility was a small one-room schoolhouse of the type that figures so prominently in the popular stories and folklore of America's past. In the 1850's the original building was replaced by a log structure with backless benches for the students and pieces of smooth lumber painted black serving as blackboards. Even back then night classes were held for anyone who wished to attend and was willing to bring their own school candle.

Today, the Clarenceville School District bears little resemblance to that one-room schoolhouse. With a staff of more than 100 teachers and more than 200 nonteaching employees, the district now serves its 2,000 students from two elementary school buildings, one junior high, and one senior high. Geographically, the district takes in parts of the cities of Farmington Hills and Livonia, as well as part of Redford Township.

What has not changed since those early days is Clarenceville's commitment to the highest educational standards. Always striving to expand and improve the educational opportunities for students from kindergarten through adult, Clarenceville also ensures the continuing effectiveness of its existing programs by means of comprehensive evaluation procedures.

New this school year is the Academic Letter Program—clear evidence of Clarenceville's commitment to excellence. Students who earn an accumulated grade point average of 3.0 or above in math, English, social studies, and science will receive an academic letter similar to the athletic letters awarded for outstanding achievement in sports programs.

Even before they start kindergarten, Clarenceville students get off to a good start through a program that assists parents in preparing their preschoolers for a successful school career. On the other end of the age spectrum, Clarenceville's adult education program continues to grow and expand, with more adults than ever taking advantage of the opportunities the district offers. Almost 600 adults attended classes through the program last fall, in both the academic—high school completion—and the leisure time programs. Opportunities offered by Clarenceville include career counseling, vocational training, English-as-a-second language classes, and senior citizen services.

Many of the Clarenceville's former students will be returning to join in the sesquicentennial celebration which includes a parade, dinner-dance, golf tournament, athletic events, and many more activities.

Please join me in congratulating the Clarenceville School District's Board of Education, its administration, staff, and students, its returning alumni, and the entire Clarenceville community for its very successful 150 years and to offer our best wishes for the future.●

## ORDERS FOR THURSDAY

### ORDER FOR ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

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

### WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the call of the calendar be waived and no resolutions or motions over under the rule come over.

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

### REDUCTION OF TIME FOR LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the time of the two leaders be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

### ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, morning business not extend beyond 9:30 a.m. and that Senators may speak therein for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection it is so ordered.

## PROGRAM

Mr. BYRD. Mr. President, the Senate will come in at 9:15 tomorrow morning.

The time of the two leaders will be reduced to 5 minutes each, a total of 10 minutes.

Following the two leaders, there will be a brief period for morning business, not to exceed beyond 9:30 a.m. Senators will be permitted to speak during that period for not to exceed 1 minute each.

At 9:30 a.m., the Senate will begin 30 minutes of debate on the Harkin motion to table the DeConcini motion to reconsider the vote by which the committee amendment dealing with illegal alien employer sanctions—vote No. 124—was adopted. That will be a rollcall vote.

The rollcall has already been ordered. Am I not correct?

The PRESIDING OFFICER. The rollcall has been ordered.

Mr. BYRD. I thank the Chair.

Upon the disposition of the question, Mr. President, the Senate will proceed to take up an amendment by Messrs. DOLE and GRASSLEY.

Upon the disposition of the Dole-Grassley amendment, the Senate will proceed to take up the amendment by Mr. CRANSTON. These are all by orders previously entered.

So there will be rollcall votes tomorrow. I urge both cloakrooms, respectively, to call Senators to remind them that there will be a rollcall vote beginning at 10 o'clock tomorrow morning. I hope that Senators will not wait until 10 o'clock tomorrow morning to leave home for the vote. This very often occurs, and we have to drag out the first vote of the day because Senators get a late start leaving home.

So I urge that we try to save the time of the Senate and try to accommodate the convenience of our colleagues as well. The vote will begin at 10 o'clock a.m. There will be several rollcall votes tomorrow.

I hope the Senate will be able to complete action on the supplemental appropriation bill tomorrow. If it does not, it will resume consideration of the bill on Friday. I do not intend to stay in late tomorrow evening. If we finish this bill at all, it will have to be finished by 5 o'clock or thereabouts tomorrow. We will be back in on Friday. Whether or not we finish this bill tomorrow, there will be votes on Friday.

Mr. President, I want to be sure that I am not misunderstood.

The amendment by Mr. DOLE and Mr. GRASSLEY will come up tomorrow after the disposition of the committee amendment, whatever that entails—one or more votes.

The PRESIDING OFFICER. The Chair understands the majority leader.

Mr. BYRD. I thank the Chair.

I thank all Senators.

Mr. PELL. Mr. President, I do not intend to raise my point of order. I want to clear the deck of that item.

I do reserve my position to offer an amendment, perhaps an amendment in the form of a substitute, tomorrow.

The PRESIDING OFFICER. The Senator will have the right to offer an amendment.

Mr. BYRD. Mr. President, if the distinguished acting Republican leader does not have any further statement or business that he wishes to transact, the Senate will go over until tomorrow.

Mr. KARNES. I have no further business.

Mr. BYRD. Mr. President, I thank the Senator.

## ADJOURNMENT TO 9:15 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 7:10 p.m., the Senate adjourned until tomorrow, Thursday, May 28, 1987, at 9:15 a.m.

## NOMINATIONS

Executive nominations received by the Secretary of the Senate May 26, 1987, under authority of the order of the Senate of February 3, 1987:

### DEPARTMENT OF STATE

Willard Ames DePree, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Leonard Grant Shurtleff, of New Hampshire, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.

# HOUSE OF REPRESENTATIVES—*Wednesday, May 27, 1987*

The House met at 12 noon.

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

O God, as we have been reminded during these recent days of suffering and death through the remembrance of Memorial Day and the loss of loved ones at sea and in other tragedies, we recall in this moment of prayer Your abiding love for us and for all Your people. At every time of sadness, we gain strength from Your promises of the triumph of life over death.

May Your spirit of comfort and grace be with the families of those that mourn, and may Your benediction never depart from them. 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 bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 345. An act to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; and to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes;

S. 496. An act to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; and

S.J. Res. 104. Joint resolution to designate the week of May 31, 1987, through June 6, 1987, as "National Intelligence Community Week."

The message also announced that pursuant to Public Law 99-498, the Chair on behalf of the President pro tempore upon the recommendation of the majority leader and the minority leader, appoints, from the private sector, E.K. Fretwell of North Carolina, Sterling Provost of Utah, Dr. Carol Guardo of Rhode Island, Salvatore Rotella of Illinois, and Francis J. Kerins of Montana, to the Joint Study Commission on Postsecondary Institutional and Programmatic Recognition Process.

The message also announced that pursuant to section 1928(a)-1928(e), of title 22 of the United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. McCLURE and Mr. SPECTER as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the 1st session of the 100th Congress, to be held in Quebec, Canada, May 22-25, 1987.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
*Washington, DC, May 22, 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 10:15 a.m. on Friday, May 22, 1987, the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 290.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY,
*Deputy Clerk.*

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, May 22, 1987:

H.J. Res. 290. Joint resolution designating May 25, 1987, as "National Day of Mourning for the victims of the U.S.S. *Stark*."

## SARAGOSA WILL REBUILD

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

Mr. COLEMAN of Texas. Mr. Speaker, the Nation and the American people shared the grief of the survivors of the tornado that struck Saragosa, TX, last Friday night, killing 29 people and injuring over 100.

Now the task of rebuilding must begin.

It will not be an easy task. Virtually the entire town was devastated by the tornado that struck without warning, just as a preschool graduation was taking place. The short-term needs of the people are overwhelming. Temporary housing, crisis counseling, and other forms of immediate assistance are necessary. Given the poverty of the area, long-term assistance will be necessary as well.

But the people of west Texas are not quitters. They are not going to give up on the dream of rebuilding their community. It is their town, a real town, not a hamlet or a migrant worker's camp as the news media mistakenly reported.

After some initial delays, Federal assistance is beginning to flow. The American Red Cross and the Catholic Diocese of El Paso have made invaluable contributions. The Federal Emergency Management Agency is setting up an office in Saragosa to process Federal assistance, and the joint Federal-State emergency plan is being implemented.

No, it won't be an easy task. But I am confident that the people of Saragosa will succeed in rebuilding their shattered lives and carrying on into the future.

## LET THE PRESIDENT RUN OUR FOREIGN POLICY IN THIS COUNTRY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, yesterday's New York Times carried a picture and story of our good friend and distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], a member of the Iran-Contra hearing panel, riding in a parade back in his hometown in Indiana.

Mr. HAMILTON was quoted as saying that "virtually no one had asked him his views about the congressional Iran-Contra investigations." It goes on to say that certainly one of the messages that Mr. HAMILTON is likely to take back to Washington is that his constituents are rather bored with the stream of disclosures about the administration's foreign policy machinations.

Mr. Speaker, I not only got that message from my constituents back home, I got the message that the U.S. Congress ought to get off the back of the President of this country and let him run the foreign policy which he is authorized and required to do under the Constitution of this country.

Mr. Speaker, in spite of the political charade—that is, the Iran/Contra, hearings—its great to know "red blooded Americans" by the millions still admire, respect, and love our President, Ronald Reagan.

I hope you all watched the "Bob Hope Special" on his 84th birthday the other night because there was President Reagan out there addressing 4,000 U.S. Air Force service men and women at Polk Air Force Base and, I am going to tell you, it was great to see those young patriotic men and women stand up and give our President standing ovations time after time.

They are frontline Americans that are out there doing their duty for their country. They know the value of a strong national defense they appreciate a President like Ronald Reagan who stands for them and with them in defense of this great Nation.

## JAMES KING'S DEDICATION IN HONORING AMERICA'S FIGHTING FORCES

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

Mr. CAMPBELL. Mr. Speaker, as we resume our duties today, we bring back the memories of Memorial Day celebrations from across the land. I participated in a 3-day celebration in Lame Deer, MT, the homeland of the Northern Cheyenne Indian Tribe.

Mr. Speaker, we regularly celebrate the memory of our fallen service people, but rarely consider the unsung individuals who provide the leadership at those memorials. In Lame Deer, the person who for over four decades has provided that leadership is Mr. James King, Jr. Mr. King received an honorable discharge from the 318th Fighter Group of the 7th Air Force in 1945. Since that time, James King has led American Legion Post 77. This post, made up entirely of American Indian veterans from WWII, the Korean conflict, and the Vietnam war, is considered one of the most active and patriotic posts in the State of Montana.

As a member of this unit, I am proud to know these veterans and express my heartfelt thanks to James King for his continued dedication in honoring America's fighting forces.

## THE ADVANTAGES OF A BROAD-BASED CONSUMPTION TAX

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, as our Nation staggers under massive trade and budget deficits, I urge my colleagues to contemplate the advantages of imposing a broad-based tax on consumption, including imported goods. Foreign nations raise billions of dollars by placing consumption taxes on our products. We have no border tax and thus allow our competitors to subsidize their economies with taxes on our products.

A well-designed tax on consumption would increase our national savings rate, reduce the budget deficit, and improve our standing in the global economy. Such a tax could be made progressive, could be imposed without undue paperwork, and could effectively be limited from easy rate increases.

Mr. Speaker, I am now more convinced than ever that we must closely examine proposals to impose a broad-based consumption tax in the United States. At the very least, we should be aware of the likely imposition of new border taxes by our two largest trading partners—Japan and Canada.

□ 1210

## FUTURE OF PTL AND BAKKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, today Reverend Falwell preempted the Iran-Contra hearings. He said he did not steal PTL. In fact, he said he was concerned about the future of Jim and Tammy Bakker; and he asked them what he could do for them. They sent him a list.

They wanted paid hospitalization for life. They wanted $400,000 in lifetime salaries. They want the house by the lake and all the furniture in it. They want two cars. They want the rights to all the books and the records.

They further want a maid, and they want a secretary, and they want PTL, that is busted, to provide for their legal fees in dealing with the IRS.

What a soap opera this is—drugs, politics, now corporate raiders.

Recently a TV preacher went on the air and said that God appeared to him in his sleep and asked him to run for President.

I now must confess, Mr. Speaker, that God appeared to me in my sleep and asked me not to vote for that preacher.

## PROPOSAL FOR UNITED STATES REGISTRATION AND DEFENSE OF KUWAITI OIL TANKERS

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

Mr. BROOMFIELD. Mr. Speaker, the executive branch recently publicized a proposal to register Kuwaiti oil tanker ships under U.S.-flag registry and to provide United States naval protection for them in the Persian Gulf. The proposal is designed to protect the vital interests of United States allies in Western Europe and Japan, whose economies depend upon Middle Eastern oil for their energy needs.

Protecting energy supplies vital to American allies is clearly an important U.S. foreign policy objective. However, the means chosen to achieve that objective potentially involves commitment of U.S. naval forces to hostilities. Accordingly, the executive branch should only undertake the proposal to reregister Kuwaiti tankers under the United States flag after full consultation with leaders in Congress and achievement of a clear national consensus in support of the proposal. This has not been done yet.

One of the lessons of the covert Iran arms sales is that the absence of prior congressional consultation may spell disaster for a high-risk foreign policy action. The decision to expand the United States naval role in the Persian Gulf entails serious risk of United States combat involvement, given the air and naval combat between Iraq and Iran in and over the gulf. The executive branch needs to make the case for its proposal to the Congress and the American people.

One of the issues on which the Congress might seek more information is the role of America's European and Japanese allies in ensuring their continued access to Middle East oil. Since continuation of that access is the primary purpose of the proposal to bring Kuwaiti tankers under United States naval protection, it would seem appropriate for our European and Japanese allies to play a significant role in providing such protection.

I would urge the President and the Secretary of Defense to consult closely with the Speaker, the minority leader, and the chairmen and ranking members of the Armed Services and Foreign Affairs Committees and their counterparts in the Senate. The President should then make a televised national address explaining why freedom of the Persian Gulf sealanes and maintenance of an uninterrupted flow of oil from the Middle East to our European and Japanese allies are vital to United States interests.

The proposal to register Kuwaiti tankers under the United States flag and to guarantee them United States naval protection may lead to United States involvement in combat. In such a situation, the American people and their representatives in Congress should understand the importance of the interests to be safeguarded and the accompanying risks. We succeed best in foreign policy when we all stand together.

## TRIBUTE TO BILL RASCO

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

Mr. FLIPPO. Mr. Speaker, at the end of this month my administrative assistant Bill Rasco will retire after 25 years of congressional service to the people of Alabama.

An outstanding individual's value to a congressional office is difficult to put into words for fear of leaving something out, especially when the individual is Bill Rasco. When you combine Bill's intellect, creativity, and sense of purpose with his long institutional memory, you begin to see why certain people are called invaluable staff members. Speaker O'Neill summed it up well when he said: "There are very few things that happen around here that haven't happened at least once before." Having Bill Rasco to depend on means you are prepared for whatever happens.

Bill and Sally Rasco came to Washington in 1965 when he joined the staff of Congressman Bob Jones, my predecessor from the Fifth District of Alabama. Before joining Mr. Jones' staff, he worked as an editor for the Mobile Press-Register and the Alabama Journal in Montgomery. A native of Cullman, AL, his roots have always remained firmly planted in Alabama.

During the 13 years Bill worked as a legislative and press assistant to Congressman Jones, he built a reputation as a dedicated servant of the people of north Alabama. He worked closely with the Public Works Committee and served as a professional staff member of the Government Operations Committee where he became an expert on the Tennessee Valley Authority, Appalachian Regional Commission, the Federal Aid Highway System, and other programs which have contributed so much to the development of our State and Nation.

Over the past 20 years, he has been a witness to and a part of the tremendous changes the Congress and the Government have undergone. He has seen the Fifth District of Alabama grow and change and has served to assure that this office adapted well to those changes.

When I was elected to the Congress in 1976, I was fortunate to have Bill Rasco there to provide his patient guidance and counsel while I learned the ways of Congress. He has been a good teacher, good friend, and trusted advisor for the past 12 years. If there is one individual who can be rightly credited with the service this office has rendered over the past 20 years, it is Bill Rasco.

Humor, hard work and dedication, compassion, and a strong sense of public service: Bill Rasco incorporated all these characteristics in his work. Most importantly, he instilled in all of us who have worked with him over the years a sincere and unwavering belief in the workings of our democratic system and in the continual need for vigilance to ensure the process works for all people.

I know that Bill and Sally are looking forward to a slower pace and a little more time to enjoy life. But perhaps for Bill and those few like him, we should create a new word to replace "retirement," because I know that his plans call for everything but that.

I want to wish Bill and Sally the very best, and even though he may not be in the office every day, I look forward to a long and productive relationship in the future.

## EXTEND FILING DEADLINE FOR NEW W-4 FORM

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

Mr. SAXTON. Mr. Speaker, on Friday, May 22, I wrote Treasury Secretary Baker and asked him to delay for at least 30 days the "good faith" filing deadline for the new W-4 withholding allowance form.

In my letter, I said "thousands" of taxpayers still haven't filed. That's an understatement. In my own State of New Jersey alone, it's been reported that 2 million taxpayers still haven't filed the form.

The point is that after much earlier confusion over the new form W-4 and the even newer form W-4A, millions of taxpayers are now being suddenly confronted with a fast-approaching June 1 deadline. Failure to meet this deadline could result in tax penalties.

Our constituents will have many adjustments to make under the new tax reform laws. And they shouldn't face penalties for failure to meet a deadline which, until the past week, received little publicity.

Give your constituents—and mine—a chance to comply. Contact Secretary Baker today and ask for at least a 30-day extension of the form W-4 filing deadline.

## THE BLUE RIDGE PARKWAY

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

Mr. CLARKE. Mr. Speaker, on September 11 of this year the final segment of the Blue Ridge Parkway will be dedicated. This marks the completion of the entire 470 miles of the parkway 52 years after its beginning in 1932.

The final link of the parkway will be completed by a dramatic 1,243-foot curved bridge, the Linn Cove Viaduct, on the side of Grandfather Mountain. This unique viaduct has been constructed so that it will not disturb the ecosystem of the mountain below.

The Blue Ridge Parkway, connecting Virginia's Shenandoah National Park with the Great Smoky Mountains National Park in North Carolina and Tennessee, is one of the great recreational assets of Eastern America. It stays close to the crest of the Blue Ridge Mountains for much of its 470-mile distance until it brings visitors alongside Mount Mitchell—the highest mountain in Eastern America—and then goes west to the Great Smoky Mountains at Cherokee in the Cherokee Indian Reservation.

The parkway is within a day's drive of some 20 States and more than half of America's population. It has numerous points of access and exit. Last year more than 21 million visitors, including thousands of foreign tourists, traveled all or parts of this scenic highway.

I invite all Americans to enjoy the beauty and majesty which can be seen from this wonderful Blue Ridge Parkway, whose completion we celebrate proudly this year.

## RURAL COMMUNITIES COULD BENEFIT BY MORE LIBERAL LOAN BUY-BACK PROVISIONS

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

Mr. JONTZ. Mr. Speaker, a few weeks ago I introduced H.R. 2059 to provide an opportunity for thousands of rural communities across our Nation to save substantial sums of money by requiring the Farmers Home Administration to offer to these communities the opportunity to buy back loans they have with the Farmers Home Administration for various community improvement purposes before offering those loans for sale to financial institutions.

A few days after the introduction of this bill we thought that perhaps victory had been achieved because the Farmers Home Administration announced that indeed it had changed its policy and they would offer these loans back to the rural communities first. But as time has progressed, we fear that in fact the conditions that the Farmers Home Administration has set upon the sale of these loans back to the communities will frustrate that offer and in fact the communities will not be able to take advantage of that opportunity. The Farmers Home Administration plans to offer the loans back at discount rates which are too high and do not reflect the true market value of those loans. The Farmers Home Administration also is requiring that the refinancing of these loans come from cash reserves or from taxable borrowing sources, which will also prevent many communities from considering this alternative.

Mr. Speaker, I hope very much that the Farmers Home Administration will reverse its thinking along these lines and come forward with plans that will truly make it possible for the 10,000 rural communities across our Nation that could possibly benefit from the sale of these loans to take advantage of that opportunity.

## TRACKING THE EVENTS OF THE CONSTITUTIONAL CONVENTION 200 YEARS AGO

(Mr. PACKARD asked and was given permission to address the House for 1 minute).

Mr. PACKARD. Mr. Speaker, 200 years ago this past Monday, an event of historic proportion began in Philadelphia. This event was destined to change immeasurably the history of our Nation and of the world. On May 25, 1787, the Constitutional Convention, which was called by Congress to amend the Articles of Confederation, formally convened with delegates from seven States in attendance.

On that day Robert Morris, a delegate from Pennsylvania, proposed that Gen. George Washington be chosen President of the Convention. This was seconded by John Rutledge of South Carolina and General Washington was unanimously elected to that position. Other business of the day consisted of the electing of "the committee of three" to draw up the rules for conducting of the Convention's business. This committee consisted of George Wythe of Virginia, Alexander Hamilton of New York, and Charles Pinckney of South Carolina.

It is my intention each day we are in session, to enter into the CONGRESSIONAL RECORD the important events that occurred in the Constitutional Convention of 1787. With the help of Susan Carleson and others at the Commission on the Bicentennial of the U.S. Constitution, I will seek to identify events, debates and historic moments that still have significance and which can give us insight as we debate the issues of this historic 100th Congress. I recommend to all of my colleagues that they study the events of that historic summer to gain the insight and wisdom that is as much needed today as it was in 1787.

## REAUTHORIZATION OF THE OLDER AMERICANS ACT

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

Mr. BIAGGI. Mr. Speaker, later today we will begin consideration of H.R. 1451, the Older Americans Act Amendments of 1987, which are so important to the elderly of our Nation.

I am proud to be an original cosponsor of this bill. This represents the 12th time the act has been reauthorized. I am proud to have participated in 10 of them. I believe H.R. 1451 is one of the finer reauthorization bills we have developed.

It is appropriate that we consider this bill as we end our national celebration of Older Americans Month. Passage of this bill will ensure that at least 10 million of our elderly will continue to have their quality of life improved by the services provided daily by the Older Americans Act.

I was pleased to author more than eight different amendments to this legislation at subcommittee and full committee levels. Overall the bill would reauthorize the act for 4 years, provide modest but meaningful increases in funding and create a new program to meet the need for in-home services for our frail elderly.

One of my amendments would expand the funding and responsibilities of the Long-Term Care Ombudsman Program under the act. Most critical to this amendment are its provisions giving ombudsmen greater access to nursing home residents.

One of these amendments I was proud to sponsor would provide specific coverage for Alzheimer disease victims and their families under the new part D of title III. This builds on the commitment that began with language I developed in the 1984 bill to provide these vital community services for this growing problem.

I was also pleased to have an amendment passed which expands and clarifies the all-important advocacy responsibilities for all those in the aging network funded by the Older Americans Act. This includes language that says that no other directive shall be deemed to supersede these responsibilities.

H.R. 1451 is more than a reauthorization bill. It is a reaffirmation by Congress that maintaining the independence of seniors in their community is a key public policy goal. The Older Americans Act for the past 22 years has played a key role in advancing this policy and with passage of H.R. 1451 it will continue for 4 more years.

□ 1225

## SHAME ON YOU, JAPAN!

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

Mr. RAVENEL. Mr. Speaker, do you know how the Japanese kill whales? The harpoon rips a hole in the giant creature and simultaneously the explosives in its tip go off. If the whale is lucky, the explosion destroys vital organs and death is instantaneous. If the aim of the harpooner is not accurate, the death is an agonizing struggle against the inevitable while the sea around the whale is turned red as the animal's lifeblood drains away.

It is then towed to a processing ship where workers with axes and long knives strip flesh, which is still warm, from the whale's bones. In less than an hour it is possible to convert one of the most magnificent animals on Earth into steaks.

That is the reality of whaling. Japan continues this process and justifies it by putting out the fiction that their harpooners have been magically transformed into scientists. Shame on you, Japan. Shame on you, Japan.

## OLDER AMERICANS ACT AMENDMENTS OF 1987

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

Mr. BRUCE. Mr. Speaker, as proud cosponsor of H.R. 1451, I rise in support of the Older Americans Act Amendments of 1987. This important piece of legislation would extend the Older Americans Act for 4 additional years.

With the enactment of the Older Americans Act in 1965, Congress created an innovative Federal program specifically designed to meet the social service needs of older people in the United States. Today, Older Americans Act programs provide many older individuals with a vital lifeline that enables them to live independently in their communities.

Through transportation services, homemaker services, congregate or home-delivered meals, participating in senior center activities, or finding employment through the Community Service Employment Program, the Older Americans Act provides our senior citizens with the opportunities to continue to be active and productive participants in their communities.

I am pleased to note that H.R. 1451 contains an important new initiative that would provide certain in-home services to the frail elderly who may not have extensive health care needs, but who require assistance with activities of daily living to remain independent. As the number of people beyond the age of 75 increases so does the number who are at risk of entering an institution. This new initiative would provide essential services for the frail elderly making it possible for them to maintain an independent lifestyle longer than otherwise might be possible.

I am also extremely pleased that this legislation would exclude wages earned by seniors from title V part-time community service jobs from consideration for the purpose of determining eligibility or monthly rents for federally assisted senior citizen housing. This is particularly important to

my own district. Last year, 15 of the 69 participants in the Older Americans Community Service Program in Champaign, IL, which I represent, had their rent payments nearly tripled by HUD because of the part-time minimum wage "income" they earned through the community services program had been considered in determining monthly rents. H.R. 1451 will ensure that this significant barrier to participation in title V community services programs is effectively removed.

The Older Americans Act and the programs it authorizes are among the most successful of any Federal programs currently operating. H.R. 1451 would fund the Older Americans Act programs through 1991 at higher levels which recognize the growing demand for services these programs are facing. It also authorizes several important new initiatives, including a White House Conference on Aging in 1991. I am proud to support H.R. 1451, which will assist our senior citizens with their efforts to maintain independent lifestyles, and I urge my colleagues to offer their support as well.

## A PROUD MEMORIAL DAY IN MARYLAND

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

Mrs. BYRON. Mr. Speaker, let me say that all of us have been off on the Memorial Day recess and many of us spent Monday talking with our veterans' groups, meeting and greeting a lot of veterans' organizations.

In Maryland I had the great pleasure of joining with the Lieutenant Governor, who is the Acting Governor, or comptroller and a large number of veterans' organizations in renaming a section of Maryland Route 81 as the Maryland Veterans' Memorial Highway.

I think the fact that we have taken this time not only to reflect on our veterans, but also to name this section of the interstate, speaks well for the Maryland delegation.

Let me say also that we have just recently passed the transportation bill. We are beginning to see already the fruits of that legislation.

Following the dedication of the veterans' highway, we moved west and went up to Alleghany County and began the final 18-mile link of the National Freeway. This is an issue that has been festering, that we have been working on since 1965, and finally with the help of our secretary of transportation in Maryland, that vital link is going to be completed and the National Freeway will take the traffic from the port of Baltimore out to the Midwest.

So by and large, it was a very big day in western Maryland, with five dedications of road projects. The transportation bill is a vital part of that linkage to western Maryland.

## COMMENDING WESTERN SAMOA ON ITS 25TH YEAR OF INDEPENDENCE

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

Mr. SUNIA. Mr. Speaker, I rise to call attention to a resolution I am introducing in the House of Representatives today to commend the people of the government of Western Samoa on the celebration of their 25th year of independence.

Mr. Speaker, Western Samoa will achieve an historic landmark in the South Pacific Ocean this coming Monday. Twenty-five years ago on that day, Western Samoa became the first nation in the region to gain its independence. Following years of colonial rule by various powers it forged out on its own, and while the road since then has not always been smooth, arrival at the first quarter century is indeed a triumphant accomplishment.

Also noteworthy is Western Samoa's firm commitment to democratic principles. For the dozens of small nations throughout the Pacific, it has served as a sterling example of how to build for the future. That love of freedom will be cause for celebration as well.

Mr. Speaker, as the Member of Congress from American Samoa, I know how important this 25th anniversary is to my neighbors. I offer this resolution to emphasize the ties between the people of both Samoas and the United States, and I urge my colleagues to support it.

## PERMISSION FOR SUBCOMMITTEE ON SELECT EDUCATION OF COMMITTEE ON EDUCATION AND LABOR TO SIT ON THURSDAY, MAY 28, 1987, DURING THE 5-MINUTE RULE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that the Subcommittee on Select Education of the Committee on Education and Labor be permitted to sit to mark up H.R. 1900 on Thursday, May 28, 1987, while the House is in session.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York?

There was no objection.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
*Washington, DC, May 13, 1987.*

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

DEAR MR. SPEAKER: On April 23, 1987, I forwarded to you the major construction resolution of the Committee on Veterans' Affairs for Fiscal Year 1988. This resolution is required by Section 5004, Title 38, United States Code.

The Administrator of Veterans' Affairs recently requested authorization by the Committee of a lease prospectus for the Veterans' Administration independent outpatient clinic in Los Angles, California, as the current outpatient clinic lease expires on July 31, 1987. The Administration also requested that we add it to our previously adopted construction resolution.

In accordance with this request and pursuant to Section 5004, Title 38, United States Code, I transmitted the lease prospectus and cost estimate to the Members of the Committee on May 4, 1987. The majority of the Committee Members have approved the addition of the lease prospectus to the April 23rd resolution transmitted to you. There is, therefore, attached a copy of the resolution of the Committee on Veterans' Affairs as well as a copy of the lease prospectus.

Sincerely yours,

G.V. (SONNY) MONTGOMERY,
*Chairman.*

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of 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 after debate has been concluded on all motions to suspend the rules.

## RELEASING REVERSIONARY INTEREST IN CERTAIN LANDS IN PUTNAM COUNTY, FL

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1205) to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida, as amended.

The Clerk read as follows:

H.R. 1205

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

SECTION 1. RELEASE OF REVERSIONARY INTEREST.

(a) RELEASE.—The Secretary of Agriculture shall take such actions as are necessary to release the restriction described in subsection (b) if, in consideration of such release, the State of Florida agrees to transfer to the United States a vested future interest, similar to such restriction, in the land identified as "Lands Subject to Future Vested Interest" on the map referred to in subsection (c).

(b) RESTRICTION.—The restriction referred to in subsection (a) is a reversionary interest of the United States in the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in subsection (c) that—

(1) requires that such land be used for public purposes; and

(2) is contained in a deed—

(A) granting such land from the United States to the State Board of Education of Florida,

(B) dated October 19, 1954, and

(C) recorded at page 337 of book 224 of the record of deeds for Putnam County, Florida.

(c) MAP AND LEGAL DESCRIPTION.—The lands and interests in lands that are subject to this Act are those lands identified as "Lands Subject to Future Vested Interest" and "Lands Divested of Reversionary and Mineral Interests" as generally depicted on a map entitled "Wilcox Exchange, Putnam County, Florida", dated February 27, 1987, numbered page 1 of 3, and filed, together with a legal description of such lands, in the Office of the Chief of the Forest Service, United States Department of Agriculture. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture.

SEC. 2. SALE OF MINERAL RIGHTS.

(a) IN GENERAL.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the State of Florida all of the undivided mineral interests of the United States in the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in section 1(c) as soon as practicable after the date of the compliance by the State of Florida with the provisions of subsection (b)(2).

(b) TERMS OF CONVEYANCE.—(1) Within 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in section 1(c); and

(B) the fair market value of the mineral interests referred to in subsection (a).

(2) The State of Florida shall pay to the United States—

(A) any administrative costs incurred by the United States in conveying such mineral interests to the State of Florida, including the costs of making the determinations required by paragraph (1); and

(B)(i) the fair market value of such mineral interests, or

(ii) $1, in the case of mineral interests in any land determined by the Secretary of the Interior to have no value and to be under no active mineral development or leasing.

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

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1205, a bill to release a reversionary interest of the United States in certain land located in Putnam County, FL, and for other purposes.

H.R. 1205 was introduced by the Honorable BILL CHAPPELL on February 24, 1987, and was referred to the Committee on Agriculture. The bill was reviewed by the Subcommittee on Forests, Family Farms, and Energy and reported, with technical amendments, to the full committee. Subsequently the Agriculture Committee considered H.R. 1205, as amended, and ordered it reported on April 1, with a recommendation for passage of the measure.

H.R. 1205, as amended, would direct the Secretary of Agriculture to release a reversionary interest of the United State in 1.1 acres of land in Putnam County, FL, that is currently owned by the State of Florida. This reversionary interest, which stipulates that the land be returned to the United States if it is no longer used for public purposes, is contained in the deed which granted the land to the State of Florida in accordance with the Bankhead-Jones Farm Tenant Act.

H.R. 1205 would also direct the Secretary of the Interior to convey the mineral rights of the property to the State of Florida for their fair market value or $1, if the mineral rights have no value. As I understand it, the Forest Service has made a preliminary determination that the value of minerals on this tract is minimal.

The State of Florida seeks release of this reversionary interest, as well purchase of any mineral rights associated with the property, in order to provide for an exchange of the tract for another parcel of equal value that is currently in private ownership. The release is necessary to permit the land to be transferred to private ownership with clear title. The exchange will benefit both the private landowner who seeks to acquire the land for access to other lands in his ownership and the State of Florida, which will acquire a tract of land that is adjacent to a larger parcel currently administered by the University of Florida.

To protect the interests of the United States, H.R. 1205 would require the State of Florida to agree to place a similar reversionary restriction on the parcel of land that it will acquire in this land exchange. According to the USDA Forest Service, this represents a reasonable and efficient approach to conveying Bankhead-Jones lands to a third party. Accordingly, the administrator has indicated that he has no objection to H.R. 1205.

The Congressional Budget Office reports that H.R. 1205 will result in no cost to the Federal Government if enacted.

Mr. Speaker, I do not believe that there is any controversy regarding H.R. 1205 and I recommend its immediate passage.

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

Mr. CHAPPELL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the bill before us today which I have sponsored to transfer a Federal reversionary interest from one piece of land in Putnam County, FL, to another. This transfer would facilitate the exchange of lands between the University of Florida and Dr. C. Paul Wilcox, a resident of Florida's Fourth District. The exchange would serve to benefit the university while protecting the interests of the Federal Government.

The land in question to be acquired from Dr. Wilcox is adjacent to 400 acres of grazing lands presently held by the university. The additional land would serve to enhance the school's holdings in the area, improving the university's research resources without cost to the State or Federal Government.

On the land to be acquired by Dr. Wilcox, a road will be constructed to access the prized Mount Royal Indian Mound, a most generous gift to the State from Dr. Wilcox. This historic property includes ancient artifacts of generations of Indians who settled in Florida hundreds of years ago.

Further, I would like to express my sincere gratitude to Chairman VOLKMER and the Agriculture Subcommittee on Forests, Family Farms, and Energy as well as to the full Agriculture Committee for their expedient efforts on behalf of this bill.

I hope that my colleagues will agree that this bill, being noncontroversial and beneficial to all affected parties, is worthy of support, and I urge its approval.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 1205, legislation releasing a reversionary interest of the United States in 1.1 acres of land in Putnam County, FL, and conveying mineral interests of the United States in that land to the State of Florida.

The land was deeded to the State Board of Education of Florida in 1954 under authority of the Bankhead-Jones Farm Tenant Act of 1937. This statute provides that Federal lands could be sold, exchanged, or granted

to public authorities for public purposes only. If used for any other purposes, ownership of the land reverts back to the U.S. Government.

Through H.R. 1205, the State of Florida seeks release of this reversionary interest, as well as purchase of any mineral rights associated with the property, to provide for an exchange of the tract for another parcel of equal value currently in private ownership. The release is necessary in order to permit the land to be transferred with clear title to a private party.

The exchange will benefit both the private landowner—who wants to acquire the 1.1 acres for access to other land in his ownership—and the State of Florida—which will acquire in the trade a tract adjacent to the University of Florida for future use by that institution.

In addition, H.R. 1205 directs the Secretary of the Interior to convey future mineral interests in this parcel to the State of Florida. In return, Florida will pay a fair market value, plus any administrative costs, for the mineral interests, or $1 if the mineral rights have no value and are under no active mineral development or leasing.

Mr. Speaker, the Congressional Budget Office estimates that enactment of this bill will not result in significant additional costs to the Federal, State, or local governments.

The administration had no objection to the enactment of H.R. 1205.

This legislation was passed by the House last year on October 14, 1986, and could not be considered by the Senate during the closing days of the 99th Congress. The Subcommittee on Forests, Family Farms, and Energy undertook a thorough evaluation of this bill last year. Both the subcommittee and the full Committee on Agriculture passed this legislation this year without objection and I urge my colleagues here in the House to do the same.

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

Mr. MORRISON of Washington. 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 Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1205, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## CONVEYING CERTAIN NATIONAL FOREST SYSTEM LANDS TO UNICOI COUNTY, TN

Mr. de la GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1004) to direct the Secretary of Agriculture to convey certain National Forest System lands to Unicoi County, TN, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1004

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of Agriculture, hereinafter referred to as the "Secretary," shall convey by quitclaim deed to Unicoi County, Tennessee, all right, title, and interest of the United States in and to a tract of land comprising approximately one hundred twenty-one acres as described in subsection (b) of this section, upon payment into the Treasury of the United States the fair market value thereof as agreed to by the Secretary and Unicoi County: *Provided,* That the Secretary shall convey title to the tract in portions, as agreed to with Unicoi County, as described in section 2(b) of this Act: *Provided further,* That any portion of the tract that remains unconveyed to Unicoi County after five years from the date of enactment of this Act shall no longer be subject to conveyance under this Act.

(b) The tract referred to in subsection (a) is located in the Cherokee National Forest, Unicoi County, Tennessee, as generally depicted on a map entitled "Land Conveyance, Unicoi County, Tennessee", dated August 1986, which shall, together with the legal description of the tract, be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and in the appropriate field offices of the Forest Service. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture.

SEC. 2. (a) The Secretary shall accept payment for the tract in five equal payments. The first such payment shall be due and payable one year after the date of enactment of this Act, and subsequent payments shall be due and payable annually thereafter: *Provided,* That accelerated payments may be made at any time during the five-year period. Interest shall accrue monthly on the unpaid principal balance at the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturity periods on the installments.

(b) Title to the tract shall be conveyed in up to five conveyances, each such conveyance covering a portion of the tract. Each such portional conveyance shall be made upon a proportional payment of the purchase price by Unicoi County under subsection (a). The Secretary shall designate, in consultation with Unicoi County, what portion of the total tract may be conveyed when only a portion of the purchase price has been paid. The Secretary may require that appropriate terms and conditions be placed in the conveyance documents that will ensure that the interests of the United States are fully protected.

□ 1240

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

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1004, a bill to convey certain national forest land to Unicoi County, TN, and for other purposes. This bill was introduced by our colleague, the gentleman from Tennessee, Mr. JIM QUILLEN, on February 4, 1987, and referred to the Committee on Agriculture.

H.R. 1004 directs the Secretary of Agriculture to convey at fair market value a 121-acre tract of land in the Cherokee National Forest to Unicoi County, TN. This conveyance is necessary in order to permit Unicoi County to expand its tax base through residential development of the tract.

Unicoi County is a small, rural county with a population of 16,000 people. Nearly half of the county's total land area is administered by the Forest Service. Of the remaining lands in the county, much is steeply sloped, rugged, and inaccessible. With the exception of the 121-acre tract, the county generally lacks lands suitable for development. This parcel, which is approximately 1,000 feet deep and 1 mile long, lies adjacent to a county road just outside the town of Unicoi. It is amidst existing residential development and would be developed by the county in a similar manner.

Last year when the Tennessee Wilderness Act of 1986 was being considered by the House, Mr. QUILLEN made known the interest of Unicoi County in acquiring this parcel. The matter was specifically addressed by the Committee on Interior and Insular Affairs during consideration of H.R. 5166, later enacted as the Tennessee Wilderness Act. That committee noted in its report on H.R. 5166 (Rept. 99-853, part 1) that the 121-acre tract was "not essential for the Forest Service's purposes, but * * * of great potential value to the county." The Forest Service was directed to work with Unicoi County to arrange for either purchase of the parcel by the county or exchange for other lands, "in order to make this parcel available for private development to increase the county's tax base."

Based upon discussions between the Forest Service and Unicoi County, H.R. 1004 was drafted to provide for the sale of this 121-acre tract to the county. Conveyance of the tract would

be made on the county's payment of fair market value to the Forest Service. The bill provides that the county may purchase the tract over 5 years. If done in this manner, the county would pay interest on that portion of the purchase price that remains unpaid. The county could receive title for parcels of the tract subdivided such that the amount of land conveyed to the county is equal in value to the amount of payment received.

Mr. Speaker, the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture held a public hearing to consider H.R. 1004 on March 3, 1987. On March 24, 1987, the subcommittee favorably reported the bill to the full committee. The Committee on Agriculture voted to favorably report the bill to the House on April 1, 1987. The administration stated in its testimony before the subcommittee that it has no objection to enactment of the bill. Furthermore, the Congressional Budget Office has indicated that the bill will increase Federal receipts by approximately $160,000 over the next 5 years.

H.R. 1004 is necessary because the Forest Service is not authorized, except under very limited circumstances, to sell national forest lands. The Small Tracts Act provides such an exception to this rule. The committee recognizes the value of limiting the authority to sell national forest lands and does not intend to broaden this authority with enactment of H.R. 1004. However, the committee does recognize the unique nature of the situation affecting Unicoi County.

I also point out, Mr. Speaker, that the Committee on Agriculture has recommended to the Secretary of Agriculture that certain terms and conditions be included in the conveyance documents in order to protect the interests of the United States.

Specifically, the Forest Service should not subdivide the tract in a manner that would isolate any parcels remaining in U.S. ownership from access to the adjacent county road; the tract should be divided into parcels containing topographic features that are representative, to the extent possible, of the topography of the entire tract; the sale of one parcel should not negatively affect the value of any parcel remaining in U.S. ownership; the sale of the tract should not diminish the value of the national forest lands that are adjacent to it; and an easement should be provided that allows the Forest Service to use roads on the tract to access adjacent national forest lands. Also, to further protect the interests of the United States, the fair market value of the tract is to be determined based on its potential for development and not solely upon its current use as forest land. Any costs associated with transferring title of the tract or parcels thereof to the county, such as the cost of land surveys, are to be borne by the county.

Mr. Speaker, I believe that this is an effective and equitable measure for dealing with the unique situation affecting Unicoi County, and I recommend its immediate passage.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1004, legislation directing the Secretary of Agriculture to convey certain National Forest Systems lands in Unicoi County, TN.

Unicoi County is a small, rural county of 118,400 acres with a population of less than 16,000. The Forest Service, and therefore the citizens of the United States, owns 55,168 acres, or 46.5 percent, of the land in the county. Unicoi County would like to purchase a 121-acre tract which is now part of the Cherokee National Forest. Except for this parcel, no land along the county highway is federally owned. This conveyance would complete a corridor of private land adjacent to the highway. Enactment of this legislation would allow the county to dispose of the land to private parties for much needed residential development to expand the county's tax base and assist in providing public utilities and services to existing homes on land adjacent to the tract.

This parcel is not identified in the Cherokee National Forest land management plan as being critically needed for forest management purposes, and the legislation provides for the retention of easements and other conditions necessary to assure access to the remaining national forest land.

In keeping with the policy established by the Subcommittee on Forests, Family Farms and Energy last Congress, the bill requires that the tract be transferred at fair market value based on its potential for development and not solely upon its current use as forest land. That value for this 121-acre tract is $1,250 per acre, for a total of $152,150. Unicoi County has agreed to this amount.

Because Unicoi County is a relatively poor county, the bill allows the county to purchase the tract in five equal annual installments, with interest, as determined by the Secretary of the Treasury, to accrue on the unpaid balance. The entire tract must be conveyed within 5 years of enactment of this legislation and H.R. 1004 authorizes accelerated payments to the United States at any time during the 5-year period. The Secretary of Agriculture, after consulting with the county, will be required to designate which portion of the tract will be conveyed when a proportional amount of the purchase price has been paid. Any costs associated with transferring title of the tract will be borne by the county.

The legislation also authorizes the county to convey acquired portions of the parcel before payment for the entire 121-acre tract is complete.

Mr. Speaker, the administration has no objection to the enactment of H.R. 1004. Further, the Congressional Budget Office estimates that enactment of this bill would result in no cost to the Federal Government and would increase Federal receipts by approximately $160,000 over 5 years.

My colleague, the gentleman from Tennessee [Mr. QUILLEN], has worked diligently on this legislation since last Congress when this transfer was recommended during consideration of the Tennessee wilderness designation legislation. He has been a strong advocate for this transfer for his constituents—it is in their interest and that of the country as a whole—and I support him. My colleagues on the Committee on Agriculture have supported him by sending this bill to the floor today and I ask that we all support him by passing this legislation.

Mr. QUILLEN. Mr. Speaker, this is my bill and I ask for Members to vote for its passage today.

I want to express my sincere thanks to the gentleman from Missouri [Mr. VOLKMER], the chairman of the Subcommittee on Forests, Family Farms and Energy and to the gentleman from Washington [Mr. MORRISON], the subcommittee's ranking Republican member. They have been most courteous and responsive to me in regard to this bill and they and their fine staff have cooperated fully in helping me advance this bill to the House floor today. Likewise, the chairman of the full committee, Mr. DE LA GARZA, and the ranking Republican member, Mr. MADIGAN, have assisted me in this matter and for this they have my thanks.

H.R. 1004 directs the Secretary of Agriculture to convey approximately 121 acres of Forest Service land to Unicoi County, TN, located in my district. The bill is not complicated.

It transfers from the Forest Service to the county a parcel of land along a main county road just outside the small town of Unicoi. The land is situated amidst residential development along this road and the county intends to use this parcel for similar residential development.

Conveyance of title would be made upon the county's payment of fair market value to the Forest Service, and the bill provides that the county may pay for the land over a period of 5 years.

As the Forest Service testified, the bill sets no precedent, and the land in question is not essential to the Forest Service. The Forest Service has no objection to the bill since it has no real need for the land. Unicoi County does have a genuine need for the land and will pay a fair market price for it as required by this bill.

The small parcel of land involved in this bill is not suitable for hunting, fishing, hiking, camping, or any other use by the Forest Service and it lies along a heavily traveled county road. There is other land throughhout my dis-

trict, however, which could be acquired by the Forest Service which would enhance the Cherokee National Forest and would increase the public's opportunity for a wide variety of outdoor activities. I would encourage the Forest Serivce to acquire such suitable land for the benefit of the people and for the protection of our beautiful mountains and forestlands.

The small parcel in question here is not suitable for the Forest Service's mission because of its location. However, Unicoi County has a real need for it.

Mr. Speaker, I ask for passage of the bill.

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

Mr. DE LA GARZA. 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 Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1004, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just considered, H.R. 1205 and H.R. 1004.

The SPEAKER pro tempore. (Mr. PANETTA). Is there objection to the request of the gentleman from Texas?

There was no objection.

## VETERANS' ADMINISTRATION STATE HOME PROGRAM AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1659) to amend title 38, United States Code, to increase the per diem rates for payments by the Veterans' Administration to States for domiciliary care and nursing home care provided to veterans in State homes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1659

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

SECTION 1. PAYMENTS TO STATE HOMES.

(a) PER DIEM RATES.—Section 641(a) of title 38, United States Code, is amended by striking out "$7.30", "$17.05", and "$15.25" and inserting in lieu thereof "$9.00", "$20.35", and "$20.35", respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to hospital care, domiciliary care, and nursing home care furnished in State homes after September 30, 1987.

SEC. 2. TRANSITION TO PRIORITY-LIST SYSTEM FOR STATE HOME CONSTRUCTION GRANTS.

(a) AUTHORITY TO MAKE TRANSITION-YEAR GRANTS IMMEDIATELY.—Notwithstanding the second sentence of section 5035(b)(4) of title, 38, United States Code, the Administrator of Veterans' Affairs may award transition-year grants at any time after July 1, 1987. Such grants shall be awarded in the order of their priority on the transition-year list.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "transition-year grants' means grants under subchapter III of chapter 81 of title 38, United States Code, for projects on the transition-year list.

(2) The term "transition-year list" means the list of approved projects established by the Administrator of Veterans' Affairs as of July 1, 1987, pursuant to the first sentence of section 5035(b)(4) of such title.

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

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

Last October we received a report from the Veterans' Administration which clearly indicated to us that we needed to increase the daily payments to States which provide nursing home care and domiciliary care to veterans. The VA projected that the Federal Government's share of State nursing home costs would decline from 26 percent in 1985 to 22 percent in fiscal year 1988. Put another way, while costs were increasing almost 25 percent, the Federal share of these costs was not increasing at all.

Because the United States depends on this program to provide nursing home and domiciliary care to almost 13,000 veterans each day, we had to do something about sharing the increased cost of health care.

I want to thank the ranking minority member of the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for his assistance in bringing this bill to the floor. I also want to thank the ranking minority member of the full committee, the gentleman from New York [Mr. SOLOMON], for his cooperation on this bill.

Mr. Speaker, I will yield time now to the gentleman from Minnesota [Mr. PENNY], the author of the bill, to explain this legislation further, but first I want to commend him for his foresight in introducing this important piece of legislation, and thank him for the excellent work that he does on the committee. He has been a very strong advocate for veterans in Minnesota as well as in the Nation, and he has certainly earned the respect of the committee as well as of the chairman.

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

Mr. PENNY. Mr. Speaker, I thank my distinguished chairman for yielding and for his leadership and guidance on this issue, as well as for his steady hand on the helm of the Veterans' Affairs Committee that always keeps us on the right course for our Nation's veterans. I would also add my thanks to the ranking member of the Hospitals and Health Care Subcommittee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and to the ranking member of our full Committee, [MR. SOLOMON], for their support as original cosponsors of this legislation. I want to express my sincere appreciation to the 55 cosponsors of H.R. 1659, and particular gratitude to my colleague, the gentleman from Georgia, [Mr. ROWLAND], who will also speak on behalf of this bill.

H.R. 1659, which I introduced on March 17, is a straightforward bill that has two purposes: First, it increases the per diem reimbursement rate paid by the Veterans' Administration for care of veterans in State veterans' nursing homes, hospitals, and domiciliaries. Second, it contains a provision that allows the awarding of State home construction grants to continue as Congress had intended during the last quarter of fiscal year 1987.

The Veterans' Administration State Veterans' Home Program assists States in care of veterans through direct reimbursement for veterans' care and through grants for construction or acquisition of facilities for veterans' long-term care. The per diem program payments cover up to one-half the cost of a veterans' care in recognized State veterans' homes. The State home construction grant program provides up to 65 percent of the cost of constructing or acquiring domiciliary or nursing home care facilities, or remodeling existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes.

For over 100 years, the States and the Federal Government have cooperated in a partnership that has been beneficial to all concerned. As the demand for long-term care for elderly veterans increases, we are at the same time asking our State partners to bear greater responsibility for the program, with the expectation that States will furnish 30 percent of the needed long-term care beds, as opposed to the 20

percent previously expected by the Veterans' Administration.

The State Veterans' Home Program, which today provides extended care in State nursing homes, hospitals, and domiciliaries for over 20,000 veterans, has proved its effectiveness. Testimony presented in hearings before the Hospitals and Health Care Subcommittee in April Confirmed the fine job of delivery of long-term care services provided by our State facilities and supported sustaining the State Home Program.

Since 1984, the VA per diem reimbursement rates to State facilities have been set at $17.05 for State homes, $15.25 for State hospitals and $7.30 for domiciliaries. When these rates were set in 1984, they reflected a VA cost-share of 25 percent of the cost of operating State home nursing beds. During the past 3 years, the nursing home VA cost-share has dropped to an effective rate of 22.54 percent. Obviously, we cannot continue to ask more of State homes unless we are willing to keep reimbursement rates at a more consistent level. While our committee could have recommended adopting a 30-percent target share for the State Home Program—a share that would more accurately reflect cost increases—we have instead recommended a more modest increase that is within budget targets.

As recommended by the full committee in its report to the House Budget Committee in February, and confirmed by the unanimous favorable report of H.R. 1659 by the full Veterans' Affairs Committee on April 23, this legislation increases the nursing home reimbursement rate from $17.05 to $20.35, the hospital reimbursement rate from $15.25 to $20.35, and the domiciliary rate from $7.30 to $9. Within this reimbursement formula, States are providing quality, cost-effective care to veterans. The nursing home rate, for example, is still far below the average daily cost to the Federal Government in 1986 of $118.24 to maintain that same veteran in a Veterans' Administration nursing home or the $64.13 paid by the VA for a veteran's care in a community nursing home. In these tight budgetary times, it makes good sense to put additional resources into programs that allow us to serve the greatest number of veterans at the lowest cost.

The second part of H.R. 1659 clarifies that awards for State veterans' home grants may be made between July 1 and September 30, 1987. It is the second part of the bill that requires our quick action.

Last year the Congress changed the order in which State home grants are awarded. Previously they were awarded on a first-in/first-out basis. The new order gives priority to States which have appropriated the State portion of the grant funds, to States which have no State homes and then to State on the basis of need. This should have the effect of directing limited VA moneys to States with a relative scarcity of homes.

However, there was a technical problem which the VA's general counsel thought would prohibit the award of State home grants between July 1—which is the date of the first new priority list—and the end of fiscal year 1987. This bill States that awards can be made during that time period. The bill provides that the new priority list established on July 1 will govern the order of grant awards through the end of this fiscal year.

My association with the State Veterans' Home Program extends from my first term in Congress when I sponsored a bill, later adopted through amendment into other health care legislation, that allowed conversion of existing buildings, not just new construction, to qualify under the State Home Construction Grant Program. This provision is currently being used in my home State of Minnesota where plans are underway to convert a former State hospital into a long term care facility for veterans.

I'm a firm believer in the State Veterans' Home Program and am pleased to have positively contributed to the program in the past, and to again participate in enhancing the State Home Program by offering this bill to increase the per diem reimbursement rate.

We have just celebrated Memorial Day, recognizing those who gave the ultimate sacrifice on behalf of our Nation. Today we have the opportunity to honor other veterans who now have a need for care in our State veterans' nursing homes, hospitals, and domiciliaries. I urge my colleagues to honor these veterans by adopting this legislation, which will enable State facilities to continue to provide quality, cost-effective care to our veterans.

□ 1250

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I rise in very strong support of H.R. 1659. As ranking member of the Veterans' Affairs Committee, I am delighted to cosponsor this needed legislation to increase per diem rates paid by the Veterans' Administration to States for Veterans' domiciliary and nursing home care. Additionally, the legislation will clarify the authority for transition year grants under the new priority-list system.

Mr. Speaker, this legislation has broad bipartisan support. While recognizing the preeminent Federal responsibility for care of our Nation's veterans, Congress and the President have agreed on the desirability of an active program of veterans' homes which are owned, operated and maintained by the States. These veterans' homes provide cost-effective hospital, nursing and domiciliary care for veterans, and demonstrate the gratitude of the various States for the sacrifices of the men and women who have defended our precious freedoms.

If the States are to be encouraged to continue operation of their veterans' homes and to construct veterans' homes, the reimbursement rates the Veterans' Administration pays for care must be adequate. The rates have not been raised since 1984, and we all know, as a matter of common knowledge, that inflation in health care costs has been high over the past several years, despite the administration's notable success in bringing down overall inflation. H.R. 1659 would raise the per diem rates only a modest amount, and its cost is already planned in the fiscal year 1988 budget. The amounts and types of the increases have already been discussed, and, in the interest of brevity, I will not repeat them, but I do want to emphasize that they should be raised now, before they become grossly inadequate.

Also, Mr. Speaker, the bill would remedy a technical problem with Public Law 99-576 which has resulted from an unforeseen interpretation of that law. For the transition year, which is the current year, Public Law 99-576 did not specify what system of awarding grants for construction of State veterans' homes was to be used during the period of July 1, 1987 to September 30, 1987. The original drafters of the legislation agree that it should have made the new priority list system effective on July 1, 1987. However, the VA's general counsel has ruled that the old "first-in/first-out" system should be applied, rather than the new one. I cannot say that the VA's interpretation is clearly wrong, but it unnecessarily delays implementation of the fairer, more desirable system we established last year. Therefore, the committee has advanced a clarifying provision which leaves no doubt about the date when the priority list system would be in effect. It would be in effect on July 1, 1987. I might add that the provision would cost nothing.

Mr. Speaker, Mr. PENNY, who is an active and highly regarded member of the Veterans' Affairs Committee, deserves our commendation for introducing H.R. 1659. Mr. MONTGOMERY, who everyone knows is the distinguished chairman of our committee, also chairs the Subcommittee on Hospitals and Health Care, and he recognizes a good bill when he sees it. He supported H.R. 1659 and, under his leadership, the bill was reported out of the committee. Mr. HAMMERSCHMIDT, ranking member of the subcommittee, supported the bill as well, and contributed

greatly to its unanimous committee approval.

Mr. Speaker, I urge my colleagues to consider favorably H.R. 1659 and to send it on to the other body, so that State veterans' homes programs will have adequate reimbursement for their operation, and so that the highest priority projects will receive their funding sooner.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT], the distinguished former ranking member of the full committee and the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of H.R. 1659 which provides for an increase in per diem reimbursement rates to State veterans' homes from $7.30 to $9 for domiciliary care, $17.05 to $20.35 for nursing home care, and $15.25 to $20.35 for hospital care.

This increase in the per diem rates represents an appropriate level of participation by the Federal Government to the State Home Program. This program has proven itself as a cost-effective addition to the direct provision of care in Federal facilities which lack sufficient capacity to serve the needs of eligible veterans.

Thus, the State home program plays a critical role in the overall scope of providing long-term care to America's veterans.

The VA's nursing homes are focusing their efforts increasingly on the short-term rehabilitation of hospitalized veterans, and care in community homes is limited to a period of 6 months in most cases. It is the State Home Program which has largely filled the vacuum of providing long-term care for our sick and disabled veterans. Without an adequate Federal financial commitment, as reflected by H.R. 1659, long-term quality health care for our Nation's deserving veterans will simply begin an unacceptable decline.

This legislation recognizes the important role State veterans' homes play in providing quality and cost-effective medical care to our Nation's veterans. It deserves the support of every Member of this House.

I congratulate Mr. PENNY for initiating this legislation and also thank Chairman MONTGOMERY and ranking member SOLOMON for their cosponsorship and their expeditious handling of H.R. 1659.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of our committee.

Mr. ROWLAND of Georgia. Mr. Speaker, I rise in strong support of H.R. 1659, a bill which would increase the per diem reimbursement rate to the State veterans' nursing homes, hospitals, and domiciliaries.

I want to commend the gentleman from Minnesota [Mr. PENNY] for the work he has done on this bill and for our veterans. I also want to thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee, for the expedient manner in which this bill was brought to the floor, and my colleagues on the other side of the isle for all they have done.

As you know, our aging veteran population is growing at a tremendous rate. The long-term health care needs of these veterans is an issue which greatly concerns me, for as the demand for services such as nursing home care increases, the pressures which are already at work on our VA medical facilities will only be exacerbated. It is comforting to know that programs like the State Veterans' Home Program are there to ease some of this work load.

The veterans' homes around the country provide an essential function with respect to the care of our veterans and in the process, save the Federal Government money. Without the State Home Program, the veterans in the home system would have to rely solely on the VA medical facilities in their State. As it stands now, the States which participate in the program share in the costs of caring for the veteran.

My home State of Georgia participates in this program and I am particularly proud of the quality of care that the Georgia War Veterans Home in Milledgeville, GA, provides to our veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise in strong support of this bill to benefit American veterans, particularly those who are ill, disabled, or aging.

Our Nation owes a great debt to the men and women who have sacrificed to defend the national security through service in the U.S. military forces.

The people of my home State of Arkansas have a long and proud tradition of supporting our Nation's freedom, liberty, and values through military service. In fact, of all the people who are over 16 years old in First District, which I represent, more than 14 percent are veterans of U.S. military forces.

Others continue to serve, as members of the Active, Reserve, and National Guard services.

Studies by service organizations and Government agencies concerned with veterans show that this population is an aging one.

In this bill, the Committee on Veterans' Affairs has recognized the special needs represented by this population. By proposing raises in the per diem rates of payment, by the Veterans' Administration, to the States for domiciliary and nursing home care provided to veterans in State homes, the committee underscores the Federal responsibility to support benefit programs in this area.

By proposing language to clarify congressional intent in the area of grant funding for State veterans' home construction, the committee is moving to insure that veterans in every State receive fair and equitable Federal response when the various States produce their share of the cost of constructing new, or renovating existing, domiciliary and nursing home care facilities.

I urge passage of this bill.

Mr. Speaker, I congratulate the gentleman from Minnesota [Mr. PENNY] for taking this initiative, and I acknowledge with appreciation the leadership of the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from New York [Mr. SOLOMON], the chairman and ranking member of the committee, for steering this much needed bill through the House of Representatives.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such times as I may consume.

Mr. Speaker, in closing the debate, let me say some 39 States are participating in the program now. We have just started to build a State veterans' nursing home in Mississippi. I am quite proud of that. We hope to begin receiving patients there within 16 months.

In order for States to participate in the program it is necessary that we continue to increase the per diem rates. I am happy to support this legislation and again, commend the gentleman from Minnesota for introducing the bill and getting it to the floor of the House.

I urge my colleagues to support this legislation.

Mr. AUCOIN. Mr. Speaker, I rise in strong support of H.R. 1659, legislation that would increase the per diem rates paid to State nursing homes, domiciliaries, and hospitals.

The State care program is a vital link in our efforts to meet the growing health care needs of older veterans. By raising the per diem rates for the first time since 1984, Congress will be sending a message to State that the Federal Government is committed to seeing these much-needed health care programs flourish.

In my home State of Oregon, this legislation is particularly timely since Governor Goldshmidt has appointed a five-person commission to study the feasibility of establishing a State veterans home in the vacant Callaghan Center in Wilsonville.

Formerly the home of the Oregon State Vocational Rehabilitation Center, the Wilsonville facility has been empty for the past few years,

but requires $200,000 a year in maintenance costs.

There is a great need for such a facility to augment the VA domiciliary in White City. While the domiciliary is quite adequate in most respects, it's just not accessible to the mobility-impaired veteran. This legislation is added ammunition for a program that makes good fiscal sense.

Federal and State Government must work together to promote programs that will reach the greatest number of people at the lowest possible cost. State veterans' facilities across the Nation have proven to be successful, cost-effective, quality care centers for the increasing health needs of our older veterans.

For this reason I rise in strong support of H.R. 1659 to raise the per diem rates paid to State nursing homes, hospitals, and domiciliaries.

Mr. GILMAN. Mr. Speaker, I rise in support of the measure currently pending before the House, H.R. 1659, increasing the per diem rates of pay for payments by the VA to State nursing homes, domiciliaries, and hospitals. I would like to commend the gentleman from Minnesota [Mr. PENNY] for introducing this measure and the Committee on Veterans' Affairs, for bringing it before the House in such a timely manner.

Since its creation after the Civil War, the VA medical system has now grown to include 172 hospitals, 228 outpatient clinics, 119 nursing homes, and 16 domiciliaries and hospitals. As extensive as this system may appear, there are many veterans who receive their long-term and nursing home care from alternate facilities. To offset some of the expense of caring for these veterans, the VA currently reimburses State facilities, per veteran, per day. H.R. 1659 would increase the reimbursement rates paid to the aforementioned facilities and would help to keep pace with rising health care costs. This bill increases the VA reimbursement rate per veteran, per day, for care from $15.25 to $20.25; for nursing home care, from $17.05 to $20.35; and for domiciliary care, from $7.30 to $9. In addition the bill permits VA to award grants in priority order for the construction, acquisition, or remodeling costs for State veterans' homes.

As the various congressional committees on both sides of the Capitol continue to examine the affordability and accessibility of long-term health care, we cannot ignore areas where we can facilitate change immediately. Accordingly, I strongly urge my colleagues to join me in support of H.R. 1659, increasing the per diem rates for payments to State nursing homes, domiciliaries, and hospitals.

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

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

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1659, 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 amend title 38, United States Code, to increase the per diem rates for payments by the Veterans' Administration to States for hospital care, domiciliary care, and nursing home care provided to veterans in State homes, and for other purposes." A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1659, the bill just passed.

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

There was no objection.

## SMALL BUSINESS ACT AMENDMENTS

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2166) to amend the Small Business Act and the Small Business Investment Act of 1958.

The Clerk read as follows:

H.R. 2166

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 20 of the Small Busines Act is hereby amended as follows:

(a) by striking from paragraph (4) of subsection (y) "$1,142,000,000" and by inserting in lieu thereof "$1,250,000,000";

(b) by striking from subsection (z) "$409,000,000" and by inserting in lieu thereof "$393,000,000"; and

(c) by inserting after "1958;" in subsection (z) the following; "$16,000,000 shall be available to carry out the provisions of sections 404 and 405 of the Small Business Investment Act of 1958;".

SEC. 2. Section 504 of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking "and" at the end of subsection (a)(1);

(b) by striking "$295,000,000." and by inserting in lieu thereof "$425,000,000; and"; and

(c) by adding the following new paragraph at the end of subsection (a):

"(3) of the program levels otherwise authorized by law for fiscal year 1988, an amount not to exceed $425,000,000.".

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

The gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

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

Mr. Speaker, I rise in support of H.R. 2166, a bill which would implement three items in the President's budget request by making minor amendments in SBA programs and SBA authorizations.

First, it would increase the authorized amount of surety bond guarantees from $1.142 to $1.250 billion, an increase of $108 million. However, this is a program level increase and does not amount to an expense of an equivalent amount. In only about 2 percent of the cases is a claim made against the bond guarantee, and thus the gross cost of this program probably will be about $2 million and it can be accommodated within existing budget authority.

Second, it would require that all of the debentures issued by certified development companies and guaranteed by the SBA be sold to private investors. Basically, this provision would continue and expand through fiscal year 1988 a pilot program began last year. The administration has requested this change for 1988 and all we are doing is advancing it to the remainder of 1987. This will reduce outlays by the amount of sales shifted from the Federal Financing Bank to private investors, about $35 to $40 million.

Third, and finally, the bill would authorize the appropriation of $16 million to pay losses under the pollution control bond guarantees program. These are claims which are being made against guarantees issued in prior years and must be paid.

Although unrelated to this bill, I want to note that claims on SBA guaranteed loans have been reduced from levels of several years ago and thus we are able to reduce the budget authority for this fund. As a result, the $16 million authorized for the pollution program is being offset by an equivalent reduction in the loan fund. This bill does not increase budget authority.

The items included in this bill also are included in the administration's budget for fiscal year 1988, and the administration favors taking action on these three issues. However, by some curious logic, OMB does not support H.R. 2166 because it fails to make several major and very controversial changes in SBA programs for which there is little or no support in the Congress, such as the elimination of direct loans to minorities and handicapped. We first learned of these general proposals when the administration's budget was released in January.

For 4 months we sought, but did not receive, a specific legislative package from the administration. Finally, we decided that we could wait no longer to consider the noncontroversial matters contained in this bill.

On a bipartisan basis, the committee overwhelmingly approved this bill.

At the time of the committee's consideration, the SBA noted that:

* * * we applaud the Committee's efforts to address some of the provisions in the Ad-

ministration's budget recommendations * * *.

* * * while a step in the right direction, (the bill) does not go as far as the budget proposal submitted by the President last January.

I believe that the House is also ready to approve the noncontroversial matters contained in the bill before us today. In fact, I believe that we have an obligation to move this legislation. Passing this bill today will facilitate consideration of it by the other body. Hopefully, they also will move promptly so that the Appropriations Committee can consider these changes which, I repeat, are noncontroversial.

I, and my colleagues on the Small Business Committee, are prepared to consider other changes but we could not do so until the administration itself decided what it wanted and followed the usual procedure of submitting its legislative proposals to the Speaker. Finally, on May 14 we received the administration's proposals, and we will consider them. However, we should not delay passage of this bill, H.R. 2166, but rather, we should go forward today and approve three items which the administration has indicated it wants done.

□ 1305

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

Mr. Speaker, I rise today in support of the bill before us, H.R. 2166, which amends the Small Business Act and the Small Business Investment Act of 1958. I want to commend Chairman JOHN LAFALCE and members of the committee for their diligence in delivering this bill today in good order.

H.R. 2166 has three major provisions. The first provision contains language that would increase the surety bond guarantee level by $108 million in fiscal year 1988 to approximately $1.25 billion. This increase was requested by the President in his fiscal year 1988 budget. The Surety Bond Program has been one of the most successful of all SBA programs in that it has enabled small business contractors and subcontractors who seek public—and some private—construction jobs to obtain surety bonds necessary to perform such work. This program has been cost effective because losses have been extremely low. In only about 2 percent of the cases does the small business ever default, resulting in a gross cost of this program of about $2 million.

The second change concerns the sale of guarantees issued by certified development companies and guaranteed by the SBA be sold to private investors. Development companies are an effective instrument organized primarily by local communities for the purpose of enhancing development and effecting improvements in the local economy. Typically, development companies, with the help of SBA-guaranteed loans of up to $500,000, become involved in projects to acquire land and construct new plants, purchase needed machinery and equipment or assume, expand or convert existing plants to new small business uses. The Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA] authorized the SBA to guarantee bank loans to development companies and/or guarantee debentures issued by certified development companies in a maximum amount of $400 million in fiscal year 1986 and $450 million in each of fiscal years 1987 and 1988.

In an effort to reduce outlays, COBRA (Public Law 99-272) also established a pilot program to sell debentures to private investors instead of the Federal financing bank. Because there exists a 1-year delay between the obligation of funds and the time the certified development company debentures actually are sold, the pilot program would facilitate the private sale of debentures. The purpose of this amendment is to continue the pilot program and to provide that all debenture sales approved during fiscal years 1987 and 1988 be shifted from the Federal financing bank to private investors.

The SBA provides long-term, low-interest loans to small concerns to facilitate compliance with federally-mandated pollution control laws. SBA is authorized to guarantee payments due under qualified contracts with respect to the planning, design, financing, or installation of pollution control facilities. Presently, all guarantees being approved under this program are taxable issues. However, claims are being made on previous SBA guarantees, and the bill seeks to authorize $16 million to pay losses sustained under the program.

I support this measure which is needed to continue existing programs such as the Surety Bond Program which helps small contractors and subcontractors compete for construction work. This measure will also preclude increases in Federal outlays that could result unless certified development company debentures are sold to private investors. Finally, this bill authorizes the necessary payment of losses incurred in the Pollution Control Contract Guarantees Program. I urge my colleagues on this side of the aisle to adopt this measure.

Mr. Speaker, I do want to point out that the CBO estimates that enactment of H.R. 2166 will result in a net outlay reduction of $28 million in fiscal year 1988 and $398 million in fiscal year 1989 and outlays of $47 million in fiscal year 1990 and $46 million in fiscal year 1991 and $45 million in fiscal year 1992.

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

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise in strong support of this bill to amend the law relating to important Small Business Administration programs. Assistance of the Small Business Administration has contributed to the success of thousands of small businesses in the State of Arkansas.

Arkansas is the home of some of the Nation's largest business corporations. And, it is truly the land of opportunity for small businesses.

Small businesses have been, are, and, I believe, will continue to be a major force in the economy of Arkansas and the Nation.

Historically, small businesses have represented more than 90 percent of the Nation's business community. Small businesses have generated the majority of the new jobs, the new inventions and the new technology.

It is my belief that Government decisionmakers, whether they work at the local, State, or Federal level, must be conscious of and concerned about how decisions affect small businesses.

In bringing this bill to us for consideration, the Committee on Small Business is making good on the commitment of our leadership to cooperate with the Presidential administration wherever that cooperation is clearly in the interest of the people. The changes in the SBA programs the committee is recommending to us were requested by President Reagan as a part of his 1988 budget.

One change would affect the SBA Surety Bond Guarantee Program. A small business can have the best bid, the most skilled workers, and an unblemished reputation for performance; but, if it can not get the surety bond it needs on a bid, payments or performance—or all three—it could fail to get the business that is its reason for being.

Without the necessary surety bonds small businesses would be shut out of participating in the projects they need to develop the capability they need to qualify for commercial surety bonds. Thus, all to frequently, if small businesses were forced to be dependent on the private surety underwriting industry, they would be trapped in the classic catch-22. And, competition in the private and public sector would be harmed.

The SBA Surety Bond Guarantee Program helps small businesses break out of this cycle. It provides guarantees against losses and helps make surety bonds more easily available to small businesses so they can get business. And, by doing so, it helps promote competition.

Under this bill, the surety bond program level would rise from $1.142 billion in available guarantees to $1.250 billion. At the same time, it is expect-

ed that there is enough budget authority already available to pay the claims anticipated against the entire program in 1988.

Another change affects certified development companies [CDC]. These are companies organized by local people for the purpose of improving the economy of their communities by providing financial assistance to small businesses. CDC's, when they have met the requirements of the SBA, are permitted to issue debentures for which the SBA guarantees the repayment of the principal and interest.

Income from the debentures is then lent to small businesses to finance plant acquisition, construction, conversion, or expansion, including land purchases.

This program is a partnership between the Federal Government, commercial lenders and the small businesses being helped.

In the last Congress, as a means of aiding small businesses get financing and encouraging private investors to lend to small businesses while, at the same time, helping cut the Federal deficit, a pilot program promoting the sale of the SBA-guaranteed, CDC debentures to private investors was authorized. In the period from November 1986 through April 1987, 68 million dollars' worth of these debentures were sold to private investors.

The interest rates required to sell these in the private capital market averaged about 1 percent above the rate which would have resulted from selling the same debentures to the Federal Financing Bank.

At this point, the private capital market clearly seems willing to support small business with dollar-loan investments. Passage of the bill before us would expand this pilot program test to cover all sales resulting from CDC-debenture supported business loan projects approved through fiscal 1988.

Like major corporations, small businesses face substantial expenditures in working to comply with Federal, State, and local laws governing pollution control. But, small businesses frequently have far greater problems than the larger competitors in the marketplace, in obtaining financing for pollution control facilities on the long-term, low-interest loan terms they need.

SBA is authorized to guarantee payments due under qualified contracts for planning, designing, financing, or installation of small business pollution control projects. In the period from 1980 through 1986, a total of $302 million in such payments have been guaranteed. Another $75 million is expected to be guaranteed by September 30, 1987.

The administration reports that $16 million in claims against the guarantees are expected to be due and payable in fiscal 1988. This would range between 4 and 5 percent of the value of the guarantees made during the 1980-87 period. This bill would authorize the appropriation of the money to pay those claims.

I believe this bill serves the interests of small businesses and, thus, the whole national economy. I urge a vote for its passage.

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

Mr. DREIER of California. Mr. Speaker, I rise in opposition to H.R. 2166. When the Small Business Committee considered this legislation on May 12, it did so under the guise that it was requested by the administration as part of its fiscal year 1988 budget request. But that, as we all know, is not exactly the case.

It is a fact that the administration requested the proposed amendments. Unfortunately, the committee chose to select only those provisions which seek to expand the programs within the SBA. Then the committee simply decided to ignore the rest.

For instance, H.R. 2166 provides $16 million for the Pollution Control Guarantee Program. Yes, the administration did request the additional funds to cover the loss of fee income in previous years. But the administration also requested that the program be eliminated because the demand for pollution control financing is too low to make the program viable.

In addition, H.R. 2166 calls for an authorization of $393 million for the business loan and investment fund [BLIF] to accommodate the so-called administration-requested changes in the surety bond and pollution control bond programs. It's $16 million less than currently authorized, but $272 million more than was actually requested. Since it was the intent of the Small Business Committee to represent this legislation as having been requested by the administration, then I believe the bill should reflect their complete request.

Also, despite CBO claims mentioned by my friend from Pennsylvania that H.R. 2166 will result in a net outlay reduction over the next 2 years, the bill will actually add several million dollars to the deficit during that period, and over $138 million over 5 years. That's because the savings are fictitiously arrived at by selling development company debentures on the private market, rather than to the Federal Financing Bank. The real cost of H.R. 2166 comes from provisions to increase by $108 million the Surety Bond Guarantee Program authority.

Mr. Speaker, I support efforts to improve the efficiency of SBA programs, but I must insist that it be done at no additional cost to the taxpayers. There is a lot of waste in the SBA budget. If it is the intention of the Small Business Committee to pursue reforms in the SBA to improve the efficiency of its programs, I suggest that it begin with H.R. 1266. I urge the defeat of this bill.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume to comment briefly on the remarks made by the gentleman from California [Mr. DREIER].

During the deliberations of the Committee on Small Business, a vote was taken, and the vote to report the bill was 40 to 1. We have now heard the remarks of the one person who voted against the bill.

Basically, the administration has requested each and every item that is contained within this bill. They are noncontroversial. They did not request a number of additional items which are extremely controversial, and we decided not to take up the controversial items on the Suspension Calendar. We will be pleased to take up those controversial items some other time, but not on the Suspension Calendar.

We are moving today with the noncontroversial items and that is why we are able to get a vote out of the committee of 40 to 1.

I want to thank my friend and colleague, the ranking minority member, the gentleman from Pennsylvania [Mr. McDADE], for his tremendous cooperation in facilitating prompt consideration of this measure.

I would urge all Members to join with the 40 or 41 members of the Committee on Small Business who voted for it in supporting this bill.

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

Mr. Speaker, at this time, I insert into the RECORD a letter from the Administrator of the Small Business Administration, requesting the action that the committee has taken as evidence.

U.S. SMALL BUSINESS ADMINISTRATION,
*Washington, DC, May 12, 1987.*

Hon. JOSEPH M. McDADE,
*Committee on Small Business, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN McDADE: I understand that H.R. 2166, an authorization bill affecting the Small Business Administration's credit programs, will be marked up by your Committee today. While we applaud the Committee's efforts to address some of the provisions in the Administration's budget recommendations, i.e., an increase in the surety bond level, privatization of 503 funding, and providing authorization for funding of claims resulting from existing contracts; this bill, while a step in the right direction, does not go as far as the budget proposal submitted by the President last January. We would hope that the Committee would act on additional budget savings by considering the following proposal made by the Administration:

(1) Section (b) which addresses the amount authorized to be appropriated has $393 million as a total for BLIF. This figure should be $121 million which reflects the assumptions for eliminating direct loans

except MESBICs and includes additional revenues from user fees.

(2) Section (c) provides for $16 million for the Pollution Control Program, which is the Administration's request to liquidate existing obligations. But this section does not address the budget proposal which would eliminate the program in FY 1988.

(3) In addition, Section 2 of the Small Business Investment Act concerning the Development Company Loan Program provides a total of $425 million in program level instead of $373 million as provided in the FY 1987 Appropriations Act. If the $373 million to be authorized for fiscal year 1987 and 1988, $35 million should be made available for the Section 502 guarantee loan program.

I hope that I may count on your support in this matter.

Sincerely,

JAMES ABDNOR,
*Administrator.*

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2166, the Small Business Act amendments. I commend my colleague from New York, the chairman of the Small Business Committee [Mr. LAFALCE], and the gentleman from Pennsylvania [Mr. MCDADE], the ranking minority member, for their leadership in bringing this measure before us today.

Much attention has been paid during the 100th Congress to the issue of "competitiveness." Keeping our major companies and corporations competitive in world markets is indeed important, but we should not forget the important role of small businesses in our economy. Our Nation is dependent on the vitality of our small businessmen, and I believe that the Federal Government should help create a favorable economic climate for small business.

H.R. 2166 assists small businessmen in several ways. This legislation increases the authorization level in the Small Business Administration [SBA], Surety Bond Guarantee Program. Small business contractors and subcontractors seeking construction jobs often are required to furnish surety bonds. However, because of surety industry underwriting standards, many small contractors are unable to obtain bonding and thereby are precluded from participating in the very projects which would help them develop the capability to obtain necessary bonding. SBA is authorized to help a small business concern break out of this cycle by guaranteeing a surety against losses in order to make bonding more easily available.

The SBA often is irreplaceable in creating a favorable investment climate. The SBA guarantees loans of up to $500,000 to development companies, community groups formed primarily to improve the local economy, for projects to acquire land and construct new plants, purchase necessary machinery and equipment, or acquire, expand, or convert an existing plant to benefit a specific, identifiable small business. This bill bolsters the SBA, and also requires the sale of all SBA-guaranteed debentures issued by development companies to private investors rather than to the Federal Financing Bank.

H.R. 2166 is also protective of the environment in that it requires the SBA, in cooperation with commercial banks and State agencies, to make available long-term, low-interest financing to small businesses for required pollution-control facilities. These moneys are to be made available through sale of State or municipal revenue bonds. The SBA guarantees payments due under qualified contracts with respect to the planning, design, financing, or installation of pollution-control facilities.

The committee has drafted this legislation in a bipartisan manner. It will enhance the opportunities and operation of small businesses throughout the country. Accordingly, I urge my colleagues to join in support of H.R. 2166, the Small Business Act amendments.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 2166.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1315

## GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2166, the bill just considered.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York?

There was no objection.

## SELECTION OF COURT FOR MULTIPLE APPEALS

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1162) to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order.

The Clerk read as follows:

H.R. 1162

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

SECTION 1. SELECTION OF COURT FOR MULTIPLE APPEALS.

Section 2112(a) of title 28, United States Code, is amended by striking out the last three sentences and inserting in lieu thereof the following: "If proceedings are instituted in two or more courts of appeals with respect to the same order, the following shall apply,

"(1) If within ten days after issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in at least two courts of appeals, the agency, board, commission, or officer shall proceed in accordance with paragraph (3) of this subsection. If within ten days after the issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in only one court of appeals, the agency, board, commission, or officer shall file the record in that court notwithstanding the institution in any other court of appeals of proceedings for review of that order. In all other cases in which proceedings have been instituted in two or more courts of appeals with respect to the same order, the agency, board, commission, or officer concerned shall file the record in the court in which proceedings with respect to the order were first instituted.

"(2) For purposes of paragraph (1) of this subsection, a copy of the petition or other pleading which institutes proceedings in a court of appeals and which is stamped by the court with the date of filing shall constitute the petition for review. Each agency, board, commission, or officer, as the case may be, shall designate by rule the office and the officer who must receive petitions for review under paragraph (1).

"(3) If an agency, board, commission, or officer receives two or more petitions for review of an order in accordance with the first sentence of paragraph (1) of this subsection, the agency, board, commission, or officer shall, promptly after the expiration of the ten-day period specified in that sentence, so notify the judicial panel on multidistrict litigation authorized by section 1407 of this title, in such form as that panel shall prescribe. The judicial panel on multidistrict litigation shall, by means of random selection, designate one court of appeals, from among the courts of appeals in which petitions for review have been filed and received within the ten-day period specified in the first sentence of paragraph (1), in which the record is to be filed, and shall issue an order consolidating the petitions for review in that court of appeals. The judicial panel on multidistrict litigation shall, after providing notice to the public and an opportunity for the submission of comments, prescribed rules with respect to the consolidation of proceedings under this paragraph. The agency, board, commission, or officer concerned shall file the record in the court of appeals designated pursuant to this paragraph.

"(4) Any court of appeals in which proceedings with respect to an order of an agency, board, commission, or officer have been instituted may, to the extent authorized by law, stay the effective date of the order. Any such stay may thereafter be modified, revoked, or extended by a court of appeals designated pursuant to paragraph (3) with respect to that order or by any other court of appeals to which the proceedings are transferred.

"(5) All courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to this subsection, shall transfer those proceedings to the court in which the record is so filed. For the convenience of the parties in the interest of justice, the court in which the record is filed may thereafter transfer all the proceedings with respect to that order to any other court of appeals.".

SEC. 2. CONFORMING AMENDMENT.

Section 509(b) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)) is amended by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act take effect 180 days after the date of the enactment of this Act, except that the judicial panel on multidistrict litigation may issue rules pursuant to subsection (a)(3) of section 2112 of title 28, United States Code (as added by section 1) on or after such date of enactment.

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

The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

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

Mr. Speaker, this piece of legislation comes unanimously from the Committee on the Judiciary, and with the endorsement of Attorney General Meese.

It may be the last piece of legislation that I am able to so describe that I thought I would get that out right at the beginning.

We have a situation in the country today which is unseemly, and in the judgment of the subcommittee, the Committee on the Judiciary, and the Justice Department detracts in a marginal way, but nonetheless, detracts from the administration's justice.

Orders are issued by various Federal agencies which can be appealed into any of a number of circuit courts of appeal. The appeal from an order of a Federal agency will often go into the circuit court, and because of the nature of our economy, business being conducted in various parts of the country, the order may be appealable in any of several circuits.

There is a phenomenon known as forum shopping. While the ideal is that all judges will decide all issues presumably identically, based on their cool and dispassionate reading of the facts, reality is different.

Human beings with different orientations sit on courts. Ultimately major questions will be decided by the U.S. Supreme Court, but they cannot and should not decide everything.

Important issues may turn on which of several possible circuit courts are able to decide a case, so we now have literal races to the courthouse.

There now exists situations where messengers, short-wave radios, walkie-talkies, an elaborate network of communications, personnel and paraphernalia, are put in motion at the instant that a decision of an agency is filed. Like the old races in the 19th century that we have seen in the movies to get the land, off they go with the notion that the party that first files his or her papers in a particular circuit court in a particular part of the country that is, therefore, determined where this particular dispute will be heard.

That really does not make any sense. An awful lot of energy and time is wasted. Suits are filed in several districts, in several circuits.

Arguments can be made as to who got where when first. It favors those with the greatest resources as opposed to those who cannot afford to hire the great machinery to get there.

What we propose is this simple. It is where papers have been filed to appeal such a decision in more than one circuit court, random selection will be used. Assuming all circuits are equally at first instance competent to hear the appeal, random selection process will take place.

That circuit which comes out of the random selection process will be the circuit that first hears this issue. I say first hears the issue, because there are in our law a number of doctrines, none of which I am familiar enough to talk about, which allow parties to argue for a removal of a case from one circuit to another on the grounds that a particular circuit would be a more appropriate forum for determining the issue.

Nothing in the legislation before the House today detracts in any way, shape or form from the force of those doctrines; that is, whatever court you are first into, whether you are there because of random selection as our bill proposes, or because you were the guy with the fastest bicycle and you got to the courthouse first. All parties are free then to argue the various legal doctrines which would say no, it should not be here, it should be in this circuit or that circuit, so we change no substantive law.

We change no rights that people have to argue for moving the case. What we do is to provide a far less unseemly way of resolving the dispute as to who should be where first.

There was some reluctance on the part of some Members when this was first proposed to follow a method of random selection. Many members kept thinking there must be in a better way.

None of the Members on the subcommittee, on the full Committee on the Judiciary, the Administrative Conference, the Justice Department, none of the groups that I just mentioned can think of a better way, because we have preserved all the substantive rights that people would have to argue once an initial circuit is designated to move that from one place to another.

Mr. Speaker, under leave to include extraneous matter, I submit a memorandum prepared by the gentleman from Maryland [Mr. CARDIN], a member of our subcommittee, who at my request made a particular study of whether or not there was an alternative forum:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 23, 1987.*

Re H.R. 1162.

Hon. BARNEY FRANK,
*Chairman, Subcommittee on Administrative Law and Governmental Relations, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Following the markup of the above captioned bill on March 12, I did some further investigation, per your request, as to whether there is a preferable alternative to random selection in determining venue in multiple appeals cases. I must tell you that when I first started to look into this matter, I was convinced that we could find a better way than random selection to solve the "race to the courthouse" problem. As a result of my investigation, I am now convinced that the approach taken in H.R. 1162 is the best approach and should be enacted.

In reaching this conclusion. I did speak with Craig Baab from the American Bar Association, Marshall Breger, Chairman of the Administrative Conference of the United States and Bill Burchill, General Counsel to the Administrative Office of the U.S. Courts. Everyone agreed that the current situation should be changed in the interest of justice. There is also concensus that an expedited process needs to be developed so that a circuit can assume control over the litigation. The only objection to using random selection seems to be that it is arbitrary and it does not sound very judicious.

Random selection is not new. It is used by many circuits in the determination of the three judge panel, as well as in determining which jurists will hear particular cases. Quite frankly, there really is no other feasible alternative to random selection. Both Mr. Baab and Mr. Breger indicated that we could use a process that would allow the courts to establish by rule which circuit would hear the appeal. By doing this, though, the rule that would be chosen by the courts would be another form of random selection. It seems to me that we should address the issue directly, rather than confusing the issue even more. Furthermore, as you pointed out during the hearing, there is the protection in the legislation that provides for a change in venue in instances of inconvenience to the litigants or in the interest of justice.

The committee might find of interest, the case of Mobile Oil Exploration Company versus Federal Energy Regulatory Commission, #86-4940 (5th Circuit filed January 27, 1987), (copy of opinion attached), in which two circuits could not determine which appellant reached the court house steps first. Please note that the court resolved this issue by flipping a coin. Clearly, random selection in an orderly way is much preferred to the current system.

Also enclosed is a copy of a law review article written in a University of Pennsylvania Law Review that was made available to me by Mr. Breger.

If I can be of any further assistance to the committee, please let me know.

Very truly yours,

BENJAMIN L. CARDIN.

RECOMMENDATION 80-5: ELIMINATING OR SIMPLIFYING THE "RACE TO THE COURTHOUSE" IN APPEALS FROM AGENCY ACTION

(Adopted December 11, 1980)

Many agency actions subject to direct review in the courts of appeals involve more than one private party that may legitimately consider itself aggrieved by the agency action. In most cases, a single court of appeals is not specified by statute as the reviewing court, and venue may lie in more than one such court. Many lawyers believe that one court of appeals is likely to be more receptive than another to their clients' arguments in an agency review proceeding. The choice of the reviewing court has therefore assumed large importance in the review of some actions of some agencies.

A statute, 28 U.S.C. § 2112(a), provides that, when petitions for appellate review of the same order are filed in two or more courts of appeals, the record of the agency proceeding is to be filed by the agency in the court in which the first petition was filed, and that court then has jurisdiction of the review proceeding to the exclusion of others. This provision has become less and less useful as the choice of forum has become more significant in lawyer's minds, and races to the courthouse have proliferated and methods of conducting the races have become more refined. Races are now sometimes decided by seconds or fractions of seconds, if they can fairly be said to have been decided at all. (There is no single finish line to cross or tape to break; time stamping machines in clerks' offices are not synchronized.) Moreover, races will be even harder to judge as agencies adopt regulations, designed to make the races fairer and more civilized, specifying the date and time at which agency orders are deemed to have been issued.

The spectacle of the race to the courthouse is an unedifying one that tends to discredit the administrative and judicial processes and subject them to warranted ridicule. It will require Congressional action to bring the final curtain down on the spectacle. Our first and principal recommendation is addressed to Congress. It calls for simple random selection of the reviewing court when a race ends in a dead heat or near dead heat. Pending Congressional action, there are actions that the agencies and the courts themselves can take to ameliorate the present sorry situation, and we also make recommendations addressed to the agencies and to the Judiciary for such interim actions.

PART A. RECOMMENDATION TO CONGRESS

Congress should amend 28 U.S.C. § 2112(a) to provide that, if petitions to review the same agency order have been filed in two or more courts of appeals within ten days after the order was issued, the agency is to notify an appropriate official body, such as the Administrative Office of the United States Courts, of that fact; that the appropriate official body, on the eleventh day after the issuance of the order, is to choose from among the circuits in which petitions have been filed according to a scheme of random selection and notify the agency of that choice; and that the agency is then to file the record of the proceeding in the court so chosen, which will take jurisdiction and conduct the review proceeding, subject to the existing power, which would not be changed, to transfer the case to any other court of appeals for the convenience of the parties in the interest of justice.

The amended Section 2112(a) should provide further that a court of appeals in which a petition for review has been filed that has jurisdiction to entertain the petition may, in a case of pressing need, issue a stay of the agency order during the period in which no court has been chosen to take jurisdiction of the proceeding, the stay to remain in effect for no more than 15 days, unless extended by the chosen court or a transferee court, and subject to revocation or modification by the chosen court or a transferee court; and that, if the court in which the record is filed determines that it lacks jurisdiction or venue is improperly laid but that jurisdiction and venue may be proper in another circuit, the court is to notify the official body administering the system of random selection of that fact, and the body then will choose from among the remaining courts in which petitions have been filed according to the same scheme of random selection.

PART B. RECOMMENDATION TO THE AGENCIES

In the absence of legislation, those agencies whose actions have resulted or are likely to result in races to the courthouse should specify in advance a time at which their orders are to be deemed issued or their actions are otherwise ripe for judicial review. Such agencies should do this by generic regulation if possible, and if that is not possible, by specifying times of issuance or ripeness case by case.

PART C. RECOMMENDATION TO THE JUDICIARY

In the absence of further legislation, the Supreme Court should promulgate a rule under which, if petitions to review the same agency order are filed in two or more courts of appeals simultaneously (for example, within one minute of one another), the Administrative Office of the United States Courts is to be informed of that fact, and the Administrative Office is then to choose one court, according to a scheme of random selection, from among the circuits in which such simultaneous petitions are pending, which court shall then determine where the record is to be filed pursuant to 28 U.S.C. § 2112(a).

Mr. CARDIN concluded quite correctly after a serious and thorough analysis that this makes the most sense, so we have this proposal for doing away with these races to the courthouse which detract rather than add to the administration of justice.

We substitute a random selection which is as likely as anything to be fair to pick the court of first instance, and in that court people can then argue for changes if they want to change, and make a good case that a different circuit is better suited legally.

It is unanimously supported by the subcommittee and the Committee on the Judiciary and by the Attorney General.

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

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

Mr. Speaker, I rise in support of H.R. 1162, more popularly known as the "Race to the Courthouse Bill." The bill provides an excellent, and I believe a practical, solution to the current problem of appellate court selection for multiple appeals to agency rulings. It is obviously not in the best interest of our legal system or of the American public to leave a situation like we presently have, unaddressed. Litigants currently spend months litigating simply to determine who filed first under the current first-to-file rule.

H.R. 1162 is a head-on solution to the current situation and I think it represents good curative legislation. H.R. 1162 offers a more civil alternative to the current system of filing an appeal. H.R. 1162 was unanimously approved by the Subcommittee on Administrative Law and Governmental Relations and by the full Judiciary Committee and is supported by the Department of Justice, the Administrative Office of the U.S. Courts, the Administrative Conference and the American Bar Association.

I would like to point out to the Chairman, the gentleman from Massachusetts, that I feel we are going to turn out some good legislation before the end of this year that Attorney General Meese will certaintly support, and I look forward to joining with him in this effort.

I would like to commend the former chairman of our subcommittee and the author of the bill for his hard work on the bill, and I would like to commend the new chairman of our subcommittee, the gentleman from Massachusetts for his work in moving this bill from our subcommittee through full committee and to the floor of the House. I strongly support the bill and urge my fellow colleagues to pass it.

Mr. FRANK. Mr. Speaker, I yield myself 2 minutes.

First, Mr. Speaker, I want to acknowledge the cooperation and help we received on this bill from the ranking minority member. He and I are both new in our jobs on this particular subcommittee, and we are pleased that we have been able, as he has pointed out, to move a number of pieces of legislation, most of them with very broad support.

I want to join him in acknowledging the work of the former chairman of this subcommittee, the gentleman from Kansas [Mr. GLICKMAN], who has moved on to different things, if not bigger ones, in his work on his new subcommittee. He was the sponsor of this bill, having responded in his capacity as chairman of the Administrative Conference in proposing it.

Finally, Mr. Speaker, I would like to include in the RECORD at this point a correction to the Ramseyer set forth in the committee report on this bill.

"Ramseyer" is a new word I learned which describes changes made in the bill. It is named after Mr. Ramseyer. I say that so Members will not think I have mispronounced another word and that is why they do not know what I am talking about. I said it right. This

is a new word for me. Ramseyer is a former Member who came up with this method of showing these different things in the bill.

Mr. Speaker, I would like to include in the RECORD at this point a correction to the Ramseyer set forth in the committee report on this bill, House Report 100-72. This report Ramseyer should have shown the repeal of section 509(b)(3) of the Federal Water Pollution Control Act which contains a provision for the selection of the court of appeals when multiple challenges to an agency order is filled. This corrected Ramseyer sets forth the portion of the Federal Water Pollution Control Act that would be deleted by H.R. 1162.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 509 OF THE FEDERAL WATER POLLUTION CONTROL ACT

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 509. (a) * * *

(b)(1) * * *

* * * * *

[(3) VENUE.—

[(A) SELECTION PROCEDURE.—If applications for review of the same agency action have been filed under paragraph (1) of this subsection in 2 or more Circuit Courts of Appeals of the United States and the Administrator has received written notice of the filing of one or more applications within 30 days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in 2 or more Circuit Courts of Appeals of the United States, and shall identify each court for which he has written notice that such applications have been filed within 30 days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall, within 3 business days of receiving such written notice from the Administrator, select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the Circuit Court of Appeals of the United States which remanded such action.

[(B) ADMINISTRATIVE PROVISIONS.—Where applications have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph (A), the other courts in which such applications have been filed shall promptly transfer such applications to the Circuit Court of Appeals of the United States in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed under paragraph (1) of this subsection may postpone the effective date of the agency action until 15 days after the Administrative Office has selected the court in which the record shall be filed.

[(C) TRANSFERS.—Any court in which an application with respect to any agency action has been filed under paragraph (1) of this subsection, including any court selected pursuant to subparagraph (A), may transfer such application to any other Circuit Court of Appeals of the United States for the convenience of the parties or otherwise in the interest of justice.]

[(4)] *(3)* AWARD OF FEES.—In any judicial proceeding under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.

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

Mr. SHAW. Mr. Speaker, I have no 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 Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill (H.R. 1162).

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## PROVIDING FOR CONTINUING INTERPRETATION OF THE CONSTITUTION IN APPROPRIATE UNITS OF THE NATIONAL PARK SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1939) to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes.

The Clerk read as follows:

H.R. 1939

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

SECTION 1. GENERAL AUTHORITY.

In recognition of the United States Constitution's profound impact on the political, economic, and social development of this Nation, and in order to recognize those Americans instrumental in the history of the Constitution, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall interpret the origins and subsequent development of the United States Constitution at those units of the National Park System associated with the Constitution.

SEC. 2. SPECIFIC DIRECTIVES TO SECRETARY OF THE INTERIOR.

(a) INDEPENDENCE NATIONAL HISTORICAL PARK AND OTHER UNITS.—The Secretary shall interpret the origins, subsequent development, and effects of the United States Constitution of this country at Independence National Historical Park and at such other units of the National Park System as are closely associated with the Constitution. Independence National Historical Park shall serve as the focal point of the National Park System's celebration of the Bicentennial of the Constitution.

(b) MEMORIAL.—The Secretary shall establish at Independence National Historical Park a memorial to the United States Constitution as a key document in our Nation's history. The Secretary shall appoint an advisory committee consisting of two scholars on the history of the United States Constitution, an architect, a landscape architect, and a sculptor to advise on the nature and location of the memorial. It is the sense of the Congress that the memorial should be established within 3 years of the enactment of this Act.

(c) PUBLIC MATERIAL.—The Secretary shall develop and make available to the public interpretive and educational material related to sites, both within and outside the National Park System, which are especially significant in their association with the Constitution and its history.

(d) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with the owners or administrators of historic sites closely associated with the Constitution, pursuant to which the Secretary may provide technical assistance in the preservation and interpretation of such sites.

(e) RESEARCH AND EDUCATION.—The Secretary shall contract with qualified institutions of higher learning for research and other activities including the distribution of interpretive and educational materials as appropriate in order to carry our the provisions of this Act.

SEC. 3. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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 Arizona [Mr. RHODES] 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, 1987 marks the beginning of the bicentennial of the U.S. Constitution. We have all been concerned at the lack of knowledge the American people have about this critical document that was so shaped—and been shaped by—this Nation for 200 years. We would not be standing here today in the House of Representatives without it.

The historic sites and parks of the National Park System preserve key elements of the origins, subsequent development, and effects of the U.S. Constitution. Our Nation's parks thoroughly document the history of the U.S. Constitution in its diverse political, economic and social aspects. These historic sites can provide us with a superb means of learning these various aspects of our Constitution's history, using the actual places where it was written, tested, fought for, revised and lived. Park sites appropriate to the bicentennial of the Constitution include Independence Hall where it was written, the Presidential Homes illustrating article II, and the Civil War battlefields documenting its greatest test. The Frederick Douglass Home provides insight into the post-Civil War 13th and 14th amendments. Salem Maritime National Historic Site with its custom home illustrates Federal revenue gathering before the 26th amendment on income taxes. Fort Smith National Historic Site in Arkansas tells of article III, the judiciary. Edison National Historic Site with Thomas Edison's many inventions would not have been possible without the protection of patents and copyrights afforded under the Constitution.

Millions of Americans visit parks each year, parks which are well equipped and experienced in teaching about our Nation's past. H.R. 1939 directs the National Park Service to utilize these historic resources in ways appropriate to both the bicentennial of the Constitution and to the National Park System.

Specifically, H.R. 1939 provides for continued interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior. H.R. 1939 directs the Secretary of the Interior to celebrate the bicentennial of the Constitution at Independence National Historical Park, at other national park sites closely related to the Constitution and at those historic sites outside the National Park System that preserve and interpret the U.S. Constitution. It provides for the development of educational and interpretive materials on the Constitution, it directs the Secretary of the Interior to enter into cooperative agreements with administrators or owners of historic sites closely associated with the Constitution. It also directs the Secretary to contract with qualified institutions of higher learning for research and similar activities to carry out the provisions of this act.

Mr. Speaker, I believe that this bill would help us celebrate the bicentennial of the Constitution in a fashion both appropriate and useful. Mr. Speaker, I urge adoption of this measure.

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

Mr. Speaker, I rise in support of this legislation to provide for continuing interpretation of the Constitution in appropriate units of the National Park System. As you know, 1987 marks the year of the bicentennial of the U.S. Constitution, a document which affects our lives on a daily basis. Numerous activities are being planned across the country to celebrate the 200th anniversary of this significant and historic document. Therefore, I believe it is fitting and appropriate that the story of this important document be told in our national park units associated with its origin and development.

H.R. 1939 directs the Secretary of the Interior to interpret the origins and development of the Constitution at those National Park System units closely associated with this document focusing on Independence National Historical Park which will serve as the focal point of the National Park System's celebration of the bicentennial of the Constitution. Accordingly, the bill requires the establishment of an appropriate memorial to the U.S. Constitution within Independence Park. The Secretary is also directed to develop and make available to the public interpretive and educational materials related to those sites associated with the Constitution both within and outside of the National Park System. The Secretary is directed to contract with institutions of higher learning concerning research and the distribution of such materials. In addition, the Secretary is required to enter into cooperative agreements to provide technical assistance to owners or administrators of historic sites associated with the Constitution.

Mr. Speaker, while I recognize the important work the National Park Service is doing in terms of the bicentennial of the Constitution, including preparation of a brochure on national parks and the Constitution, republication of a book on the Constitution and presentation of an interpretive musical drama celebrating the Constitution, I believe it is also important to encourage additional work in this area. Such efforts are needed to further enhance the public's understanding of the history of our Constitution not only during this year of the bicentennial, but in the future as well. According to the national historical landmarks theme study prepared by the National Park Service, there are over 165 existing landmarks and units of the National Park System that reflect one or more aspects of constitutional history. Utilizing these sites as public classrooms is certainly appropriate, as well as exciting.

In closing, Mr. Speaker, I want to commend the subcommittee chairman, Mr. VENTO, for introducing H.R. 1939 and working with me to move it forward. I believe that this legislation can serve as an important tool to expand the public's awareness of the bicentennial of the U.S. Constitution, as well as provide for continuing public education concerning the U.S. Constitution in our National Park System. What we do now regarding the Constitution will be important for generations to come.

□ 1330

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

Mr. VENTO. 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. 1939.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 900) to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone River in West Virginia for the benefit of present and future generations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 900

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "West Virginia National Interest River Conservation Act of 1987".

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.
TITLE I—NEW RIVER GORGE NATIONAL RIVER
Sec. 101. Boundary modification.
Sec. 102. Cooperative agreements with State.
Sec. 103. Improvement of access at Cunard.
Sec. 104. Flow management.
TITLE II—GAULEY RIVER NATIONAL RECREATION AREA
Sec. 201. Establishment.
Sec. 202. Administration.
Sec. 203. Miscellaneous.
Sec. 204. Authorization of appropriations.
Sec. 205. Special conditions.
Sec. 206. Advisory committee.
TITLE III—MEADOW NATIONAL WILD RIVER
Sec. 301. Designation of Lower Meadow River.
TITLE IV—BLUESTONE NATIONAL SCENIC RIVER
Sec. 401. Designation of Lower Bluestone River.
TITLE V—GENERAL PROVISIONS
Sec. 501. Coordination among recreational resources.
Sec. 502. Special provisions.
Sec. 503. Public awareness program.
Sec. 504. Consolidated management.
Sec. 505. New spending authority subject to appropriations.
TITLE VI—GREENBRIER NATIONAL SCENIC RIVER
Sec. 601. Designation of Greenbrier River.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the national park system.

(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation experience. The lower section of the Bluestone River, the lower section of the Meadow River, and various segments of the Greenbrier River all possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Additional national river park units in the region would foster economic development activities associated with tourism and recreation that have resulted from the establishment of the New River Gorge National River.

(6) Segments of several of the New River tributaries, the Gauley River, the Meadow River, the Greenbrier River, and the Bluestone Rivers are suitable for inclusion in the national park system of the wild and scenic rivers system.

(7) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, Greenbrier, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) PURPOSE.—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, Greenbrier, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

## TITLE I—NEW RIVER GORGE NATIONAL RIVER

SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out "NERI-20,002, dated July 1978" and substituting "NERI-80,023, dated January 1987".

SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.".

SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) INTERIM MEASURES.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the use of motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is below 3,000 cubic feet per second.".

SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

"SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments in the management by the Secretary of the Army of flows from Bluestone Lake Project during periods of low flow is necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Congress not later than December 31, 1988. Before submission of the report to the Congress, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake Project during periods when flows from the lake are less than 3,000 cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake Project during 24-hour periods during the summer of 1988 when flows are less then 3,000 cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake Project which permit flows higher than the 24-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than 1700 cubic feet per second and no test shall reduce flows below that level.".

## TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the scenic, recreational, geologic, and fish and wildlife resources of the Gauley River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River National Recreation Area", numbered NRA-GR/20,000 and dated January 1987. Such boundaries may be modified as provided in this Act. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) BOUNDARY MODIFICATIONS.—Within 5 years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

SEC. 202. ADMINISTRATION.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4).

(b) HUNTING AND FISHING; FISH STOCKING.—The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, such activities will not permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.

(d) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) RECREATIONAL ACCESS.—

(1) EXISTING PUBLIC ROADS.—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would preserve or enhance the scenic and natural values of the area.

(2) FACILITIES ADJACENT TO DAM.—In order to accommodate visitation to the recreation area, the Secretary of the Interior shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not required pursuant to section 205. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) OTHER LOCATIONS.—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands and construct such parking and related facilities at other appropriate locations outside the boundaries of, but in close proximity to, the recreation area as may be necessary and appropriate.

(f) PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.—After consultation with any other Federal agency managing lands and waters within or adjacent to the recreation area, the Secretary of the Interior shall enter into a memorandum of understanding with such other Federal agency to designate those lands and waters within the recreation area which are (1) under the administrative jurisdiction of such other agency (2) directly related to the operation of the Summersville Project and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

SEC. 203. MISCELLANEOUS.

(a) LANDS AND WATERS.—The Secretary of the Interior may acquire land or interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) TRANSFERS.—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not designated under section 202 as directly related to the Summersville Project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior.

(c) PROTECTION OF EXISTING PROJECT.—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville Project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary of the Interior to facilitate and enhance whitewater recreational use and other recreational use of the recreation area. For purposes of enhancing springtime recreational use of the national recreation area and the Summersville Lake, the Summersville Lake shall be filled at the earliest practicable date during each year, taking into consideration meteorological forecasts and without impairing the ability of any department or agency to carry out the other purposes of the Summersville Project.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 205. SPECIAL CONDITIONS.

If, after the enactment of this Act, any dam, water conduit, reservior, powerhouse, transmission line or other project commences construction at or in conjunction with the Summersville Project, the department agency, or instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary of the Interior deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction. If any such new project will adversely affect access to the recreation area immedicately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the judgment of the Secretary. The terms and conditions referred to in this subsection shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the 4-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summerville Dam as proposed by the City of Summersville, or by any competing project applicant with a permit or license application on file as of May 13, 1987, if such project complies with this section. If such project is licensed within such 4-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point 550 feet downstream of the existing valve house and 1,200 feet (measured along the river bank) upstream of U.S. Geological Survey guage No. 03189600.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee"). The Advisory Committee shall be composed of 15 members appointed by the Secretary of the Interior to serve for terms of 2 years. Any member of the Committee may serve after the expiration of his term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall meet on a regular basis and consult with the advisory committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) EXPENSES.—Members of the committee shall serve without compensation as such, but the Secretary of the Interior may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) MEMBERSHIP.—The Secretary shall appoint members to the Committee as follows:

(1) 1 member to represent other departments or agencies of the United States administering lands affected by the national recreation area, to be appointed from among persons nominated by the head of such department or agency.

(2) 2 members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia.

(3) 1 member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of the State of West Virginia.

(4) 3 members to represent the commercial whitewater rafting industry in West Virginia.

(5) 1 member to represent noncommercial whitewater boating organizations.

(6) 1 member to represent conservation organization in West Virginia.

(7) 1 member to represent individuals engaged in game fishing in West Virginia.

(8) 1 member to represent the Nicholas County Chamber of Commerce.

(9) 1 member to represent the Fayette County Chamber of Commerce.

(10) 1 member to represent recreational users of Summersville Lake.

(11) 2 members to represent local citizens or citizens groups which are concerned with the Gauley River or with lands included within the boundaries of the recreation area.

(e) TERMINATION; CHARTER.—The Committee shall terminate on the date 10 years after the enactment of this Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Committee.

## TITLE III—MEADOW NATIONAL WILD RIVER

### SEC. 301. DESIGNATION OF LOWER MEADOW RIVER.

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) MEADOW, WEST VIRGINIA.—The segment from the bridge at Route 19 downstream approximately 4.5 miles to its confluence with the Gauley River, as generally depicted on the boundary map entitled 'Meadow Wild and Scenic River', numbered WRS-MEA/20,000 and dated January 1987; to be administered by the Secretary of the Interior as a wild river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) and in subsections (a) and (b) of section 6 shall not apply to the land and waters within the boundaries of such map. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act.".

## TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

### SEC. 401. DESIGNATION OF LOWER BLUESTONE RIVER.

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:

"(63) BLUESTONE, WEST VIRGINIA.—So much of the segment in Mercer and Summers Counties, West Virginia from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (1,410 feet above mean sea level) of Bluestone Lake as generally depicted on the boundary map entitled 'Bluestone Wild and Scenic River', numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) shall not apply. Nothing in this Act shall preclude the improvement of any existing road or rights-of-way within the boundaries of the segment designated under this paragraph. All lands owned by the United States within the boundaries of the segment designated under this paragraph are hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act. Nothing in this Act shall affect or impair the management by the State of West Virginia or other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virignia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone Project or the authority of any department, agency, of instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.".

## TITLE V—GENERAL PROVISIONS

### SEC. 501. COORDINATION AMONG RECREATIONAL RESOURCES.

The Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer Counties, West Virginia, for the purpose of providing for coordinated development and promotion of recreational resources of regional or national significance which are located in southern West Virginia and managed by State or Federal agencies, including State, local and national park system units, State and national forest system units, and historic sites.

### SEC. 502. SPECIAL PROVISIONS.

(a) STATE AUTHORITY.—Subject to this subsection and to existing law and regulations, the Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by this Act shall cooperate with the State on pest management practices that directly or indirectly impact lands or waters within any such unit or component. During a 3-year trial basis, the Secretary administering any such component or unit shall enter into a cooperative agreement with the State of West Virginia for the purpose of establishing a program which provides for the control of the insect simulium jenningsi on such units or components. Such program shall provide for continuous monitoring of any State activity to control such insect to determine the effect of such activity on the non-target organisms and on the other biological resources of such units. If, at any time, such activities of the State are shown to have a substantial adverse effect on the fishery resources of such river units, such activities shall immediately be ceased.

(b) STATE REGULATIONS.—The Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by this Act shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on river units and components subject to this Act.

### SEC. 503. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the national wild and scenic river system of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August of 1983 but which were not designated by this Act as units of such system. By December 31 of the third calendar year which begins after the enactment of this Act, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31 of the third calendar year referred to in the preceding sentence.

### SEC. 504. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the national park system units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

### SEC. 505. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation acts.

## TITLE VI—GREENBRIER NATIONAL SCENIC RIVER

### SEC. 601. DESIGNATION OF GREENBRIER 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:

"(64) GREENBRIER, WEST VIRGINIA.—The East Fork from its origin in Blister Swamp downstream to its confluence with the West Fork, the West Fork from its origin at Wildell downstream to its confluence with the East Fork, the segment of the main stem from the confluence of the East and West Forks near Durbin downstream to Deer Creek, near Cass, and the segment of the main stem from Stony Creek, near Marlin-

ton, downstream to the I-64 Bridge near Caldwell, as generally depicted on the boundary map published by the Secretary of Agriculture entitled 'Greenbrier National Scenic River' and dated May, 1987; to be administered by the Secretary of Agriculture."

(b) FLOOD PROTECTION STUDIES.—Nothing in this Act shall prevent the United States Army Corps of Engineers from conducting flood protection studies for any segment of the Greenbrier River which is not designated under subsection (a) as a component of the national wild and scenic rivers system. If Congress does not authorize construction of a flood control reservoir by the United States Army Corps of Engineers on the segment of main stem of the Greenbrier River between Deer Creek, near Cass, and Stony Creek, near Marlinton, within 3 years following the enactment of this Act, at the expiration of such 3-year period that segment shall be included as a component of the national wild and scenic rivers system, by operation of law, to be administered by the Secretary of Agriculture.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. 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 Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Arizona [Mr. RHODES] 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 now 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, I am pleased to bring to the House, H.R. 900, the West Virginia National Interest River Conservation Act. This legislation would modify the boundaries and provide several specific management directives for the New River Gorge National River, as well as authorize the establishment of the Gauley River National Recreation Area and the designation of segments of the Meadow, Bluestone, and Greenbrier Rivers as components of the National Wild and Scenic Rivers System.

As a statewide rivers bill, H.R. 900 is a major initiative for the proper care and utilization of the nationally significant resources contained in the rivers of West Virginia. The gentleman from West Virginia (Representative RAHALL), the bill's sponsor, is to be commended for his significant work in developing this legislative proposal, with the support of the West Virginia House delegation.

The rivers cited in H.R. 900 are among the finest scenic and recreational streams in the eastern United States. The New River Gorge National River is already a component of the National Park System, having been authorized by Public Law 95-625 in 1978. The Gauley, Meadow, and Bluestone Rivers are all tributaries of the New River. Segments of all three rivers were authorized for study and found eligible for inclusion in the National Wild and Scenic Rivers System. The creation of the 24.5-mile Gauley River National Recreation Area and the establishment of a 4.5-mile segment of the Meadow River and 10.6-mile segment of the Bluestone River as components of the Wild and Scenic River System recognizes the nationally significant values these rivers hold and will further their prevention and use for generations to come.

H.R. 900 is a comprehensive rivers proposal for West Virginia. The designations, boundary adjustments, and management directives provided for the rivers in H.R. 900 were drafted to further recreational opportunities while maintaining or enhancing their natural and scenic qualities. The committee was also careful to place restrictions on the cooperative agreements authorized in H.R. 900 for road access to the Gauley River and control of the black fly on all river segments, to assure that the value for which these rivers are designated will not be degraded.

At the request of Representative STAGGERS, and with support from local citizens and State and national conservation organizations, H.R. 900 has been amended to designate as a wild and scenic river all but 22 miles of the 144-mile segment of the Greenbrier River from its origins to the Interstate 64 bridge near Caldwell, WV. The Greenbrier has been authorized for study under the Wild and Scenic Rivers Act and the draft Forest Service report has found the river eligible for inclusion within the System. The 22-mile segment left out is being studied for a possible flood control project but remains protected under the section 7(b) study provisions of the Wild and Scenic Rivers Act. If Congress does not authorize the flood control project within 3 years, the bill provides that the 22-mile segment is designated part of the Wild and Scenic Rivers System. While this course of action on designation is somewhat unusual, I believe we have been responsive to the interests involved.

Mr. Speaker, H.R. 900 is a worthy, national river conservation initiative and I urge its adoption.

Mr. Speaker, I am happy to yield to the gentleman from West Virginia [Mr. RAHALL], but before I yield, let me say that the gentleman from West Virginia has been the principal sponsor of this measure. I want to commend the gentleman for the actions that he has taken. He has really been masterful in dealing with this issue. He is the ranking member of the Interior Committee and certainly a valued member of my subcommittee and has really put together I think a significant piece of conservation and environmental legislation affecting his State.

I know that it has been a difficult path for the gentleman, but he has been diligent in his work, and without the gentleman's efforts and the support of his colleagues, this measure would not be here today.

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

Mr. RAHALL. Mr. Speaker, let me say first to my distinguished colleague from the State of Minnesota and the chairman of the Subcommittee on National Parks that I deeply appreciate the gentleman's patience and his help on this issue. It is a very important bill to our State of West Virginia. It will mean a lot to our economy in the future and the willingness of the gentleman to spend the many hours that he has in committee hearings and in the markup process, both in the subcommittee and in the full committee, is deeply appreciated by all of us in the West Virginia congressional delegation.

Likewise, I extend my support and thanks to our full committee chairman, the gentleman from Arizona, Mr. MO UDALL, for his help.

Mr. Speaker, before I present my remarks on the bill itself, I would also like to say to my distinguished colleagues on the Public Works Committee, the committee on which I also serve, the gentleman from New York [Mr. NOWAK] and the full committee chairman, the gentleman from New Jersey [Mr. HOWARD], that I appreciate their support of this effort also and the fact that they have not asked for sequential referral, despite the fact that one portion of this may very well come under the Public Works Committee jurisdiction. I do appreciate that.

Mr. Speaker, the West Virginia National Interest River Conservation Act of 1987 seeks to incorporate the major tributaries of the New River into an integrated network of federally protected river park units that will compliment the existing State parks in the region and other recreational developments being planned for the future.

The backbone of this system is the mighty New River Gorge, designated as a national river in 1978, and managed as a unit of the National Park System. The New River is the second oldest river in the world and within its deep gorge are some of the finest

whitewater and bass fishing in the East as well as many historic sites of significance to West Virginia's heritage.

The New River Gorge National River is 52 miles in length. Flowing into the southern portion of the river are the Bluestone and Greenbrier Rivers. The northern segment of the New is intersected by the Gauley River and its Meadow River tributary.

The legislation before us today would establish the Gauley River National Recreation Area on a 24.5-mile segment of the river from the Summersville Dam to the vicinity of Swiss. It would also designate the State's first national wild and scenic rivers on a 4.5-mile segment of the Meadow from the Route 19 bridge to its confluence with the Gauley; a 10.6-mile segment of the Bluestone from the vicinity of the Mercer and Summers County line to a point upstream of the Route 20 bridge; and a 122-mile segment of the Greenbrier from its headwaters to the Route 64 bridge near Caldwell.

The rugged Gauley River is the premier whitewater run in the Eastern United States while the misty Bluestone Gorge offers a more serene recreational experience. The Meadow is pristine and extremely wild, and the Greenbrier is one of the longest unencumbered free-flowing rivers in the country.

These tributaries coupled with the existing New River Gorge National River would establish the largest network of federally protected rivers in the country. The natural, scenic, cultural and recreational values of these river segments are of national significance and their raw beauty is unsurpassed in the East.

H.R. 900 would also make certain boundary modifications to the New River Gorge National River, pursuant to recommendations made by the National Park Service, as well as provide certain management directives for this unit.

The West Virginia National Interest River Conservation Act of 1987 seeks to preserve these river segments for the benefit and enjoyment of current and future generations. In southern West Virginia, we are looking to tourism and recreational opportunities to supplement our regional economy—whether it is fishing, camping, hunting, hiking, canoeing or whitewater rafting. In effect, these rivers offer more benefits to the economy and society as a whole in their natural condition and should be managed for their recreational values.

I would like to thank the chairman of the Subcommittee on National Parks and Public Lands, BRUCE VENTO, as well as the chairman of the Committee on Interior and Insular Affairs, MO UDALL, for their support of this most important initiative.

It should be noted that this is a West Virginia House Delegation bill and I want to commend my colleagues, HARLEY STAGGERS, JR., BOB WISE, and ALAN MOLLOHAN, for their support of this legislation. Representative STAGGERS, especially, is to be recognized for his leadership on the Greenbrier River provision of the bill.

Finally, I would also like to express my deep appreciation to those individuals and organizations in West Virginia who have worked with me over the past year and a half in formulating this proposal. While they are too numerous to name, special recognition must be given to the West Virginia commercial whitewater outfitters, the West Virginia Highlands Conservancy and the Fayette County Chamber of Commerce.

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

Mr. Speaker, I rise in support of H.R. 900, to protect the values of segments of the New, Gauley, Meadow, Bluestone, and Greenbrier Rivers in southern West Virginia.

As the subcommittee chairman has explained, H.R. 900 would revise the boundaries of the New River Gorge National River, established in 1978, resulting in a net addition of 639 acres. It would also direct the Secretary of the Interior to improve access to the New River and conduct a study with the Secretary of the Army regarding the feasibility of specified flow releases from the Bluestone Lake for recreational purposes.

Title II of H.R. 900 would establish a 10,000-acre Gauley River National Recreation Area and an advisory Committee to assist with the development of a management plan for the recreation area. However, it is important to note that the bill does not prohibit licensing of a water development project adjacent to Summersville Dam and the recreation area. During committee consideration, an amendment was adopted to apply equal treatment to competing project applicants with a permit or license application on file as of May 13, 1987, as long as certain terms and conditions within the act are met. I believe this amendment improves the legislation and I am pleased it was adopted.

H.R. 900 also designates as components of the Wild and Scenic River System approximately 4.5 miles of the Meadow River, 10.6 miles of the Bluestone River and 122 miles of the Greenbrier River.

Finally, H.R. 900 provides for coordination between the Federal Government and the State and local authorities regarding development of the recreational resources of the area through minor technical assistance by the National Park Service. As a compromise on disagreement concerning control of the black fly, H.R. 900 provides for a 3-year trial control program by the State which includes monitoring of the resources to determine the effect, if any, of the control activities.

Mr. Speaker, I believe it is important to reiterate that this legislation directs the Secretary of the Interior to permit hunting and fishing under the management of the State in the Gauley River NRA and within the segments of the Meadow and Bluestone Rivers designated as wild and scenic by the bill. Although concern was expressed that such activities could be prohibited, the provisions of H.R. 900 and the Wild and Scenic Rivers Act make it very clear that congressional intent is to permit these activities to continue under State management within these newly established National Park Service Units, as well as within the newly designated Greenbrier River segment which will be managed by the Forest Service under the Secretary of Agriculture.

In addition, I would like to comment on title VI of H.R. 900 which allows the Corps of Engineers to conduct flood control studies for the segment of the Greenbrier River not designated as wild and scenic. This section provides that if Congress does not authorize a flood control reservoir for this segment within 3 years after enactment of the legislation, the segment becomes a component of the Wild and Scenic Rivers System. Rather than an automatic designation if the flood control project is not authorized, I believe it would be preferable for Congress to revisit this issue after the 3-year period has elapsed and determine if wild and scenic designation is appropriate at that time. This is the usual and, I believe, most appropriate method of such a designation. However, the gentleman who represents this area, Mr. STAGGERS, has assured the committee that the corps studies are expected to be completed in December. Therefore, I understand that in this special case, this provision will provide the flexibility needed to protect the interests of both sides of the issue. However, it is my hope that this will remain a unique situation and that this method will not become standard practice for Federal designations of this nature.

I would like to commend the author of H.R. 900, my colleague on the Interior Committee, Mr. RAHALL, for his diligent work on this legislation and his cooperation in accommodating the earlier concerns expressed with regard to H.R. 900. In addition, the subcommittee chairman, Mr. VENTO, is to be commended for working with the minority members on this legislation and addressing our concerns in a fair and equitable manner.

Mr. Speaker, since the establishment of the New River Gorge National River, southern West Virginia has realized a substantial increase in recrea-

tion and tourism activities. This economic activity has been extremely important for an area which suffers from continued high unemployment. H.R. 900 will provide benefits in two ways by protecting and preserving the natural, scenic, cultural, and recreational values of certain segments of the rivers in southern West Virginia while fostering additional economic development activities sorely needed in this area. Therefore, I urge all of my colleagues to support and approve H.R. 900.

□ 1345

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

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK]. The Committee on Public Works and Transportation and specifically the gentleman from New York with his subcommitte have been extremely cooperative as we have dealt with this issue. From time to time there is overlap in terms of responsibilities, and I am pleased to have had the cooperation of the gentleman from New York.

Mr. NOWAK. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, this bill contains provisions relating to the water resources program of the Corps of Engineers which is under the jurisdiction of our Committee on Public Works and Transportation. These provisions concern a study and report by the Secretary of the Army on the feasibility of adjusting the releases from Bluestone Lake to improve recreation, a direction to fill Summersville Lake as early as practicable each year to enhance springtime use, and a provision for changing the administrative jurisdiction over some of the lands from the Secretary of the Army to the Secretary of the Interior where those lands are not needed for the corps projects. There is also a provision which would designate a portion of the Greenbrier River as a scenic river if an ongoing corps study does not result in an authorized project within 3 years.

We have no objection to any of these provisions, but I do wish to seek clarification of the provision relating to the Bluestone Lake. Is it intended that this report to Congress be referred to the Committee on Interior and Insular Affairs for its information, and to the Committee on Public Works and Transportation as the committee with legislative jurisdiction over Corps of Engineers projects?

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

Mr. NOWAK. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, the gentleman's observation is correct. It is the intent that the report that is produced be referred to both the Committee on Public Works and Transportation and to the Committee on Interior and Insular Affairs.

I again thank the gentleman for his support and cooperation in this matter. It is appreciated.

Mr. NOWAK. I thank the gentleman.

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

Mr. Speaker, the gentleman from West Virginia [Mr. STAGGERS] a cosponsor of this measure, has all of these rivers located in the district which he represents. He has been very forthright and worked very hard to bring these measures to fruition.

Mr. Speaker, after the hearing at which we discussed the New River and its tributaries and the recreation area, a great many of the witnesses who came forth talked about the Greenbrier River, this 144-mile segment which is an absolutely magnificent resource that is wholly in Mr. STAGGERS' district. He went back and reviewed this issue and brought forth and supported an amendment which was eventually offered by a committee member, the gentleman from West Virginia [Mr. RAHALL], to include most of the 144-mile segment in this measure.

I just cannot underline enough to this body the importance that these rivers have in terms of their closeness and proximity to population areas here in this eastern seaboard. These resources are astounding in that they still persist, and it is because of the leadership of people like Representative STAGGERS that they are going to continue to exist and be available for future generations.

I wish to commend the gentleman for his foresight, and for his willingness to work on this, to take this issue on. All who work on these issues know that it is especially difficult for Members who represent these areas. I think that because of the foresight and leadership that he is showing in this matter, it is possible to do something that will last well beyond whatever our service is in this body. I want to commend the gentleman for that courage and for that leadership he has demonstrated concerning this total West Virginia conservation measure.

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

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 900, the West Virginia National Interest River Conservation Act of 1987.

Mr. Speaker, this bill is the result of countless hours of work by my good friend and colleague, the gentleman from West Virginia, Mr. NICK RAHALL. Few times have I seen such dedication and determination go into a bill. Congressman RAHALL has worked for several years with all the parties involved, and his patience and willingness to involve everyone in the process has made for an excellent final product. I am especially grateful to Congressman RAHALL for adding the Greenbrier River to this bill, on my behalf.

Also, Mr. Speaker, I would like to thank the committee chairman, the gentleman from Arizona [Mr. UDALL], and especially the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO]. Mr. RAHALL and Mr. VENTO have been instrumental in working out the details and bringing the bill to the floor.

This is an important piece of legislation for West Virginia, especially during a time when we are making sincere attempts to diversify our economy and create jobs. The developments of the past 10 years offer resounding evidence that travel and tourism must play a large role in our economy.

While H.R. 900 is a gateway to economic development, through travel and tourism, it has the double advantage of providing protection for our State's natural beauty. I am very proud that we have fashioned a bill that gains ground without losing ground, in that we will both create jobs and protect the environment. In addition, H.R. 900 is cosponsored by each of West Virginia's congressional representatives, and it has the support of groups representing a diverse body of opinion, from various chambers of commerce to the United Mine Workers.

With respect to the Greenbrier River, this designation covers over 120 miles of the river. The designation covers two segments of the river. The first segment begins with the East and West Forks and runs downstream to Deer Creek, near Cass. The second segment begins at Stony Creek, near Marlinton, and runs downstream to the I-64 Bridge, near Caldwell.

You will notice that there is a 22-mile segment between Cass and Marlinton that is not currently included. This was done because flood control is a serious concern for both me as a representative, and for my constituents who live there. There are various and strongly held points of view by the people living in the affected areas. Some feel that a flood control dam is the only adequate protection, while others feel that alternative methods of flood control better serve the need.

The Army Corps of Engineers is conducting a study to determine the best method of flood control, which is due to be finished in December; therefore, it was decided that we should wait until the study is finished. However, many people fear that the corps will automatically recommend a dam. To help calm those fears, I will ask the West Virginia delegation to join me in

a letter to the corps insisting that all possible methods of flood control receive full consideration.

In drafting the amendment to include the Greenbrier as part of H.R. 900, carefully chosen language was used that will automatically include the 22-mile area of the Greenbrier if the Congress does not authorize a flood control reservoir within 3 years following the enactment of H.R. 900. This allows adequate time for public participation and debate. However, if no solid evidence or consensus develops indicating the necessity for a dam, then the "trigger" language becomes effective and the 22-mile segment is automatically designated. I sincerely believe that this provides adequate protection to all parties.

Again, Mr. Speaker, I want to extend my gratitude and congratulations to Mr. RAHALL for his hard work and to the subcommittee chairman, Mr. VENTO. Their hard work will pay great dividends for West Virginia for years to come.

□ 1355

Mr. VENTO. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, the West Virginia delegation under the leadership of the gentlemen from West Virginia [Mr. STAGGERS and Mr. RAHALL] has done a remarkable job with this legislation. We hope the other body will act on it in a timely fashion.

Mr. YOUNG of Alaska. Mr. Speaker, during consideration of H.R. 900 in committee, an amendment was debated which would have retained an authorization and direction that trapping should be allowed to continue in these areas designated by the legislation.

Although the committee did not adopt the amendment, I would like to remind our colleagues that this issue will be looked at closely by the Members on our side of the aisle on all future bills to foreclose hunting and trapping in federally designated conservation areas. Where hunting and trapping have been allowed prior to Federal designation, they should be allowed to continue after designation. As regulated under State game laws, hunting and trapping are necessary and proper tools for effective game management. These management techniques should not be foreclosed without a thorough review by this body and adoption of an express cancellation of hunting and trapping authority. Unless such a conscious decision is made by the Congress, it should not be inferred by the judiciary.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). 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. 900, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

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## MAGISTRATES' RETIREMENT PARITY ACT OF 1987

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1947) to amend title 5, United States Code, to provide enhanced retirement credit for United States magistrates, as amended.

The Clerk read as follows:

H.R. 1947

*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 "Magistrates' Retirement Parity Act of 1987".

SEC. 2. ANNUITIES UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) by amending paragraph (22) to read as follows:

"(22) 'bankruptcy judge' means an individual—

"(A) who is appointed under section 34 of the Bankruptcy Act (11 U.S.C. 62) or under section 404(d) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549, and—

"(i) who is serving as a United States bankruptcy judge on March 31, 1984; or

"(ii) whose service as a United States bankruptcy judge at any time in the period beginning on October 1, 1979, and ending on July 10, 1984, is terminated by reason of death or disability; or

"(B) who is appointed as a bankruptcy judge under section 152 of title 28;";

(2) by striking out "and" at the end of paragraph (23);

(3) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following new paragraph:

"(25) 'magistrate' or 'United States magistrate' means an individual appointed under section 631 of title 28.".

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and" after "Member" and inserting in lieu thereof ", a United States magistrate,"; and

(B) by inserting a comma after "Military Appeals"; and

(2) in subsection (c), by inserting at the end of the table the following:

| | | |
|---|---|---|
| "United States magistrate | 2½ | August 1, 1920, to June 30, 1926. |
| | 3½ | July 1, 1926, to June 30, 1942. |
| | 5 | July 1, 1942, to June 30, 1948, |
| | 6 | July 1, 1948, to October 31, 1956, |
| | 6½ | November 1, 1956, to December 31, 1969, |
| | 7 | January 1, 1970, to September 30, 1987, |
| | 8 | After September 30, 1987.". |

(c) IMMEDIATE RETIREMENT.—Section 8336(k) of title 5, United States Code, is amended to read as follows:

"(k) A bankruptcy judge or United States magistrate who is separated from service, except by removal, after becoming 62 years of age and completing 5 years of civilian service, or after becoming 60 years of age and completing 10 years of service as a bankruptcy judge or United States magistrate, is entitled to an annuity.".

(d) COMPUTATION OF ANNUITY.—Section 8339(n) of title 5, United States Code, is amended to read as follows:

"(n) The annuity of an employee who is a bankruptcy judge or United States magistrate is computed, with respect to service as a referee in bankruptcy, as a bankruptcy judge, as a United States magistrate, and as a United States commissioner and with respect to the military service of any such individual (not exceeding 5 years) creditable under section 8332 of this title, by multiplying 2½ percent of the individual's average pay by the years of that service.".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1987, and shall apply to bankruptcy judges and United States magistrates in office on that date and to individuals subsequently appointed to such positions to whom chapter 83 of title 5, United States Code, otherwise applies.

The SPEAKER pro tempore. Is a second demanded?

Mr. BURTON of Indiana. 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 Michigan [Mr. FORD] will be recognized for 20 minutes and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial bill originally proposed by the Administrative Office of the U.S. Courts. It is supported by the minority and similar legislation passed the Senate during the waning hours of the last Congress. It is not costly. The bill ensures that civil service retirement benefits for U.S. magistrates will be equal to those provided bankruptcy judges.

There are today 292 full-time and 165 part-time magistrate positions authorized by the Judicial Conference.

Those magistrates appointed before January 1, 1984—about 211 full-time and 137 part-time magistrates—are covered by the civil service retirement system [CSRS]. These magistrates perform a wide-range of judicial duties to assist district judges. This assistance is one of the reasons the Federal district courts have been able to cope with the dramatic caseload increase which has occurred.

Traditionally, magistrates and bankruptcy judges have received comparable benefits. However, as part of the general reorganization of the bankruptcy court system in 1984, Congress provided enhanced CSRS benefits for bankruptcy judges. These benefits were justified in view of the circumstances surrounding service as a bankruptcy judge.

Substantially the same reasons which justify enhanced retirement credit for bankruptcy judges apply equally to magistrates. Both bankruptcy judges and magistrates are appointed for terms of years rather than "during good behavior." As judicial officers, and unlike the vast majority of Government employees, magistrates tend to be appointed later in life, after acquiring significant experience in private practice. The average age of all presently sitting full-time magistrates at the time of their original appointment was 43 years. Thus, magistrates do not have the same opportunity to accumulate credit under the civil service retirement system as do most employees. This bill provides magistrates, as a matter of fundamental equity, the opportunity to accrue a meaningful retirement income comparable to the amount typical career civil servants are able to accumulate.

The bill increases the CSRS retirement contribution factor for magistrates to 2.5 percent per year. The 2.5-percent computation factor will apply to service as a magistrate, bankruptcy judge, U.S. commissioner, and up to 5 years of military service, performed before, on, or after the date of enactment of the bill. In return for the higher computation factor, magistrates' retirement contributions will increase from 7 percent of pay to 8 percent. The computation factor and contribution rate are identical to those applicable to bankruptcy judges. The Congressional Budget Office estimates that the increased retirement contributions required by the bill will result in a net deficit decrease in fiscal year 1988, and that any costs of the bill in the out years will be insignificant.

Mr. Speaker, I urge my colleagues to support H.R. 1947.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 19, 1987.*

Hon. WILLIAM D. FORD,
*Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1947, a bill to provide enhanced retirement credit for United States magistrates as introduced and referred to the Committee on Post Office and Civil Service on April 6, 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
*Acting Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1947.

2. Bill title: Magistrates' Retirement Parity Act of 1987.

3. Bill status: Introduced and referred to the Committee on Post Office and Civil Service, April 6, 1987.

4. Bill purpose: To amend Title 5, United States Code, to provide enhanced retirement credit for United States magistrates.

5. Estimated costs to the Federal Government:

[By fiscal years, in millions of dollars]

| | 1988 | 1989 | 1990 | 1991 | 1992 |
|---|---|---|---|---|---|
| Civil service retirement trust fund: | | | | | |
| Estimated revenue increase | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| Estimated outlay increase | (1) | .1 | .2 | .3 | .4 |
| Estimated increase or decrease (—) in the deficit | —.1 | (1) | .1 | .2 | .3 |
| Agency budgets: Estimated increase in agency operating expenses (budget authority) 2 | .2 | .2 | .2 | .2 | .2 |

1 Estimated at less than $50,000.

2 Estimates represent the increase in agency operating expenses that derive from higher retirement contributions. Higher agency contributions presumably would result in larger appropriations.

Note.—Detail may not add to total because of rounding.

*Basis of estimate:* Under current law U.S. magistrates hired prior to January 1, 1984, participated in the Civil Service Retirement System: contributing 7 percent of salary and receiving benefits equal to average salary for the highest three years of earnings times a stipulated percentage that grows with years of service. The stipulated percentage includes 1.5 percentage points for each of the first 5 years of service, 1.75 points for each of the second 5 years of service, and 2 points for each year thereafter. If enacted, H.R. 1947 would increase current retirement contributions to 8 percent of salary and increase retirement benefits to 2.5 percent of average salary for each year of past and future service as a U.S. magistrate, bankruptcy judge or referee, or U.S. commissioner, and for certain years of military service. In addition, H.R. 1947 would liberalize retirement eligibility criteria by allowing magistrates to retire at age 60 with 10 years rather than the usual 20 years of service.

This estimate assumes that beginning October 1, 1987 approximately 330 full and part time magistrates would be affected by the provisions of this bill. The estimated revenue gain would result from the increased retirement contribution averaging $500 annually per magistrate. The estimated increase in budget authority reflects the annual matching contribution required from the employing agency.

Based on discussions with the Administrative Office of the U.S. Courts, this estimate assumes that approximately 10 magistrates will retire each year during the five-year period. On average, the retiring magistrates are estimated to have 15 years of service and thus an annual increased retirement benefit of approximately $8,000 each. The magistrates affected by this bill are assumed to remain in the Civil Service Retirement System.

H.R. 1947 also clarifies the definition of bankruptcy judge contained in current law. This provision is assumed to result in no significant cost to the federal government.

6. Estimated cost to State and local governments: None.

7. Estimate comparision: The Administrative Office of the U.S. Courts estimates that enactment of this bill would generate, over the five year period 1988 through 1992, a net deficit increase of $0.5 million.

8. Previous CBO estimate: None.

9. Estimate prepared by: Sherri Kaplan.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director Budget Analysis.

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COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
*Washington, DC, May 5, 1987.*

Mr. EDWARD M. GRAMLICH,
*Acting Director, Congressional Budget Office, U.S. Congress, Washington, DC.*

DEAR MR. GRAMLICH: Enclosed is a copy of H.R. 1947, a bill to provide improved civil service retirement benefits for certain United States magistrates. I expect the bill, with the enclosed amedments, to be approved at the Committee's next regularly scheduled meeting.

Please furnish an estimate of any additional costs that would result from the enactment of H.R. 1947, with proposed amendments, together with the other budget scorekeeping information required by section 308(a) of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Your staff may contact Pierce Myers (x-54054) for any additional information.

With kind regards,

Sincerely,

WILLIAM D. FORD,
*Chairman.*

Mr. BURTON of Indiana. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as the distinguished chairman of the Post Office and Civil Service Committee has pointed out, H.R. 1947 is a bill designed to correct the disparity which exists in the treatment of U.S. magistrates and bankruptcy judges under the civil service retirement system.

Traditionally, magistrates and bankruptcy judges have received comparable benefits, but that parity was broken in 1984 when additional benefits were provided for bankruptcy judges as part of the general reorganization of the bankruptcy court system.

Specifically, the legislation before us increases the CSRS retirement contribution factor for magistrates to 2.5 percent a year, and the retirement contribution rate from 7 percent of pay to 8 percent of pay. This means that magistrates will receive slightly larger retirement benefits and will pay 1 percent of pay more for those benefits.

This bill is endorsed by the Judicial Conference of the United States. Similar legislation was passed in the Senate at the close of the 99th Congress.

The administrative office of the U.S. courts estimates that the annual first year costs of this legislation will be offset by the added contributions to the civil service retirement fund, and that any costs in the outyears will be insignificant.

I urge my colleagues to support H.R. 1947.

91-059 O-89-44 (Pt. 10)

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

Mr. KASTENMEIER. Mr. Speaker, I rise in support of the passage of H.R. 1947. The bill would resolve what I and many others, including the Judicial Conference of the United States, believe to be an inequity in the retirement program for U.S. magistrates.

In 1984 Congress considered the overall structure of the bankruptcy court system. As part of that consideration, and in recognition of the limited tenure of bankruptcy judges, the legislation ultimately enacted provided for a retirement system similar to the congressional system, with 2.5 percent credit granted for each year of service.

Passage of this legislation left the magistrates in a disadvantageous position as compared to the bankruptcy judges. Given that both positions involve high level judicial officers attached to the U.S. district courts, this disparity of treatment is unjustified.

Legislation was introduced in the 99th Congress to correct this disparity. Late in the Congress the Senate passed that legislation. However, when the matter reached the House in a bill—Criminal Justice Act Improvements—processed by my subcommittee, certain technical and procedural problems arose and consideration of the retirement issues were deferred.

One of the problems was that the House Post Office and Civil Service Committee wanted to take a look at the legislation. The committee has done so, and indeed, H.R. 1947 is its work-product. I commend the full committee Chairman, Mr. FORD, for his expeditious consideration of the matter.

The workload of magistrates is demanding. In 1984–85 the 292 full-time and 165 part-time magistrates conducted nearly 12,000 criminal and civil trials. In addition, they conducted almost 120,000 proceedings on matters such as search warrants, arrest warrants, bail reviews, arraignments and initial appearances.

They conducted pretrial conferences in more than 36,000 cases and issued reports on 20,000 prisoner and civil rights cases as well as 14,000 social security cases.

Their workload and efficiency are truly impressive. I think it fair to say that without the quality of magistrates we have today, the Federal courts would be experiencing intolerable delays in the administration of justice.

Yet given their short tenure in office, attracting qualified people remains a challenge. Experienced trial lawyers with high income potential and at an age when housing and educational expenses are at their peak, have been reluctant in some instances to accept or retain article III judgeships. Yet such positions offer vastly better salaries, tenure, and retirement programs.

Indeed, because of the increasing difficulty in retaining both magistrates and bankruptcy judges, I will shortly be introducing legislation to overhaul the retirement system for both groups completely. In the meantime, though, I believe that H.R. 1947 stands on its own merits as needed to place these fixed-term judicial officers on a parity with each other.

Mr. FORD of Michigan. 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 Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 1947, 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.

## GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1947, the bill just passed.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

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

Votes will be taken in the following order:

H.R. 1205, de novo;
H.R. 1004, de novo;
H.R. 2166, de novo;
H.R. 1162, de novo;
H.R. 1939, de novo; and
H.R. 900, de novo;

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

## RELEASING REVERSIONARY INTEREST IN CERTAIN LANDS IN PUTNAM COUNTY, FL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1205, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1205, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 58, as follows:

[Roll No. 144]

YEAS—374

| | | |
|---|---|---|
| Ackerman | Duncan | Kemp |
| Akaka | Durbin | Kennedy |
| Alexander | Dwyer | Kennelly |
| Anderson | Dymally | Kildee |
| Andrews | Dyson | Kleczka |
| Anthony | Early | Kolbe |
| Applegate | Eckart | Kolter |
| Archer | Edwards (OK) | Konnyu |
| Atkins | Emerson | Kostmayer |
| AuCoin | English | Kyl |
| Badham | Erdreich | LaFalce |
| Baker | Espy | Lagomarsino |
| Ballenger | Evans | Lancaster |
| Bartlett | Fascell | Lantos |
| Barton | Fawell | Latta |
| Bateman | Fazio | Leach (IA) |
| Bates | Feighan | Leath (TX) |
| Beilenson | Fields | Lehman (CA) |
| Bennett | Fish | Lehman (FL) |
| Bentley | Flippo | Leland |
| Bereuter | Florio | Lent |
| Berman | Foglietta | Levin (MI) |
| Biaggi | Foley | Levine (CA) |
| Bilbray | Ford (MI) | Lewis (CA) |
| Bilirakis | Frank | Lewis (GA) |
| Bliley | Frost | Lightfoot |
| Boehlert | Gallegly | Lipinski |
| Boggs | Gallo | Lott |
| Boland | Garcia | Lowery (CA) |
| Bonker | Gaydos | Lowry (WA) |
| Borski | Gejdenson | Luken, Thomas |
| Boucher | Gekas | Lukens, Donald |
| Boulter | Gephardt | Lungren |
| Boxer | Gibbons | Mack |
| Brennan | Gilman | MacKay |
| Brooks | Gingrich | Madigan |
| Broomfield | Glickman | Manton |
| Brown (CA) | Gonzalez | Markey |
| Brown (CO) | Goodling | Marlenee |
| Bruce | Gordon | Martinez |
| Bryant | Gradison | Matsui |
| Buechner | Grandy | Mavroules |
| Bunning | Grant | Mazzoli |
| Burton | Gray (PA) | McCloskey |
| Bustamante | Green | McCollum |
| Byron | Gregg | McDade |
| Callahan | Guarini | McEwen |
| Campbell | Gunderson | McHugh |
| Cardin | Hall (OH) | McMillan (NC) |
| Carper | Hall (TX) | McMillen (MD) |
| Carr | Hamilton | Meyers |
| Chandler | Hammerschmidt | Mfume |
| Chapman | Hansen | Mica |
| Chappell | Harris | Michel |
| Cheney | Hastert | Miller (OH) |
| Clarke | Hatcher | Miller (WA) |
| Clay | Hawkins | Mineta |
| Clinger | Hayes (IL) | Moakley |
| Coats | Hayes (LA) | Molinari |
| Coble | Hefley | Montgomery |
| Coelho | Hefner | Moody |
| Collins | Henry | Moorhead |
| Combest | Herger | Morella |
| Conte | Hertel | Morrison (WA) |
| Cooper | Hiler | Murphy |
| Coughlin | Hochbrueckner | Murtha |
| Courter | Holloway | Nagle |
| Coyne | Hopkins | Natcher |
| Crockett | Horton | Neal |
| Daniel | Howard | Nelson |
| Dannemeyer | Hoyer | Nichols |
| Darden | Hubbard | Nowak |
| Davis (IL) | Huckaby | Oakar |
| Davis (MI) | Hughes | Oberstar |
| de la Garza | Hunter | Obey |
| DeFazio | Hutto | Olin |
| DeLay | Hyde | Owens (NY) |
| Dellums | Inhofe | Owens (UT) |
| DeWine | Jacobs | Oxley |
| Dickinson | Jenkins | Packard |
| Dicks | Johnson (CT) | Panetta |
| DioGuardi | Johnson (SD) | Pashayan |
| Dixon | Jones (TN) | Patterson |
| Donnelly | Jontz | Pease |
| Dornan (CA) | Kanjorski | Penny |
| Dowdy | Kaptur | Perkins |
| Downey | Kasich | Petri |
| Dreier | Kastenmeier | Pickett |

Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—58

Annunzio
Armey
Aspin
Barnard
Bevill
Boner (TN)
Bonior (MI)
Bosco
Coleman (MO)
Coleman (TX)
Conyers
Craig
Crane
Daub
Derrick
Dingell
Dorgan (ND)
Edwards (CA)
Flake
Ford (TN)
Frenzel
Gray (IL)
Houghton
Ireland
Jeffords
Jones (NC)
Lewis (FL)
Livingston
Lloyd
Lujan
Martin (IL)
Martin (NY)
McCandless
McCurdy
McGrath
Miller (CA)
Mollohan
Morrison (CT)
Mrazek
Myers
Nielson
Ortiz
Parris
Pepper
Ray
Ritter
Roemer
Roukema
Saiki
Schaefer
Skeen
Skelton
Stallings
Tauzin
Thomas (CA)
Vucanovich
Wise
Wortley

□ 1410

Mr. LEHMAN of Florida changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, I inadvertently missed rollcall vote No. 144, the Florida land and mineral rights conveyance. Had I been present I would have voted "aye."

□ 1425

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## CONVEYING CERTAIN NATIONAL FOREST SYSTEM LANDS TO UNICOI COUNTY, TN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1004, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1004, 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.

## SMALL BUSINESS ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2166.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 2166.

The question was taken.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 41, not voting 54, as follows:

[Roll No. 145]

AYES—337

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Baker
Ballenger
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonker
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mica
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—41

Archer
Badham
Bartlett
Barton
Bliley
Boulter
Brown (CO)
Burton
Callahan
Cheney
Dannemeyer
DeLay
Dornan (CA)
Dreier
Fields
Gallegly
Gekas
Gregg
Hansen
Holloway
Hunter
Kemp
Kyl
Lagomarsino

Latta
Lott
Lowery (CA)
Lukens, Donald
Lungren
Mack
McCollum
Michel
Moorhead
Nielson
Packard
Shumway
Slaughter (VA)
Smith, Robert (NH)
Stump
Taylor
Walker

NOT VOTING—54

Annunzio
Armey
Aspin
Barnard
Bevill
Boner (TN)
Bonior (MI)
Bosco
Conyers
Craig
Crane
Daub
Derrick
Dingell
DioGuardi
Dorgan (ND)
Edwards (CA)
Espy
Flake
Ford (TN)
Frenzel
Gray (IL)
Houghton
Ireland
Jones (NC)
Lewis (FL)
Livingston
Lloyd
Lujan
Martin (IL)
McCandless
McGrath
Mfume
Miller (CA)
Mollohan
Morrison (CT)
Mrazek
Myers
Nowak
Ortiz
Parris
Pepper
Ray
Ritter
Roemer
Roukema
Saiki
Schaefer
Skeen
Skelton
Stallings
Tauzin
Vucanovich
Wortley

The Clerk announced the following pair:

On this vote:

Mr. Mfume and Mr. Craig for, with Mr. Armey against.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1435

## SELECTION OF COURT FOR MULTIPLE APPEALS

The SPEAKER pro tempore (Mr. MONTGOMERY). The pending business is the question of suspending the rules and passing the bill, H.R. 1162.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 1162.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 0, not voting 53, as follows:

[Roll No. 146]

AYES—379

Ackerman
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Atkins
AuCoin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—53

Akaka
Annunzio
Armey
Aspin
Barnard
Bevill
Boner (TN)
Bonior (MI)
Bosco
Conyers
Craig
Crane
Daub
Derrick
Dingell
Dorgan (ND)
Edwards (CA)
Flake
Ford (TN)
Frenzel
Gray (IL)
Houghton
Jones (NC)
Lewis (FL)
Livingston
Lloyd
Lujan
Martin (IL)
McCandless
McGrath
Mica
Miller (CA)
Mollohan
Morrison (CT)
Mrazek
Myers
Nowak
Ortiz
Parris
Pepper
Ray
Ritter
Roemer
Roukema
Saiki
Schaefer
Skeen
Skelton
Stallings
Swift
Tauzin
Vucanovich
Wortley

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONTINUING INTERPRETATION OF THE CONSTITUTION IN APPROPRIATE UNITS OF THE NATIONAL PARK SYSTEM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1939.

The Clerk read the title of the bill.

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. 1939.

The question was taken.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 10, not voting 52, as follows:

[Roll No. 147]

AYES—370

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger

Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Courter
Coyne
Crockett
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—10

Badham
Bilirakis
Burton
Dannemeyer
Dornan (CA)
Henry
Holloway
Lungren
Mack
Michel

NOT VOTING—52

Annunzio
Armey
Aspin
Barnard
Bevill
Boner (TN)
Bonior (MI)
Bosco
Campbell
Conyers
Coughlin
Craig
Crane
Daub
Derrick
Dingell
Dorgan (ND)
Edwards (CA)
Flake
Ford (TN)
Frenzel
Gray (IL)
Harris
Jones (NC)
Lewis (FL)
Livingston
Lloyd
Lujan
Martin (IL)
McCandless
McGrath
Miller (CA)
Mollohan
Morrison (CT)
Mrazek
Myers
Ortiz
Parris
Pepper
Ray
Ritter
Roemer
Roukema
Saiki
Schaefer
Skeen
Skelton
Stallings
Tauzin
Vucanovich
Wilson
Wortley

□ 1450

Mr. BILIRAKIS changed his vote from "aye" to "no."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HOUGHTON. Mr. Speaker, I missed several rollcall votes, Nos. 144, 145, 146, and 147.

Mr. Speaker, had I been here I would have voted "aye" on all four rollcall votes.

I just returned from my district and the funeral, in Corning, NY, of a dear friend, Francis Hillman, one of the great citizens I know, a friend of 60 years.

## WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 900, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 900, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote ws taken by electronic device, and there were—yeas 344, nays 39, not voting 49, as follows:

[Roll No. 148]

YEAS—344

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Baker
Bartlett
Bateman
Bates
Bellenson
Bennett
Bereuter
Berman
Biaggi
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hiler
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)

Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—39

Archer
Badham
Ballenger
Barton
Bentley
Bilirakis
Burton
Callahan
Coble
Dannemeyer
Davis (IL)
DeLay
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Fields
Goodling
Hastert
Hefley
Henry
Herger
Holloway
Hopkins
Hyde
Inhofe
Kyl
Lott
Lungren
Mack
Michel
Shumway
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stump
Tauke
Walker

NOT VOTING—49

Annunzio
Armey
Aspin
Barnard
Bevill
Boner (TN)
Bonior (MI)
Bosco
Bunning
Conyers
Craig
Crane
Daub
Derrick
Dorgan (ND)
Edwards (CA)
Flake
Ford (TN)
Frenzel
Gekas
Gray (IL)
Houghton
Jones (NC)
Lewis (FL)
Livingston
Lloyd
Lujan
Martin (IL)
McCandless
Miller (CA)
Mollohan
Morrison (CT)
Mrazek
Myers
Ortiz
Parris
Pepper
Ray
Ritter
Roemer
Roukema
Saiki
Schaefer
Skeen
Skelton
Stallings
Tauzin
Vucanovich
Wortley

The Clerk announced the following pair:

On this vote:

Mr. Pepper and Mr. Daub for, with Mr. Craig against.

Mr. COBLE and Mr. TAUKE changed their votes from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, I want to note for the RECORD that had I been able to cast my vote when H.R. 900 was being considered, I would have voted "no." I happened to be in a meeting in the Rayburn room at the time.

## COMMEMORATING 40TH ANNIVERSARY OF THE MARSHALL PLAN

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 70) commemorating the 40th anniversary of the Marshall plan, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but simply would like the House to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, futher reserving the right to object, I yield to the gentleman from Virginia [Mr. OLIN], who is the chief sponsor of House Joint Resolution 207, commemorating the 40th anniversary of the Marshall plan.

Mr. OLIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in full support of this resolution. Gen. George C. Marshall is one of the foremost figures of our time.

Mr. Speaker, I want to let the body know that I will be taking out a special order very shortly when those of us who want to recognize the achievements of General Marshall will have a chance to say something on the House floor.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in strong support of Senate Joint Resolution 70.

Mr. Speaker, I am honored to say a few words commemorating the 40th anniversary of the Marshall plan.

When George C. Marshall, then Secretary of State, delivered the commencement address at Harvard 40 years ago, he put into motion a policy which would initiate European recovery after the devastation of World War II. He stressed that there would be no peace or political stability unless there was normal economic health throughout the world. The Marshall plan brought tremendous relief throughout the nations it touched.

Though Mr. Marshall was a career military person he was awarded the Nobel Peace Prize in 1953, the first professional soldier to ever receive this coveted award.

Mr. Speaker, in continuation of the peaceful projects initiated by the Marshall plan, I had the opportunity to meet with the German Bundestag. I was honored to be part of a program where there was a free exchange of ideas encouraging German-American good will and understanding; this was arranged through the association of former Members of Congress and I am deeply grateful.

Thank you, Mr. Speaker, for letting me have this opportunity to express my appreciation of a great American whose name is synonymous with U.S. leadership during peacetime.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 70

Whereas 1987 marks the fortieth year since the European Recovery Program or what came to be called the Marshall plan was first conceived and proclaimed by George Catlett Marshall;

Whereas the Marshall plan has been hailed by leaders of friend and foe alike in World War II as the most magnanimous act by Americans in history;

Whereas the Marshall plan uniquely symbolizes the bold and creative promise inherent in the thought of all free peoples;

Whereas the Marshall plan made possible new measures of trans-Atlantic cooperation through the North Atlantic Treaty Organization and other institutions;

Whereas these institutional developments have profoundly enhanced the security, freedom, and prosperity of the United States and the Atlantic Community generally;

Whereas new challenges have arisen which call for recommitment to and reinvigoration of these institutions and for their continued viability;

Whereas creative thought and rededication to the ideals and principles undergirding the Marshall plan are now required to assure the preservation of these institutions; and

Whereas the occassion of the fortieth anniversary of the Marshall plan provides a fitting opportunity for rededication of commitments to these instructions: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress acknowledges the magnanimity of the Marshall plan, the dedication to public service and integrity of its author, and the effort by the Marshall Foundation in Lexington, Virginia, to continue in American life the values for which he stood.

That the Congress calls upon all Americans to rededicate themselves to the ideals of public service, hard work, integrity, and compassion which George Catlett Marshall represents to this day in American society.

That the Congress remembers that it approved a special congressional medal for General Marshall to honor his service to the Nation.

That the Congress welcomes with great anticipation the publication on June 5, 1987, of the fourth and final volume of the official biography of George Catlett Marshall.

That Congress believes that principles that inspired the initiation of the Marshall plan should continue to be cherished by our people.

That the month of June, 1987, is designated as "George C. Marshall Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

□ 1505

## RECOGNIZING THE SERVICE AND CONTRIBUTIONS OF THE HONORABLE WILBUR J. COHEN

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 283) recognizing the service and contributions of the Honorable Wilbur J. Cohen, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but would simply like the House to know that the minority has no objections to the legislation now being considered.

Mr. ROYBAL. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from California, who is the chief sponsor of House Joint Resolution 283, recognizing the service and contributions of the Honorable Wilbur J. Cohen.

Mr. ROYBAL. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in honor of the memory of the Honorable Wilbur J. Cohen. Last week we were saddened to hear of the death of this man, who was a public servant in the truest sense of the word. A special order in tribute to Wilbur Cohen's service and dedication to the American people was given by the gentleman from Florida [Mr. PEPPER]. A joint resolution was also introduced by myself, Congressman PEPPER, and the gentleman from California [Mr. LEVINE] to honor this man. It is this resolution which we vote on today.

I wish to thank the gentleman from California, Mr. DYMALLY, and the gentleman from Michigan, Mr. WILLIAM FORD, for moving this resolution to the floor so quickly. Passage of this resolution in tribute to Wilbur J. Cohen recognizes his accomplishments and all that he did for this Nation.

However, Wilbur J. Cohen should not be just recognized for his accomplishments, he should be honored. During last week's special order mention was made of naming a building after Wilbur Cohen. I agree with this proposal. We should honor a man of commitment such as Wilbur Cohen by naming a Federal building after him, so that future generations will always remember this man and his accomplishments which benefited the entire Nation.

I had the privilege, Mr. Speaker, of dealing directly with Mr. Cohen during these last few years as chairman of the Committee on Aging. I know of his dedication not only to the aging population of the United States but to the American people. If anyone really deserves recognition, if anyone really deserves to be honored by this Congress and this Nation, it is my opinion that it is this man, who has done so much not only for his generation but for generations to come.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of the resolution on behalf of Wilbur Cohen, former dean of the University of Michigan School of Education and also Secretary of Health, Education, and Welfare under Lyndon Johnson.

I think that Members should know, aside from the gentleman from Kentucky, our great Mr. WILLIAM NATCHER, with his great historical record of voting here in the House, that Wilbur Cohen testified before our House subcommittee on appropriations in respect to Medicare and health and Social Security issues 54 straight consecutive years without a miss, and that was an outstanding record which included this year, just recently.

So I, too, want to support this great resolution recognizing a famous, outstanding American who has led the fight for health for senior citizens throughout this Nation.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I would like to compliment the gentleman from Michigan [Mr. PURSELL] for his tribute.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentlewoman for yielding.

Mr. Speaker, I want to compliment the chairman of the Committee on Aging for introducing this resolution along with others like the gentleman from Michigan [Mr. PURSELL], et cetera.

One of the things that I would like to mention about Wilbur Cohen is that he was a career civil servant employee. We do not have that caliber of person very often, thinking in terms of civil service to their country. Maybe it is because we do not often say thank you to our Government employees.

He was a person who began his career at age 21, worked for the Roosevelt administration and worked on the Social Security Act, and worked his way up through the ranks working on things like child welfare, civil rights, certainly aging issues. He is the father in many ways of Medicare, which was promulgated in 1965.

He worked his way up and ultimately became a Cabinet member, the Secretary of HEW. I think that sometimes we ought to go back to that kind of idea where we reward people who serve their country instead of just politically appointing people, whether it is a Democratic administration or a Republican administration.

He was one of the most distinguished individuals that I have ever met. I had the pleasure of serving with him on the Unemployment Compensation Commission for 2 years. He was one of the most knowledgeable people. I consider him in many ways to be a mentor of mine and a teacher, and we will really miss him, but the legacy that is left behind us has affected and will continue to affect millions and millions of Americans. So today we say, "Thank you and God bless you, Wilbur Cohen."

Mr. Speaker, I rise in strong support of House Joint Resolution 283, a resolution introduced by my distinguished colleagues EDWARD ROYBAL, CLAUDE PEPPER, and SANDER LEVIN, recognizing the service and contributions of the Honorable Wilbur J. Cohen. On May 17, 1987, Mr. Cohen, an outstanding servant of all American workers and a gracious family man, passed away in Seoul, Korea.

Ex-HEW Chief, Wilbur J. Cohen, was one of that very small and unique group of Government officials who, as retired Congressman King of California once said, are "ready to risk their reputations and their professions to do their duty as they see it."

Wilbur Cohen was one of the top authorities in the United States on social welfare. Cohen succeeded John W. Gardner as Secretary of Health, Education, and Welfare in the Cabinet of President Lyndon B. Johnson on May 16, 1968. Since beginning his Government career as a research assistant in 1934, Cohen played a key role in the formulation of virtually every important piece of social legislation in the United States, including the original Social Security Act of 1935 and the Medicare Act of 1965.

Those who worked with Mr. Cohen, regarded him as one of the most coolly efficient, pragmatic, and persistent innovators Washington has ever seen. He was viewed as a man committed to social justice, one who knew his way through the Capital's jungle of politics and bureaucracy. Everyone had an abiding respect for the breadth and precision of his technical and sociological experience.

From 1978 through 1980, I had the distinct priviledge of working under the chairmanship of Mr. Cohen, on the Unemployment Compensation Commission. Under his enthusiastic guidance and supervision, the Commission studied every conceivable aspect of unemployment compensation. The Commission provided a framework and organization for a research agenda on topics relating to Social Security.

It was truly an honor to work with such an intelligent, resourceful, and incredibly energetic man. I am proud to have known Wilbur Cohen, and I am deeply saddened by his passing. It is my belief that his contributions to the people of this country will allow his memory to be etched into American history.

Mr. PICKLE. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. I thank the gentlewoman for yielding.

Mr. Speaker, last Friday our Speaker, the gentleman from Texas, Mr. JIM WRIGHT, addressed the graduates of the Lyndon Baines Johnson School of Public Affairs. He gave them a very provocative, indepth message. But the entire graduation ceremonies turned out in effect to be a tribute to Wilbur Cohen, who was a professor there at the LBJ school.

He is recognized by the faculty and by the students as one of the sharpest minds on the subject of Social Security, indeed, in any field of health care delivery services, that we have ever had in America.

The suggestion was made last week on the floor that we name a building here at HHS or a room or a building in Baltimore or somewhere in honor of Wilbur Cohen, because if anybody of our time deserves recognition for being a pioneer for over 50 years in the field of health services, it would be Wilbur Cohen.

□ 1515

I think he is due that honor, and I am sure the House will carry forward on that suggestion.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 283

Whereas the Congress mourns the loss of the Honorable Wilbur J. Cohen, a great humanitarian who was a compassionate spokesman, advocate, and champion of the poor and the common people;

Whereas Wilbur J. Cohen was a participant and author in the creation of all social legislation in this country over the past five decades;

Whereas Wilbur J. Cohen had a distinguished career in the Federal Government from 1935-1956, including being the 1st employee of the Social Security Board and the director of the office of research and statistics;

Whereas Wilbur J. Cohen held the posts of the Assistant Secretary, Under Secretary, and Secretary of the Department of Health, Education, and Welfare under the Kennedy and Johnson Administrations;

Whereas Wilbur J. Cohen had an additional distinguished career as a professor, while only holding a Bachelor's degree, at the University of Michigan at Ann Arbor and at the University of Texas at Austin;

Whereas Wilbur J. Cohen was the principal architect of the Medicare/Medicaid amendments of 1965;

Whereas, in the last weeks of his life, Wilbur J. Cohen saw pending catastrophic legislation as a vehicle for expanding all aspects of health care, including prevention, home care, and nursing home coverage, in addition to long-term hospitalization coverage; and

Whereas, in the last 52 years as a public and private citizen, Wilbur J. Cohen effectively advocated for expansion of social insurance: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Honorable Wilbur J. Cohen, champion of social insurance, architect of Social Security, disability insurance, Medicare and Medicaid, mental health legislation, children's programs, and civil rights legislation, is recognized for outstanding service and contributions for the development of a social insurance system that provides vital health and social services to all Americans regardless of their age, sex, race, creed, or national origin.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 49, as follows:

[Roll No. 149]

YEAS—383

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Atkins
AuCoin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—49

| | | |
|---|---|---|
| Annunzio | Gray (IL) | Ray |
| Armey | Horton | Ritter |
| Aspin | Jones (NC) | Roemer |
| Barnard | Lewis (FL) | Roukema |
| Bevill | Livingston | Sabo |
| Boner (TN) | Lloyd | Saiki |
| Bonior (MI) | Lujan | Schaefer |
| Bosco | Martin (IL) | Shuster |
| Conyers | McCandless | Skeen |
| Craig | Miller (CA) | Skelton |
| Crane | Mollohan | Stallings |
| Daub | Morrison (CT) | Tauzin |
| Derrick | Mrazek | Vucanovich |
| Dorgan (ND) | Myers | Williams |
| Edwards (CA) | Ortiz | Wortley |
| Ford (TN) | Parris | |
| Frenzel | Pepper | |

□ 1530

Mr. MARLENEE changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent earlier today when the House considered H.R. 1205, H.R. 2166, H.R. 1162, H.R. 1939, H.R. 900, and House Joint Resolution 283, honoring Wilbur Cohen. Had I been present I would have voted in favor of passage on each occasion.

## GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

## TRIBUTE TO POLICE OFFICER ROBERT REMINGTON

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

Mrs. MORELLA. Mr. Speaker, this past Friday, the entire Washington area mourned as Police Officer Robert Remington was buried in Montgomery County with full honors. Officer Remington, an 18-year veteran of the D.C. Police Force was shot to death in the predawn hours of Tuesday, May 19, as he struggled with an intruder in a Georgetown clothing store. Officer Remington had responded to a burglary alarm that sounded just 15 minutes before he was to go off duty that night. Officer Remington lived in Montgomery Village with his wife Kathleen and their two sons, Matthew and Kevin. But, he was more than a constituent. He was a dedicated servant of the entire community—and his devotion is attested to by the 19 letters of commendation he received. He received a special citation in June 1984 for his part in capturing three criminals wanted for rape, robbery and murder. We all are the poorer for the loss of Officer Remington, and I know that my colleagues join me in extending our deepest sympathies to his family.

## OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 171

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 171 is the rule providing for the consideration of H.R. 1451, the older Americans amendments of 1987. It is an open rule which provides for 1 hour of general debate and which makes in order as original text for consideration of amendments the amendment in the nature of a substitute reported from the committee on education and labor. The rule waives all points of order against the substitute for failure to comply with clause 7 of rule XVI and clause 5(a) of rule XXI.

Clause 7 of rule XVI, Mr. Speaker, is the provision which prohibits the consideration of amendments that are not germane to the matter under consideration. In this case, the education and labor committee substitute includes several provisions that are unrelated to H.R. 1451 as it was introduced. An example, Mr. Speaker, is the inclusion by the committee of the reauthorization of the native American programs act in its substitute. No similar provision was included in the introduced version of the bill.

Clause 5(a) of rule XXI prohibits the consideration of amendments containing appropriations to bills not reported from the appropriations committee. The waiver of this provision is required because the committee substitute contains provisions specifying how appropriations authorized by the bill are to be allocated. While these provisions would probably be in violation of the rule, the rules committee recommends the waiver in order to allow for the bill's expeditious consideration. None of the provisions which would technically be considered appropriations on a legislative bill provide actual budget authority.

Mr. Speaker, H.R. 1451 would reauthorize Older Americans Act programs for fiscal years 1988 through 1991. These popular and effective programs are known throughout the nation for the value they add to the quality of life for hundreds of thousands of American senior citizens. Among the services offered under the act are the congregate meal program—under which residents of senior housing can share a nutritious meal; the Meals-on-Wheels Program—which ensures that those seniors who are unable to cook for themselves or leave their homes are provided with nourishment; and for the operation of drop-in centers and the provision of legal services for the elderly. The older Americans act also facilitates the provision of community service employment opportunities so that low-income senior citizens can receive a living wage to supplement their resources.

The Education and Labor Committee also recommends the addition of a new program to the Older Americans Act that is designed to meet the special needs of older Americans afflicted with the condition of frailty. Under this new program, grants would be made to States for the provision to frail senior citizens of services such as bathing, dressing, and feeding. Given the past success of Older Americans Act programs and the manner in which this new program is patterned, I

am certain that it will be important and efficacious.

Mr. Speaker, it has been my experience—and I know it has been the experience of many of my colleagues—that the Older Americans Act has been uniquely effective in serving the needs of millions of elderly Americans. As our population ages, the needs of our seniors become more evident and the challenge to meet them more and more difficult. Because of the talent and innovative imaginations of our colleagues serving on the Education and Labor Committee, we can be sure that the challenge will be met.

Mr. Speaker, it is indeed appropriate that we consider this legislation at a time when the important issue of catastrophe health insurance is being considered in the appropriate committees. The particular needs of the elderly—and the subject of their health most importantly—demands our immediate and concentrated attention. The Older Americans Act deserves to be at the forefront of the debate because of the role it plays in meeting the nutritional and mental health needs of senior citizens who might otherwise suffer from neglect. I urge adoption of the rule and passage of the bill so that we might do our part in the delivery of important and effective services to the benefit of the elderly of our Nation.

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

Mr. Speaker, the rule has been ably explained. The Older Americans Act of 1965 is one of the outstanding measures passed by the Congress then in session. It has done a world of good for the elderly. This bill also extends the Native American Programs Act which helps Indians at every level. I think the 4-year extension which is before us now deserves our support. This rule deserves your support. Mr. Speaker, we all know that Americans are living longer than in the past and for that reason special emphasis should be given to our elderly to see that they receive medical care and are properly fed. Likewise our Native Americans should be helped because they were the first Americans and we all owe them a debt of gratitude.

□ 1545

Mr. Speaker, I urge the adoption of the rule and the measure when it is before us.

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

Mr. WALKER. Mr. Speaker, I rise in opposition to the rule.

This is a flawed rule. This rule is being brought to us as one of two rules that will be required in order to consider the bill.

This rule should contain a budget waiver, a budget waiver to allow entitlement authority contained within the bill to move forward. This rule does not contain that language, and instead, we will have to have a second rule brought to us that will contain that budget waiver authority.

Given that circumstance, I think that the House should turn down this rule and get the right kind of rule out here with all the appropriate clearances having been made before moving ahead.

Also, I would point out that we are, in fact, under this rule, waiving provisions of the House rules that relate to appropriations in an authorization bill. In other words, once again we are taking an authorization bill and we are saying, "Go ahead and spend the money," without going through the appropriate appropriations process.

I think that is a bad procedure. It is once again one of the ways in which we mount deficits in this country. This rule will help contribute to a little more deficit building at the expense of the American taxpayer.

I would hope that the House would turn down the rule.

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

Mr. Speaker, in answer to the gentleman from Pennsylvania [Mr. WALKER], when the Committee on Rules heard the bill, the Committee on the Budget did not have the proper documents before it so we were not notified a waiver was necessary. We since have found out, at the conclusion of the rule today, the Committee on Rules will meet to cure that defect.

The gentleman is correct, we will need a rule by the time we get to the amendment process, but the general debate can go on without changing the rules.

The rule will be in effect by the time we come to the substitute in this measure tomorrow.

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

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

Mr. WALKER. Mr. Speaker, could the gentleman tell me what the circumstance will be if the House decides to have the wisdom of turning down the second rule on this bill that would not grant the budget authority, and therefore, we would be in the position of considering a bill that would be out of keeping with the Budget Act of the country?

Mr. MOAKLEY. Mr. Speaker, I think the gentleman knows well that if that is so, the committee substitute will not be able to come up.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, at that point, if the House turns down tomorrow's rule, the committee substitute would not be eligible to be brought to the floor; is that correct?

Mr. MOAKLEY. That is right.

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

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding to me in response to whether or not the cured bill will be voted down by the House subsequently.

I would suggest that that vote could only be interpreted as being hostile to all of the concerns of the elderly of our Nation. I would challenge the most courageous of us, not the most foolhardy, to support that kind of bill. In any event, if that is the occasion, I will be certain to vote for it, and I am sure the vast majority of my colleagues will do likewise.

When you are talking about the welfare of the elderly of our Nation, we are not supposed to be persnickety about minor technical situations that can be cured in good faith. We are supposed to be talking about what is in the best interests of these elderly citizens in our land.

Today we are talking about a rule supporting a reauthorization bill. It is the 12th such reauthorization bill that the Congress has dealt with. I have been privileged to participate in 10 of them.

This Older Americans Act is the keynote, is the benchmark for the elderly. There have been many other benefits, and rightfully so, but since 1965, since the Older Americans Act, the concern and focus on the elderly of our Nation has accelerated in a befitting fashion.

Yes, we have not measured up as yet to our rightful responsibilities, but we are moving in the correct direction. This bill will ensure that at least 10 million elderly will continue to have an improved quality of life.

It will be a full year of authorization that has modest increases in each of those 4 years. What is important is to know that we are moving in the right direction to meet the growing and unmet needs of the elderly of our Nation.

There are any number of provisions here that make this the finest reauthorization bill in the history of the Older Americans Act. Two of them, one of which was introduced by Chairman KILDEE, deals with the frail elderly. The frail elderly will undoubtedly be the focus of the future, given the increased number of senior citizens we have who continue to increase in their longevity and continue to be in good and vigorous health.

The frail elderly will be a portion of that population whose concern must be met. The Alzheimer's disease provision has been expanded. I have been privileged to do that.

The original language of the Alzheimer's disease provision, which would provide supportive services for the families and the victims of Alzheimer's disease, was introduced by me in 1984.

Clearly, this Older Americans Act is one which we can be proud of and support and go back to our folks at home and say, "This is another step in that direction. Have faith. We will do better next time."

As far as the rule is concerned, it really should be passed in unanimous fashion.

I commend the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], for his support and his expeditious reporting of this legislation and his unabiding concern and unflagging commitment for the Older Americans Act.

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

In reference to what the gentleman from New York [Mr. BIAGGI] was saying, if the rule is not corrected, we would not be able to allow elderly people to avail themselves of the child care food program. That is the flaw in the bill which I think Members should know about.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the Older Americans Act Amendments of 1987. Since 1965, the Older Americans Act has served the needs of thousands of elderly Americans. Although older persons receive services under other Federal programs, the act is the major vehicle for the organization and delivery of social and nutrition services to this group, and for the development of community service employment opportunities for low-income elderly. I am particularly pleased with this year's reauthorization because of the strides made to include a greater number of older American Indians into this important program.

Mr. Speaker, I represent the largest Indian population in the country. With this comes a special responsibility to these individuals. But my responsibility is not singular—the Federal Government has an obligation to assist these Americans. For many years the Indian population has been overlooked or clearly left out of many important programs. This bill, and the amendments that Congressman BIAGGI and I will offer tomorrow, provide for modest increases to rectify these oversights and to recognize the special needs of elderly native Americans. More than 60 percent of American Indians over 60 years of age live in poverty. On average, they live 8 years less than the general population. Their unemployment rate is more than 80 percent.

The number of Indian elderly is expected to increase from about 175,000 this year to over 200,000 by 1990. Title VI of the Older Americans Act provides funding specifically for the Indian elderly. But this part of the act, while well-intentioned, only serves about one-eighth of elderly Indians in the United States. These amendments will, for the first time, allow elderly Indians to receive funding under title III of the original act. This is clearly in line with the original intent of the Older Americans Act.

My amendments will create an office of tribal programs, which would administer and oversee the title VI program. It also calls for an Associate Commissioner on Indian Aging who would establish an interagency task force on older American Indians to produce a study on the availability and quality of services for older American Indians. I am confident that this task force will uncover the special needs and problems of the availability and quality of services for older Americans.

Other important provisions of the bill include inhouse services for frail elderly under the Older Americans Act, including victims of Alzheimer's disease and other neurological and organic brain disorders, and their families. These inhome services are intended as a preventive measure to enable older individuals with functional difficulties to remain in their homes instead of being institutionalized. A recent study by the Department of Health and Human Services found that 4.6 million elderly had some kind of functional limitation. The availability of this service has been a long time in coming, and is much welcomed upon its arrival. A new authorization has been created for the long-term care ombudsman program. The ombudsman programs have effectively investigated and resolved complaints and problems on behalf of residents of nursing homes and other long-term care facilities. A number of entities, including the Institute of Medicine, in its congressionally mandated study "improving the quality of care in nursing homes" issued in 1986, strongly recommended major improvements in the OAA Ombudsman Program. This legislation concurs with these recommendations and strengthens the program specifically targeted to meet the needs of long-term care facility residents.

I urge my colleagues to support this legislation and to remember the words of the late Vice President Hubert H. Humphrey:

> It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the handicapped.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 171 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1451.

□ 1555

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes, with Mr. FLIPPO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 30 minutes and the gentleman from Iowa [Mr. TAUKE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since its creation in 1965, the Older Americans Act has been considered to be the major vehicle for the organization and delivery of social services to meet the needs of older persons. H.R. 1451 would reauthorize the Older Americans Act for 4 years at levels which recognize the growing demand for the vital services the act enables.

Whether it be transportation services, homemaker services, congregate or home-delivered meals, participating in senior center activities, or finding employment through the community service employment program, the Older Americans Act successfully provides opportunities that enable the elderly to continue to be active participants in their communities.

The reauthorization bill includes a new initiative I introduced to authorize additional funds for certain nonmedical, in-home services to the frail elderly.

This is intended as a preventive measure to enable frail older persons to remain in their homes instead of being institutionalized. The nonmedical services would be available for those who require assistance with activities of daily living but who do not have the extensive health care needs that would allow them to qualify for Medicare.

Providing for these services is morally responsible because it helps frail older persons stay in their homes and maintain their individual dignity. It is also fiscally sound to support these

community-based services as an alternative to institutionalization.

My colleagues have heard me say many times that the role of Government is to promote, protect, defend, and enhance human dignity.

As the number of Americans over the age of 75 increases, so does the number who face the loss of their ability to remain independent and become at risk of entering an institution. I can think of no better way to promote and protect human dignity than to provide the kinds of services that make it possible for frail individuals to maintain their independence.

H.R. 1451 also contains a number of other provisions designed to strengthen and improve the Older Americans Act. These include provisions—

To establish a separate authorization for a long-term care ombudsman;

To authorize funds for a one-time outreach effort to inform low income seniors of their eligibility for SSI, food stamps, and Medicaid; and

To authorize new funds for States to address special needs.

H.R. 1451 also provides for the reauthorization of a second program which, like the Older Americans Act, is administered by the Department of Health and Human Services.

The Native American Programs Act seeks to promote the economic and social self-sufficiency of reservation and nonreservation based Indian tribes and organizations, native Hawaiians, and Alaskan Natives. H.R. 1451 would extend this act for additional 4 years at such sums as may be necessary.

Mr. Chairman, the House of Representatives is very fortunate to have a number of Members on both sides of the aisle who are recognized for their leadership and advocacy on behalf of the elderly. H.R. 1451 has benefited from the input of many of these Members, and the bill reflects a great deal of consultation and cooperation.

This bill was reported out of committee unanimously, not just a unanimous vote, but with the hard work of Members on both sides of the aisle.

The care and concern for those who helped build this country has been one of the most nonpartisan programs that this Congress has seen.

I would like to thank all those Members who have been working with us on this, the gentleman from Iowa, [Mr. TAUKE] the ranking member of the committee who has been sterling in his efforts, and the gentleman from New York, [Mr. BIAGGI], who has brought to the House time and time again some particular needs of people who need special help.

I urge all the Members to support this bill, and I would reserve the balance of my time at this point.

Mr. TAUKE. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. Mr. Chairman, I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me begin by congratulating the gentleman from Michigan, as well as all of the other Members who have played such key roles in the shaping of this bill. Their foresight is to be admired, and their efforts deserve our strongest support.

I always find it interesting to follow the course of the demographic debate in this country. So many articles are written about the explosion of the "yuppie" class, the baby-boomers, and the like. Yet all too often one fundamental fact is overlooked. America is growing older. This bill is important because it is, in fact, designed to meet the needs of an aging America.

The "old-old" population in this country, or those 85 years of age and beyond, is the fastest growing population in the country. The size of this group is expected to triple between the years of 1980 and 2020, and increase seven times between 1980 and 2050. Life expectancy rates are also increasing. All of these trends have clear public policy implications, and we can begin to make those policy decisions by supporting this bill.

There are many vital components to this legislation: Funding for Meals-on-Wheels programs, support for senior centers, and community service employment programs are just a few. There are also new provisions, and they deserve our special attention.

It is no secret that, due to the advent of the Medicare prospective payment system, the demand for community based senior services has taken a quantum leap. Seniors are being forced to leave hospitals "sicker and quicker," and so they are becoming more reliant upon outside services. A new addition to the Older Americans Act will provide money for in-house services for the frail elderly. These nonmedical services will make it easier for the frail elderly to cope with everyday activities like shopping, cooking, and getting dressed in the morning. On the surface, this may not seem like much, but for someone 90 years old and perhaps, recently out of the hospital, this kind of support could be the difference between making it on his or her own and being placed in a nursing home.

I would bet that at one point in time, all of us have heard from a grandparent that we will understand this or that when we are "old and wise." Well, we're all getting older. I hope that today we will demonstrate a certain sense of wisdom by supporting this very important bill.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 1451, the Older Americans Act Amendments of 1987 and to commend my colleagues, the gentleman from Iowa [Mr. TAUKE] and the gentleman from Vermont [Mr. JEFFORDS], for the fine leadership they have shown in bringing forward this reauthorization bill.

The services authorized by the Older Americans Act Amendments of 1987 are vital to the well-being of millions of elderly Americans. I know that in the Sixth Congressional District of Missouri, the Area Agencies on Aging provide nutritionally balanced meals to hundreds of older citizens. The value of these meals is enhanced by the sense of caring and community at the local nutrition site or the friendly smile of the Area Agency representative who delivers a meal to the home of a shut-in. I am certain that without this daily contact, many of my older constituents would be alone, and, perhaps, malnourished.

H.R. 1451 contains several new services that will enhance the lives of older Americans throughout this country. For instance, the new part D of title III, emphasizes in-home services to homebound and frail elderly. These services could include the assistance of homemaker and home health aides, visiting and telephone reassurance, in-home respite care for families, including adult day care, or in-home supportive services for older individuals who are victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type, as well as support services for the families of such victims. I strongly support this new initiative which will provide desperately needed services to the most needy of our elderly and their families.

The bill also contains a directive to the Area Agencies on Aging to conduct a survey of postsecondary schools in their areas and to summarize and disseminate materials detailing what tuition-free or low-cost educational opportunities are available to older individuals. The desire to learn should be encouraged at every stage in life and I support this new outreach service.

I believe that a nation's humanity can be judged by the way in which its older citizens are treated. Congress has long been dedicated to serving the needs of our older Americans. H.R. 1451 is one more step forward to preserve and protect the interests of our older citizens.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 1451, the Older Americans Act Amendments of 1987.

The bill before us today extends for 4 years, or through fiscal year 1991, the major titles now included in the expiring Older Americans Act of 1965. Activities and services authorized under title III, including supportive services, congregate and home-delivered nutrition services, are extended. Similarly, title IV which provides funding for training, research and demonstration projects related to the field of aging, and title V which promotes part-time community service employment opportunities for low-income senior citizens are continued.

Finally title VI, which provides a wide range of services to Indian tribes is extended through fiscal year 1991. H.R. 1451 incorporates a number of minor changes of a fine tuning or perfecting nature.

In addition to providing a multiyear reauthorization of expiring titles, H.R. 1451 creates some new and important authorities which reflect the changing needs of our elderly population. Let me briefly touch upon several of these new activities and policy changes.

H.R. 1451 provides for a new authorization under title III to provide in-home services to frail older individuals, to older persons who are the victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type, and to the families of such victims. Among the services to be provided are those typically provided by homemaker and home health aides, chore maintenance, visiting and telephone reassurance services, and in-home respite care for families, and in-home supportive services for victims of Alzheimer's disease and similar disorders and for members of their families. Generally speaking, these are nonmedical in nature and are focused on providing basic personal services that will enable a frail person to remain at home and avoid being institutionalized. For this new initiative, $25 million is authorized for fiscal year 1988 with subsequent authorizations providing for a 5-percent annual increase in funding levels.

Title III also contains a new part E which assists the States in providing services that are tailored to meet the special and unmet needs of a State's elderly population. States are given maximum flexibility in utilizing these resources to provide services to their seniors that are not now being satisfied through other titles of the act and that are compatible with the goals and objectives of the act. In rural States like my own State of Vermont, we find that transportation services consume an inordinate share of program dollars. With the unearmarked new resources authorized under part E, Vermont might well wish to invest some of its dollars in bringing more services to seniors or more seniors to services. Similarly, at one of the Human Resources Subcommittee's field hearings in Montpelier, we heard much testimony to the effect that there is a need for additional outreach efforts to advise our senior citizens of the availability of services. Again, under the terms of the new part E, Vermont might opt to use some of its funds for special outreach efforts—making a concerted effort to better inform those in greatest need and often in greatest isolation of the availability of a wide range of service programs. Surely, other States' priorities will differ. Part E recognizes these differences among the States and allows each to identify unmet needs, and develop and implement programs that will best serve its senior citizens.

I am pleased that H.R. 1451 includes language that will disallow earnings and benefits received by senior citizens participating in the title V Community Service Employment Program from being counted for purposes of determining eligibility for or computing monthly rents in federally assisted housing programs. Once again, this recommendation comes to us from the field. Clearly, it makes no sense to require low-income elderly persons whom we are trying to train for minimum wage community service employment—and eventually for unsubsidized employment—to have this training adversely effect their housing arrangements in federally assisted housing programs.

On balance, I believe that we have a sound bill before us that builds on and strengthens those programs which have demonstrated their effectiveness in meeting the social service needs of our senior citizens over the 22 years since the act was initially signed into law. Moreover, we have included changes which reflect the ever-changing needs of the growing numbers of elderly within our society.

Mr. Chairman, I would be remiss if I did not commend the chairman of our Human Resources Subcommittee, the gentleman from Michigan [Mr. KILDEE], and our ranking Republican member of the subcommittee, the gentleman from Iowa [Mr. TAUKE], as well as our distinguished chairman, the gentleman from California [Mr. HAWKINS], for their untiring efforts to bring to the floor a bill that represents a bipartisan consensus. H.R. 1451 represents such a consensus and a strong commitment to continuing to meet the changing social service needs of our most deserving seniors. I urge my colleagues on both sides of the aisle to join me in voting for H.R. 1451.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in strong support of H.R. 1451, the Older Americans Act Amendments of 1987. I do so with a degree of pride in that the concept of the Older Americans Act resulted from the Green Thumb Program, which was the idea of an Arkansan named Lewis Johnson, who was very active in this program until his retirement several years ago. So I followed the program with great interest and participation.

Mr. Chairman, older Americans are an important part of the population of Arkansas' First District, which I am privileged to represent, of our whole State and of our Nation. These older Americans were the leaders, builders, and workers in local communities, States, and our Nation during our growing-up years. In fact, they filled these roles in the years before some of the Members of this House were born.

Almost 30 percent of the people living in First Congressional District of Arkansas are 65 years old or older.

The Older Americans Act first became law 4 years before I was elected to the Congress. During the years of my service, I have been privileged to participate in the passage of 10 separate actions to renew and improve the programs under the act.

We have all heard the term "the graying of America." It is a reference to that fact that, with improved health care and knowledge of the aging process and the needs of our senior citizens, Americans are being privileged to live longer. More and more Arkansans and Americans are 65 years old and older.

By bringing this bill to us for action today, the Committee on Education and Labor gives us an opportunity to renew our recognition of the commitment and service our senior citizens have given and of the responsibilities that service lays on our Nation.

It also gives us the opportunity to acknowledge that our senior citizens have needs not met by Social Security and Medicare programs.

The Older Americans Act, as it was originally envisioned, and as it has been amended over the last two decades, is directed at helping State and local governments meet many of those needs.

There are several programs provided for under this bill which I am sure various of my colleagues will discuss. I would like to take the time to mention a few of these.

Fifteen years ago, the Congress saw the potential for helping match the skills and income needs of senior citizens with the service needs of local and State governments and nonprofit organizations. The result was the establishment of a part-time, community services employment opportunities program for unemployed, low-income Americans who are 55 years old and older.

In Arkansas, about 28 percent of our people who are 65 years old or older have incomes at or below the poverty level.

The Senior Community Services Employment Program under the Older Americans Act is operated in Arkansas by Green Thumb. It involves 620 men and women senior workers. These older workers provide services to 256 sponsoring organizations including city and county governments, school districts, senior centers, nursing homes, parks, recreation areas, and camping grounds.

The average age of the Arkansans working under this program is 73 years. Willing and able as they are to work, and needful as they are of the small income which can be earned under this program, the current, Presidential administration is holding a

draconian ax over their economic future.

The prospects of these older senior citizens for winning unsubsidized, private or public sector employment are slim to nonexistent, especially in this era of continuing, severe unemployment. Yet, the current Presidential administration is annually pushing upward the "nonsubsidized employment" transition goals for the operators of the senior citizen, community service employment program.

Informally, the word has gone out from the administration that the private, not-for-profit contractors operating these programs will lose their contracts if they do not meet the arbitrary goals it has set for transitioning senior citizens out of the program and into unsubsidized employment.

This is blatant bias against the most senior of our older citizens. It exceeds the provisions of the law. It is not in compliance with the intent of Congress. The Older Americans Act, itself, requires that persons who are 60 years old or older be given priority for work assignments.

If the administration is allowed to get away with its underhanded attack, the operators of the senior citizens, community services employment program will be forced to concentrate on younger, eligible workers. They will have no choice but to turn away from the upper range of our senior citizens regardless of their need, ability, and willingness to work. The Presidential administration's own studies show that the average age of senior citizen workers entering the program has dropped as the administration's unsubsidized employment placement goals have increased.

The administration is in the wrong. And, the Congress should make clear that the administration must administer the law as it was intended to operate.

At the same time that it was providing for the senior citizens, community services employment program in 1972, the Congress created another vital, heavily used Older Americans Act service. It established the National Nutrition Program for the Elderly. This supports such activities as Meals-on-Wheels and meal service in multipurpose senior centers.

These programs have a special importance to many of our older citizens who wish to continue to live, or must live, independently in their own homes. They help senior Americans be sure of getting at least five nutritious meals each week.

Other provisions of the act help support periodic in-home care programs which make it possible for independent-minded Arkansans and Americans to chose to continue to live their senior years in their own homes. This bill proposes to allow expansion of the nonmedical, in-home care programs.

Additionally, the senior centers provide an opportunity for continued social and recreational contacts with people in their own age groups which might not otherwise be available.

In community after community in Arkansas and across the Nation, the senior centers have provided a home base for projects organized by senior citizens for senior citizens and for pooling senior citizen expertise to provide services to their home communities.

Senior citizens are important to local communities, States and the Nation. The Older Americans Act is important to senior citizens. I urge the passage of this bill to reauthorize and improve the Older American Act.

Mr. Chairman, I would request a colloquy with the chairman of the subcommittee, the gentleman from Michigan [Mr. KILDEE], in order to attempt to clarify one of the provisions that is being administered by the administration, and I will yield to the subcommittee chairman for that purpose.

Mr. KILDEE. Mr. Chairman, I would be pleased to participate in a colloquy with my colleague.

Mr. ALEXANDER. Mr. Chairman, I am receiving very disturbing reports from around the country about the way the administration is implementing the nonsubsidized employment goals of the Older Americans Act title V, Community Service Employment Program.

As I understand it, the title V program was enacted by the Congress with the primary goal being to provide community service employment opportunities to jobless low-income persons 55 years old and older who are able and willing to work, but cannot find jobs.

Now, the administration is imposing higher and higher nonsubsidized employment transition goals on the operators of the title V programs. The informal word has gone out throughout the country that if these contractors do not meet the administration's nonsubsidized employment transition goals, their contracts will not be renewed.

The administration's transition goal is for people who are employed in this title V program and find employment outside the program after having been employed by the program, and I am led to believe that induces the administration to encourage persons of younger and younger ages to come within the program rather than older workers, as the program was originally intended.

If the administration is permitted to get away with that, it means that older Americans are going to be dropped in favor of younger ones with a better prospect of being transitioned into the nonsubsidized employment.

Mr. Chairman, let me ask the gentleman, is there any provision in the Older Americans Act that requires or even permits the administration to behave in such a way as to force a contractor to favor employment of younger senior workers in the title V program so as to increase the prospects of meeting this administration's nonsubsidized employment goal?

Mr. KILDEE. Mr. Chairman, if the gentleman will yield, let me reply in this fashion:

There is nothing in the existing law, or in the proposed amendments in this bill, which either requires or permits the administration to refuse to renew a contract solely on the basis of failure to meet goals for placing older workers in nonsubsidized employment.

Title V proposed regulations, which have never been finalized by the Department of Labor, set as a "goal" the transition of 20 percent of title V employment positions into unsubsidized jobs. I think it is important to recognize this proposed regulation is a goal, not a mandate.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for this clarification and for upholding the purpose of this law, and I certainly support the chairman's efforts to reauthorize the Older Americans Act. I congratulate the gentleman upon his leadership.

Mr. KILDEE. Mr. Chairman, I thank the gentleman from Arkansas [Mr. ALEXANDER].

I would advise my colleague further that there is nothing in the act, or in this bill, which would either require or permit the administration to pursue policies that favor employment of younger workers. In fact, although persons 55 and over are eligible under title V, persons age 60 and over have priority for employment opportunities under the act.

Mr. ALEXANDER. Mr. Chairman, if I may make one further inquiry, do I understand, then, that older Americans of 60 years or older are favored regardless of the so-called transition goals of the administration?

Mr. KILDEE. Mr. Chairman, that is my clear understanding.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from Michigan [Mr. KILDEE].

□ 1610

Mr. TAUKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1451, the Older Americans Act Amendments of 1987, and I commend the chairman of the Subcommittee on Human Resources, the gentleman from Michigan, for his efforts to bring a bipartisan bill before the House.

I would also like to recognize the ranking Republican of the full committee, the gentleman from Vermont, for his contributions to stengthen the act. Both gentlemen have a strong commitment to improve services to the

elderly, which they have demonstrated as we have considered this bill.

The Older Americans Act provides the framework for an "aging network" that works to coordinate and provide a wide variety of services to the elderly. These nutrition and supportive services enable many elderly to remain independent and in their own homes, rather than being institutionalized. At a time when our elderly population is growing and demand for services is increasing rapidly, it is critical to reauthorize this act.

I recently visited a congregate meal site in my district in Iowa and was impressed by the quality of service and the number of senior citizens participating in this important program.

The Subcommittee on Human Resources also held a hearing in Algona, IA, in April. The testimony there provided the subcommittee with important insight into the operation of the aging network at the State and local level. In particular, those individuals implementing the Older Americans Act urged that we maintain sufficient flexibility in the act to enable those at the local level to meet their unique needs. Local representatives are concerned about excessive burdens being placed on the network and encouraged us not to "dilute the mission" of the Older Americans Act by adding unrelated responsibilities. I believe it is essential that we maintain the focus of this act on the nutrition and social services that it is designed to provide.

We also heard enthusiastic support for the new initiative on in-home services to the frail elderly that is included in this reauthorization. While not adding medical services to the Older Americans Act, this initiative focuses attention on the growing need for services to the frail, homebound elderly, who without some assistance would be institutionalized, often at a much higher cost to the government.

While I strongly support reauthorizing the Older Americans Act, I do have some reservations about H.R. 1451. At the appropriate time, I will offer amendments to address these concerns.

I am particularly disturbed by the authorization levels set in this bill and the piecemeal approach that has resulted from creating separate authorizations for several new initiatives. There are currently 13 separate authorizations in this bill. I question the wisdom of this piecemeal approach.

The authorization levels for fiscal years 1988 through 1991 set in this bill increase, in general, by 5 percent each year above the previous year's authorization. While a 5-percent increase may in itself not seem excessive, because the authorizations are set in relation to prior authorization levels, the figures are in many cases meaningless. It is unrealistic to believe that appropriations for Older Americans Act programs will come anywhere close to the levels authorized in this bill.

Moreover, this bill provides no direction to the Appropriations Committee regarding priorities among the programs being authorized. Testimony presented to the committee clearly demonstrated that demand for in-home services and meals is growing much more rapidly than demand for congregate meals, for instance. The across-the-board 5-percent increases in authorization levels do not reflect this fact.

This bill should provide realistic targets for appropriations and set priorities among the programs being authorized. I will offer an amendment tomorrow to accomplish these goals. My amendment will not require cuts in any programs—in fact, many of my colleagues may believe that I am too generous in this amendment.

In addition, I am concerned about the number of studies mandated by this bill. The Congressional Budget Office estimates that these studies will cost $1 million in fiscal year 1988. I cannot justify that expense for these studies, which may be worthy, but which should not be conducted at the expense of services.

Finally, I believe that title VII of the act, Personal Health Education and Training Program, should be repealed. This title has never been funded, and reauthorizing it now is unnecessary.

With these changes, H.R. 1451 would have my full support. I encourage my colleagues to consider these amendments and the bill carefully. Again, I commend the gentleman from Michigan for his diligence and his willingness to report a bipartisan bill. I look forward to continuing to work with him on this legislation.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I would first like to commend the gentleman from Michigan, DALE KILDEE, chairman of the Human Resources Subcommittee, and the gentleman from Iowa, TOM TAUKE, ranking minority member, for bringing to the floor a measure that not only meets the needs of our country's senior citizens, but does so in a fiscally responsible manner. As a member of the subcommittee, I was privileged to participate in the comprehensive hearings on this measure and can attest to its bipartisan, unanimous support, both at subcommittee and full committee.

With the passage of the Older Americans Act in 1965, Congress created a new Federal program specifically designed to meet the social needs of senior citizens. Although they may receive services under many other Federal programs, the Older Americans Act is the primary vehicle for the organization and delivery of social services to our mature citizens. The bill before us retains the basic structure of the act but makes several important adjustments.

Among the bills improvement are new funds for much needed in-home care for the frail elderly and a one-time outreach program to inform older individuals of the availability of benefits under other Federal programs.

Additionally the measure contains two amendments which deal with minority participation and client/attorney privileges for those seekings legal assistance.

The purpose of the minority participation measure is to reemphasize to State and area agencies that Congress originally intended minority participation to be an important component of the act. It requires area aging agencies to write provisions into contracts that detail how the provider will "satisfy the service needs of low-income and minority senior citizens." Furthermore, these plans must identify the number of low income and minorities in the service area and describe the methods to be used to satisfy their needs.

Minority participation in some Older American Act programs has dropped as much as 25-percent during the 1980's, despite the fact that the act requires services to be targeted to low income and minority individuals, this provision addresses this concern.

The second amendment assures that the client/attorney privilege is extended to those providing legal assistance and their clients under the Older Americans Act. Some area agencies, in order to evalaute the use of title 3(b) funds, have required that contracted legal assistance providers make available the names and addresses of the clients served. I fear that many senior citizens might avoid seeking legal assistance if they believed others would discover that they used publicly funded legal services. Under H.R. 1451, this possibility is greatly diminished.

I urge my colleagues to join me in supporting this measure.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Washington.

Mr. BONKER Mr. Chairman, I would like to commend the chairman, the gentleman from Michigan [Mr. KILDEE], and his fine committee for the great work they have done with this bill.

Mr. Chairman, it is with great pleasure that I join my colleagues today in support of H.R. 1451, which will reauthorize the Older American Act [OAA] through fiscal year 1991. It is appropriate that we will enact this legislation during the month of May, which is annually recognized as Older Americans Month.

I would like to take this opportunity to express my appreciation to the members of the Education and Labor Committee for their hard

work in developing this legislation. Mr. KILDEE and Mr. HAWKINS, together with Mr. TAUKE and Mr. JEFFORDS, have provided bipartisan leadership in creating reauthorization legislation that both strengthens those programs that have proven remarkably effective for many years and improves efforts targeted to the special needs of several particularly vulnerable groups of older Americans.

I would also extend special recognition to several of my esteemed colleagues from the Select Committee on Aging—including our chairman ED ROYBAL, as well as CLAUDE PEPPER and MARIO BIAGGI—with whom I have worked closely on issues pertaining to H.R. 1451. Mr. BIAGGI should be congratulated for effectively advocating for a number of important amendments as a member of the Education and Labor Committee in his own behalf as well as in behalf of the Select Committee on Aging. I particularly thank Mr. BIAGGI for successfully offering an amendment at the full committee markup which was based on my legislation, H.R. 2042, to improve the long-term care ombudsman program.

Since its enactment in 1965, the OAA has been one of the most popular and effective programs enacted to assist the elderly. Under the act, a series of programs have evolved to meet the many needs of this diverse population. The OAA has been instrumental in the development of such crucial services as congregate and home-delivered meals, transportation, and legal assistance—especially with public entitlement problems. Furthermore, the OAA has developed a network of programs at both the State and local levels that are flexible and responsive to the needs of their particular jurisdictions.

The 1987 reauthorization has provided the opportunity to make improvements in the OAA needed to reflect the changing needs of older Americans. First, the authorization levels needed to be increased to respond to the significant increase in the numbers of people reaching their elderly years. This is especially dramatic for those who are 85 years of age and older. Because of the rapid growth in the numbers of the very old, the OAA must more effectively address the increased frailty, vulnerability, and poverty that characterizes this segment of the aging population.

I am pleased that ombudsman programs, which investigate and resolve problems of older Americans living in nursing homes and board and care facilities, will be strengthened considerably under H.R. 1451. This program is the only service in the OAA specifically devoted to assisting residents of long-term care facilities, who are among our society's most frail and vulnerable citizens.

Despite the important changes to the Older Americans Act contained in H.R. 1451, there is more to be done before we pass this legislation tomorrow. Therefore, I intend to join several of my colleagues in offering amendments to complete the improvements essential to this reauthorization.

In the first place, we must do more to focus efforts on serving minorities under the OAA. It is tragic that minority participation has actually declined over the past several years. We must reverse that trend. In addition to increasing the authorization levels for title VI of the OAA, which provides grants for services to Indian tribes, several other substantive changes are needed to improve the delivery of services to Indian elders. The Administration on Aging must place increased emphasis on the special needs of this population.

This reauthorization provides us the opportunity to test different approaches to resolving compliants and problems of consumers of home care services. Over the past year, much attention has been focused on problems in the home care field. Unfortunately, there are few programs in place to effectively assist consumers with these concerns. Our amendment would provide a national demonstration program in fiscal years 1989 and 1990.

We must also ensure that the local network of area agencies on aging [AAA's] remain a visible and effective focus to serve the elderly in their communities. In some places, these AAA's are diffused in larger umbrella agencies, with the various functions of AAA's spread among different units that may serve a variety of populations. In some cases, this allows the use of OAA money for other administrative purposes. I will offer an amendment to ensure that the AAA's are identified as a distinct unit, even if administratively located in a more comprehensive organization.

Finally, this reauthorization provides us the opportunity to address the special needs of other populations. Tomorrow I also intend to support an effort to address the needs of elderly victims of abuse, and to provide for greater recognition of those who suffer from some form of mental illness.

H.R. 1451 is a significant piece of legislation. Our actions tomorrow will mark an important milestone in the history of OAA. I urge my colleagues to support those amendments that I will support and to vote for final passage of this legislation.

Mr. TAUKE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 1451, which would reauthorize and expand the Older Americans Act.

I am especially pleased to note the inclusion, the title IV, of the Volunteer Service Credit demonstration project. This provision in the bill is similar to legislation introduced by Mr. WYDEN, Mr. WILLIAMS, and myself to provide older individuals services in return for certain volunteer services provided to other individuals. Some notice should be given to individuals who spend tireless hours donating their time and energy to others in need. The concept of rewarding those individuals by providing them with assistance when they are in need is one which should be explored and I commend my colleagues on the committee for supporting the inclusion of this language in the bill.

There is another provision of this bill which I believe is worthy of special attention. Section 42 of the bill would make certain adult day care centers eligible for USDA meal assistance under the Child Care Food Program. Although adult day care centers do not provide round-the-clock services to elderly and disabled persons, they do provide enough care to enable recipients to remain in the community and not be placed in a nursing home or other long-term care facility. As I am sure you will agree, we would all like to see our parents remain at home and independent as long as possible. Adult day care centers help make this desire a realilty and this provision will help insure that the frail and disabled individuals who attend adult day care centers—the majority of whom are women with incomes below the poverty line—are provided with nutritional meals.

I work closely with the area agencies on aging in my district, and have seen the benefits of this law firsthand. I can assure you we are reauthorizing programs which are greatly needed and certainly appreciated by our senior constituents.

I urge the support of my colleagues for this legislation.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I want to commend the gentleman from Michigan for a superb job on this legislation. The Older Americans Act provides a lifeline for America's elderly citizens. Before coming to Congress, I was the executive director of the Oregon Gray Panthers, and that's where I saw first hand the excellent projects and results that the Older Americans Act has made possible. From Meals-on-Wheels to legal services to advocacy, the Older Americans Act serves seniors superbly.

In my home State of Oregon, thousands of seniors participate in meal programs funded by the Older Americans Act. The Oregon Department of Senior Services estimates that 1,553,601 congregate meals will be served in Oregon this year. In addition, 1,102,603 meals will be delivered to the homes of disabled seniors in 1987. The legislation we're considering now provides a 5-percent increase in the $4.8 million Oregon currently receives under the Older Americans Act for meals. Oregon has one of the fastest growing elderly populations in the country and these extra funds are greatly needed.

In fiscal year 1987, the Older Americans Act provided $3.1 million for support services and senior centers in Oregon. This bill increases that amount by 5 percent. These funds include transportation services provided by community and State organizations. The services are invaluable to Oregonians who rely on this transportation to get to and from their homes and senior centers. This year 539,860 rides will be provided. And the additional money will also help finance senior centers and serve older Oregonians.

Moreover, H.R. 1451 provides new services that will also benefit Oregon greatly. For example, approximately $250,000 that will go towards providing in-home services to the many needy seniors who do not qualify for Medicaid and Medicare.

In addition, the bill authorizes new services first proposed in the Volunteer Service Promotion Act that I introduced earlier this year. My bill permits volunteers in selected programs to earn credits for helping older people in their homes, which chores, or other assistance that allows them to stay in the community. This Older Americans Act reauthorization gives the Administration on Aging the authority to make annual grants for each of the next 4 years to promote the volunteer service credit concept.

We must approve H.R. 1451 today to strengthen the Older Americans Act. H.R. 1451 is essential for the State of Oregon and all senior Americans. It reauthorizes the programs that have served our senior community well and it initiates new programs crucial to dealing with their—and our—needs in the future. Without it, we simply can't meet the legitimate needs of our older population.

So again, I want to commend the gentleman from Michigan. It is a pleasure to work with the gentleman developing the service credit portion of this legislation, and I urge my colleagues to support the bill.

Mr. TAUKE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking member of the Appropriations Committee, with the assumption that he will treat the authorization kindly when it gets to his committee.

Mr. CONTE. Mr. Chairman, at the outset, I want to thank my good friend, the gentleman from Iowa [Mr. TAUKE] for giving me this opportunity to speak. I promise the gentleman that we will treat it kindly. Last year, if I remember correctly, we appropriated about $1 billion for the act. In fact, in 1981 I stood on the floor of this House when the appropriations bill was vetoed.

□ 1625

We worked very diligently with the help of a lot of Members in this House and overrode that veto.

Mr. Chairman, I rise in support of H.R. 1451. This act is one of the most successful, I think, and appropriate pieces of legislation that we have enacted here in the Congress; it is both necessary and it is very timely.

It is necessary because it improves and strengthens the basic legislation. It provides a vital part of the Federal effort on behalf of the senior citizens of America.

Although many of our older Americans depend on the benefits provided under the Social Security Act for their support, and the help that they receive in meeting their medical costs provided by Medicare and Medicaid, the programs of the Older Americans Act help to improve their quality of life.

It is timely because more and more Americans are reaching the age of 65, including myself, and they require support through programs that enhance their quality of life. We are facing an aging here in our American society which is unprecedented in our history and unprecedented in the needs which must be met.

By the time we reach the next century, the year 2000, just under 13 years from now, 1 in 7 Americans will be over the age of 65, as compared with 1 in 25 at the start of the 20th century. Not only will their numbers be greater as we finish out this century, but their needs are going to be greater in terms of their quality of life.

Mr. Chairman, 22 years ago I voted for the original Older Americans Act, together with 393 of my colleagues; only 1 Member voted against that bill.

As I said, last year my committee provided in excess of $1 billion for the programs authorized under the Older Americans Act. I believe that all of that money was well spent, and I hope that we can sustain that level of commitment in fiscal year 1988.

I would like to commend the members of the authorizing committee—particularly the chairman, the gentleman from Michigan [Mr. KILDEE], and the ranking Republican, a very able member of the subcommittee, the gentleman from Iowa [Mr. TAUKE]—for their good work on this legislation, and I urge its passage so that we in the Committee on Appropriations can get on with the task of providing the necessary funds.

Mr. KILDEE. Mr. Chairman, I yield 4 minutes to the chairman of the Select Committee on Aging, the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I rise in strong support of this important legislation to reauthorize the Older Americans Act for an additional 4 years. I particularly wish to commend the gentleman from Michigan [Mr. KILDEE] and the gentleman from California [Mr. HAWKINS] for their dedicated and able leadership in bringing to the floor a bill which is greatly improved and strengthened in a number of key areas. I also wish to commend the gentleman from New York [Mr. BIAGGI] who has done an excellent job of including the recommendations of the House Select Committee on Aging during markup of the Older Americans Act.

Hearings before my Select Committee on Aging clearly reveal that the Older Americans Act is generally considered to be one of the most successful of all Federal programs. Overwhelming agreement was expressed at these hearings that the act is not in need of major revisions, such as the establishment of a means test for services, or a raising of the eligibility age. Rather, what was made clear in testimony throughout the country was a desire to strengthen the act in ways which ensure that those who are underserved by the current delivery system have better access to vital program supports.

This bill carefully reflects these sentiments and recommendations, while taking into consideration the difficult budget constraints under which we currently operate. While I would have liked to have seen increases in authorization levels and a commitment of resources which more accurately reflect the demands of our rapidly growing aging population, this bill makes significant improvements in a number of important areas, including: low income and minority participation, the long-term care ombudsman program, the delivery of in-home services, advocacy, allowable administrative costs, food stamp and SSI outreach, and the delivery of services to Indian tribes.

Additionally, I will be joining several of my colleagues from the Aging Committee in sponsoring an amendment to provide greater focus on the needs of minorities, the frail, and the mentally impaired. Specifically, this proposal: increases targeting to low income minority elderly individuals more in proportion to their need for services; establishes pilot projects to test alternative approaches to protecting home care consumers; strengthens the act's role relative to persons with mental health needs; and clarifies area agencies on aging as single organizational units. These provisions are designed to build upon and further clarify the fact that all elderly Americans—regardless of race or physical and mental abilities—have a basic right to have equal access to Older Americans Act programs and services.

It is particularly fitting that this legislation which is so vital to the health and well-being of millions of elderly Americans is being considered during May, which is Older Americans Month. As one of the original cosponsors of H.R. 1451, I firmly believe that the provisions of this bill will enhance the aging network's ability to fulfill the critical role it now plays, and will increasingly play, in the lives of millions of older Americans and their families. I urge my colleagues to strongly support this important legislation and the amendment I will be introducing tomorrow with my distinguished colleagues on the Committee on Aging.

Mr. TAUKE. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GRANDY], a member of the sub-

committee, who has done great work on this legislation.

Mr. GRANDY. Mr. Chairman, I rise in support of this bill reauthorizing the Older Americans Act.

With passage of the Older Americans Act in 1965, Congress made a commitment to uphold the dignity of the Nation's senior citizens by providing a host of programs specifically designed for this unique population in our society. Over the past two decades, much progress has been made toward ensuring equal opportunities for the elderly in securing adequate health care, housing, meaningful retirement activities, employment opportunities, and long lists of other benefits.

One of the most visible and successful programs we are reauthorizing is the Congregate Meal Program. Nearly 240 million meals will be served this year—a number that has been steadily growing since the program began. These meals provided an invaluable service to our Nation's elderly who might not otherwise receive proper nutrition.

At a field hearing in Algona, IA, I, along with my colleague the gentleman from Iowa [Mr. TAUKE] heard the expert testimony of several individuals, both providers and senior citizens, who all spoke highly of the Older Americans Act as it relates to the various services our elderly are dependent on. Witnesses clearly indicated that the act has been highly successful in improving the lives of our elderly.

Included in the bill is an initiative for addressing the needs of in-home services for the growing population of frail elderly. Iowa's population has one of the Nation's highest percentage of elderly citizens, and ranks first among all States in the 85 and over population. In-home services are desperately needed, and I heartily endorse this initiative.

It is also important to note that H.R. 1451 provides a great deal of flexibility to State and local agencies in providing authorized services. This flexibility, I believe, is one of the major reasons for the success of the act, and I want to thank my colleagues for their efforts in maintaining local control of the programs.

Mr. Chairman, I urge my colleagues to support this legislation and recommit this body to the goals it set forth 22 years ago.

□ 1635

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, today I rise as a cosponsor of the Older Americans Act Amendments of 1987, to commend Chairman HAWKINS, and other distinguished members of the Education and Labor Committee on both sides of the aisle for the excellent job they have done on H.R. 1451.

I particularly want to thank the chairman, the gentleman from Michigan [Mr. KILDEE], the gentleman from Iowa [Mr. TAUKE], the gentleman from California [Mr. ROYBAL], and the gentleman from New York [Mr. BIAGGI].

The Older Americans Act programs expire at the end of fiscal year 1987. This important law provides in-home services, home delivered meals, part-time jobs for unemployed low-income people, training, and research and demonstration programs.

This legislation has bipartisan support and is a result of much hard work not only by committee members but by many experts out in the field who have contributed their thoughts and ideas in order to provide more responsive social services for our Nation's elderly. The bill improves and strengthens the act by adding a new section which emphasizes in-home services to the frail elderly, it targets low-income and minority individuals as well as clarifies language for older native Americans.

H.R. 1451 also reauthorizes the Native American Programs Act which provides grants for training and assistance, research and demonstration programs to promote economic and social self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives.

I believe that the programs under the act are accomplishing their objectives of providing social and nutritional services to the elderly which will assist them in maintaining their independence and dignity in their home and their communities.

Somehow I think it fitting that we are considering this legislation during a month designated to honor older Americans across the Nation who have contributed so much to our country.

I, therefore, urge my colleagues to vote for this legislation.

Mr. TAUKE. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of H.R. 1451, the Older Americans Act Amendments of 1987, and I commend the chairman of the subcommittee, the gentleman from Michigan [Mr. KILDEE], and the ranking minority member, the gentleman from Iowa [Mr. TAUKE] for introducing this significant legislation and for their leadership in expanding and improving senior citizen programs.

The House Education and Labor Committee unanimously approved this 4-year renewal of the Older Americans Act, which boosts the authorization levels for most programs by approximately 5-percent per year. This legislative package broadens programs designed to meet various needs for the elderly by including in-home services for the frail elderly; outreach activities to SSI and food stamp recipients; assistance for older individuals with special needs; greater emphasis on coordinating activities run at State, local, and Federal levels; increased nutritional services; more emphasis on improving service delivery; and greater efforts toward evaluating unmet needs of older individuals.

Congress must make certain that we provide adequate social services for the elderly, including meals-on-wheels, adult day care, senior citizens centers, legal services, preretirement counseling and transportation. The Older Americans Act of 1965 has provided these services for our senior citizens to help enable them to adapt to the rising cost-of-living. Also included in this legislation is a provision making eligible those persons with Alzheimer's disease and their families to receive the new in-home services for the frail elderly. This would provide significant help for our senior citizens enabling them to meet their financial burdens while coping with their trauma at home with their loved ones.

I would also like to thank my fellow colleague from New York [Mr. BIAGGI] for introducing an amendment which would require the Administration on Aging to conduct a study of the effects that Medicare's Prospective Payment System [PPS] has had on the adequacy and availability of community-based services that assist Medicare patients discharged from hospitals. There is evidence that because of PPS, some hospitals are sending patients home sicker and quicker and more in need of services provided under the Older Americans Act. This benefits neither the individual or society.

Accordingly, Mr. Chairman, I urge my colleagues to join me in supporting H.R. 1451, the Older Americans Act amendments, and to continue providing adequate programs to meet the growing needs of our senior citizens.

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BIAGGI] one of the original cosponsors of the bill and a dedicated ally in writing this bill.

Mr. BIAGGI. Mr. Chairman, as an original cosponsor of H.R. 1451, I rise in enthusiastic support of this key bill.

This represents the 12th time that the Older Americans Act has been reauthorized. I am proud to have participated in 10 of them. I believe H.R. 1451 is one of the finest reauthorization bills in the history of the act.

The bill before us effectively respects the tradition and history of the act while also setting us on a path of future progress.

I wish to pay a special tribute to chairman KILDEE for his absolute commitment and dedication to this legisla-

tion. He has displayed great leadership as well as a willingness to work closely with all subcommittee and full committee members for a better bill. I also wish to pay tribute to Chairman HAWKINS, ranking minority member JEFFORDS and Mr. TAUKE, the ranking minority member of the subcommittee, as well as their respected staffs.

Appropriately, we consider this legislation as we end our national celebration of older Americans month. Passage of this bill will ensure that at least 10 million of our elderly will have the quality of their lives improved by the services provided daily under the Older Americans Act.

H.R. 1451 is more than a reauthorization bill. It is a reaffirmation by Congress that maintaining the independence of seniors in their communities is a key public policy goal. The Older Americans Act for the past 22 years has played a key role in advancing this policy.

We emerged from committee and subcommittee with a basic "fine tuning" of the act. We wisely rejected certain misguided efforts to make more radical changes in the act. These would have included raising the eligibility age from the current 60—and converting title III into a mini-block grant.

The bill before us features a 4-year reauthorization of all the programs in the act and provides for a modest but meaningful increase in authorizations for each year to allow us to better address the very real and growing unmet need among millions of seniors.

We create several new programs in this legislation. Under title III there is a new part D authored by the chairman to provide in-home services to the frail elderly. During subcommittee I was proud to offer an amendment to ensure that among those given specific attention in this section would be victims of Alzheimer's disease and their families.

This expanded commitment to Alzheimer's disease victims and their families is an outgrowth to language I was proud to insert in the last reauthorization which directed part B funds into programs to provide supportive services to Alzheimer's disease victims and their families. I am proud to note that my home city of New York, in part with older Americans act funds, established the Nation's first Alzheimer's resource center. Funds from the city and the Brookdale Foundation as well as Federal funds have allowed this program to provide key services to this segment of the population.

I am especially pleased that my amendment to H.R. 1451 will direct additional Federal resources into this vitally important program.

I was also proud to author an amendment which was adopted in full committee to expand the long term care ombudsman program in the act. The program which aims to investigate and resolve complaints of abuse made by residents of long term care facilities, has been hindered by a lack of adequate resources. My amendment guarantees a realistic funding level based on current appropriations. It also authorizes separate and additional funding levels for the future to address anticipated needs. In addition the amendment would provide ombudsmen with new direct access to nursing home residents as well as those in board and care facilities. It would also provide for improved training of ombudsmen and would provide new language to prevent reprisals.

H.R. 1451 also contains an amendment I authored to expand and clarify the all important advocacy responsibilities for those in the so-called aging network funded by the Older Americans Act. These include specific responsibility to monitor and comment on Federal, State and local laws, policies and regulations which affect older persons. My amendment says that advocacy also includes being able to make recommended changes. Perhaps the most important feature is the provision that says that no directive shall be deemed to supercede the advocacy responsibilities under the act.

I was also proud to author an amendment to mandate a first time study to examine the impact of the Medicare DRG system on community based programs such as the Older Americans Act. Every member of this House has heard reports of elderly patients being discharged quicker and sicker from hospitals. The question is where do they go. More often than not they end up in programs funded with Older Americans Act dollars. This study would seek to quantify these new demands on these programs. It would also work to identify savings which may have been accumulated under DRG's and how they might be applied to programs such as the Older Americans Act.

H.R. 1451 makes improvements in all six titles of the act. It would upgrade the status of the commissioner on aging, expand the title VI program on behalf of older Indians, mandate that long term care gerontology centers be funded and freeze administrative costs under title V.

I also strongly support the provisions in this bill which will ensure that we spend some funds on legal assistance services. During subcommittee consideration I was pleased to sponsor an amendment to address this important issue. Legal assistance services are important and oftentimes involve basic survival issues for seniors by addressing eligibility for Federal programs they may need to survive.

Finally, let me address one other key issue in this bill, namely the improvements we make in the area of targeting. Under the bill we clearly state that all services under the act are to be directed on a priority basis to those elderly "with the greatest economic or social need with particular attention to low income minority." That is the way we must go to improve on targeting. We do not need a means test, or sliding scale fees, or cost sharing. However we need to closely monitor our progress in this area in each of the next 4 years.

Mr. TAUKE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise with many of my colleagues today in support of H.R. 1451, the reauthorization of the Older Americans Act. First let me commend the work of the Subcommittee on Human Resources for crafting an excellent piece of legislation which speaks directly to the social and economic needs of America's elderly. I would also like to especially thank the sponsor of this bill, my distinguished colleague from Michigan, for his leadership on this vital issue.

It has always been a mystery to me that older citizens are not accorded the highest levels of service and respect in the United States. After years of working raising families, building communities, and contributing in many other ways, America's senior citizens are too often pushed aside, ignored, or even discriminated against. And if they happen to be poor and a minority, the conditions are much worse.

While it is true that older persons may receive services under many other Federal programs, the Older Americans Act has come to be recognized as the major vehicle for providing social services to the elderly.

In the course of my travels and discussions with senior citizens in my own home district in Baltimore, I am convinced that without the comprehensive range of services made possible through the Older Americans Act, the lives of many senior citizens would be immeasurably diminished. Services like meals on wheels, adult day care centers, and senior centers offering recreational and social sustenance add greatly to the quality of life for our Nation's senior citizens.

Any discussion of America's elderly would not be complete without focusing on the special health care needs faced by this population. In 1984, 32 percent of older persons assessed their health as fair or poor (compared to 8 percent for persons under 65). Most older persons have at least one chronic condition and many have multiple conditions. In the face of these facts, many elderly Americans are hard pressed to cope with the well docu-

mented skyrocketing of health care costs in recent years.

This legislation recognizes that programs such as Medicare and Medicaid support a range of in-home services for the functionally impaired elderly. However, these programs do not respond to the social service needs of the chronically impaired elderly.

H.R. 1451 wisely seeks to expand nonmedical services for frail elderly individauls including victims of Alzheimer's disease. These in-home services such as help with bathing, dressing, cooking, cleaning, and shopping would serve as a preventive measure to enable older individuals with functional difficulties to remain in their homes instead of being institutionalized. I applaud this new emphasis and feel that it adds a much needed dimension to the Older Americans Act.

H.R. 1451, which reauthorizes the Older Americans Act for 4 years, recognizes the growing demand for services facing America's senior citizens. It is both compassionate and wise that we vote to keep this legislation in place. I urge my colleagues to join with me today in a "yes" vote on the reauthorization of the Older Americans Act.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

□ 1650

Mr. JOHNSON of South Dakota. Mr. Chairman, I would like to thank the chairman and members of the Education and Labor Committee for their leadership on this reauthorization of the Older Americans Act. I rise today to give my full and enthusiastic support of H.R. 1451, a bill which I am proud to cosponsor. This authorization legislation represents American government at its best—a reflection of what our priorities should be, at a time when we so often as a legislative body seem to confuse our priorities. Through this legislation, we send the message to our Nation's elderly that out of great respect, we wish to provide the maximum quality of life for the older American, and will make available the resources to do so.

No one can question the growing needs of the elderly when we examine the trends of our changing population. Since 1900, the percentage of Americans age 65 or over has tripled, from 4 percent in 1900 to 12 percent in 1985. In my own State of South Dakota, in the 1970's alone, the elderly population increased 13 percent, and the trend has continued today, 17 percent of South Dakota's population is age 65 or older, while the national average is only 11 percent. Of these elderly in South Dakota, 41 percent who are age 75 and older live below the poverty level.

The many services and programs that this bill authorizes moneys for are of great importance in light of these numbers. I am particularly supportive of the addition of part D to title III which authorizes grants to the States for nonmedical in-home services for frail older persons. These in-home services and programs serve as a preventive measure to enable older individuals to remain in their homes longer, instead of being institutionalized. This separate authorization further demonstrates the act's commitment to home-based social services and will help focus on new resources with regard to these types of services.

H.R. 1451 also reemphasizes the Older Americans Act's commitment to improve the quality of life of the elderly Native American. The bill authorizes the administration for Native Americans to award multiyear grants to those attempting to operate projects which require more than 1 year of funding. This will help to sidestep difficulties that arise when grantees' projects are unnecessarily impeded simply because they must reapply and compete yearly, which can significantly reduce the project's effectiveness.

Mr. Chairman, I urge my colleagues to vote in favor of this legislation and display Congress' strong support for our Nation's elderly, as well as remind them of their high standing on our list of legislative priorities in the 100th Congress.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia. [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding.

Mr. Chairman, the Older Americans Act is a crucial piece of legislation that is a major legislation for delivery of social services and nutritional services to our Nation's senior citizens, vitally important to those of us in West Virginia where we have one of the highest populations, per capita, of senior citizens in the country.

You do not have to drive very far, go very long without seeing the benefits of the Older Americans Act in our State. Visit a senior citizen center and see the joy that it brings to people who socialize and also see the very real nutritional benefits as people sometimes sit down to their only hot meal that they are going to have that day, and then have a chance to exchange information, both social as well as necessary information with their friends and neighbors. See somebody benefit from the Meals on Wheels Program, a program that brings meals to people who are homebound, cannot get out.

Visit those confined to their homes, homebound and see the importance of the home services to senior citizens.

This is what the Older Americans Act is all about. A significant part of this act is an amendment that was included in the Committee on Education and Labor that would authorize up to $25 million for a 1-year, one-time outreach effort to work through the State area agencies on aging to determine senior citizens eligible for either supplemental security income, SSI, Medicaid, or food stamps. We have studies that show that at least half, up to one half of the citizens who could be eligible for these programs are not receiving the benefits and are forced to live lives they would otherwise not have to live.

So for food stamps, Medicaid, and SSI this $25 million 1-year, one-time effort would reach out across the States and bring in those senior citizens who are being denied that which they are entitled to and which could make their last years much better ones.

I urge adoption of the Older Americans Act. It is an important bill for all senior citizens in this country.

The CHAIRMAN. The Chair would like to inform the gentleman from Michigan [Mr. KILDEE] that he has 1 minute remaining.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I rise in strong support of H.R. 1451, the Older Americans Act Amendments of 1987.

The Older Americans Act is one of the best and most effective Federal programs ever initiated by Congress. It provides a full range of programs and services to assist persons 60 or older to live independently in their own homes and helps remove barriers to economic and personal independence for our senior citizens.

I know that numerous older Americans have benefited from the nutrition programs, the homemaker services, the social services, the housing provisions of the act and from the employment opportunities made available. All of these elements are essential for maintaining and improving the quality of life for our elderly population. The programs under the Older Americans Act are sound investments and are working well.

Our vote to reauthorize the Older Americans Act reaffirms our commitment toward the well-being of this very deserving segment of our population, the elderly. H.R. 1451 is a needed measure which will continue to help the increasing numbers of senior citizens in this country. I urge my colleagues to support passage of H.R. 1451.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Let me first of all say that as a member of the Special Committee on Aging, and one who represents a rural district with a large number of senior citizens, I do not know of any program that has helped

my senior population any more than the Older Americans Act. But above and beyond that, the only other program that would even come close would be the Social Security system. It is that important to those senior citizens.

I urge unanimous support of the reauthorization.

Mr. HAWKINS. Mr. Chairman, I rise in strong support of the bill, H.R. 1451, the Older Americans Act Amendments of 1987.

This legislation reauthorizes the vital programs under the Older Americans Act for the next 4 years. Many elderly Americans and their families rely on these programs for nutrition services, health care, transportation, employment, and other essential services. These Older Americans Act programs enhance the quality of life for millions of the Nation's elderly.

The bill is a strong reauthorization proposal with bipartisan support. Chairman KILDEE and his subcommittee staff are to be commended for bringing this bill before us today.

Since it was created in 1965, the Older Americans Act has undergone extensive changes, which have resulted not only in expanding the programs under the act, but also in strengthening the act. Over the past 22 years, the act has been amended 11 times and each time it has been reauthorized overwhelmingly with strong bipartisan support.

In 1965, the Older Americans Act was created out of concern about the social and economic needs of older Americans. At that time, approximately 9.5 percent of the population was over 65. By the year 2030, more than 21 percent of the population will be over the age of 65.

As life expectancy increases to age 80 and above, the numbers of elderly who suffer from impairments will also increase. Because the committee is concerned about preventive action, the bill creates a new part D in title III which authorizes services for the frail elderly. Chairman KILDEE is to be commended for including this new provision in the reauthorization proposal as an alternative which will enable older individuals with functional impairments to remain in their homes instead of being institutionalized.

The Older Americans Act provides essential services to millions of Americans which enable them to maintain their independence and remain in their own homes. Many, many elderly depend on such essential services as the congregate or home delivered meals, health screening and education, special transportation, home repair, senior centers, and other supportive and social services provided by this act.

The act also provides part-time employment opportunities in community services activities for unemployed low-income persons under the community service employment programs. For more than two decades, I have been concerned about the employment needs of young and older Americans alike. I know how important a job can be to an elderly person who wants to retain a sense of self-worth. For many of the elderly, this program provide more than a paycheck, it provides a sense of usefulness. The Community Services Employment Program supports approximately 64,000 job slots. Participants are employed in a variety of community services activities including senior centers, health and home care, nutrition programs, and other services for the elderly.

The Community Service Employment Program is an effective program with a long history of benefiting not only many communities across the Nation, but also many older workers who are able to remain self sufficient.

I urge my colleagues to support H.R. 1451, to reauthorize the vital programs under the Older Americans Act for 4 more years.

Mr. PEPPER. Mr. Chairman, I rise in strong support of H.R. 1451, the Older Americans Act Amendment of 1987. I would like to commend my colleagues, the Honorable AUGUSTUS HAWKINS, distinguished chairman of the Committee on Education and Labor, the Honorable DALE KILDEE, chairman of the Human Resources Subcommittee of the Committee on Education and Labor, the Honorable MARIO BIAGGI of New York, the honorable EDWARD ROYBAL, chairman of the Select Committee on Aging, the Honorable DON BONKER, chairman of the Subcommittee on Housing and Consumer Affairs and the many other members of the Education and Labor Committee and the Select Committee on Aging, for the excellent work they have done in drafting this important legislation which means so much to so many people.

Mr. Chairman, the Older Americans Act, enacted by the Congress in 1965, has proved to be one of the country's most effective pieces of legislation. The act provides for a wide range of services and programs that fill the needs of older Americans in their own communities. From senior centers to nutrition centers, from employment opportunities for the low-income to home delivered meals for the homebound, Older American Act programs provide invaluable help to millions of senior citizens.

I am proud to have authored the nutrition program under the Older Americans Act. This year over 200 million meals will be served to the elderly in senior centers, nutrition centers, and their own homes. Before this program, thousands of seniors simply starved, forced to make the choice between paying for needed medical care, paying the rent and utilities, or eating. We must maintain and strengthen this program as well as the many other important elements of the act. I am happy to say that H.R. 1451 achieves this goal.

Mr. Chairman, several components of the bill before us deserve special commendation and support. First, H.R. 1451 greatly strengthens the Long-Term Care Ombudsman Program. These improvements, contained in legislation recently introduced by Congressman DON BONKER, myself, Congressman EDWARD ROYBAL and Congressman MARIO BIAGGI and based on the recommendations of the Landmark Institute of Medicine study, "Improving the quality of nursing homes," would greatly enhance the protections afforded our Nation's 1.5 million nursing home residents.

Second, I would like to commend the committee and particularly subcommittee chairman, the Honorable DALE KILDEE, for providing additional assistance to homebound elderly. This provision, which will provide additional home care services to frail and dependent elderly is greatly needed. I am pleased to see that the committee has also recognized the special needs of the victims of Alzheimer's disease and related disorders. I am hopeful that this Congress will take positive action on a comprehensive catastrophic health care plan that would meet the elderly's need for long-term care.

I am also pleased that the committee bill will require improved outreach services to make certain that the very need elderly receive the services to which they are entitled. The committee rejected an idea to test imposing costs on certain seniors to receive meals and other important services. I, too, strongly oppose this type of cost sharing requirement or any other form of means testing of these services. We simply cannot allow that to happen.

Finally, I would like to mention that I will be offering an amendment, with the support of many of my distinguished colleagues, to improve our efforts in combating what is truly a national tragedy—the abuse, neglect, and exploitation of our elderly people. Such assistance is greatly needed and long overdue.

I would again like to commend my colleagues for the excellent work they have done in formulating this legislation and urge its passage.

Mr. SMITH of Florida. Mr. Chairman, I rise in support of H.R. 1451, to extend the Older Americans Act for an additional 4 years. As a cosponsor of this bill, I recognize that programs authorized under this legislation play a vital role in the lives of our older Americans. The Older Americans Act is the major vehicle for the organization and delivery of social services to older people. Many of these services prevent the premature institutionalization of the growing number of frail senior citizens, allowing them to continue to live independently and participate actively in their communities.

Reauthorizing this legislation, which makes such a difference in the lives of our older Americans, would demonstrate that Congress continues to understand the needs of older Americans and the vital contributions that senior citizens have made and continue to make to our country. They are involved in projects to meet every type of our Nation's need, ranging from community beautification to athletic programs for youngsters.

Older Americans are the foundation of our Nation's contemporary life and reflect our past, present, and future. Now is the time to ensure that they remain such a positive force in our society. I urge my colleagues to support this measure.

Mrs. MORELLA. Mr. Chairman, I am pleased to join many of my colleagues in support of H.R. 1451, the Older Americans Act Amendments of 1987. I commend the chairman and members of the Committee on Education and Labor for their efforts to improve and strengthen the services provided to our elderly through programs in the Older Americans Act.

The legislation we are considering today increases funding for important nutrition services to the elderly, and expands in-home services to the frail, such as shopping, cooking, and other daily tasks, to allow these individuals to remain in their homes and avoid insti-

tutionalization. The bill provides a vital one-time outreach effort to ensure that eligible elderly are receiving necessary food stamp, medicaid, and SSI benefits. It also improves the coordination of programs for older Americans at the Federal, State, and local levels of government. Finally, the legislation places a greater emphasis on improving service delivery to the elderly and strengthens the Long-Term Care Ombudsman Program.

These additions to the Older Americans Act provide important initiatives for serving homebound elderly Americans, a growing part of our population. As a member of the Select Committee on Aging, I am very pleased with these improvements in our Federal services to the elderly, and I urge my colleagues to support H.R. 1451.

Ms. OAKAR. Mr. Chairman, I rise in strong support of H.R. 1451, a bill which authorizes appropriations of the Older Americans Act of 1965 for fiscal years 1988 through 1991. The Older Americans Act is the primary vehicle for the organization and delivery of social nutrition services to senior citizens, and for the development of community service employment opportunities for low-income elderly. H.R. 1451, of which I am a cosponsor, creates a new part D in title III authorizing funds for in-home services to the frail elderly, a new part E authorizing funds for special needs, a separate authorization for the Long-Term Care Ombudsman Program and authorizes a White House Conference on Aging in 1991. Each new proposal to the OAA will continue to play a vital role to the success of the act and the implementation of its programs in each State.

Today's senior citizens built this Nation and shaped our society. They are our parents, our grandparents, our living history, for all their contributions, they deserve our respect. For the social contracts they've entered into, they are entitled to our support. And, for the sake of equity and justice, we owe it to them to preserve the important programs that serve them, so that no American need fear of growing old.

Older Americans have special needs that must be met. Whether they live in neighborhoods, or in senior citizens' centers, the elderly find it difficult to maintain a high quality of life that they had hoped for during their retirement.

My district contains the second largest population of seniors 65 and older, in the State of Ohio. So, you can imagine how integral and important this act is to my constituents and to me.

Mr. Chairman, I would like to make a number of points that are quite important to the new proposals made to the Older Americans Act. The bill proposes the expansion of nonmedical services for frail elderly individuals under the Older Americans Act, including victims of Alzheimer's disease and other neurological and organic brain disorders and their families. These in-home services are intended as a preventive measure to enable older individuals with functional difficulties to remain in their homes instead of being institutionalized.

H.R. 1451 adds a new part D to title III, authorizing grants to States for nonmedical in-home services for frail older persons. These services include assistance in areas such as bathing, dressing, eating, mobility, or performance of daily duties such as shopping, cooking, cleaning, or managing money. In-home respite care for families and visiting and telephone reassurance are additional examples of allowance services. This new proposal is necessary in order to expand the act's commitment to home-based social services and focus new resources in this area.

Programs such as Medicare and Medicaid support a range of in-home services for the functionally impaired elderly. However, these programs, as currently structured, are limited in their ability to respond to the social service needs of the chronically impaired elderly. Many frail elderly persons who are not poor enough to qualify for Medicaid and who do not meet the Medicare's medical related criteria need in-home services to live independently. Older American Act services are targeted strictly on the elderly and may be provided without the health-related restrictions of Medicare and without the income tests of Medicaid.

Also included in the bill is a new part E in title III, which authorizes the Commissioner on Aging to make grants to States to assist them in meeting special needs of older individuals. New resources provided through part E are unearmarked, giving the States maximum flexibility and discretion in their use. Allowance activities include those which would advance the goals and objectives of the act for a State's senior citizens. Under the terms of this bill, $25 million is authorized to be appropriated annually of fiscal years 1988 and 1989 and such sums in fiscal years 1990 and 1991.

Mr. Chairman, the State of Ohio received over $30 million for fiscal year 1987 specified by the allotment of the Older Americans Act. These title III allotments have contributed to supportive services, congregate nutrition services, and home-delivered nutrition services. I know that the seniors in my district benefited tremendously to the services that were available to them through this act. By providing services to these elderly citizens, at the Federal and State levels, the elderly will get the support they need and younger Americans will be able to experience firsthand the knowledge and wisdom that older Americans can give.

Mr. MANTON. Mr. Chairman, I rise today in strong support of H.R. 1451, the Older Americans Act Amendments of 1987. As a member of the Select Committee on Aging and a cosponsor of H.R. 1451, I urge my colleagues to join me in supporting this important legislation. H.R. 1451 reauthorizes the Older Americans Act and authorizes several new programs which are responsive to the needs of our senior citizens.

The Older Americans Act is the major vehicle for the organization and delivery of social and nutrition services to our Nation's seniors. The Older Americans Act was first enacted in 1965 and its programs, including supportive services and senior centers, congregate and home delivered meals, and the Community Service Employment Program, have helped to improve the lives of millions of seniors. H.R. 1451 reauthorizes these successful programs through fiscal year 1991.

The Committee on Education and Labor has also created a new part D in title III which authorizes funds for in-home services to the frail elderly. Part D expands nonmedical services for these individuals. These in-home services can include assistance for bathing, eating, mobility, shopping, cooking, cleaning, and money management. Providing assistance for these important day-to-day activities will make it possible for many seniors who have functional difficulties to remain in their own homes.

The bill also contains a specific authorization for ombudsman programs in nursing homes and other long-term care facilities. The Ombudsman programs are specifically targeted to meet the needs of long-term care facility residents. Furthermore, H.R. 1451 provides for a one-time outreach effort to ensure that low-income seniors are aware of other Federal program benefits for which they may be eligible.

Mr. Chairman, our Nation's seniors are responsible for the continuing strength of our Nation. They deserve the right to enjoy the fruits of their labors. Legislation before us today helps to ensure that older Americans can live their lives with dignity, freedom, and independence. I commend the Committee on Education and Labor for their excellent work on this legislation and urge my colleagues to support it.

Mr. SAWYER. Mr. Chairman, I rise in strong support of H.R. 1451, which reauthorizes the Older Americans Act.

The Subcommittee on Human Resources heard testimony from numerous persons and organizations, and one theme ran constant—this act is vitally important to millions of Americans in this country, providing services which may help many older Americans enjoy their retirement years. The programs authorized under the act have been very effective, and participating levels continue to remain extremely high. Moreover, services such as home-delivered meals, homemaker services, transportation, and work opportunities are vital to many older persons who would otherwise be unable to conduct productive, normal lives.

I want to commend Chairman HAWKINS for his fine work in moving this legislation, and to Chairman KILDEE for his superb efforts toward attaining his heartfelt goal of helping older Americans live their lives gracefully and with dignity. I know we all share this dream with him, and it has been a pleasure and an honor to work with him on this legislation.

In addition to strengthening existing programs and creating a new program for the frail elderly, our report language has given the Area Agencies on Aging guidance in developing their area plans, urging them to coordinate with various State and local groups which represent the needs of handicapped and disease-stricken elderly.

For example, in my district Dr. Ruth Roberts of the University of Akron runs a project called "Community Access for the Elderly Mentally Retarded Persons," which strives to include elderly retarded persons in the mainstream of services for all aged individuals. Dr. Roberts has been able to fund some of the activities in her program through titles IV and V of the act, specifically to hire and train persons to work wtih the older retarded individuals.

If you've ever seen any of the Older Americans Act programs in action in your district, you know that the joy and assistance they bring to our elderly citizens are immeasurea-

ble. I strongly support this reauthorization and urge my colleagues to support it as well.

Mr. FAZIO. Mr. Chairman, as a cosponsor of H.R. 1451, the Older Americans Act Amendments of 1987, I strongly urge the support of my colleagues for this important measure.

The Older Americans Act and the programs which comprise it have been instrumental in allowing a number of older Americans the opportunity to maintain their independence through the services it provides. Although many seniors may receive services under a multiplicity of their Federal programs, the Older Americans Act is the major vehicle for the organization and delivery of social services to seniors and is a proven success in meeting many of their needs.

H.R. 1451 reauthorizes all of the current Older American Act programs, including supportive services; congregate and home-delivered meals; the Community Service Employment Program; training, research, and demonstration grants; and Indian Elderly Programs. In general, the measure increases the authorization for these programs by 5 percent each year through fiscal year 1991. In addition, the measure authorizes several new programs.

Under one such new program, States would be eligible for grants for nonmedical in-home services for frail seniors to assist them with such daily activities as bathing or shopping. The availability of this program will enable many older individuals with functional disabilities the opportunity to remain in their homes instead of being institutionalized.

Another important program included in H.R. 1451 would make certain adult day care centers eligible for USDA meal assistance. The approximately 1,300 adult day care centers nationwide generally provide services which allows certain senior citizens the opportunity to remain in their communities. Over two-thirds of the participants are women whose incomes average $458 per month, which is well below the poverty line. The expansion of the program to disabled adults utilizing adult day care centers should help to provide them with more nutritious meals.

Another important program included in H.R. 1451 is the Community Service Jobs Program that provides part-time jobs for unemployed low-income persons 55 years and over. This program has been especially important to a number of seniors in my congressional district. The California unit of Green Thumb, Inc., which administers this program in a number of rural northern and central California communities, including some in my district, has been instrumental in reaching and meeting the needs of rural seniors. Many Green Thumb workers find that they no longer have to rely on public assistance as a result of the modest supplement to their income provided by Green Thumb wages.

With the population over age 65 steadily increasing, the demand for social services for senior Americans is expected to grow. Approval of H.R. 1451 will allow us to continue to provide assistance to seniors who otherwise might be isolated and removed from vital social services. Approval will demonstrate the Federal commitment to these important citizens as well as provide them the opportunity to preserve their independence.

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

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

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLAND), having assumed the chair, Mr. FLIPPO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1451.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1451, OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-109) on the resolution (H. Res. 175) providing for the further consideration of the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## SUIT TO DECLARE BOLAND AMENDMENT UNCONSTITUTIONAL

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

Mr. DORNAN of California. Mr. Speaker, the Boland amendments and the discussions which are surrounding it which are here in Washington and around our country, thanks to the electronic media, is, I believe, an unconstitutional common law that infringes upon the constitutional duties given to our Commander in Chief.

This Boland amendment has placed the President of the United States in an untenable position of having to choose between obeying the law or upholding our Constitution.

To do something about it, the gentleman from Indiana, Congressman DAN BURTON, and the gentleman from New York, Mr. SOLOMON, the gentleman from California, Mr. BADHAM, and myself have decided to sue to prove the unconstitutionality of the Boland amendments.

The suit has been designated Civil Action 87-1414. It was filed yesterday. It has been assigned to U.S. District Judge Gerhard Gesell.

What we are seeking is to relieve from voluntary compliance the White House, the Department of Defense, or the Department of State, and I am quoting from our suit now, "with unreasonable restrictions imposed by Congress" on the President's "freely exercised discretion under article II to support" the democratic resistance in Central America.

It requests a judgment enjoining the President and his agents from further compliance with such "Boland-type" restrictions.

[In the U.S. District Court for the District of Columbia, Civil Action No. 87-1414, May 26, 1987]

U.S. CONGRESSMAN ROBERT K. DORNAN, 301 CANNON HOUSE OFFICE BUILDING, WASHINGTON, DC 20510; U.S. CONGRESSMAN DAN BURTON, 120 CANNON HOUSE OFFICE BUILDING, WASHINGTON, DC 20510; PLAINTIFFS *v.* U.S. SECRETARY OF DEFENSE, THE PENTAGON, WASHINGTON, DC 20301; U.S. SECRETARY OF STATE, 2201 C STREET NW., WASHINGTON, DC 20503; DIRECTOR, CENTRAL INTELLIGENCE AGENCY, CENTRAL INTELLIGENCE AGENCY HEADQUARTERS, WASHINGTON, DC 20505; RONALD W. REAGAN, 1600 PENNSYLVANIA AVENUE, NW., WASHINGTON, DC 20500; DEFENDANTS.

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTION

1. Plaintiffs allege:

This case arises under Article II, Section 1(7) and Article II, Section 1(1) of the United States Constitution and Sections 206-209, Title II of the Military Construction Appropriations Act, 1987, incorporated in the further continuing resolution for FY 1987 (Public Law 99-500); Section FY 1987 (Public Law 99-569); Section 9045 of the Department of Defense Appropriations Act, 1987 incorporated in the further continuing resolution for FY 1987 (Public Law 99-500); Section 1351(a) of the National Defense Authorization Act, 1987; and Section 722 (d) and (e) and International Security and Development Co-Operation Act of 1985 (Public Law 99-83) and is an actual controversy within the meaning of 28 U.S.C. 2201 as appears more fully herein.

2. The matter in controversy exceeds, excluding interest and costs, the sum of $10,000.

3. Plaintiffs Dornan and Burton are duly elected members of the U.S. House of Representatives and its Foreign Affairs Committee. Congressman Dornan represents the 38th Congressional District of California. Congressman Burton represents the 6th Congressional District of Indiana.

4. Defendants U.S. Secretary of Defense, Secretary of State, and Central Intelligence Agency Director are agents of the President

and officers within their respective Departments of the U.S. Government.

5. Ronald W. Reagan, President of the United States, is the official constitutionally bound to "faithfully execute the office of President" and to "preserve, protect and defend the Constitution of the United States." (Article II, Section 1, Clause (7)).

6. Plaintiffs allege as material facts the matters set forth in paragraphs 6 through 16 herein:

7. The following statutory provision adopted by Congress unreasonably nullify President Reagan's duly established determination as commander-in-chief by restricting United States Government support for paramilitary operations in Nicaragua:

(a) Title II of the Military Construction Appropriations Act, 1987, incorporated in the further continuing resolution for FY 1987, (Public Law 99-500) (restrictions concerning $100 million program of aid to the Nicaraguan resistance);

(b) Section 106 of the Intelligence Authorization Act for Fiscal Yar 1987 (Public Law 99-569) (restrictions concerning Central Intelligence Agency, Department of Defense, and other intelligence agency or entity support for paramilitary operations in Nicaragua during FY 1987);

(c) Section 9045 of the Department of Defense Appropriations Act, 1987 incorporated in the further continuing resolution for FY 1987 (Public Law 99-500) (restrictions concerning Central Intelligence Agency, Department of Defense and other intelligence agency or entity support for Nicaraguan democratic resistance during FY 1987);

(d) Section 1351(a) of the National Defense Authorization Act, 1987, (restrictions on use of certain appropriation accounts to assist Nicaraguan democratic resistance);

(e) Section 722(d), International Security and Development Cooperation Act of 1985 (Public Law 99-83) (restrictions on use of certain foreign aid funds to assist any person or group in rebellion against government of Nicaragua).

8. Section 203 (e) of the Military Construction Act, 1987 (Public Law 99-500) prohibits any member of the U.S. armed forces from engaging in combat against the government of Nicaragua and is an unreasonable restriction on the constitutional right, duty, and responsibility of the President and his agents faithfully to execute the office of President of the United States and preserve, protect and defend the Constitution in his capacity as commander-in-chief of the army and navy of the United States.

9. Section 106 of the Intelligence Authorization Act, 1987 (Public Law 99-569) restricts the CIA, Department of Defense, or any other agency or entity of the U.S. involved in intelligence activities from providing funds, material or other assistance to "the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua" and thus unreasonably interferes with the President's established national defense determination in accordance with his constitutional obligation to defend America from the Soviet/Cuban threat in Central America is referred to in paragraph 8 above.

10. Section 9045 of the Department of Defense Appropriations Act, 1987, (Public Law 99-500) similarly restricts the CIA, Defense Department, or "any other agency or entity of the United States" from providing funds, materiel or other assistance "to the Nicaraguan democratic resistance" and thus unreasonably limits the right and duty of the President and his agents who are defendants herein from freely exercising their unrestricted best good faith judgment and discretion as to how, where, when and in what manner the President will meet the Soviet threat in Central America in carrying out his constitutional obligations under Article II, Section I (7) and Article II, Section 2 (1) of the U.S. Constitution.

11. Section 106 of the Intelligence Authorization Act, 1987 (Public Law 99-569) and Section 9045 of the Defense Department Appropriations Act, 1987 (Public Law 99-500) unreasonably restrict the Defense Department, Central Intelligence Agency, and other U.S. intelligence agencies and entities from providing assistance to the Nicaraguan resistance to support paramilitary operations, thus interfering unreasonably with the right and duty of the President and his agents to continue exercising their sound and unfettered judgment and discretion in meeting their Article II constitutional duties as referred to herein above in paragraphs 7 through 10.

12. The President has publicly announced and, until the above actions by Congress, pursued and executed a national defense policy of support for and assistance to paramilitary and military operations of democratic resistance forces in Nicaragua opposing the Soviet and Cuban backed campaign of the Sandinistas to "Sovietize" Nicaragua and establish a Soviet military base there similar to that in Cuba.

13. By voluntarily observing the above pattern of "Boland Amendment" type (Public Law 99-377, December 21, 1982) limitations on his official national defense policy in Nicaragua, the President has unreasonably abdicated his duly adopted program of support for paramilitary operations in Nicaragua opposing a Soviet-backed takeover of that country in favor of a legislative judgment by Congress overriding his "contra" policy and substituting a Congressional policy of restrictions on such support.

14. By acquiesing in the above alleged unreasonable legislative restrictions on his executive judgment the President and his agents have abdicated in substantial part the President's obligations to continue to exercise his best judgment as commander-in-chief of the armed forces, and carry out his officially determined national defense policy of support for the "contra" forces opposing Sovietization of Nicaragua and thereby deprived plaintiffs Congressman Robert K. Dornan (38th Congressional District, California) and Congressman Dan Burton (6th Congressional District, Indiana) of their right and duty under Article I of the Constitution to participate and vote as individual and collegial members of Congress, representing the constituents in their Congressional districts, on legislative proposals supporting the President in meeting his constitutional right and duty to enforce his policy, not that of Congress, to oppose Soviet/Sandinista control of Nicaragua, and such related matters as regulation of foreign commerce, raising and supporting armies, defining and punishing offenses against the law of nations, providing and maintaining a navy and making rules concerning captures on land and water, and laws necessary and proper for carrying into execution the foregoing powers in support of the President's Nicaragua policy.

Wherefore, plaintiffs request a judgment of this court declaring that voluntary compliance by the President and his agents with unreasonable restrictions imposed by Congress on his freely exercised discretion under Article II to support the "contras" is an unconstitutional abdication of duty and responsibility, and further request a judgment enjoining the President and his agents named as defendents herein from further abdication of said duty, and such other relief as to the court seems meet and proper.

Respectfully submitted,

CARL L. SHIPLEY
MARION H. SMOAK

## PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, because of an illness that required a brief hospitalization, I was unable to attend the session of the House on Wednesday, May 20. I ask unanimous consent to insert this statement concerning how I would have voted in the permanent RECORD for that day.

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

There was no objection.

Mr. BRUCE. Mr. Speaker, because of an illness that required a brief hospitalization, I was unable to attend the session of the House on Wednesday, May 20.

If I had been present:

On rollcall No. 134, on voting to approve the Journal, I would have voted "yea."

On rollcall No. 135, the Mrazek and Brennan amendment to bar military maneuvers by U.S. forces in Honduras or Costa Rica from being conducted within 20 miles of the Nicaraguan border, I would have voted "yea."

On rollcall No. 136, the Boxer amendment to require the President to certify to Congress that facilities constructed as part of any U.S. military exercise in Central America will not be used in support of the Contras unless specifically authorized by Congress, I would have voted "yea."

On rollcall No. 137, the Foglietta amendment to delete $4.1 million for military construction in Honduras, I would have voted "yea."

On rollcall No. 138, the Davis amendment to express the sense of Congress that the President should withdraw recognition of the current Nicaraguan Government and recognize the Contras as the legitimate government, I would have voted "nay."

On rollcall No. 139, the separate vote on the Lujan amendment, I would have voted "nay."

On rollcall No. 140, on the motion to recommit, I would have voted "nay."

On rollcall No. 141, on final passage, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, because of an illness that required a brief hospitalization, I was unable to attend the session of the House on Tuesday, May 19. I ask unanimous consent to be excused for that absence and to insert this statement concerning how I would

have voted in the permanent RECORD for that day.

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

There was no objection.

Mr. BRUCE. Mr. Speaker, because of an illness that required a brief hospitalization, I was unable to attend the session of the House on Tuesday, May 19.

If I had been present:

On rollcall No. 127, on voting to approve the Journal, I would have voted "yea."

On rollcall No. 128, the Brown and Coughlin amendment to bar the testing of Asat's against objects in space, I would have voted "yea."

On rollcall No. 129, the Aspin amendment to prohibit the withdrawal of existing unitary chemical weapons from Europe, I would have voted "yea."

On rollcall No. 130, the Fascell amendment to prohibit use of funds for the final assembly of binary chemical weapons, I would have voted "yea."

On rollcall No. 131, a quorum call, I would have voted "present."

On rollcall No. 132, the Broomfield amendment to permit nuclear tests with a yield greater than 1 kiloton, I would have voted "nay."

On rollcall No. 133, the Schroeder and Gephardt amendment to prohibit the use of fiscal year 1988 funds for conducting nuclear tests with a yield greater than 1 kiloton, I would have voted "yea."

## PERSIAN GULF POLICY

The SPEAKER pro tempore (Mrs. BYRON). Under a previous order of the House, the gentleman from New York [Mr. GREEN] is recognized for 5 minutes.

Mr. GREEN. Madam Speaker, in the wake of the U.S.S. *Stark* tragedy, I strongly feel that the United States must examine its role and its obligations in the Persian Gulf. At the same time, I believe such an examination must include the role of other nations in this region, particularly European countries, Japan, and Saudi Arabia.

Protection of the free world's supply of Mideast oil has been an important part of American policy under both the Carter and Reagan administrations. I regret the failure of the Reagan administration to pursue efforts to reduce dependence on Mideast oil, and have sought to preserve those efforts in the face of the administration's indifference. In the HUD and Independent Agencies Appropriations Subcommittee, I have fought to keep alive the Solar Energy and Energy Conservation Bank in the face of administration efforts to defund it. However, it is a fact that the free world is dependent on Mideast oil.

Thus, it is critical that we prevent Iranian efforts to stop the flow of that oil, and it is appropriate that American naval vessels and aircraft participate in that effort. Nonetheless, certain principles should undergird any such action:

First. While oil is a largely fungible product, so that any reduction of world supplies affects the United States adversely, it should also be noted that the United States actually derives only 6 percent of its oil from the Persian Gulf. Thus, in the short run, though an interruption of supplies may drive up the price of Mexican and Venezuelan oil to the United States, we share the pain of short supply, as opposed to higher prices, only because of our agreements with the European countries and Japan to do so. In turn, they have an implicit obligation, by their participation in the International Energy Agreement, to assist us in maintaining the flow of Mideast oil.

The cost of maintaining a sufficient U.S. presence in and about the Persian Gulf will be considerable. In addition, our efforts may involve landing rights in Europe as well as drawdown of military supplies we have there for NATO. We have a right to ask Europe and Japan to share the burden of our efforts to keep the supply of Mideast oil flowing. If they refuse, then we should withdraw from our agreements with them to share supplies should Mideast oil be cut off.

Second, Saudi Arabia and the other Mideast countries that have been opposing Iran's efforts to interdict Mideast oil supplies and that derive the bulk of their revenues from oil exports also have a vital interest in the United States effort to assure the flow of Mideast oil. Such Mideast nations, with their obvious economic interest in oil exports, should be expected to contribute to the costs of our efforts to keep their exports flowing.

Moreover, the failure of Saudi Arabia to use United States supplied aircraft to assist the U.S.S. *Stark,* when requested to do so by the United States, with the resultant tragic loss of life of American Servicemen, must be roundly condemned. Surely it must lead us to question why we are supplying arms to the Saudis.

In summary, the U.S. interest in the Persian Gulf is not to "show the flag." It has very specific economic purposes. The economic risks of a halt to Mideast oil flows apply even more severely to Europe, Japan, and the Mideast oil exporters themselves than to the United States. While we have reason to protect the flow of Mideast oil, we have every reason to expect Europe, Japan, and the Mideast oil exporters to share fully with us the cost of that protection.

## ESTABLISHMENT OF OUTPATIENT MEDICAL CARE AT THE VETERANS OUTREACH CENTER IN MARINA, CA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise today to introduce a bill to provide outpatient medical services at the Vietnam-era veterans outreach center in Marina; CA. Presently, the outreach center provides psychological services to help Vietnam veterans readjust to civilian life. The Center has been very successful in providing these services, however there is a great need for expanded services in this area. Marina, CA, is located centrally between Monterey and Santa Cruz Counties and is adjacent to Fort Ord. The center in Marina is capable of providing services to the 22,000 veterans in Santa Cruz Country, as well as, the over 35,000 who reside in Monterey County. This large veteran population is very remote from the closest VA facility, the medical center at Palo Alto, making it very difficult for many veterans to obtain VA health care, particularly elderly and disabled veterans. Further, as you know on April 13 of this year the VA changed the regulations for reimbursement of travel expenses to VA medical facilities. It is becoming increasingly difficult for veterans to receive the medical services to which they are entitled.

The establishment of outpatient medical care would help take the burden off both the veterans who reside in Monterey and Santa Cruz Counties and the Palo Alto Medical Center. This legislation would provide for the establishment of prehospital assessments, prescription renewal service, prescreening for hypertension, diabetes, cancer, alcohol/drug dependency, followup care for veterans, and general medical counseling.

The cost of providing these services would be minimal. Presently, the outreach center has three unoccupied rooms where the medical treatment could be housed. The cost would come only in providing a doctor for the facility. However, cost can be justified by the savings that would occur in the reduction of trips made to the center in Palo Alto.

I urge my colleagues to support this legislation so that these much needed services can be provided at an already established center that is easily accessible to over 57,000 veterans. And in addition would cut down on the burden presently endured by veterans who must travel to Palo Alto and also to reduce the travel reimbursements that the VA provides to veterans for services that are easily dispensed at the outreach center.

We cannot turn our backs on the promises that were made to these veterans when they entered the military. In my view, the most expensive of weapon systems is of little avail to us without competent, highly motivated service people. Unless we are willing to stand by our past commitment to those who have served our country, I am afraid we will do irreparable damage to our present active forces. Thus, not only from a moral standpoint, but from a practical standpoint as well, it is essential that we stand by those who have served in our Nation's defense. The establishment of outpatient medical care at the Marina outreach center will allow the VA to provide these necessary services and not create an unmanageable situation for veterans of Monterey and Santa Cruz Counties to receive all the benefits to which they are entitled.

H.R. 2526

A bill to direct the Administrator of Veterans' Affairs to provide certain health-care services at the Vietnam Veterans Outreach Center in Marina, California

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

SECTION 1. PROVISION OF HEALTH CARE SERVICES AT THE VIETNAM VETERANS OUTREACH CENTER IN MARINA, CALIFORNIA.

The Administrator of Veterans' Affairs shall direct that the excess capacity at the Vietnam Veterans Outreach Center in Marina, California, be used to provide the following outpatient health care services to veterans eligible for such services under chapter 17 of title 38, United States Code:

(1) Pre-hospital admission assessments.

(2) Pre-screening for hypertension, diabetes, cancer, and alcohol or drug dependency.

(3) Follow-up services for inpatient care.

(4) Medical consultations.

(5) Prescription renewal services.

(6) Laboratory services (to be provided through contracted laboratory facilities).

## TAX REDUCTIONS, NOT TAX INCREASES, GAIN POPULARITY INTERNATIONALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Madam Speaker, as the congressional leadership dashed to drop an $18 billion tax burden on the shoulders of hardworking Americans, I hope my colleagues will consider startling news from across the Atlantic. The Government of Sweden, long Europe's principal bastion of democratic socialism, may soon forswear the gospel of high taxes.

For decades, Stockholm has legislated the free world's highest tax rate to subsidize a panoply of social services. A Swedish worker who receives a salary of $35,000 per year must pay an income tax rate of 78 percent.

The May 12 edition of the New York Times reported that Sweden's Finance Minister, Kjell Olof Feldt, has proposed a radical program of tax reform that includes a lowering of rates, a broadening of the tax base, and simplification of tax requirements. "The very high level of progressive taxation just doesn't work," Mr. Feldt told the Times. "The Social Democratic Party (of Sweden) has to recognize that high taxes, which reduce efficiency and stimulate inflation, slowdown growth and ultimately undermine social equity." Other Swedish critics of high taxes have expressed their concern over the emigration of talented individuals and prosperous companies in order to avoid Sweden's tax rates. "IKEA," the Times notes, "Sweden's most rapidly expanding retail chain, has moved its headquarters to Denmark for tax reasons, and a large community of wealthy Swedes lives in Britain. One of them is Erik Penser, one of the most successful and influential individual investors in Swedish corporations. Swedish tennis stars routinely move to Britain or Monte Carlo as soon as they begin to pile up large earnings on the international circuit."

Additional complications generated by the present tax system include widespread tax dodging and the growth of an underground economy. Nils Lundgren, senior economist at one of Sweden's largest banks, told the Times that tax avoidances has become a favorite topic at dinner parties and over cocktails. Mr. Roger Akelius became a best-selling author in Sweden thanks to his helpful tips on the best ways to escape from tax obligations. Finally, Swedish analysts estimate that underground economic activity constitutes as much as 20 percent of the gross national product.

The Times' article observes that tax reduction has gained popularity in other industrialized countries, such as Australia, New Zealand, and Britain. The affinity of both Conservative and Socialist governments for tax cuts is significant. "Some economists," the Times reports, "suggest that tax systems have life cycles and what is occurring around the world today is the death of the postwar generation of tax structures."

Madam Speaker, I find it distressing that some Members of this body seem more wedded to the failed tax policies of the past than even the most committed Socialists of Europe. Not satisfied with the mammoth $77 billion a year increases in income taxes mandated by current law for the next 5 years, the House leadership now demands billions more from the pocketbooks of American taxpayers. Most dispiriting of all, these same leaders proclaim that Americans must accept higher taxes in order to combat the deficit. Yet a new study by economist Chris Frenze and Profs. Lowell Galloway and Richard Vedder of Ohio University for the Joint Economic Committee demonstrates that such claims have no basis in historical experience. From 1966 to 1972, these scholars observe, the average tax rate was 17.25 percent. It rose to 18.48 percent during the 1972-79 period, and then jumped again during the 1980-86 timeframe to 19.80 percent. Yet the Federal deficit's share of the gross national product ballooned during these two decades. On average, the percentage of the gross national product stood at 0.92 percent from 1966 to 1972. During the 1980 to 1986 period, however, the deficit's share of the GNP quadrupled to 4.06 percent. Messrs. Galloway, Vedder, and Frenze rightly conclude on the basis of this data that the use of taxes to combat the deficit has no empirical justification. In fact, their own econometric research shows that in the postwar era, each dollar of additional taxes has generated $1.58 in additional spending.

Mr. Speaker, it's bad enough that some Socialist governments appear to have a more modern vision of the economics of high taxes than the U.S. Congress. It's bad enough that the congressional thirst for taxation will ruin the financial planning and aspirations of millions of Americans. But the use of tax increases for counterproductive ends brings the absurdity of current fiscal initiatives from Capitol Hill to intolerable levels. I hope that the Congress will defuse the multibillion-dollar tax bomb before it levels both economic growth and hopes for fiscal solvency.

## TRIBUTE TO DR. ARTHUR SACKLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Madam Speaker, this morning's newspapers carried the sad news of the death yesterday in New York City of Dr. Arthur Sackler.

While he may not have been a well-known figure to the American public, Dr. Sackler was a man possessed of uncommon generosity and an extraordinary desire to share the treasures of other cultures with all people.

He was one of the world's foremost collectors of Asian art. But rather than restricting access to the priceless objects in his collections, he made it his life's work to ensure that they could be widely seen and enjoyed.

Educational institutions in my own State of Massachusetts benefited from Dr. Sackler's beneficence, as did many others throughout the country.

This fall, in Washington, the Smithsonian Institution will open the splendid Sackler Gallery of the Quadrangle Museum of Asian and African Art.

The quadrangle project, which my colleagues have heard discussed in recent years in the context of various appropriations bills, will be another gem on the Mall.

While funding for the quadrangle came from many sources, including Congress, I think it is safe to say that it would not be nearing completion today without the active interest and financial support of Dr. Sackler.

Dr. Sackler will not be present when the facility is dedicated.

But his spirit and example will forever live in the Sackler Gallery and throughout the quadrangle.

The Smithsonian has as its purpose the increase and diffusion of knowledge.

Dr. Sackler's life embodied that mission.

I know I speak for the other members of the Smithsonian's Board of Regents in extending sincere condolences to his family on his passing.

[From the New York Times, May 27, 1987]

DR. ARTHUR SACKLER DIES AT 73; PHILANTHROPIST AND ART PATRON

(By Grace Glueck)

Dr. Arthur M. Sackler, a research psychiatrist, entrepreneur and philanthropist who became one of this country's leading art collectors and patrons, died of a heart attack yesterday at Columbia-Presbyterian Medical

Center. He was 73 years old and lived in Manhattan.

Dr. Sackler's collecting ranged over many cultures, from China and India to the Middle East; from pre-Columbian and Renaissance periods through the School of Paris. His holding numbered in the tens of thousands.

The physican, who made his fortune in medical advertising, medical trade publications and the manufacture of over-the-counter drugs, gave much of the art away, along with museums and galleries to house it. His latest benefaction is the Arthur M. Sackler Gallery at the Smithsonian Institution, a museum of Asian and Near Eastern art based on the gift of 1,000 items from his collections and a contribution of $4 million. The museum is to open in Washington next September.

BENEFACTOR TO HARVARD

Dr. Sackler was also the principal donor of the museum at Harvard that opened two years ago bearing his name, built to contain works from Asia, the Middle East and the Mediterranean. With his brothers, Raymond and Mortimer, he helped to finance the construction and installation of the Sackler Wing at the Metropolitan Museum of Art, which houses the Temple of Dendur and the Met's new Japanese galleries. And last September, he attended ground-breaking cermonies for the Arthur M. Sackler Museum on the grounds of Beijing University; an archaeological facility supported by Dr. Sackler and his wife, Jill, it will also teach museology to students.

The sciences and humanities also benefited from Dr. Sackler's largess. Contributions of more than $2 million to Long Island University, where he established a laboratory for therapeutic research at the school of pharmacy made him one of the largest donors to that institution. An $8 million contribution to Clark University in Worcester, Mass., helped to establish the Arthur M. Sackler Sciences Center there. And with his brothers, he helped set up biomedical institutions at Tufts University and New York University, as well as the Sackler School of Medicine in Tel Aviv.

MORE THAN 140 RESEARCH PAPERS

Known in the scientific field as a pioneer in biological psychiatry, Dr. Sackler published, with his physician brothers and other collaborators, more than 140 research papers, most dealing with how alterations in bodily function could affect mental illness.

He was the first to use ultrasound for medical diagnosis, and among other pioneering activities, identified histamine as a hormone and called attention to the importance of receptor sites, important in medical theory today.

His art interests were eclectic, and he preferred the purchase of entire collections to that of individual pieces. He liked to think himself as "more of a curator than a collector."

"I collect as a biologist," he once said. "to really understand a civilization, a society, you must have a large enough corpus of data. You can't know 20th-century art by looking only at Picassos and Henry Moores."

STUDIES AT N.Y.U.

Dr. Sackler, born in Brooklyn on Aug. 22, 1913, to Isaac and Sophie Sackler, took a premedical course at New York University. He also studied art history at N.Y.U. and at the Cooper Union. To finance his medical studies at N.Y.U. he joined the William Douglas MacAdams advertising agency, a medical advertising concern, and eventually became its principal owner.

In 1960, he began publication of Medical Tribune, a biweekly newspaper for doctors, which expanded into an international publishing organization with offices in 11 countries. In 1958, he founded the Laboratories for Therapeutic Research, a nonprofit basic research center at the Brooklyn College of Pharmacy of Long island University, and served as its director until 1983. With his two brothers, Dr. Sackler also had an interest in the Purdue-Frederick drug company.

Dr. Sackler's art collecting began in the mid-1940's. Picking his way from field to field, he went from pre-Renaissance to post-impressionism to the School of Paris, and also supported contemporary American painters.

He made the acquaintance of Oriental art by happening on a small Chinese table at a cabinetmaker's. "I came to realize that here was an esthetic not commonly appreciated or understood," he said.

Later, advised in the Chinese paintings field by the chairman of the Metropolitan Museum's Far Eastern department, Wen Fong, and in other areas by trusted dealers, he wound up with what Mr. Fong has called "by far the largest and most important collection of ancient Chinese art in the world."

His collection became a subject of controversy at the Metropolitan Museum, which had provided him in the 1960's with a small enclave that housed thousands of the Chinese works.

Material from the enclave was to be used for an exhibition of masterpieces from the Sackler. But, though discussed by him and the Met for years, the show never took place.

Dr. Sackler is survived by his wife; his two brothers, both of New York; and four children: Dr. Carol Master of Boston; Elizabeth Sackler and Arthur F. Sackler, both of New York, and Denise Marica of Venice, Calif., and seven grandchildren.

□ 1705

## UKRAINIAN HUMAN RIGHTS AWARENESS DAYS

The SPEAKER pro tempore (Mrs. BYRON). Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 60 minutes.

Mr. GILMAN. Madam Speaker, I rise to call to the attention of my colleagues the plight of ethnic Ukrainians living in the Soviet Union, whose rights are endangered by Communist ideology and suffocation by the domination of the Government of the U.S.S.R.

Madam Speaker, I have taken this special order today in observance of "Ukrainian Human Rights Awareness Days," established by the Ukrainian Human Rights Committee of Philadelphia, PA, and also by the Congressional Ad Hoc Committee on the Baltic States and the Ukraine, chaired by the gentleman from Pennsylvania [Mr. RITTER] and the gentleman from Ohio [Mr. HERTEL].

I am proud to have been involved, over a number of years, in the struggle for the human rights of the Ukrainian people. That involvement has increased in the past year, especially, because I have been given the honor of serving on the U.S. Commission on the Ukraine Famine. The work of our Commission has brought me into contact with scores of national leaders of the Ukrainian-American community—in addition to the many Ukrainian-Americans in my own constituency, all or whom are universally, vitally committed to the welfare of their brethren behind the Iron Curtain. They are usually in close touch with conditions there, and are both appalled and anxious to bring conditions in the Ukraine to the attention of the larger American community.

Although the glasnost policy of Soviet Communist Party General Secretary Gorbachev has attracted much attention in the United States and abroad, it is by no means clear that it is more than a rationalization of the current Soviet system. Whether it portends a long-term, significant change or not, it has clearly done little or nothing for the average Ukrainian; Ukrainian party boss Scherbitsky has been identified as a leading opponent of glasnost within halls of the Kremlin. Certainly, glasnost has done nothing for Mykola Rudenko, the decorated war veteran who is the head of the Ukrainian Helsinki monitor group, who languishes in exile, deprived of the writing materials that are as important to him as food or water. Nor has the glasnost policy helped the four Ukrainian political prisoners who have died in Soviet prisons over the past 2 years.

It is with a heavy heart that we reflect on the state of events in the Ukraine. We need to heighten awareness of the repression of the political, religious, ethnic, and cultural struggle underway there. I urge my colleagues to observe these "Human Rights Awareness Days" by contacting Ukrainian-American organizations in their own districts and hearing their stories, by contacting the Helsinki Commission here on Capitol Hill, or by contacting the Ad Hoc Committee on the Baltic States and the Ukraine. I would like to close my remarks by paying special tribute to Mrs. Ulana Marzukevich of the Ukrainian Human Rights Committee of Philadelphia, and a member of the Ukraine Famine Commission, for inspiring and leading the coordination of these special days of awareness.

Mr. PORTER. Madam Speaker, I commend my colleague and executive committee member of the Congressional Human Rights Caucus, BEN GILMAN, for his continual leadership in the House of Representatives on human rights issues, and especially for his organization of today's special order honoring "Ukranian Human Rights Awareness Days." I would also like to bring to my colleagues' attention the efforts expended by DON RITTER and DENNIS HERTEL, cochairs of the Congres-

sional Ad Hoc Committee on the Baltic States and Ukraine, and the Ukranian Human Rights Committee in Philadelphia, for their coordination of the events being sponsored throughout the week in conjunction with this important observation.

The people of the independent Republic of the Ukraine have always held their religious, cultural, and national identities dearly. Since the Soviet occupation of their republic in 1921, there has been numerous efforts by the Soviet regime to squelch any expression of Ukrainian identity.

Little is heard of the jailings of Ukrainian church leaders of all denominations—including Mykola Rudenko, head of the Ukrainian Helsinki Monitor Group, and 4 of the group's members, currently imprisoned in notorious camp 36–1 where 10 persons died recently as a result of administrative maltreatment.

Not many persons speak of the attempt to Russify all aspects of Ukrainian daily life either. The occupation of the Ukrainian nation has been brutal and painful for its people. The existence of Ukrainian identity today is a tribute to the people's strength and their will to overcome Soviet occupation of their land. Their land may be Soviet-controlled, but never their soul.

The persecution of individuals expressing an Ukrainian identity has been stepped up in recent months, in contrast to the policy of openness so eloquently professed by the leadership in the Kremlin. Is glasnost a policy entrenched in the walls of the Kremlin or will it also seep out toward the people in the republics?

As cochairman of the Congressional Human Rights Caucus and a member of the Helsinki Commission, I will continue to work with my congressional colleagues to end the ruthless persecution that continues in the Ukraine today. Mykola Rudenko and the others will not be forgotten.

Mr. RITTER. Madam Speaker, time and time again, we have heard from Soviet political prisoners that publicizing their plight significantly improves their chances of being released. It appears that when the Soviets are confronted with the facts, they are sometimes willing to back down rather than risk the further deterioration of their world image.

This gives us, as Members of Congress and I believe especially the members of the Helsinki Commission, a particularly important role. If the Soviets are willing to act to protect their international reputation when confronted with the facts, we have a solemn responsibility to do so, and to do so vociferously. Our outcries, and those of the Ukrainian-American community, become invaluable links in the chain of events that has for some, ultimately meant freedom. The following is a list of 10 brave Ukrainians who are serving harsh prison terms for no other reason than they talked freely about Soviet human rights violations.

There are currently 20 political prisoners in the special regime section of Perm Camp 36. Out of those, 10 are Ukrainian and another is a member of the Ukrainian Helsinki Monitoring Group.

UKRAINIAN PRISONERS

Lev Lukyaneko, Ukrainian Helsinki Monitoring Group cofounder; Ivan Kandyba, Ukrainian Helsinki Monitoring Group cofounder; Mykola Horbal, Ukrainian Helsinki Monitoring Group member; Vasyl Ovsienko, Ukrainian Helsinki Monitoring Group member; Vitaly Kalynychenko, Ukrainian Helsinki Monitoring Group member; Mart Niklus (Estonian), Ukrainian Helsinki Monitoring Group member; Ivan Sokulsky, Ukrainian Helsinki Monitoring Group member; Mykhailo Horyn, Semem Skalich, Petro Ruban, and Vasyl Prikahodko.

I also note with sadness, four leading Ukrainian Human Rights Activists who have died in the last 4 years; Oleksa Tykhy, Valery Marchenko, Vasyl Stus, Yuri Lytvyn. The moral crusaders for peace with freedom understand and were willing to make the ultimate sacrifice for that they believed in. I can think of no better way to honor their memory than to continue their work.

As we consider the plight of these valiant men, I can only wonder how many more are willing to speak out because of fear. The Ukrainian nation is enduring one of its harshest tests. Our solidarity with them, could mean the difference.

Mr. WALGREN. Madam Speaker, today has been designated Ukrainian Human Rights Awareness Day, a day that should make us all stop to think about the many Ukrainian dissidents who have committed their lives to the struggle for human rights in the Soviet Union.

The world community should be especially concerned about the welfare of Mykola Rudenko and his wife, Raisa. The Rudenkos are currently imprisoned in the Soviet Union for their involvement in the Ukrainian Public Group To Promote Implementation of the Helsinki Accords. Formerly a widely read poet and war hero of the Red Army, Mr. Rudenko's human rights activities ultimately have cost him his job, his position in Soviet society, and his freedom along with that of his wife. Mykola is currently on a hunger strike because Soviet authorities have denied him any access to books or papers, the staff of life for a poet—let alone the human spirit.

The Rudenkos have been imprisoned for speaking out against the treatment of Ukrainian dissidents in the Soviet Union. Human rights practices, like those suffered by Mr. Rudenko, the deep violations of the spirit and terms of the Helsinki Final Act, of which the Soviet Union is a signatory.

The Rudenkos' cause is a noble and courageous one. But it is but one of a great number that, taken together, represent a tragic situation that compels us to observe Ukrainian Human Rights Awareness Day. Those of us who are free to speak out on behalf of those who cannot have an obligation to do so. We must continue pressuring the Soviet Government for the release of the Rudenkos and other Soviet political prisoners until basic human rights are recognized and granted for all. We should remember that history will be on the side of human rights in the long run, and even the most intransigent governments cannot stand in the way over the long run.

Mr. COUGHLIN. Madam Speaker, I rise today to join Mr. GILMAN and others in saluting Ukrainian Human Rights Awareness Day.

Madam Speaker, I am sure it comes as no surprise to anyone in this body that the Soviet authorities have visited upon Ukraine the same kind of repression and injustice that they have perpetrated on the people of Estonia, Lithuania, Latvia, Soviet Jewry, and many, many others over the years.

In many ways, in fact, the fate that has befallen the people of Ukraine has been even more harsh. Despite declaring independence and becoming a free nation earlier this century, Ukraine was absorbed into the Soviet Union in the course of the Bolshevik power drive. Collectivized by force, starved into submission, brutalized by war, and denied their cultural, political, and religious rights, the people of Ukraine today stand proud and tall nevertheless. Recent efforts to crush Ukraine's national spirit by condemning her sons Vasyl Stus, Oleksa Tykhy, Valery Marchenko, Yury Lytvyn, and others to death in the Gulag have not been any more successful than the previous efforts. The official Soviet silence surrounding the Chernobyl disaster has only heightened Ukrainians' awareness and sense of community.

Madam Speaker, now we are faced with the new Soviet leadership, one which many say is committed to reforming the Soviet Union, and with it Ukraine. In April 1987 I traveled to the U.S.S.R. to observe firsthand the nature of Soviet "perestroika," or reformation, and the accompanying glasnost, or openness, policies.

Our first stop was Kiev, the capital of Ukraine, where we held a meeting with Ukrainian party boss Vladimir Shcherbitsky. Both the people and the environment of Kiev were clearly different from those in Moscow, which I had visited a year and a half before. Although our delegation could only stay a short while, Ukraine's unique character clearly impressed the group. Though signs of Soviet encroachment were obvious, Ukraine has her own personality.

After Kiev, our group traveled to Moscow, where we met with General Secretary Gorbachev, Politburo No. 2 man Yegor Ligachev, Foreign Minister Shevardnadze, President Gromyko, and others. In addition to trying to assess the real level of Soviet commitment to genuine reform, we spoke out on behalf of Ukrainian and other prisoners of conscience at every appropriate opportunity. As a member of the delegation's human rights working group, I personally provided the General Secretary with a list of cases of special concern, which included 11 Ukrainians detained at the infamous Perm Special Regime Labor Camp No. 36. I also sought full human rights, including the right to emigrate, for Yosyp Terelya, Danylo Shumuk, and Mykola Rudenko. I was told that these cases would be reviewed. In what is perhaps a positive sign, Danylo Shumuk was informed in the aftermath of our trip that he would be allowed to emigrate to Canada.

Madam Speaker, the conclusion I reached from my meetings and trip is that glasnost is real. It reflects, however, a difference only of degree, and not of kind. While we should not discourage the Soviets from making improvements, however limited, in their human rights policies, neither can we be satisfied with half measures or the continued detention of political, human rights, or religious activists.

Madam Speaker, we must continue to speak out for human rights in the U.S.S.R. regardless of limited improvements which may occur. In that context, I congratulate the gen-

tleman from New York for bringing this special order before the House, and appreciate the opportunity to join him in addressing this issue.

Mr. HOYER. Madam Speaker, today marks Ukrainian Human Rights Awareness Day, a day dedicted to calling attention to the plight of Ukrainian political prisoners in the Soviet Union. I would like to commend my colleagues BEN GILMAN, DON RITTER, and DENNIS HERTEL for their truly dedicated leadership in the human rights area and for organizing this special order and related events to recall the severe repression of the cultural, religious, and other human rights of the Ukrainian people, and to honor those Ukrainians currently imprisoned for attempting to bring these violations to light.

Despite the ongoing repression, for the first time in many years, we can point to at least some forward movement in the situation of Ukrainian political prisoners, who constitute an estimated 40 percent of all Soviet political prisoners. Just last week, 73-year-old Ukrainian Helsinki monitor Danylo Shumuk, who has spent almost half his life behind bars, was permitted to join his nephew in Canada. We have also recently received word that leading Ukrainian dissidents Mykola and Raisa Rudenko have been released from internal exile. Mykola Rudenko had been serving a 12-year sentence for his efforts, as founder of the Ukrainian Helsinki Group, to call attention to the abuse of human rights in Ukraine.

These positive steps, however, must be seen within the context of an overall situation which remains bleak. Unfortunately, Madam Speaker, there still is little indication that glasnost has caused any significant change in the situation of Ukrainian human rights activists. Many Ukrainian political prisoners remain in labor camps, psychiatric hospitals, and internal exile. During my recent visit to the Soviet Union as a member of Speaker WRIGHT's delegation, I had occasion to present to Politburo member Volodymr Shcherbitsky, first secretary of the Communist Party of Ukraine, a list of 153 individuals from Ukraine still imprisoned for their human rights activities. These individuals were also part of a larger list of 532 prisoners of conscience presented to Soviet Foreign Minister Shevardnadze in Moscow, I remain particularly troubled by the fate of 11 leading Ukrainian human rights activists, currently incarcerated in Perm Camp 36. Notorious for its brutal conditions, Perm Camp 36 is the worst category of camp incarceration for political prisoners. Within the last 5 years, 10 political prisoners have died while serving terms there.

Another area of grave concern is the plight of the Ukrainian Catholic Church, the largest banned religious denomination in the Soviet Union. Possible revisions in the present Soviet law on religion apparently will not affect the status of Ukrainian Catholics. Konstantin Kharchev, chairman of the Council of Religious Affairs in the U.S.S.R. Council of Ministers, has stated that in the case of the Ukrainian Catholic Church, no changes are possible. The Soviet Government's treatment of Ukrainian Catholics as well as of Ukrainian political prisoners, is in clear violation of its commitments under the human rights provisions of the Helsinki Final Act. I assure you that the Helsinki Commission, on which I serve as chairman, will continue to raise these issues both here and at the ongoing Vienna CSCE followup meeting.

Mr. BONIOR of Michigan. Madam Speaker, I wish to commend the gentleman from New York [Mr. GILMAN] for his diligence and forethought in calling for this special order today. He has devoted much time and energy to the human rights cause of the Ukrainian people over the years. His organization of this special order today is yet another symbol of his dedication to the human rights of individuals all over the world.

As a Member of the House who has long been involved in human rights issues and as a descendant of Ukrainian stock, I believe it is fitting that we take time to observe and call attention to Ukrainian Human Rights Awareness Days. It is our duty as representatives of a democratic, open, and free society to focus the attention of our Nation on the absence of liberty in many parts of the world.

In particular today, Madam Speaker, we are devoting time to the very severe repression of the Ukrainian people. The Soviet Union has systematically deprived the people of Ukraine of their basic human rights. Of the many violations, the most abhorrent has been an all-out effort to rob Ukrainians of their cultural identity and their right to self-determination. In spite of this enormous effort on the part of the Soviet bureaucracy, the dream of freedom lives on in the hearts of the Ukrainian people. No event symbolizes that thirst for freedom more than the Miroslav Medvid affair in October 1985.

I had the pleasure of addressing the members of the Ukrainian Self-Reliance Detroit Federal Credit Union in March. The dedication of this Ukrainian community in Warren, MI, to ending Soviet repression in Ukraine was a great inspiration to me. I wish to include in the RECORD a copy of the remarks I made that afternoon:

REMARKS OF HON. DAVID E. BONIOR AT THE UKRAINIAN CULTURAL CENTER, MARCH 29, 1987

We've come together today to celebrate our common Ukrainian background. We are also here because we share a common concern for the well-being of our homeland—our homeland which is a captive of the Soviet Union.

In the 66 years since being invaded by Soviet Russia, our Ukrainian brothers and sisters have been denied their most fundamental rights. They are discriminated against for speaking their native language. They are forced to practice their religion in hiding. They are denied all political rights and are harassed and imprisoned for the slightest connection to political activity.

One Ukrainian has been in prison or internal exile for 35 years simply because he refused to renouce his father who was the former commander-in-chief of the Ukrainian Insurgent Army. The prisoner himself has never been involved in any political activity.

The Soviet Union may be able to control the territory of Ukraine. And, it may be able to dictate tenor of the daily life in Ukraine. But, it has never been able, and it never will be able to win the hearts and minds of a people fiercely devoted to winning their freedom!

I don't think any event more dramatically illustrates this devotion to freedom than the Miroslav Medvid Affair. In October of 1985, two weeks before the U.S.-Soviet Summit in Geneva, a young Ukrainian sailor, Miroslav Medvid, jumped from a Soviet grain freighter waiting to be filled in New Orleans harbor.

In the bleakness of the night, Medvid swam the dark and difficult waters of the Mississippi. He was swimming for his freedom—a clear expression of his desire to stay in this country and leave his oppressed homeland.

Upon reaching the shore, Medvid was brought to the border officials who did not grasp the significance of Medvid's escape. For still unknown reasons, Medvid was brought back to his ship where he once again plunged into the Mississippi and attempted again to swim ashore.

This time, however, Soviet officials followed him and dragging him forceably back to the freighter. One can only guess what punishments he was subjected to.

These events became of great concern to me and many of my colleagues in Congress. Why was Medvid returned to the ship when it was apparent to many witnesses, and a Ukrainian speaking woman in New York that Medvid was seeking political asylum in the U.S.?

An outcry from the public and from Congress over the fateful mishandling of Medvid resulted in Administration threats to use force if Medvid was not released from the ship to be reinterviewed by U.S. officials. Under the close guard of his Russian commanders, a shaken Medvid insisted that he had changed his mind from a few days earlier. Under pressure, Medvid said that he did want to return to the Soviet Union.

There are lingering doubts about this whole affair. There is now some evidence to suggest that the real Medvid was not reinterviewed by American officials. The Russians are said to have pulled a switch. Physical descriptions differ among eyewitnesses who saw one or the other Medvid. The first Medvid spoke fluent Ukraine, while the second Medvid spoke Ukrainian haltingly and preferred to be interviewed in Russian.

If in fact a switch took place, the outcome of this mishandled affair is undoubtedly tragic. Medvid has not been heard from since the Soviet ship sailed from New Orleans in October of 1985. My colleagues and I in Congress continue to send messages to Medvid to signify our resolve that Medvid's thirst for freedom is never forgotten by Soviet officials.

I am pleased to tell you that an extensive Congressional investigation is being undertaken to clear up some of these mysteries. We must determine what went wrong so that future defectors are not returned to face life imprisonment or death.

Why was Medvid returned to the Soviet freighter to begin with?

Did our government make certain that they were interviewing the same Medvid that had jumped ship days earlier?

Why was Medvid subjected to questioning in front of his Soviet supervisors?

And most importantly, was our government so absorbed with orchestrating summitry in Geneva, that it dismissed a cry for liberty when it reached our own shores?

If our government preferred to abandon Medvid and his heroic attempt to stand up for his freedom, we must know who is to blame. We cannot let anyone with such flawed judgment stay in a decision-making capacity any longer.

If our government sacrificed Medvid to achieve some higher purpose, then we sacri-

ficed much more than Medvid. We have sacrificed our moral authority and we must make certain that such fateful errors do not happen in the future.

The link between a country's respect for human rights and its international behavior is fundamental.

If a country is a threat to its own citizens, can it fail to present a threat to peoples beyond its borders?

If a country is distrustful of its own citizens, how can it be trusting of other countries?

If a country does not have the trust of its citizens, how can it inspire the trust of other countries?

Respect for human rights must be a tenant of every nation's foreign policy if there is ever to be true and lasting peace in the world. Multi-national and bi-national agreements cannot be negotiated and upheld if the countries involved have basic differences over what is right and what is wrong.

Compliance with human rights accords signed by many countries including the United States and the Soviet Union is now being studied by the Conference on Security and Cooperation in Europe.

Specifically, I am speaking of the 1975 Helsinki Final Act and the Madrid Concluding Document. These international pacts bind the signatory nations to guaranteeing respect the basic rights of their citizens.

These agreements recognize the importance of upholding the rights of the individual. The right to privacy. The right to work to change injustices in society. The right to a job of one's own choosing. The right to be free from arbitrary imprisonment. The right to marry and raise a family. The right to have a national and cultural identity. The right to private communication with friends and family down the street and across the world. The right to be re-united with loved ones in far off lands. The right to self-determination of peoples. And, the right to be an equal of fellow citizens.

In short, these agreements affirm the right to be. They affirm the basic rights of being a human—to pursue those things we naturally strive to achieve because of our humanness.

Can it be of little surprise to anyone to find that the Soviet Union has failed miserably in living up to these agreements?

The Soviets have historically tried to break the will of the Ukrainian people. Mass exterminations, an induced famine in the early 1930's, the Stalinist terror of the 1930's and 1940's, the war with Hitler's Germany, and the suppression of the Ukrainian liberation movement by Nazi Germany and Soviet armies cost the Ukrainian nation no less than 17 million lives. Every fourth inhabitant of Ukraine perished.

We often hear of the six million Jews who perished at the hands of Hitler during World War II. But what about Ukraine which has lost nearly three times as many lives since its capture by the Soviet Union? Has Soviet repression in Ukraine stopped?

Though Ukrainians account for 20 percent of the Soviet population. 40 percent of Soviet political prisoners are Ukrainian.

Ukraine is reportedly a "testing ground" of punitive actions against dissenters. If police actions succeed in containing the Ukrainian will for freedom, Soviet officials figure it will work in quashing dissent in other captive nations.

We have heard much about the new "openness" or "glasnost" in the Soviet Union. 140 political prisoners were recently released in the Soviet Union. But there are many more where they came from. And, one must ask the basic question: Why were they there in the first place?

While we should encourage the continuing movement toward easing repression, we must still be skeptical and vigilant. Attention must continue to be paid to areas where the movement toward reform is glacial. And there are many such areas.

*Russification of Ukraine.*—Russians comprise barely half of the total population of the U.S.S.R. Because they dominate the Soviet Communist apparatus, they are trying to mold a "Soviet Man" who would essentially be a "Russian man," speaking Russian and identifying with Russian culture, customs and mentality.

In Ukraine, the Soviets have undertaken a ruthless campaign to wipe out the Ukrainian culture. Eighty percent of television available in Ukraine is in Russian. Russian is used in schools and in places of employment. Workers who speak Ukraine or speak poor Russian are discriminated against and harassed.

Libraries full of Ukrainian literature have been burned. And, Ukrainian scholars have been harassed and imprisoned for trying to preserve the rich language and literature of the Ukrainian culture.

In the United States and in Western Europe diversity is seen as a blessing and a strength, not as a challenge or a threat. Why not everywhere?

*Religious Persecution.*—In 1988, Ukrainians throughout the world will be celebrating the millenium of Christianity in Ukraine. Despite the Ukraine being the craddle of Christianity in Eastern Europe, the two traditional faiths in Ukraine—Ukraine Orthodox and Ukrainian Catholic—are not recognized.

The Ukrainian Orthodox Church was forced to liquidate itself in 1930 by government pressure. The Ukrainian Catholic Church was forced to incorporate itself into the Russian OIrthodox Church in 1946.

The Soviet Government has made a valiant effort to convert Ukrainian Catholics to the state religion. Almost half of all the Russian Orthodox Churches in the Soviet Union are in Ukraine.

Yet, while the Soviets try to covert Ukrainian Catholics they conduct services in Russian depriving Ukrainians of the right to worship their God in their own language.

In an effort to preserve their Catholic faith, many Ukrainian Catholics worship in catacombs as it was in the days of Ancient Rome. While priests are being arrested and maltreated in prisons and labor camps, the faithful continue to keep their faith alive and resist the imposition of state sponsored religion.

*Family Contacts and Information.*—Of the more than 2 million Westerners of Ukrainian descent, many have close relatives in Soviet Ukraine. When the news of the Chernobyl nuclear disaster first appeared in the West, many attempts by Ukrainians in this country to contact their family in Ukraine were frustrated by the Soviet government. Communication by mail and telephone, which are always difficult, were cut-off.

But the government did not only deprive the west of information on the disaster, it failed to adequately inform its own citizens about the disaster. This led to panic and great confusion.

Western radio broadcasts which could have helped clear up some of this confusion were jammed in keeping with the Soviet's long-standing policy of restricting Western information in their country.

Four months after the disaster, the Soviets finally gave a public accounting of the technical reasons for the accident. To this day, nothing has been said about the dimensions of the human suffering caused by the tragedy.

The first anniversary of the Chernobyl Disaster will take place on April 22. That day will cause many to remember their fear as they tried to contact relatives, and their frustration in sending parcels of food, medicine and emergency supplies only to learn that they were refused entry into the Soviet Union.

Many other violations of basic human rights continue to befall our Ukrainian brothers and sisters. We can't help but think of the situation of our homeland with a heavy heart at times. But we must remember that the yearning for freedom is in the hearts and minds of the Ukraine people. No amount of repression, humiliation and indecency can rob our Ukrainian sisters and brothers of their desire for liberty.

That keeps them going, and it must keep us going as we continue to raise our voices against the violations and abuses perpetrated against Ukraine by the Soviet government.

There is a story dissident Yuri Orlov told. Despite his nine years in a Soviet labor camp and internal exile, he said he never felt himself a prisoner. He said that a person's freedom cannot be defined by others, because a person's freedom is what is inside himself.

I would like to close with a verse of a poem called "A Prisoners Song." It has often inspired and re-energized me in my efforts on behalf of the struggle of the Ukrainian people. The poem was written by a French woman who was held prisoner in the age of Louis the Fourteenth. In it she said:

"But though my wing is closely bound
My heart's at liberty.
My prison walls cannot control
The flight, the freedom of the soul."

## GENERAL LEAVE

Mr. GILMAN. Madam 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 my special order today.

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

There was no objection.

## MARYLAND COMMISSION ON PHYSICAL FITNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BYRON] is recognized for 30 minutes.

Mrs. BYRON. Mr. Speaker, first of all, let me say that I rise today in recognition of the Maryland Commission on Physical Fitness, which is in its 25th year. I think it gives us a very good opportunity to stop and take a little time to reflect on what the President's Council on Fitness has meant to us.

Maryland, as some of you may know, was the first commission ever organized. I was delighted to say that I served on that commission for several years. I have been the chair of that commission for the last 10 years.

I ask, first of all, if there are any Members who wish to participate in that to please interrupt at any time.

The Maryland Commission was created in 1961 at the request of President Kennedy, who recognized the need for more than just the President's Council on Fitness.

President Eisenhower had formed the President's Council in 1956 because he was aware of the alarming number of citizens who were in poor physical condition.

In 1961, the Commission started out with 25 members and was the first one of any State. It has now been joined by 36 other States.

First of all, when it was originally conceived, there were 24 male members and 1 female member. That was the case for quite some time. If you will look now, there is a female chairman of the Commission and a majority of the members of the Maryland Commission are females.

The Commission is basically the same today as it was when it was originally conceived as far as its goals. We have been very concerned about the area of fitness on our young people. We have been concerned about the area of fitness on our senior citizens.

Many of the programs that started out in this Commission in 1964, we were involved in the use of hiking and biking trails, using the abandoned railway rights-of-way for those two issues.

In 1968, the initiation of the Governor's Youth Track and Field Meet, which has still continued. In the fall and spring, there were hikes that were attended and one of the fall hikes was led by Chief Justice William O. Douglass, and as many of you know, he was very involved in fitness.

In 1970, the Employees Fitness Program in Maryland of the Maryland State Employees was joined with a jogging and exercise, walking program that revolved around the Gilman School in Baltimore.

We then developed a TV show with a trimnastics, which at that time was the going rage.

In 1972, with the running craze that we have seen throughout our Nation, the Maryland marathon was begun and has, to this day, continued with the guidance and the Commission's approval.

We have seen over 1,000 participants in that Maryland marathon.

The family track meets were started in 1976 and the Commission worked closely with the American Heart Association on programs of cardiovascular fitness and danger of smoking and heart disease.

Currently, we are very much involved in a senior olympic program that began several years ago and has grown by leaps and bounds over the last 7 years.

For the children in the school system, a program called Superfit, which is an assessment of the capabilities of our younger people, has been developed by the Maryland Commission.

□ 1715

We are just beginning to see the fruition of a program that we have been looking toward and looking forward to, and that is the Maryland State Games. They are going to be held the third weekend in June at the University of Maryland, and the Governor is very much involved in that.

Not to diminish any of our fitness for the handicapped programs, we are working toward and have been funding and supporting the wheelchair games which are held on the Eastern Shore.

We have done health and fitness screenings of the Maryland General Assembly, and over 125 people were involved in the screening program this year.

The Commission does not just look at people on fitness. We go out and seek those individuals who, in their own way and in their communities, have been involved in fitness programs. The Commission's awards and citations are presented annually at an Orioles ball game with national recognition.

Mr. Speaker, 25 years ago the Maryland Commission was founded to carry out President Kennedy's goals, and those things are still true today. Its 25 members are still very active throughout the State in that program. We are delighted that the other 31 States have joined us, and we extend to those States that are not covered by a Commission an invitation to look at what we have done and take a leaf from our book and move forward with this.

While the Commission has been involved in the fitness of individuals from all walks of life, to understand not only the needs to be mentally fit but physically fit, we have looked at children and at adults. Recent studies have shown that an alarming number of youngsters are opting for the more sedentary activities such as being in front of the television set rather than going out and, as we used to see them, playing ball, walking, and riding bikes. One study we have documented indicates that 40 percent of the children aged 5 through 8 already show signs of being overweight and having elevated blood pressure and high cholesterol levels.

I think those factors that we have seen documented, coupled with inactivity, are bad enough in adults, but it is very, very frightening to me as a parent and frightening to me as a grandparent of four to see that our young people are setting such a dangerous course for themselves before even getting started in their lives.

As far as my concern for this program is concerned, the Maryland Commission has played a very important and critical role in seeing that all children, including the handicapped, receive some type of physical fitness training in the school system. It has not always been easy to get that message across. I can remember one time advocating a fitness day for Maryland and talking about the elementary schools having the school children just really run around the block near their local school systems, and I can remember being contacted by parents who were horrified that I would make Johnny or Betsy or Mary go and run around and exert themselves in that manner. There was the one comment also that the children did not have the proper equipment to be involved in any physical activity.

I have yet to understand or to find a young boy or a young girl who does not have a pair of sneakers who cannot go in on 1 or 2 days a week and just do a walking program around the school yard. Very rarely do we find where that would be a difficulty. And, of course, for those children for whom it would be difficult, they can find some other type of physical exercise to be involved in.

The Commission's concern with involvement in fitness does not really stop with children. We have been involved, as I said, through the entire scope in the program that we have for our senior citizens. We have just finished an hour of general debate on the Older Americans Act. There are many programs that our senior citizens are involved in, in fitness programs.

Mr. Speaker, I see that one of my colleagues, the gentleman from Maryland [Mr. DYSON], has joined me here this afternoon, and I welcome the gentleman from the Eastern Shore, which is, as I said, the home of the Wheelchair Program.

Mr. DYSON. Mr. Speaker, will the gentlewoman yield?

Mrs. BYRON. I am glad to yield to the gentleman from Maryland.

Mr. DYSON. Mr. Speaker, I rise today to commemorate the 25th Anniversary of the Maryland Physical Fitness Commission. Since its establishment in 1961, the Commission has performed an invaluable service to the Maryland community.

The Commission was established to fulfill the goals of the President's Council on Physical Fitness and Sports. Maryland was the first to form a State Commission on Physical Fitness. The Commission originally consisted of 25 board members and a chairman. The first chairman was

Harry D. Kaufman, who presided over the Commission until 1978, when my distinguished colleague, Hon. BEVERLY B. BYRON, replaced him. The goals of the Maryland Commission remain the same: working cooperatively with the Maryland Department of Education towards the promotion of physical fitness for all Maryland citizens. While the Commission's primary focus is on school children, adults also benefit from Commission programs. Finally, the Maryland Commission on Physical Fitness works cooperatively with various private groups in the promotion of physical exercise programs.

Throughout the years, the Commission has created a variety of different programs to help Marylanders of all ages to get in shape. The Commission established the "Five Point Program," which established minimum exercise standards for all Physical Education programs in county schools. The Maryland commission also converted old railroad right-of-ways into new hiking and biking trails. In 1967 the "Active People Over 60" Program was initiated, encouraging elderly citizens to join in a physical exercise program especially designed to keep them fit.

Mr. Speaker, in these and innumerable other ways, the Maryland Physical Fitness Commission has enriched the physical health and well-being of all Marylanders. For this reason, Mr. Speaker, on this occasion of its 25th Anniversary, on behalf of all Marylanders, I would like to express our heartfelt gratitude for the outstanding work the Commission has done throughout the years.

Mr. Speaker, I might add that certainly a great deal of appreciation goes to the gentlewoman from western Maryland [Mrs. BYRON]. I think that because she represents the great mountains of our State, and have the ability to climb up and down them, that she has become probably one of the most active proponents of physical fitness in our State. We are very proud of that, and I think, just as our colleague, the gentleman from Mississippi, is known as "Mr. Veteran," this gentlewoman from Maryland should probably be known as "Ms. Physical Fitness" for the State of Maryland and for this country. I applaud her for what she has done to help not only the schoolchildren but all the people of Maryland to achieve better health through physical fitness.

Mrs. BYRON. Mr. Speaker, I thank the gentleman very much.

Let me touch on a couple of programs that I think are very interesting to note. We may recall back 25 years ago when President Kennedy made a strong commitment to this Nation on fitness, there was a 50-mile hike that was started. It became the rage at one time. I am delighted to say that in Maryland the JFK 50-mile hike is celebrating its 25th anniversary this year.

I am also delighted to say that we have developed a large group of corporate sponsors for fitness programs throughout this country. Just this morning the walking program, which is sponsored by Sanka, was giving out awards and holding a 1-day symposium.

We have developed a large awareness by many of our military men and women, and there is no group that I think speaks better for fitness than our military leaders, because theirs is a strong commitment to further physical fitness programs.

The Maryland commission has made many important contributions to the daily lives of Marylanders of all ages on fitness, and yet at the same time, when we are talking about honoring the Maryland Commission on Fitness, I think we have to look at this body and my colleagues here, because, as we are continuously reading, the Nike challenge race, which is one that pits the House and the Senate against the news media and against the executive branch, we have a large number of participants that come from this body to run in that race.

We have just recently read of Congressman BONIOR and Congressman DELLUMS and a team going down to develop the elderly superfit category, and they have done extremely well in that program.

So our message is getting across. I would like to look back 25 years and see where we have come in that 25 years and at the same time commend the Maryland Commission on Physical Fitness for its outstanding track record during that period. Since it was the first commission, the fact that it has been joined by 31 commissions in the meantime leads us to say that things are moving forward. We can all learn from one commission to another, and hopefully the pace that we have set for ourselves in Maryland will be not only matched but even surpassed by the work that the President's Council has done through the local State commissions and then down on the local level through the various county commissions that we have operational.

□ 1725

Mr. Speaker, let me say that I think we have talked a little about fitness in the Nation, talked a little bit about fitness in Maryland, and looked at where we have gone.

I think the fact that there are a large number of very dedicated people that have made this come about, made this commission still alive after 25 years and very vital and very vibrant in the State, and I take this time in this special order to commend those individuals for their time, their dedication, and their efforts.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, we, in the State of Maryland, are all grateful to our colleague, Congresswoman BEVERLY B. BYRON, the chairwoman of the Maryland Commission on Physical Fitness. This year the State of Maryland marks the 25th anniversary of the creation of the Maryland Commission on Physical Fitness. In addition, this is the eighth year in which Congresswoman BYRON has served as the chairwoman of the commission.

I am grateful that my friend, BEV BYRON, has given me an opportunity to speak today. On behalf of my constituents, the citizens of Prince George's County, I want to extend to you our congratulations and our best wishes on the commission's anniversary.

Maryland, I am quite pleased to note, was the first State to establish a State commission to address the physical fitness and physical well-being of its residents. The creation of the Maryland commission was a direct outgrowth of President John F. Kennedy's interest in fully implementing the goals of the President's Council on Physical Fitness and Sports, an organization established by President Dwight D. Eisenhower in 1956.

The basic goals of the commission in the early 1960's and its goals today, in the late 1980's, remain similar: to work with the Maryland State Department of Education to promote physical fitness for all schoolchildren. In addition, the commission has been active in encouraging adult physical fitness programs, including programs that are focused directly on teenagers, young adults, the middle aged, senior citizens, and the handicapped. Much has been accomplished, but much more remains to be done.

American athletes continue to receive an impressive number of gold, silver, and bronze awards at international sporting events. But, the health and physical fitness of the average American is of continuing concern to us all. Most Americans, even after years of public service announcements, of physicians' warnings, of appalling rates of heart disease and other infirmities, of disconcerting medical warnings, still continue to smoke, to eat too much, to drink too much, and, unfortunately, to exercise too little.

To its credit, the Maryland Commission on Physical Fitness has taken the lead in arguing that good health, vitality, and fitness are things for which we all should work, throughout our lives. Good health and physical fitness are just as important for preschoolers as for senior citizens, for the young as for the old.

Through the efforts of the Maryland Commission on Physical Fitness, was well as the endeavors of other

State commissions, physical fitness is no longer viewed as a passing trend or something only for the young. Physical fitness should not be viewed as a fad or as a passing fancy. Physical fitness is much more than the purchase of expensive running shoes or the joining of exclusive exercise clubs.

Much as the ancient Greeks and Romans, we should always view a fit physique as just as important as an educated mind. Juvenal, the Roman poet, in his "Tenth Satire," wrote "mens sana in copore sano," which has been translated as "a sound mind and a sound body." Juvenal was describing a body not wracked by illness and disease and a mind not corrupted by mental decline and sickness. Today, we also realize the important role played by physical fitness in the prevention of physical as well as mental diseases and problems. Avoiding physical and mental decomposition leads necessarily to a lifelong commitment to physical and mental conditioning.

Mr. Speaker, we should all pursue a life of physical fitness and well-being. For its work in this regard, we should applaud the work of the Maryland Commission on Physical Fitness. In closing, I would again like to compliment Congresswoman BYRON for her efforts as chairwoman of the Maryland Commission on Physical Fitness. Again, I extend my heartiest congratulations to the Maryland Commission on Physical Fitness on its 25th anniversary.

Mrs. MORELLA. Mr. Speaker, in 1956, President Eisenhower formed the President's Council on Physical Fitness and Maryland became the first State to form a commission on physical fitness 5 years later. Since that time, there have been two chairmen—Harry D. Kaufman, an attorney, who served until his death in 1978, and the current chairman, our colleague, Representative BEVERLY BYRON.

The commission, of course, promotes good health through physical fitness. One of its earliest projects back in 1964 was reminiscent of a project now in motion in Montgomery County and the District of Columbia. Based on the concept of using an abandoned railroad right-of-way for hiking and biking trails, an effort was made to develop a trail through Baltimore and Harford Counties. Today, hiking and biking enthusiasts are endeavoring to utilize the old Georgetown spur and rail line from Bethesda to Silver Spring. We are reminded on this 25th anniversary year that physical fitness is still a need for our citizens.

The Maryland Commission on Physical Fitness has worked tirelessly to encourage both young and old to exercise and participate in sports. My first experience with the commission was while I was serving in the Maryland State Legislature. An annual health screening project tested our strength, endurance, and overall good health.

I want to thank my colleagues, BEVERLY BYRON, for the time and effort she has shown in serving as commission chairman over these last 10 years. Many Marylanders have benefited from her dedication and are now in better physical and mental health. The State, too, should be proud of its record in forming the first commission, and it is an honor and privilege to salute the Maryland Physical Fitness Commission today.

Mr. CARDIN. Mr. Speaker, 25 years ago in Maryland a special commission was formed to carry out the goals of President Kennedy's Council on Physical Fitness and Sports. The Maryland Commission on Physical Fitness, with its 25 members, became the first such commission of its kind in the country. While the commission initially started with 24 men and one female member, it has since grown to include individuals from all walks of life who understand the need to be not only mentally fit but physically fit as well—that includes children and adults.

Recent studies have shown that an alarming number of youngsters are opting for more sendentary activities in front of the television rather than going outside and playing ball or even walking or riding a bike. One study has indicated that 40 percent of children ages 5–8 are already showing signs of being overweight—including elevated blood pressure and high cholesterol levels. Those factors coupled with their inactivity are bad enough in adults but it is frightening to think that such young people are setting a dangerous course for themselves before they ever really get started in life.

Maryland's Commission on Physical Fitness has played an important and critical role in seeing that all children—including the handicapped—receive some kind of physical fitness training in school. It's hoped that early good health habits can be developed to carry these youngsters through their adult years.

But, the commission's concern and involvement with the physically fit doesn't stop with children. The commission has been instrumental in the creation of hiking and biking trails in Maryland for both children and adults. The commission has also helped in developing employee fitness programs. And, the commission has been a key player in the Senior Olympics and State Games.

As you can tell, the Maryland Commission on Physical Fitness has made many important contributions to the daily lives of Marylanders of all ages. I would like to commend the Maryland Commission on Physical Fitness for its outstanding track record during the past 25 years. Hopefully, the pace it has set for itself will be matched—or even surpassed—during the next 25 years to come.

Mr. ALEXANDER. Mr. Speaker, I want to thank my colleague from Maryland [Mrs. BYRON] for the invitation to participate in this special order recognizing the service provided to the people of Maryland by the Maryland Commission on Physical Fitness.

It is particularly appropriate that she lead this special order today for she has long been actively involved in promoting physical fitness. I, personally, benefited from her family's commitment to this program for it was her husband, our late colleague Goodloe Byron who encouraged me to broaden my own fitness activities to include running. And, as a result, for many years now, I have enjoyed this sport as a competitive and recreational activity.

In 1961, Maryland established its Commission on Physical Fitness, the first State-sponsored commission. Over the years commission members have included a cross-section of Marylanders ranging from concerned private citizens, business people, educators, professional athletes, and health professionals.

The commission's primary focus is on youngsters in secondary and elementary schools, but its programs encourage physical fitness for people all ages including senior citizens. Its programs use in-school activities, television and radio programs, conferences, seminars, and recreational and competitiveness competitions.

Both Maryland and the gentlelady from Maryland can take justifiably pride in the accomplishments of the Maryland Commission on Physical Fitness.

Mr. MAVROULES. Mr. Speaker, I would like to congratulate the Maryland Commission on Physical Fitness for its 25 years of service. Created in 1961, at the request of President John F. Kennedy, the Maryland Commission was the first State physical fitness commission. President Kennedy recognized that State commissions were necessary to carry out the goals of the President's Council on Physical Fitness and Sports.

The President's Council was formed in 1956, when President Eisenhower felt it was necessary because of what he saw to be an alarming number of American citizens who were in poor physical shape. Since then, through State commissions and physical education and recreation programs, great progress has been made toward a heightened awareness of physical fitness in the United States.

However, these efforts must not be abandoned. Increases in the standard of living, and added luxuries and comforts that may not have been possible in the past, have made it increasingly easy to lead a life with relatively little physical activity.

The basic goals of the Maryland commission over the years have been to work with the State Department of Education to promote physical fitness for all school children, as well as to promote adult fitness programs.

The importance of physical fitness in our society is essential. Numerous medical reports have touted the great advantages of physical fitness, particularly in a society where people work long hours under stressful conditions. It is critical that our children be taught from a very early age that their level of physical fitness directly corresponds to their level of mental alertness, and their overall sense of well-being.

I commend the Maryland Commission for all of its worthwhile efforts over the past 25 years, and I extend my best wishes for the next 25. I want to thank the gentlewoman from Maryland for allowing me the opportunity to express my strong support for the admirable goal of a physically fit society.

Mrs. BYRON. Mr. Speaker, as we close this special order, if there is any message we need to get out to the American people, the young people and our senior citizens, and everyone in between, very few of us can be a Sugar Ray Leonard.

The gentleman from Maryland [Mr. HOYER] and I have had our discussions

back and forth on Mr. Leonard who happens to be a constituent of mine, but had formerly been a constituent of the gentleman from Maryland.

Very few of us can be an Olympic basketball star, such as the gentleman from Maryland, TOM MCMILLEN, who is one of our colleagues here.

We have a large number of Olympic champions throughout this Nation. What we really have more than that is an awful lot of Archie Bunkers that certainly need to be aware of the fact that they need to be kept physically fit, so I want to commend all of those—and I hate to say "arm chair fitness buffs" out there—but anybody only needs to look out on the street and see the tennis courts full, the golf courses filled, the bicycle trails filled up, and the number of running shoes sold in this Nation, and knows there is certainly a strong commitment to fitness throughout our country.

Along with fitness goes the nutritional programs that we have seen and developed over the years, so I want to thank the Members very much for joining me today in this special order.

## GENERAL LEAVE

Mrs. BYRON. 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 my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. FOLEY), for today and tomorrow, on account of official business.

Mr. BEVILL (at the request of Mr. FOLEY), for today and tomorrow, on account of illness.

Mr. LLOYD (at the request of Mr. FOLEY), for today, on account of illness.

Mr. HOUGHTON (at the request of Mr. MICHEL), today until 3 p.m., on account of attendance at funeral in Corning, NY.

## 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. LUNGREN) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 5 minutes, today.

Mr. LUNGREN, for 5 minutes, today.

Mr. LUNGREN, for 5 minutes, on May 28.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mrs. BYRON, for 30 minutes, today.

Mr. PEASE, for 5 minutes, on May 28.

Mr. STRATTON, for 60 minutes, on June 10.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUNGREN) and to include extraneous matter:)

Mrs. MORELLA in two instances.

Mr. ARCHER.

Mr. HANSEN in two instances.

Mr. BADHAM in two instances.

Mr. BROOMFIELD in two instances.

Mr. SCHUETTE in two instances.

Mr. GILMAN in two instances.

Mrs. SAIKI.

Mr. ROWLAND of Connecticut.

Mr. FIELDS.

Mr. COURTER in two instances.

Mr. LAGOMARSINO.

Mr. GEKAS in two instances.

Mr. WELDON.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

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. STARK in two instances.

Mr. LAFALCE.

Mr. DYSON in two instances.

Mr. PRICE of Illinois.

Mr. FLORIO in two instances.

Mr. MCMILLEN of Maryland.

Mr. STARK in two instances.

Mr. RANGEL.

Mr. GORDON.

Mr. VENTO.

Mr. DIXON.

Mr. ACKERMAN in two instances.

Mr. CONYERS.

Mr. EDWARDS of California.

Mr. LEVINE of California in two instances.

Mr. MATSUI in two instances.

Mr. FEIGHAN.

Mr. SHARP in two instances.

Mr. AUCOIN.

Mrs. SCHROEDER.

Mr. HALL of Ohio.

Mr. HAMILTON.

Mrs. BOGGS.

Mr. GUARINI.

Mr. KANJORSKI.

Mr. MAVROULES.

Mr. BERMAN.

Mr. LANTOS.

Mr. MORRISON of Connecticut.

## SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 345. An act to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; and to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; to the Committee on the Judiciary.

S. 496. An act to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Government Operations.

S.J. Res. 104. Joint resolution to designate the week of May 31, 1987, through June 6, 1987, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

## 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 joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes, and

H.J. Res. 290. Joint resolution designating May 25, 1987, as "National Day of Mourning for the Victims of the U.S.S. *Stark*."

## JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On May 22, 1987:

H.J. Res. 290. Joint resolution designating May 25, 1987, as "National Day of Mourning for the Victims of the U.S.S. *Stark*."

## ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Thursday, May 28, 1987, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

1459. A letter from the Chairman, National Research Council, transmitting a prepublication copy of the National Research Council report, "Rethinking Quality Control: A new System for the Food Stamp Program," pursuant to 7 U.S.C. 2025 nt.; to the Committee on Agriculture.

1460. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the implementation and planning activities for the National Defense Stockpile during the April-September 1986 period, pursuant to 50 U.S.C. 98th-2(b); to the Committee on Armed Services.

1461. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 308 of title 37, United States Code, to eliminate the statutory minimum lump-sum payment for selective reenlistment bonuses; to the Committee on Armed Services.

1462. A letter from the Auditor, District of Columbia, transmitting the Comprehensive Annual Report, a 6-year review of fiscal years 1981-86, pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

1463. A letter from the Secretary of Energy, transmitting the quarterly report of the strategic petroleum reserve covering the period January 1, 1987, through March 31, 1987, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1464. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Pakistan for defense articles and services estimated to cost $44 million (transmittal No. 87-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1465. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting the seventh 90-day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421), to the Committee on Foreign Affairs.

1466. 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.

1467. A letter from the Comptroller General, General Accounting Office, transmitting a list of the reports issued by the General Accounting Office during the month of April 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1468. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the annual report of the Commission's activities under the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1469. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notification of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1470. A letter from the Director, U.S. Information Agency, transmitting the first semiannual report of the agency's Office of Inspector General covering the period October 1, 1986, through March 31, 1987, pursuant to Public Law 95-452, as amended; to the Committee on Government Operations.

1471. A letter from the Director of Civilian Personnel, F. Edward Hebert School of Medicine, Uniformed Services University of the Health Sciences, transmitting the 1986 pension report for the University, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1472. A letter from the Chairman, Federal Election Commission, transmitting proposed rules and regulations governing public financing of Presidential primary and general election candidates, pursuant to 26 U.S.C. 9039(c); to the Committee on House Administration.

1473. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the 1986 annual report of the Corporation, pursuant to 40 U.S.C. 880(a); to the Committee on Interior and Insular Affairs.

1474. A letter from the Comptroller General, General Accounting Office, transmitting, the report and recommendation concerning the claim of Ms. Bibianne Cyr to be relieved of liability for repayment of travel expenses that were erroneously paid to her by the Department of the Air Force, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1475. A letter from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the Saltonstall-Kennedy Act and the Fish and Seafood Promotion Act of 1986 to allow use of moneys in the Saltonstall-Kennedy fund solely for marine fishery resource programs; to the Committee on Merchant Marine and Fisheries.

1476. A letter from the Secretary of Commerce, transmitting, a draft of proposed legislation to promote marine fisheries conservation programs and for other purposes; to the Committee on Merchant Marine and Fisheries.

1477. A letter from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the Coastal Zone Management Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

1478. A letter from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend title 5, United States Code, to change the position of the Director of the Census Bureau to level IV from level V in the executive schedule; to the Committee on Post Office and Civil Service.

1479. A letter from the Director, National Bureau of Standards, Department of Commerce, transmitting a copy of the technical report, "Structural Assessment of the New U.S. Embassy Office Building in Moscow," which supplements the summary report transmitted in April 1987, pursuant to Public Law 99-591; jointly, to the Committees on Appropriations and Foreign Affairs.

1480. A letter from the Acting Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1988 and 1989 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services and the Permanent Select Committee on Intelligence.

1481. A letter from the Administrator, Environmental Protection Agency, transmitting an interim report on the "Review of Emergency Systems" which presents the planned approach and scope as well as the status of the 18-month technology review, pursuant to Public Law 99-499; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1482. A letter from the Secretary of Commerce, transmitting the monthly report on imports during January 1987 of strategic and critical materials from countries of 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.

1483. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Federal Savings and Loan Insurance Corporation's 1986 and 1985 financial statements, report on the Corporation's system of internal accounting controls and on its compliance with laws and regulations, pursuant to 31 U.S.C. 9106(a) and 3512(f); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1484. A letter from the Comptroller General, transmitting a report on the evaluation of the Immigration and Naturalization Service's (INA) trial preinspection program at Shannon International Airport, pursuant to Public Law 99-500, Public Law 99-591; jointly, to the Committees on Government Operations and the Judiciary.

## 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 May 19, 1987, the following report was filed on May 22, 1987]*

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2470. A bill to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes (Rept. No. 100-105, Pt. 1). Ordered to be printed.

*[Submitted May 27, 1987]*

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 900. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gualey, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; with amendment (Rept. No. 100-106). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1939. A bill to provide for continuing interpretation of the Constitution in appropriate units of the National Park System by the Secretary of the Interior, and for other purposes (Rept. No. 100-107). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1934. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance (Rept. No. 100-108). Referred to the Committee of the Whole House on the State of Union.

Mr. PEPPER: Committee on Rules. H. Res. 175. A resolution providing for further consideration of H.R. 1451. A bill to amend

the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes (Rept. No. 100-109). Referred to the House Calendar.

## 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. 2512. A bill relating to the tariff treatment of loganberries and raspberries; to the Committee on Ways and Means.

By Mr. BOSCO:

H.R. 2513. A bill to require that a study be undertaken regarding the fishery resources and habitats of the Russian River (California) basin; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. COBLE (for himself, Mr. BALLENGER, Mr. CLARKE, Mr. HEFNER, Mr. LANCASTER, Mr. MCMILLAN of North Carolina, Mr. MONTGOMERY, Mr. NEAL, Mr. JONES of North Carolina, Mr. DANIEL, Mr. QUILLEN, Mr. ROSE, Mr. VALENTINE, and Mr. PRICE of North Carolina):

H.R. 2514. A bill to amend the Securities Exchange Act of 1934 to establish a moratorium on hostile foreign takeovers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 2515. A bill to amend chapter 215 of title 18 of the United States Code to allow assistance of counsel in connection with grand jury proceedings; to the Committee on the Judiciary.

By Mr. FLORIO (for himself, Mr. GILMAN, Mr. HOWARD, Mr. MRAZEK, Mr. BATES, Mr. TORRES, Mr. SCHEUER, Mr. SAXTON, Mr. FOGLIETTA, Mr. LAFALCE, Mr. KOSTMAYER, Mr. DWYER of New Jersey, Mr. RICHARDSON, Mr. MOLINARI, Mr. SMITH of New Jersey, Mr. HUGHES, Mr. WAXMAN, Mr. VENTO, Mr. SIKORSKI, Mr. ROE, and Mr. BORSKI):

H.R. 2516. A bill to amend the Clean Air Act to control emissions of certain air pollutants from municipal waste incinerators; to the Committee on Energy and Commerce.

H.R. 2517. A bill to amend the Solid Waste Disposal Act to reduce the hazards associated with municipal incinerator ash, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 2518. A bill to require the Secretary of Housing and Urban Development to provide grants to public housing agencies to assist such agencies in providing child care services for lower income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANTOS (for himself and Mr. SMITH of New Jersey):

H.R. 2519. A bill to require a report on security arrangements in the Persian Gulf prior to implementing any agreement for United States military protection of Kuwaiti shipping; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. DORNAN of California:

H.R. 2520. A bill to repeal certain provisions of law which violate the doctrine of separation of powers and to eliminate certain restrictions on the authority of the executive branch; jointly, to the Committees on Foreign Affairs; Armed Services; Banking, Finance and Urban Affairs; Veterans' Affairs; Interior and Insular Affairs; and Science, Space, and Technology.

By Mr. LEVINE of California (for himself, Mr. WAXMAN, and Mr. LOWERY of California):

H.R. 2521. A bill to amend the Clean Air Act to control air pollution from sources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVINE of California (for himself and Mr. LEACH of Iowa):

H.R. 2522. A bill to prohibit private assistance for military or paramilitary operations in a foreign country if the Congress has prohibited the use of covert assistance for such operations; to the Committee on the Judiciary.

By Mr. MCMILLEN of Maryland:

H.R. 2523. A bill to amend the Export Administration Act of 1979 to require that an export license application for the export of refined petroleum products include an affidavit stating that the products are not (destined) (intended) for reimportation into the United States, with or without blending in another country; to the Committee on Foreign Affairs.

By Mr. MOLINARI (for himself and Mr. SHAW):

H.R. 2524. A bill to amend the Public Buildings Act of 1959 to permit certain executive agencies to have their headquarters located anywhere in the National Capital region; to the Committee on Public Works and Transportation.

By Mr. DORNAN of California:

H.R. 2525. A bill to repeal the War Powers Resolution; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H.R. 2526. A bill to direct the Administrator of Veterans' Affairs to provide certain health-care services at the Vietnam Veterans Outreach Center in Marina, CA; to the Committee on Veterans' Affairs.

H.R. 2527. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of possible solutions to certain problems associated with disposal of nonbiodegradable plastics, and to control pollution of the environment caused by the discarding of plastics on the land and in water; jointly, to the Committees on Energy and Commerce; Merchant Marine and Fisheries; Public Works and Transportation; and Science, Space, and Technology.

By Mr. PEPPER:

H.R. 2528. A bill to authorize the seizure of any vessel that makes a call on any port in the United States within 6 months after making a call on any port in Cuba, and for other purposes; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. RANGEL:

H.R. 2529. A bill to direct the Administrator of General Services to construct a Federal building at 125th Street and Lenox Avenue in the city of New York, NY; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. FRENZEL, Mr. OBERSTAR, Mr. STANGELAND, Mr. SABO, Mr. WEBER, Mr. SIKORSKI, and Mr. PENNY):

H.R. 2530. A bill to provide for the establishment of the Mississippi National River and Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS:

H.J. Res. 292. Joint resolution designating the week beginning February 1, 1988, as "National VITA Week"; to the Committee on Post Office and Civil Service.

By Mr. INHOFE (for himself, Mr. EDWARDS of Oklahoma, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.J. Res. 293. Joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. VALENTINE (for himself, Mr. HEFNER, Mr. BUSTAMANTE, MR. LEWIS of Florida, Mr. TRAFICANT, Mrs. COLLINS, Mr. LANTOS, Mr. HAYES of Illinois, Mr. SCHEUER, MR. STANGELAND, Mr. LELAND, Mr. RAHALL, Mr. HORTON, Mr. MRAZEK, Mr. KOSTMAYER, Mr. BRYANT, Mr. LIPINSKI, Mr. ROE, Mr. RICHARDSON, Mr. LEVINE of California, Mr. FAZIO, MRS. ROUKEMA, Mrs. BOXER, Mr. JONES of North Carolina, Mr. LAGOMARSINO, Mr. GRAY of Illinois, Mr. BENNETT, Mrs. KENNELLY, Mr. OWENS of New York, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. DEWINE, Mr. MCGRATH, Mr. KOLTER, Mr. FROST, Mr. SCHUETTE, Mr. HUTTO, Mr. SCHAEFER, Mr. MCMILLEN of Maryland, Mr. ESPY, Mr. FISH, Mrs. PATTERSON, Mr. MILLER of Ohio, Mr. LEWIS of Georgia, and Mr. BUECHNER):

H.J. Res. 294. Joint resolution designating September 1987 as "National Teenage Suicide Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H. Res. 176. Resolution directing the Secretary of Energy to provide to the House of Representatives documents relating to certain contractor and national laboratory activities performed for the purpose of informing Congress on nuclear testing; to the Committee on Armed Services.

By Mr. SUNIA (for himself, Mr. BLAZ, and Mr. AKAKA):

H. Res. 177. Resolution expressing the sense of the House of Representatives regarding the silver anniversary of the Independent State of Western Samoa; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. By the SPEAKER: A memorial of the legislature of the State of Minnesota, relative to the Farmers Home Administration's relationship with the Farmer-Lender Mediation Program; to the Committee on Agriculture.

86. Also, memorial of the legislature of the State of Maine, relative to the lockout of employees at Simplex Wire and Cable; to the Committee on Education and Labor.

87. Also, memorial of the Second Olbiil Era Kelulau, Palau National Congress, Republic of Palau, relative to the late former Congressman Antonio Borja Won Pat; to the Committee on Interior and Insular Affairs.

88. Also, memorial of the legislature of the State of Minnesota, relative to posthumously awarding the Presidential Medal of Freedom to certain individuals; to the Committee on Post Office and Civil Service.

89. Also, memorial of the legislature of the State of Minnesota, relative to the Veterans' Administration system of health care

facilities; to the Committee on Veterans' Affairs.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. DREIER of California and Mr. BARTON of Texas.

H.R. 51: Mr. YATRON, Mr. LEHMAN of California, Mr. BERMAN, and Mr. ROYBAL.

H.R. 80: Mr. GRAY of Illinois, Ms. SLAUGHTER of New York, Mr. PRICE of North Carolina, Mr. ENGLISH, Mr. HOCHBRUECKNER, Mr. STAGGERS, Mr. MCMILLEN of Maryland, and Mr. OWENS of New York.

H.R. 236: Mr. LANCASTER.

H.R. 300: Mrs. BENTLEY, Mr. BORSKI, Mr. DAVIS of Michigan, Mr. DELLUMS, Mr. DIOGUARDI, Mr. DYSON, Mr. KOLTER, Mr. LENT, Mr. LEWIS of Georgia, Mr. MANTON, Mr. OWENS of New York, Mr. QUILLEN, Mr. SOLARZ, Mr. TORRICELLI, and Mr. TOWNS.

H.R. 543: Mr. LOWRY of Washington.

H.R. 544: Mr. PACKARD, Mr. LELAND, Mr. SAVAGE, Mr. WOLPE, and Mr. SCHEUER.

H.R. 575: Mr. PENNY.

H.R. 579: Mr. WAXMAN, Mr. HOCHBRUECKNER, and Mr. PANETTA.

H.R. 593: Mr. HUNTER, Mr. MADIGAN, Mr. MICHEL, Mr. PACKARD, Mr. PURSELL, Mr. QUILLEN, Mr. TAYLOR, Mr. WHITTAKER, Mr. STENHOLM, Mr. SISISKY, Mr. ANTHONY, Mr. BARNARD, Mr. BROWN of California, Mr. DANIEL, Mr. DINGELL, Mr. EDWARDS of California, Mr. HUBBARD, and Mr. LAFALCE.

H.R. 612: Mr. ACKERMAN, Mr. VENTO, Mr. HOCHBRUECKNER, Mr. GUNDERSON, Mr. WOLPE, Mr. BATES, and Mr. WAXMAN.

H.R. 692: Mr. HUCKABY.

H.R. 789: Mr. MCMILLAN of North Carolina.

H.R. 792: Mr. DAVIS of Michigan, Mr. SOLOMON, Mrs. BYRON, and Mrs. MORELLA.

H.R. 898: Mr. TRAXLER and Mr. FORD of Michigan.

H.R. 951: Mr. STENHOLM and Mr. PACKARD.

H.R. 954: Mr. MORRISON of Connecticut, Mr. CONYERS, Mr. DELLUMS, Mr. CHAPMAN, Mr. FAUNTROY, Mr. ROYBAL, Mr. FUSTER, Mr. CAMPBELL, Mr. SPENCE, Mr. COBLE, Mr. KENNEDY, Mr. TRAFICANT, Mr. SUNIA, and Mr. MURPHY.

H.R. 1018: Mr. STARK.

H.R. 1048: Mr. SWINDALL, Mrs. BOXER, Mr. ERDREICH, and Mr. SAXTON.

H.R. 1088: Mr. FOGLIETTA.

H.R. 1161: Mr. ACKERMAN, Mr. BOEHLERT, Mr. BOLAND, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr. CAMPBELL, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. FEIGHAN, Mr. FRANK, Mr. GALLO, Mr. HORTON, Mr. JACOBS, Mr. MCHUGH, Mr. MRAZEK, Mr. QUILLEN, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. TORRICELLI, and Mr. WEISS.

H.R. 1172: Mr. FORD of Tennessee, Mr. RAVENEL, and Mr. DE LUGO.

H.R. 1200: Mr. STARK, Mrs. ROUKEMA, Mr. TRAFICANT, Mr. WOLPE, and Mr. DE LUGO.

H.R. 1231: Mr. WILLIAMS, Mrs. PATTERSON, and Mr. ECKART.

H.R. 1241: Mr. SHAW, Mr. LANTOS, Mr. ROBERT F. SMITH, Mr. EDWARDS of Oklahoma, Mr. FAUNTROY, Mr. GEKAS, Mr. MAVROULES, Mr. ACKERMAN, Mr. CHANDLER, Mr. ROWLAND of Connecticut, Mr. GILMAN, Mr. DENNY SMITH, Mr. GALLO, Mr. HILER, Mr. HYDE, Mr. YOUNG of Alaska, Mr. DONALD E. LUKENS, Mr. RHODES, Mr. PARRIS, Mr. FISH, Mr. MADIGAN, Mr. SMITH of New Jersey, Mr. SWEENEY, Mr. COBLE, Mr. TRAFICANT, Mr. LELAND, Mr. GINGRICH, Mr. MCDADE, Mr. LUJAN, Mr. MCEWEN, Mr. SOLOMON, Mr. EMERSON, Mr. BUSTAMANTE, and Mr. PACKARD.

H.R. 1327: Mr. LELAND and Mr. YATRON.

H.R. 1342: Mr. FEIGHAN.

H.R. 1346: Mr. EDWARDS of Oklahoma.

H.R. 1398: Mr. ESPY.

H.R. 1517: Mr. TOWNS, Mr. TORRICELLI, and Mr. OWENS of Utah.

H.R. 1566: Ms. SLAUGHTER of New York, Mr. MURPHY, Mr. MRAZEK, Mrs. LLOYD, and Mr. HYDE.

H.R. 1606: Mr. STUMP, Mr. BADHAM, Mr. SHUMWAY, Mr. SWINDALL, Mr. CRANE, Mr. BLILEY, and Mr. CRAIG.

H.R. 1614: Mr. DUNCAN, Mr. DOWDY of Mississippi, and Mr. HOLLOWAY.

H.R. 1620: Mr. JONTZ.

H.R. 1636: Mr. FASCELL, Mr. BERMAN, Mr. ATKINS, Mr. DELLUMS, Mr. FISH, Mr. WEISS, Mr. HOWARD, Mr. OWENS of Utah, Mr. FEIGHAN, Mr. GARCIA, Ms. OAKAR, Mr. MARTINEZ, and Mr. FOGLIETTA.

H.R. 1654: Mr. DORGAN of North Dakota.

H.R. 1662: Mr. CAMPBELL, Mr. SCHAEFER, Mr. WORTLEY, Mr. CHENEY, and Mr. DEFAZIO.

H.R. 1707: Mr. YOUNG of Florida, Mr. SCHEUER, Mr. ROWLAND of Georgia, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. STAGGERS, Mr. STENHOLM, Mr. MICA, Mr. ROBINSON, Mr. PERKINS, Mr. SUNIA, Mr. FAUNTROY, and Mr. HAYES of Illinois.

H.R. 1713: Mr. EDWARDS of Oklahoma and Mr. ROBERTS.

H.R. 1738: Mr. EDWARDS of Oklahoma.

H.R. 1770: Mrs. BOXER.

H.R. 1782: Mrs. BOGGS and Mr. ROEMER.

H.R. 1834: Mr. TORRICELLI, Mr. DIXON, and Mr. ANNUNZIO.

H.R. 1857: Mr. WILSON, Mr. LAGOMARSINO, Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mr. ATKINS, Mr. KASTENMEIER, Ms. KAPTUR, Mr. OWENS of New York, Mr. KOLBE, Mr. SUNDQUIST, Mr. HOWARD, Mr. HUBBARD, and Mr. BORSKI.

H.R. 1860: Mr. OWENS of Utah.

H.R. 1885: Mr. GALLEGLY and Mr. THOMAS of Georgia.

H.R. 1924: Mr. DORNAN of California.

H.R. 1934: Mr. CONTE, Mr. CRANE, and Mr. DE LUGO.

H.R. 1950: Mr. BUSTAMANTE, Mr. CLARKE, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. MARTIN of New York, Mr. OLIN, Mr. PANETTA, Mr. PURSELL, Mr. ROE, Mr. ROEMER, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mr. WILLIAMS, Mr. FOGLIETTA, Mr. MINETA, and Mr. WALGREN.

H.R. 1960: Mr. DELAY, Mr. DIOGUARDI, and Mr. LUNGREN.

H.R. 1975: Mr. SKELTON, Mr. UDALL, and Mr. WALGREN.

H.R. 1987: Mr. ATKINS, Mrs. BENTLEY, and Mr. REGULA.

H.R. 2038: Mr. HOCHBRUECKNER.

H.R. 2048: Mr. LAGOMARSINO, Mr. SUNIA, Mr. WOLF, Mrs. BOXER, Mr. PORTER, Mr. GOODLING, Mr. LEVIN of Michigan, and Mrs. BENTLEY.

H.R. 2051: Mr. DORNAN of California and Mr. LAGOMARSINO.

H.R. 2062: Mr. PERKINS.

H.R. 2063: Mr. CRANE.

H.R. 2065: Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mrs. BOXER, and Mr. BATES.

H.R. 2116: Mr. BARTON of Texas, Mr. DAVIS of Michigan, Mr. OBERSTAR, Mr. ROBERT F. SMITH, Ms. SNOWE, and Mr. WILSON.

H.R. 2117: Mr. WORTLEY, Mr. COMBEST, Mr. DAUB, and Mr. BARTON of Texas.

H.R. 2138: Mr. RAHALL.

H.R. 2146: Mr. MOAKLEY and Mr. ROBINSON.

H.R. 2148: Mr. PENNY, Mr. DAUB, Mrs. SMITH of Nebraska, Mr. HAMILTON, Mr. NEAL, and Mr. BALLENGER.

H.R. 2191: Mr. NELSON of Florida.

H.R. 2205: Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. DORNAN of California, Mr. DAUB, Mr. NIELSON of Utah, and Mr. DONALD E. LUKENS.

H.R. 2216: Mr. GUARINI, Mr. CLAY, Mr. BERMAN, Mr. LEVIN of Michigan, Mr. OWENS of New York, and Mr. WILLIAMS.

H.R. 2246: Mr. MANTON, Mr. ACKERMAN, Mr. ORTIZ, Mr. FROST, Mr. FRANK, Mr. WILSON, Mr. SMITH of Florida, Mr. LELAND, Mr. FEIGHAN, Mr. MCEWEN, Mr. SAVAGE, Mr. LANCASTER, Mr. RODINO, Mr. KANJORSKI, Mr. FORD of Michigan, Mr. TRAFICANT, Mr. MRAZEK, and Mr. DE LUGO.

H.R. 2248: Mr. YOUNG of Florida.

H.R. 2249: Mr. SUNIA, Mr. DE LUGO, Mr. RANGEL, Mr. PRICE of Illinois, Mr. MINETA, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. HAYES of Illinois, Mr. DEFAZIO, Mr. ROYBAL, and Mr. SCHEUER.

H.R. 2284: Mr. SOLARZ.

H.R. 2307: Mr. SCHUMER, Mr. SAVAGE, Mr. MARTINEZ, and Mr. OWENS of New York.

H.R. 2312: Mr. FEIGHAN and Mr. DE LUGO.

H.R. 2318: Mr. DAUB, Mr. BEREUTER, Mr. MARTIN of New York, Mr. MONTGOMERY, Mr. MARLENEE, and Ms. SNOWE.

H.R. 2320: Mr. FRANK and Mr. VENTO.

H.R. 2337: Mr. MARTIN of New York and Mr. SOLARZ.

H.R. 2371: Mr. LAGOMARSINO, Mr. BOEHLERT, Mr. DORGAN of North Dakota, Mr. SUNDQUIST, Mr. GALLO, Mr. FLORIO, Mrs. BENTLEY, Mr. SPENCE, Mr. PORTER, Mr. QUILLEN, and Mr. LANCASTER.

H.R. 2383: Mr. ACKERMAN, Mr. KOLTER, Mr. LAGOMARSINO, Mr. APPLEGATE, Mr. DYMALLY, Mr. MRAZEK, Mr. FROST, Mr. SWIFT, Mr. LEVIN of Michigan, Mr. SKELTON, Mr. OWENS of New York, Mr. HORTON, Mr. HUGHES, and Mr. HAWKINS.

H.R. 2491: Mr. ROTH and Mrs. BENTLEY.

H.J. Res. 50: Mr. YATES, Mr. DE LA GARZA, Mr. VOLKMER, Mr. MORRISON of Connecticut, Mr. WALGREN, Mr. EMERSON, Mr. HOCHBRUECKNER, Mr. KANJORSKI, Mr. OWENS of New York, and Mr. HORTON.

H.J. Res. 52: Mr. CLAY, Mr. BARNARD, Mr. SWINDALL, Mr. IRELAND, Mr. BATEMAN, Mr. HENRY, Mr. SMITH of New Jersey, and Mr. BOULTER.

H.J. Res. 55: Mr. WOLPE, Mr. MCHUGH, Ms. OAKAR, Mr. ATKINS, Mr. WAXMAN, Mr. BATES, Mr. FISH, Mr. MARTINEZ, Mr. HOYER, Mrs. MEYERS of Kansas, Mr. HARRIS, Mr. CAMPBELL, Mr. HERTEL, and Mr. SHUMWAY.

H.J. Res. 62: Mr. HERGER.

H.J. Res. 90: Mr. MADIGAN.

H.J. Res. 106: Mr. MINETA, Mr. HAYES of Louisiana, Mrs. BENTLEY, Mr. EMERSON, Mr. WEISS, Mr. CALLAHAN, and Mr. HAWKINS.

H.J. Res. 111: Mr. DOWDY of Mississippi, and Mr. MAZZOLI.

H.J. Res. 112: Mr. FEIGHAN.

H.J. Res. 134: Mr. CARDIN, Mr. GRAY of Pennsylvania, Mr. WYLIE, Mr. YATRON, Mr. WHITTAKER, Mr. PANETTA, Mrs. JOHNSON of Connecticut, and Mr. VALENTINE.

H.J. Res. 137: Mr. KILDEE, Mr. BROOMFIELD, Mr. MURTHA, Mr. IRELAND, Mr. MORRISON of Connecticut, Mr. MATSUI, Mr. ANNUNZIO, Mr. HYDE, Mr. ANDERSON, Mr. SUNIA, Mr. GONZALEZ, Mr. CHAPMAN, Mr. KOSTMAYER, Mr. ROWLAND of Georgia, Mr. MINETA, Mr. BATES, Mr. DYSON, Mr. KLECZKA, Mr. GORDON, Mr. THOMAS of California, Mr. LAFALCE, Mr. BLAZ, Mr. PICKLE, Mr.

CONTE, Mr. SYNAR, Mr. HEFNER, Mr. WELDON, Mr. BURTON of Indiana, Mr. MFUME, Mr. SISISKY, Mr. HANSEN, Mr. MICHEL, Mr. DINGELL, Mr. RHODES, Mr. MADIGAN, Mr. FROST, Mr. SCHULZE, Mrs. VUCANOVICH, Mr. PERKINS, Mr. YOUNG of Florida, Mr. WHITTAKER, Mr. YOUNG of Alaska, Mr. FRENZEL, and Mr. ROE.

H.J. Res. 195: Mr. FUSTER, Mr. LAGOMARSINO, Mr. FOLEY, Mr. WYDEN, Mr. DYMALLY, Mr. SOLARZ, Mr. LEVIN of Michigan, Mr. HAYES of Illinois, Mr. DIXON, Mr. FAUNTROY, Mr. MRAZEK, Mr. LEWIS of California, Mr. CONYERS, Mr. TALLON, Mr. KOSTMAYER, Mr. FAZIO, Mr. DE LA GARZA, Mr. SMITH of Florida, Mrs. BOXER, Mr. WOLF, Mrs. LLOYD, Mr. LANCASTER, Mr. DWYER of New Jersey, Mr. DORNAN of California, Mr. VENTO, Mr. DEWINE, Mr. ST GERMAIN, Mr. BROWN of California, Mr. FROST, Mr. CLINGER, Mr. OWENS of New York, Mr. SCHAEFER, Mr. ATKINS, Mr. MCMILLEN of Maryland, Mr. AKAKA, Mr. FISH, Mrs. KENNELLY, Mr. BONER of Tennessee, Mr. FLIPPO, Mr. DUNCAN, Mr. LANTOS, Mr. YATES, Mr. ESPY, Mr. LIPINSKI, Mr. YOUNG of Florida, Mr. HORTON, Mr. STAGGERS, Mr. CALLAHAN, Mr. BROWN of Colorado, Mr. MARTINEZ, Mr. LEHMAN of Florida, Mr. BEVILL, Mr. SABO, Mr. ROBINSON, Mr. BARNARD, Mrs. SAIKI, Mr. SAVAGE, Mr. LELAND, Mr. GREGG, Mr. MORRISON of Connecticut, Mr. CAMPBELL, Mr. JONES of Tennessee, Mr. LEACH of Iowa, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. HALL of Texas, Mr. ANTHONY, Mr. GALLEGLY, Mr. BOUCHER, Mr. ROGERS, Mr. BURTON of Indiana, Ms. OAKAR, Mr. TRAXLER, Mr. PERKINS, Mr. GUNDERSON, Mr. ALEXANDER, Mr. ANDERSON, Mr. MCCLOSKEY, Mr. DIOGUARDI, Mr. RHODES, Mr. HUGHES, Mr. ANNUNZIO, Mr. YATRON, Mr. RODINO, Mr. GONZALEZ, Mr. PURSELL, Mr. FASCELL, Mr. MURPHY, Mr. SCHEUER, Mr. GORDON, Mr. PASHAYAN, Mr. PARRIS, Ms. KAPTUR, Mr. SISISKY, Mr. JONTZ, Mr. BATEMAN, Mr. HENRY, and Mr. EMERSON.

H.J. Res. 206: Mr. DIOGUARDI, Mr. STARK, Mr. MARTINEZ, and Mr. BADHAM.

H.J. Res. 227: Mr. FAZIO, Mr. HOCHBRUECKNER, Mr. FROST, Mr. DEWINE, Mr. MCGRATH, Mr. COATS, Mr. SCHUETTE, Mr. YATES, Mr. LIVINGSTON, Mr. LUNGREN, Mr. DONALD E. LUKENS, Mr. HUGHES, Mr. STARK, and Mr. LEVINE of California.

H.J. Res. 243: Mr. MORRISON of Connecticut, Mr. OWENS of New York, and Mrs. BOXER.

H.J. Res. 246: Mr. FEIGHAN, Mrs. JOHNSON of Connecticut, Mr. LEVIN of Michigan, Mr. TRAXLER, Mr. MCDADE, Mr. HOYER, and Mr. LAFALCE.

H.J. Res. 256: Mr. FUSTER, Mr. FAZIO, Mr. VALENTINE, Mr. UDALL, Mr. WORTLEY, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. INHOFE, Mr. DANNEMEYER, Mr. LIPINSKI, Mr. BLAZ, Mr. CONTE, Mr. VOLKMER, Mr. HUGHES, Mr. CLAY, Mr. LANCASTER, Mr. HORTON, Mr. LAGOMARSINO, Ms. OAKAR, Mr. ATKINS, Mr. BURTON of Indiana, and Mrs. BENTLEY.

H.J. Res. 261: Mr. FAZIO and Mrs. BOXER.

H.J. Res. 268: Mr. KASTENMEIER, Mr. VENTO, Mr. KENNEDY, Mr. EMERSON, Mr. ERDREICH, Mr. HORTON, Mr. LEVINE of California, Mr. KILDEE, Mr. BONIOR of Michigan, Mr. DYSON, Mr. HUGHES, Mr. WORTLEY, Mr. DEWINE, Mr. FISH, Mr. KASICH, and Mrs. JOHNSON of Connecticut.

H.J. Res. 271: Mr. HANSEN, Mr. HUGHES, Mr. STARK, Mr. COYNE, and Mr. UDALL.

H.J. Res. 283: Mr. PURSELL.

H. Con. Res. 19: Mr. GREGG.

H. Con. Res. 35: Mr. HENRY.

H. Con. Res. 66: Mr. MARTINEZ, Mr. ECKART, Mr. LEHMAN of Florida, Mr. FEIGHAN, Mr. FISH, and Mr. LANTOS.

H. Con. Res. 68: Mrs. BENTLEY, Mr. BEREUTER, Mr. CARDIN, Mr. CARPER, Mr. CHANDLER, Mr. DIOGUARDI, Mr. ECKART, Mr. FEIGHAN, Mr. FISH, Mr. KENNEDY, Mr. KOLBE, Mr. ROE, Mr. WALGREN, and Mr. WILLIAMS.

H. Con. Res. 75: Mr. BLILEY.

H. Con. Res. 110: Mr. LAGOMARSINO.

H. Con. Res. 113: Mr. BATES, Mr. SIKORSKI, Mr. FISH, Mr. HUGHES, Mr. THOMAS A. LUKEN, Mr. MARTINEZ, Mr. STUDDS, Mr. LEVIN of Michigan, Mrs. BOXER, and Mr. WALGREN.

H. Con. Res. 128: Mr. COELHO, Mr. LEHMAN of California, Mr. WOLPE, and Mr. FORD of Michigan.

H. Res. 110: Mr. COBLE and Mr. RAVENEL.

H. Res. 146: Mr. SOLARZ and Mr. FEIGHAN.

H. Res. 166: Mr. UPTON, Mr. LAGOMARSINO, Mr. BARTON of Texas, Mr. SWINDALL, Mrs. VUCANOVICH, and Mr. HENRY.

H. Res. 168: Mr. JONES of North Carolina, Mr. RAVENEL, Mr. BROOKS, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. OXLEY, and Mr. EMERSON.

H. Res. 169: Mr. DENNY SMITH, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. ROBERTS, Mr. DANNEMEYER, and Mrs. JOHNSON of Connecticut.

## PETITIONS, ETC.

### Under clause 1 of rule XXII,

40. The SPEAKER presented a petition of the City Council, New York, NY, relative to amending the Pure Food and Drug Act; which was referred to the Committee on Energy and Commerce.

# EXTENSIONS OF REMARKS

## VENTO INTRODUCES LEGISLATION TO ESTABLISH THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. VENTO. Mr. Speaker, I am pleased to reintroduce today major legislation to designate the 80-mile segment of the Mississippi River through the St. Paul-Minneapolis metropolitan area as the "Mississippi National River and Recreation Area."

This legislation was originally introduced late in the 99th Congress. Since that time I have been pleased with the input I have received from public officials and private individuals concerned with the care and utilization of this magnificent river resource.

The Mississippi as it flows through the Twin Cities metropolitan area is truly a national asset, containing a diversity of resources found in no other stretch of this great river. The river itself undergoes a transformation in its passage through the Twin Cities area—going from a wild and shallow river to channel cutting through a deep scenic gorge before breaking out into a broad floodplain overlooked by magnificent bluffs.

It was because of the diversity of natural resources that man was drawn here. Former Indian sites abound along the river, and when whites entered the area they drew upon the river's natural features to establish the major miltiary post of the upper Midwest, Fort Snelling, along the Mississippi's bluffs.

The river further spurred the economic life of the area, an important role it still plays today. At St. Anthony Falls in Minneapolis, the only significant waterfall along the entire Mississippi, commerce boomed through the development of sawmills and flour mills and the operation of the first hydroelectric dam on the Mississippi. As with the river's early history, the Twin Cities today still serve as the terminus for commercial navigation on the upper Mississippi.

The unique historic, cultural, recreational, economic and other values of the river through the seven-county metropolitan river corridor make the Mississippi a special national resource. However, the value of this resource is, unfortunately, not being fully realized. The preservation and utilization of the river is impeded by the lack of a coordinated plan for the river's management. A large number of Federal, State, and local agencies have jurisdiction over various aspects of the river, with the result that there are conflicting and overlapping policies in the land and water management of this magnificent resource.

The legislation I am introducing today recognizes the national significance and interest in the river. It builds upon that to develop a framework that draws upon the ideas and expertise at the Federal, State, and local levels. The effective care and management of this river segment needs to be a cooperative effort. For too long, Federal, State, and local plans and policies have run in different directions—the result of this being that the river environment has suffered.

Following a National Park Service reconnaissance study in 1980 which I requested, I offered legislative language that became law, creating the Metropolitan River Corridor Study Committee. The committee's report submitted to Congress in 1986 has provided further impetus for the need for a comprehensive effort to address the Mississippi River's future management and use.

The legislation I am introducing also contains provisions authorizing Federal participation in a Tri-Rivers Board, which will provide a forum for consultation and cooperation in the management of the Mississippi, St. Croix, and Minnesota Rivers within the Twin Cities metropolitan area. By working with State and local governments, we can significantly improve the management of these rivers.

The recent public and private efforts to enhance the river are evidence of the emergence of a community consensus that recognizes what an outstanding physical feature the Mississippi River is, its important role in the development of the region, as well as the important role it continues to play today in the recreation and economic life of the community.

I believe my legislation can build upon this recognition to define the appropriate national role and implement a cooperative plan that recognizes the valued historical, cultural, natural, recreational and economic resources which the Mississippi has to offer.

The text of the bill follows:

H.R. 2530

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

SECTION 1. FINDINGS AND PURPOSES.

(A) FINDINGS.—The Congress finds that:

(1) The Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, and scientific resource.

(2) There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.

(3) State and local planning efforts along the River Corridor provide a unique foundation for coordinating Federal, State, and local planning and management processes.

(4) Existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.

(5) The preservation, enhancement, enjoyment, and utilization of the nationally significant resources of the Mississippi River Corridor can be accomplished by a cooperative Federal, State and local comprehensive planning and management effort.

(b) PURPOSES.—The purposes of this Act are:

(1) To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area.

(2) To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.

(3) To provide management framework to assist the State of Minnesota and its units of local government in the development and implementation of the integrated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with the findings of this Act.

SEC. 2. ESTABLISHMENT OF NATIONAL RIVER AND RECREATION AREA.

(a) ESTABLISHMENT.—There is hereby established the Mississippi National River and Recreation Area (hereinafter in this Act referred to as the "Area") which shall consist of that portion of the Mississippi River and adjacent lands generally within the St. Paul-Minneapolis Metropolitan Area, as depicted on the map entitled Mississippi National River and Recreation Area numbered MI-NRA/80,000 and dated April 1987. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, D.C., and in the offices of the Metropolitan Council of the Twin Cities Area in St. Paul, Minnesota.

(b) BOUNDARIES.—The Secretary of the Interior (hereafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under subsection (a).

SEC. 3. MISSISSIPPI RIVER COORDINATING COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a Mississippi River Coordinating Commission whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2. The Commission shall consist of the following 18 members appointed by the Secretary of the Interior:

(1) The Director of the National Park Service, or his designee.

(2) The Chief of the Corps of Engineers, or his designee.

(3) The Director of the Fish and Wildlife Service, or his designee.

(4) 3 individuals, nominated by the Governor of Minnesota, to represent the interests of the State of Minnesota.

(5) 1 individual, nominated by the Governor of Wisconsin to represent the interests of the State of Wisconsin.

(6) 1 individual, to represent the Metropolitan Council of the Twin Cities Area.

(7) 2 individuals, to represent the cities of St. Paul and Minneapolis.

(8) 2 individuals, nominated by the Governor of Minnesota, to represent the interests of the other affected municipalities and counties.

(9) 1 individual, to represent the Metropolitan Parks and Open Spaces Commission.

(10) 1 individual, nominated by the Governor of Minnesota, to represent the interests of commercial navigation.

(11) 4 individuals, nominated by the Governor of Minnesota, to be chosen from the general public.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members (other than ex officio members) shall be appointed for terms of 3 years.

(2) Of the members first appointed—

(A) Under paragraph (4) of subsection (a):

(i) 1 shall be appointed for a term of 1 year.

(ii) 1 shall be appointed for a term of 2 years.

(B) Under paragraphs (7) and (8) of subsection (a), one shall be appointed for a term of 1 year.

(C) Under paragraph (11) of subsection (a):

(i) 1 shall be appointed for a term of 1 year.

(ii) 1 shall be appointed for a term of 2 years.

(iii) 1 shall be appointed for a term of 4 years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) COMPENSATION.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the Secretary from among the members of the Commission to serve for a term of 3 years.

(e) QUORUM.—7 members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(g) DEVELOPMENT OF POLICIES AND PROGRAMS.—As a coordinator and advisory organization, the Commission shall assist the Secretary, the State of Minnesota and local units of government, utilizing existing site plans, in developing the following:

(1) Policies and programs for the preservation and enhancement of the environmental values of the Area.

(2) Policies and programs for enhanced public outdoor recreation opportunities in the Area.

(3) Policies and programs for the conservation and protection of the scenic, historical, cultural, natural and scientific values of the Area.

(4) Policies and programs for the commercial utilization of the Area and its related natural resources, consistent with the protection of the values for which the Area is established as the Mississippi National River and Recreational Area.

(h) STAFF.—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this Act. The Secretary may accept the services of personnel detailed from the State of Minnesota or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(i) PLAN.—Within 3 years after enactment of this Act, the Commission shall submit to the Secretary and the Governor of Minnesota a comprehensive plan for land and water use measures for the area to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions. The plan shall utilize existing site plans but shall coordinate those plans to present a unified comprehensive plan for the Area. The plan shall include but not be limited to each of the following:

(1) A program for management of existing and future land and water use.

(2) A program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, regional and local levels.

(3) A coordination and consistency component which details the ways in which local, State and Federal programs and policies may best be coordinated to promote the purpose of this Act.

(4) A program for the consolidation of permits that may be required by Federal, State, and local agencies having jurisdiction over land and waters within the Area.

(j) DEVELOPMENT OF PLAN.—

(1) In developing the plan the Commission shall consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the Area.

(2) In developing the plan the Commission shall consult with interested conservation, business, professional and citizen organizations.

(3) In developing the plan the Commission shall conduct public hearings within the Area, and at such other places as may be appropriate, for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(k) APPROVAL OF PLAN.—The Commissions plan shall be submitted to the Secretary and the Governor of Minnesota, for their review. The Secretary shall act on the plan within 90 days. In determining whether to approve or disapprove the plan, the Secretary shall consider any comments submitted by the Governor. In reviewing the plan the Secretary shall also consider each of the following:

(1) The adequacy of public participation.

(2) Assurances of plan implementation from State and local officials.

(3) The adequacy of regulatory and financial tools are in place to implement the plan.

(4) Plan provisions for continuing oversight of the plan implementation by the Secretary and the Governor of Minnesota.

If the Secretary disapproves the plan, he shall, within 60 days after the date of such disapproval advise the Commission in writing of the reasons therefor, together with his recommendations for revision. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(l) INTERIM PROGRAM.—Prior to the adoption of the Commission's plan, the Secretary shall monitor all land and water use activities within the Area to ensure that said activities are in keeping with the purposes of this Act, and shall consult and cooperate with the State of Minnesota and its political subdivisions to minimize adverse impacts on the values for which the Area is established.

(m) COMMISSION REVIEW.—The Commission shall assist the Secretary and the Governor of Minnesota in reviewing and monitoring the implementation of the plan by Federal, State, and local governmental agencies having jurisdiction in the Area. The Commission may, after providing, for public comment and subject to the Secretary's approval, as set forth in subsection (j), modify said plan, if the Commission determines that such modification is necessary to further the purposes of this Act.

(n) TERMINATION OF COMMISSION.—The Commission shall terminate on the date 10 years after the enactment of this Act.

SEC. 4. FEDERAL LANDS AND DEVELOPMENTS.

(a) LANDS.—Notwithstanding any other provision of law, any Federal property located within the boundaries of the Area as identified on the map referred to in section 2, is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, except as follows:

(1) Facilities and lands administered by the Secretary of the Army through the Corps of Engineers for navigational purposes may continue to be used by the Secretary of the Army subject to the provisions of subsection (b).

(2) Federal property on which there is located any building or other structure which is in use (as of the enactment of this Act) shall not be transferred under this subsection without the concurrence of the administering agency.

(b) FEDERAL AGENCY ACTIVITIES.—

(1) IN GENERAL.—Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section 3. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within 60 days of receiving notice under this subsection. Unless the Secretary determines that the proposed facility or undertaking is compatible with the plan, or that such proposed facility or undertaking is essential for the protection of public health or safety or is necessary for national security or defense, no license or permit may be issued by a department, agency, or instrumentality of the United States for the facility or undertaking and no such depart-

ment, agency, or instrumentality may commence the undertaking or provide Federal assistance for such undertaking.

(2) WATER RESOURCES DEVELOPMENTS.—The authority of the Secretary of the Army, through the Corps of Engineers, to undertake or contribute to water resources developments, including shore erosion control and navigation improvements on lands and waters within the Area shall be exercised in accordance with plans that are mutually acceptable to the Secretary and the Secretary of the Army. Such authority shall be exercised in a manner consistent with the purposes of this Act and the purposes of existing statutes dealing with water and related resources development.

SEC. 5. ADMINISTRATION.

(a) AUTHORITIES.—The Secretary shall administer the Area in accordance with this Act, and in accordance with the provisions of law generally applicable to units of the national park system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) STATE AND LOCAL AUTHORITIES.—In administering the Area, the Secretary shall consult and cooperate with the State of Minnesota and its political subdivisions concerning the development and management of Federal lands within the Area.

(c) LAND ACQUISITION.—Within the boundaries of the Area, the Secretary is authorized, in consultation with the State of Minnesota and the affected local governmental unit, to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange or transfer, except as provided in paragraphs (1) and (2).

(1) Any lands or interests therein owned by the State of Minnesota or any political subdivision thereof may be acquired only by donation.

(2) Privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary makes a determination pursuant to subsection (d)(2).

(d) REVIEW OF LOCAL PLANS.—

(1) AUTHORITY.—For the purpose of protecting the integrity of the Area the Secretary shall review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to section 3. Additionally the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances.

(2) PURPOSE.—The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this Act. Following the approval of the plan under section 3 and after a reasonable period of time has elapsed, upon a finding by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), and if the Secretary determines that there is no feasible alternative available to prevent uses which would be substantially incompatible with the plan, the Secretary may exercise the authority available to him under the provisions of paragraph (3).

(3) ACQUISITION.—In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved pursuant to section 3, or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary shall notify the local government authority concerned. Unless, within 60 days after the date of such notice, the plan, law, or ordinance, amendment, or variance is modified to conform with the plan or enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary may acquire land or interests in land without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

(e) USE AND OCCUPANCY OF ACQUIRED IMPROVED PROPERTY.—(1) The Secretary may permit the owner or owners of any improved residential property acquired by the Secretary under this Act to retain a right of use and occupancy of the property for noncommercial residential uses not incompatible with the plan approved under to section 3. Except as provided in this subsection, such rights shall before a definite term ending not more than 25 years from the date of acquisition or a term ending at the death of the owner. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership or any entity other than an individual, the term shall not exceed 25 years. Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this section the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(2) The Secretary may terminate at any time a right retained pursuant to this subsection if it is being exercised in a manner incompatible with the plan approved pursuant to section 3.

(3) As used in this subsection—the term "improved residential property" means a single-family dwelling, the construction of which began before January 1, 1987, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates is reasonably necessary for the owner's continued use and occupancy of the dwelling.

SEC. 6. STATE AND LOCAL ASSISTANCE AND JURISDICTION.

(a) GRANTS.—Upon approval of the plan under section 3, the Secretary is authorized to make grants to the State of Minnesota, or its political subdivisions, for the acquisition within the Area of lands and waters or interests therein in a manner consistent with the purposes of this Act.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized and directed to enter into cooperative agreements with the State of Minnesota or any political subdivision thereof pursuant to which he may assist in the planning for and interpretation of non-Federal publicly owned lands within the Area.

(c) TECHNICAL ASSISTANCE.—To enable the State of Minnesota and its political subdivisions to develop and implement programs compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

(d) STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

TITLE II—TRI-RIVERS MANAGEMENT

SEC. 201. TRI-RIVERS MANAGEMENT BOARD.

(a) FEDERAL REPRESENTATIVES.—In furtherance of the integrated management of those portions of the Mississippi, St. Croix, and Minnesota Rivers within the St. Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers.

(b) PERSONNEL.—Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to carry out the purposes of this section the sum of $100,000 annually; except that the Federal contribution to the Board shall not exceed one-third of the annual operating costs of the Board.

## THE MARYLAND PHYSICAL FITNESS COMMISSION

### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. DYSON. Mr. Speaker, I rise today to commemorate the 25th anniversary of the Maryland Physical Fitness Commission. Since its establishment in 1961, the commission has performed an invaluable service to the Maryland community.

The commission was established in order to fulfill the goals of the President's Council on Physical Fitness and Sports. Maryland was the first to form a State commission on physical fitness. The commission originally consisted of 25 board members and a chairman. The first chairman was Harry D. Kaufman, who presided over the commission until 1978, when my distinguished colleague, the Honorable BEVERLY B. BYRON, replaced him. The goals of the Maryland Commission remain the same: working cooperatively with the Maryland Department of Education toward the promotion of physical fitness for all Maryland citizens. While the commission's primary focus is on school children, adults also benefit from commission programs. Finally, the Maryland Commission on Physical Fitness works cooperatively with various private groups in the promotion of physical exercise programs.

Throughout the years, the commission has created a variety of different programs to help Marylanders of all ages to get in shape. The commission established the "Five Points Program," which established minimum exercise standards for all physical education programs in county schools. The Maryland Commission also converted old railroad right-of-ways into new hiking and biking trails. In 1967 the "Active People Over 60" program was initiated, encouraging elderly citizens to join in a physical exercise program especially designed to keep them fit.

Mr. Speaker, in these and innumerable other ways, the Maryland Physical Fitness Commission has enriched the physical health and well being of all Marylanders. For this reason, Mr. Speaker, on this occasion of its 25th anniversary, on behalf of all Marylanders, I would like to express our heartfelt gratitude for the outstanding work the commission has done throughout the years.

## WHY IT'S GOOD BUSINESS TO SUPPORT EMPLOYEE HEALTH BENEFITS

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. STARK. Mr. Speaker, I would like to call the attention of the House to some especially fine testimony on the need for adequate health care for all workers.

Following is the statement of Mr. Robert L. Crandall, chairman and president of American Airlines, before the Ways and Means Health Subcommittee on May 12.

Mr. Crandall's statement was a refreshing, encouraging explanation of why our entire society would be better if we enacted "legislation that will require employers to provide basic health benefits for all employees and retirees."

As this leading corporate executive points out, mandatory employer-paid health benefits will "keep responsibility for health care in the private sector, where it can be administered on the most cost-effective basis * * * provide a more equitable distribution of health care costs * * * eliminate the practice of reducing benefits for competitive reasons * * * [and] ultimately lower total health care costs as more employers attach importance to maintaining the good health of their employees."

The Ways and Means Health Subcommittee is working on legislation in this area, and I expect that we will develop a bill which will have strong support throughout our society.

The statement follows:

STATEMENT OF ROBERT L. CRANDALL, CHAIRMAN AND PRESIDENT OF AMERICAN AIRLINES, INC.

My name is Robert L. Crandall. I am Chairman and President of American Airlines. I welcome this opportunity to testify because I believe it is time for American business to take a fresh look at the costs and equities of health care for employees.

I am here to encourage the Committee to enact legislation that will require employers to provide basic health benefits for all employees and retirees. I am convinced—considering the alternatives—that other businesses will soon join us in supporting such legislation. Let me tell you why.

Our current voluntary system has left millions of Americans without any health coverage whatsoever, and millions more inadequately covered. Unforeseen health care expenditures—even ones that normally aren't classified as catastrophic—can have a devastating impact on the economic well-being of families. Health care insurance can prevent families from having a health tragedy compounded by economic ruin—and everyone needs that protection.

If for no other reason, we should have a goal of universal health care coverage because it is the right thing to do. There is, of course, a more pragmatic side of the issue. I would argue that for most U.S. firms, a policy of mandatory health benefits would be good business. Let me explain why.

Everyone knows that there is no such thing as a free lunch. In fact, being in the airline business, I can assure you that there is not even such a thing as a free bag of peanuts. Companies that believe they are avoiding health care costs by not offering employee or retiree benefits are simply wrong. They, like the rest of us, are in fact paying—in one way or another—for the health care costs of the roughly 37 million Americans who are without insurance. Unfortunately, those employers that do not offer their employees coverage probably are avoiding paying their fair share.

That leads us to the problem, which is that companies like ours pay twice—once for our own employees and then again, via taxes and inflated health insurance premiums—for the employees of those businesses who don't provide benefits for their own people.

While tens of millions of Americans do not have health care insurance, only a very few actually go without health care. Some of the uninsured pay their own way, but the majority rely either on public health programs or charitable services.

Let me make it clear that American Airlines does not object to paying its fair share of the health care costs of low income individuals and senior citizens. But we do object to paying for the health care costs of individuals employed by or retired from other businesses, some of whom may even be our competitors. And that is precisely what is happening today. It is absolutely inequitable to allow some businesses to shift these costs to others.

Indeed, I fear that we may be seeing the start of an unhappy trend by which employers will avoid providing health care benefits as a means of obtaining advantages over their competitors. It has already happened in the airline industry. In fact, I think this is one of many factors accounting for the much discussed decline in the service standards of our industry.

Let me give you one concrete example of how this problem will get worse if we don't take appropriate action. When Continental Airlines declared bankruptcy a few years ago, it abrogated its labor contracts and eliminated, among other benefits, medical benefits for many of its retirees. From a business perspective, the bankruptcy was an extraordinary success. Continental has since emerged from bankruptcy and its parent—Texas Air—is now the nation's largest airline company. But from a public point of view, it is a different question. As a result of the bankruptcy, Continental's labor costs are now about half those of many other airlines.

You don't have to be a business genius to figure out that when a company has labor costs twice that of a larger competitor, something has to give. Consider the question of medical coverage for retirees as a single example. I have included a chart in my testimony that shows that in less than 10 years American's costs for retiree medical coverage will be over $120 million annually. Continental does not provide medical benefits for retirees. Thus, unless something changes, we'll have to collect $10 million a month more from our passengers than Continental Airlines does—and that's only about 20% of the problem. Overall, Continental's wage and benefit costs give it an annual advantage of more than $600 million a year—or about $50 million a month.

In the airline business most costs do not vary much from one company to another. There really isn't much to the "no frills" idea; we all pay about the same for fuel, equipment, food, interest rates, and so on. The only significant difference between carriers is their respective labor costs and if we must cut our labor costs to match Continental, we and our employees have some painful times ahead.

In my view, permitting companies to scrimp on employee and retiree benefits like fair pensions and adequate medical insurance is simply not sound public policy. If this is the beginning of a trend, our nation is in deep trouble—and now is the time to put a stop to it.

Our current international trade problems have made us all particularly sensitive to competition from Japan; among other characteristics of Japan's industrial strength is the commitment of its businesses to the basic needs of workers. There is something here we can learn from the Japanese—a decent regard for the health of our nation's workers is both good business sense and good public policy.

We should also recognize that when an employer has a stake in the health of its employees, it is much more inclined to provide a working atmosphere that encourages fitness and good health. Progressive companies in America work with their employees to reduce illness and accidents—not only because it is the right thing to do, but also because it is cost-effective. That incentive is substantially less if employers have no direct financial stake in the cost of health care. If every company pays its fair share of health costs, I believe that workplace health programs will expand and that the nation's total health care costs will fall.

Throughout these remarks, I have referred to both employee and retiree benefits. I want to make a special appeal that you include retiree health care benefits in whatever package you put together. In my view, every company ought to provide a full range of retiree benefits and no company should be allowed to withdraw benefits already promised to retirees. Retirement should be a time of reduced anxiety and uncertainty. It is nothing less than outrageous to withhold or withdraw benefits from those most in need of them.

In summary, legislation prescribing mandatory employer-paid health benefits for employees and retirees will accomplish four important objectives: First, it will serve to keep responsibility for health care in the private sector, where it can be administered on the most cost effective basis. Second, it will provide a more equitable distribution of health care costs. Third, it will eliminate the practice of reducing benefits for competitive reasons. Fourth, it will ultimately

lower total health care costs as more employers attach importance to maintaining the good health of their employees.

## ASSEMBLYMAN DAVID SCHWARTZ OF NEW JERSEY PROPOSES HOUSING POLICY

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. FLORIO. Mr. Speaker, recently in the Christian Science Monitor, Assemblyman David Schwartz of New Jersey proposed a 10-point policy that would revitalize the housing in the United States.

Currently, as the cost of a typical home increases each year, more and more individuals are left cold, outside the housing market. In many instances, the lack of affordable housing for rent or for purchase results in the displacement of thousands of people. Unable to afford even a modest roof over their heads, more families are turning to the streets and to shelters for the homeless.

Assemblyman Schwartz proposes a policy that is, in part, modeled after policies that have already been put into effect in New Jersey with successful results.

The proposals also go further in addressing the problem of housing in our country. On the national and on the State level, there are ways that programs can be tailored to meet the housing crunch: renovation of old and abandoned buildings and a housing finance program to create more rental housing, among others.

As we in Congress address the situation of the homeless and focus on ways to make housing affordable for everyone through reauthorization of FHA mortgage programs and housing assistance, I am including Assemblyman Schwartz's editorial below in the hope that we can find new ideas in this proposals:

10 STEPS TO A BETTER US HOUSING POLICY

(By David Schwartz)

Now that congressional action is underway on the Housing and Community Development Act of 1987, it is timely, as well as necessary, to assess housing conditions in America and to redesign our national housing policy to improve these conditions. Many parts of the nation suffer from a shortage of affordable housing, steadily rising rents, and the scourge of homelessness. After six years of federal neglect, Congress now has a fine opportunity to prove once again that wise government policy literally begins at home.

Today, too many of our fellow citizens are discovering that the door to homeownership is locked, and that government has helped hide the key. While the Reagan administration has generally ignored the problem, the average working American is finding that housing prices are rising far faster than income. The costs of homeownership are now 300 percent higher than they were in the late 1970s. Consequently, homeownership in this country has actually declined since 1980, following 35 years' steady increase. Despite recent, and most likely temporary, drops in mortgage rates, many people are excluded from the housing market.

An important study conducted by the Joint Center for Housing Studies of the Massachusetts Institute of Technology and Harvard University related the decline in homeownership almost entirely to the inability of young families to enter the current housing market. The study indicated that since 1981, the percentage of homeowners in the 25 to 29 age group fell by almost 1 percent each year. Similarly for those between 30 and 34, homeownership has dropped from 59.3 to 54.7 percent in the past five years.

Thus the "average" American family can no longer afford to buy the "average" American home. A family earning the nation's median family income of about $28,000 falls short of the income needed to carry the mortgage on today's median-price home.

The percentage of annual income required of first-time home buyers for down payment has risen from about 33 percent in 1978 to 50 percent in 1985. Likewise, the annual income percentage for mortgage payments went from 21 percent in 1973 to about 44 percent in 1986. Little wonder that mortgage default rates are at their highest levels in a decade and that the foreclosure rate has nearly doubled since 1980.

Clearly, we need a bold yet prudent national housing program to facilitate homeownership, increase the amount of affordable rental housing, and rid the country of homelessness. I suggest a 10-point plan to accomplish these goals, a practical and humane program already proven in many of our states.

We could establish a national lease-purchase homeownership program, perhaps one modeled after our successful program in New Jersey. Here, our state housing agency makes attractive loans to builders and nonprofits. Lease-purchasing families make a monthly payment, part of which goes toward a down payment that is paid off within 24 to 36 months.

A second program which could ease down payment burdens is a national housing investment corporation, which could administer a shared equity or co-investment mortgage fund. This corporation would have an equity interest in a diversified, high-quality portfolio of appreciating housing assets. It would make the government a housing partner, investing in families and housing stock.

A third way to help young families accrue a down payment would be to create a national employee homeownership program: Employers would provide down payment assistance to employees in a way that is tax-advantageous to both.

Individual housing accounts, patterned after individual retirement accounts, would also help first-time home buyers save for a down payment.

In addition, we should return to the states the full capacity to issue necessary levels of tax-free mortgage revenue bonds. The recently enacted tax reform act severely limits this capacity, but it should be restored.

To build and rehabilitate affordable rental units, four major national programs are needed.

We need a program to stimulate the construction of hundreds of thousands of affordable rental units every year. An urban and balanced housing finance act, similar to the program I helped establish in New Jersey, can meet the need. Our program provides an upfront, one-time subsidy which is sufficient incentive to the shelter industries and to nonprofits that units are being produced. Municipalities compete for the funds and are required to make cost-saving contributions like donations of land or tax abatements. A modest tax on luxury housing and commercial realty provides a self-replenishing source of revenue.

We need an old buildings, new communities law to co-venture the production of affordable apartments through rehabilitating empty buildings. This bill would differ from existing programs by emphasizing a partnership with nonprofit community and religious groups and labor unions, concentrating on empty and abandoned buildings to eliminate displacement effects, and encouraging mixed use projects to include neighborhood stores and service businesses.

We must restore favorable tax treatment to builders who will construct affordable apartments and to state governments that wish to use tax-free bonds for low-income housing.

Furthermore, our national government should recommit itself to a decent, expansive public housing policy. We should fully fund the adequate upkeep of public housing and constrain efforts at privatization so that public housing occupants are not forced to buy unsound apartments at unfair prices. And we should fund the construction and maintenance of new public housing, at least when and where local communities are ready to welcome and support them.

We simply must act decisively to pass a homeless persons survival act. Most homelessness can be prevented in a cost-effective way, and we have a moral obligation to find shelter for those who are already homeless. We need to preserve, not separate, families and help promote dignity and independence through jobs training, counseling, and community support.

This plan is neither perfect nor complete, but it is a basis for discussion and action. After years of neglect, it is time to deal with the housing crisis before it cripples our spirit and corrupts our dreams.

## COMMEMORATING PAT CLARK FOR HIS OUTSTANDING SERVICE TO NEVADA

### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to an outstanding Nevadan and Las Vegas community leader, Pat Clark. On Saturday, May 30, Pat will be honored by the Help Them Walk Again Foundation for his many activities that have benefited each of the citizens of Southern Nevada.

Pat Clark came to Nevada from New York in 1938 and through his hard work quickly established himself as a prominent businessman in Las Vegas. After serving as the local agent for Signal Oil and owning the El Rio Garage, Pat opened a soon-thriving Pontiac dealership during the darkest days of World War II. This rapidly expanding business provided employment for up to 80 workers, while at the same time serving the transportation needs for a booming southern Nevada.

That operation led Time magazine and the National Automobile Dealers Association to choose Pat as one of 60 Time magazine quality dealers in the United States in 1975. Seven years later, the Nevada Safety Council—an organization which he helped found—named

him "Man of the Year," and General Motors honored him for being a GM dealer for 40 years.

And yet, Mr. Speaker, Pat's business success was not limited to this alone. Pat is a founder of the Nevada Beverage Co., one of the outstanding beverage wholesalers of the United States. He also helped found one of southern Nevada's first home-owned banks, the Nevada State Bank.

The community service record of Pat Clark is long and distinguished. Throughout the 1940's, Pat was a Las Vegas city commissioner, helping to attract new industry and improve the quality of life for citizens of southern Nevada. His efforts to improve city services—especially as police commissioner and health-board chairman—was a key to the growth of Las Vegas. Pat and his dealership have been active in such groups as the Boy Scouts, the Girl Scouts, the Lions Club, the Benevolent and Protective Order of Elks, the Jaycees, and the Help Them Walk Again Foundation. Other civic organizations he has helped found include the Las Vegas Junior Chamber of Commerce, the Salvation Army in southern Nevada, the Nevada Safety Council, and the Nevada New Car Dealers Association. Pat Clark has given generously of his time in serving as a Catholic layman and has greatly aided the parochial schools of Las Vegas.

It is often said that the truest measure of a man is his contributions to his community. By that exacting standard, Mr. Speaker, few can match Pat Clark's outstanding record of accomplishment.

## "ASIA BUSINESS NEWS" PROJECT

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ACKERMAN. Mr. Speaker, like most Americans, I am concerned about the staggering economic and trade issues between Japan and the United States.

Despite the current efforts on both sides to deal with these issues, the gaps are deep rooted and just won't go away through assurances, patch-work actions or through simplistic "solutions." The more economic the aspects of the problem becomes, the more the confusion and frustration on the part of the American public. The reports we receive through the media, both print and electronic, are presented in such a way that may make some sense to certain economists, international financial analysts and business academicians, but are almost undecipherable, no less understandable, to the average American.

Let's face it, Mr. Speaker, even though we are all affected one way or another by these issues, too few American taxpayers and consumers are knowledgeable of the causes and effects here resulting from economic development in other parts of the world, especially in Japan and other Pacific Rim nations.

Despite the sophistication of today's communications, there remains a wide gap of clear and factual information between the United States and Japan as well as between the United States and other industrialized Asian nations. This woeful lack of clarity in communication is largely responsible for the confusion, unawareness, misconceptions and speculations, all of which affect our own economic and consumer markets.

The current reports we get from Asia, usually out of Tokyo, are too general and too incomprehensible for the average public. The coverage is mostly confined to financial news pages, business publications, economic journals and occasional television spots. Despite the crying need for better understanding and broader knowledge, there is virtually no concentration or focus on day-to-day financial developments in order to provide a realistic perspective for American business, for the investor, for the consumer and yes, Mr. Speaker, for officialdom on all levels of government.

The thing that concerns me, Mr. Speaker, in regard to Japan in particular, is that we're not just talking about autos, semi-conductors, oranges, beef or dollars and yens. We're talking about Japan and our relationship with that nation. We're talking about foreign policy as well as trade in its broadest and most serious implications. I believe we have to come to grips with these issues; otherwise, the whole relationship is in jeopardy—a most important relationship for Japan, for the United States and for the world.

That is why I feel we must emphasize the broad implications of wide trade imbalances and currency fluctuations. Since trade and finance are integral ingredients of industrialized nations, the United States and Japan must act together to bring sanity, clarity and understanding in mutually dealing with the many intricacies of these issues.

With the need for better understanding of complex international finance and trade issues being more timely now than ever before, what better way to reach all segments of the American public than through the magic of television?

That is why, Mr. Speaker, I am particularly pleased to learn of a proposed television project, "Asia Business News," being initiated by a New York constituent, Michael Cooper, president of Cooper & Company, a United States-Japan business consulting organization. Mr. Cooper, who has had long experience in virtually every phase of television production and telecommunications, together with his associates here and in Japan, has put together a Tokyo-based project which, when implemented, will be the first and only daily live English language televised program to emanate from Japan and satellited to the United States concentrating solely on interrelated business news and financial developments between our two countries as well as between the United States and the Pacific Rim nations.

The "Asia Business News" program will be an up-to-the moment half hour presentation, continuing daily and initially beamed at a networked national audience of at least 26 million American viewers. The program will have an eye-catching and unique format, segmenting spot economic news, emerging situations, expert analysis, inside stories and special features. It will report on intergovernmental activities, investment opportunities stock and currency trends and new markets. It will offer simplified explanations of developments, visual examples of effects on consumers and, of particular significance, exchange of views between recognized American spokespersons and their Asian counterparts.

Mr. Speaker, as business and government information needs to expand with the mammoth growth of the cross-cultural Pacific market, and as we become more and more aware of Asia becoming the fastest growing economic focus of the United States, I ask what could be more opportune than a continuing televised financial program such as projected in "Asia Business News?"

Michael Cooper and his associates are to be highly complimented on their foresight and are deserving of much success in this commendable venture.

## IRRELEVANT WEEK

### HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BADHAM. Mr. Speaker, the Green Bay Packers need help badly to return to the form of the Vince Lombardi years, so as a key to return to eminence, they have drafted Norman Jefferson, a defensive back from Louisiana State University, one who sat out a good deal of the 1986 season with injuries and who was the 335th—and last—draft pick in the National Football League this year.

But such little problems never worry Paul T. Salata and his band of zanies from Newport Beach, who will honor Jefferson on Father's Day, June 21, during Irrelevant Week XII, for being the last person picked in the NFL draft. Since Newport Beach is in California's 40th Congressional District, I take this opportunity to explain to my distinguished colleagues in this body what Irrelevant Week is all about.

It means doing something nice for someone for no reason, emphasizing at the same time that it is irrelevant if one is picked first in the draft or last in the draft or in the middle of the draft, for that person made a name for himself and did the best he could. Maybe even gave 110 percent.

Norman Jefferson will be feted, wined, dined, honored, interviewed, given all sorts of trivial gifts and otherwise be King for a Day in Newport Beach during Irrelevant Week. It will be a week he will never forget, although he might like to.

Of the 11 honorees who have preceded him, one player skipped to the Canadian League, another made the squad of an NFL powerhouse, but broke his collarbone halfway through the season and the rest haven't been heard of since. But that's irrelevancy for you.

Jefferson had a pretty good year as a sophomore at LSU but his record has been pretty spotty since, primarily due to a knee injury last year. The Green Bay Packers hope that his late-season recovery will continue and he will be able to play this year.

Jefferson is from Marrero, LA, one of the thriving metropolises of the State, has a mother, three brothers and two sisters. He is an expert tackler, runs punts back quite well and was a preseason pick for all Southeast

Conference honors last year until his knee was wrecked against Georgia.

Nevertheless, I take this opportunity to salute Norman Jefferson and all of the last picks of the world. For, after all, it's better to be picked last than not to be picked at all.

## TRIBUTE TO ERIC JOHNSON

### HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. SCHUETTE. Mr. Speaker, today I have the privilege of commending an outstanding individual from the 10th District of Michigan whose achievements and service have recently been recognized with a Vocational Instructional Program Advisory Committee Award. Eric Johnson, was presented the award during a Salute to America's Volunteers in Vocational-Technical Education on May 6 at a ceremony in our Nation's Capitol.

After a most successful career in teaching at two Michigan high schools, Eric resigned to manage the family farm implement business in Ithaca, MI. But Eric went further than simply running a business—he teaches students from the local high schools and Michigan State University the work of his trade and business. In addition, he has been most generous in inviting agriculture students to participate in open houses he holds at Johnson & Sons, the family business.

His list of other community service projects is most impressive, including a heavy emphasis on agricultural programs. On numerous occasions, Eric served as a judge for the Future Farmers of America, and has been a resource speaker for Michigan State University, and served on a committee for his hometown agriculture production program. Under his rule, Johnson & Sons has provided equipment to teach area students to set up the equipment and how to operate machinery safely.

In the past, Eric was chairman of the Alma High School Vocational Education Task Force. Presently, he is serving as chairman for the shared time agriculture program at Alma, in addition to serving as director of the Michigan Farm Dealers Association and serving on the executive board of the Michigan Farm Power Association.

This list, though most impressive, does not begin to accurately describe the commitment Eric has shown to his fellow citizens of the Ithaca and Alma areas. In times when so many youngsters in rural areas are turning to larger, urban cities for their future, it is indeed refreshing and encouraging to learn of individuals with such outstanding service as Eric Johnson who have dedicated much of their lives to helping children develop their talents and ambitions. Mr. Speaker, I hope you and our colleagues will join me in saluting Eric Johnson for his outstanding service to the people of a rural community and their way of life.

## LEGISLATION BANNING PRIVATE ASSISTANCE FOR MILITARY OR PARAMILITARY OPERATIONS IN A FOREIGN COUNTRY IF THERE IS A STATUTORY PROHIBITION ON COVERT GOVERNMENT ASSISTANCE FOR SUCH OPERATIONS

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LEVINE of California. Mr. Speaker, JIM LEACH and I are today reintroducing legislation to amend the Neutrality Act to prohibit private assistance for military or paramilitary operations in a foreign country if Congress has acted to prohibit U.S. Government involvement in such operations.

We first introduced this legislation in March of 1985, in response to reports circulating at that time that private groups and individuals were supplying military aid to the Nicaraguan Contras. Had our bill been enacted at that time, our Nation could have been spared the trauma of the greatest scandal since Watergate.

There is no doubt than many, both in and out of the current administration, believe that a congressional ban on military aid to the Contras did not limit the ability of private citizens and Government officials to continue to wage their own private war to overthrow the Nicaraguan Government.

We do not share that view. That is why we are introducing this bill, and why we introduced similar legislation 2 years ago.

When President Reagan signed into law the bill which contained the Boland amendment, it became official U.S. foreign policy, regardless of his or anyone else's views about its merits. As a result of the House-Senate hearings on this matter, we now know that the administration sought to circumvent the provisions of the Boland amendment essentially from the moment of its enactment, by enlisting private citizens and foreign leaders to carry out its foreign policy agenda.

This "privatization" of foreign policy flies in the face of international law, American law, and the Constitution.

The Neutrality Act, which was enacted into law in 1793, reflects a premise central to American law for two centuries—that war should be a Government function. Especially in the case of covert operations, it undermines U.S. foreign policy to have private citizens financing foreign military operations after Congress has cut off funds for such operations.

The Constitution grants Congress a mandate to share control over the Nation's foreign policy with the executive branch. Yet this administration, when its desired course of action on foreign policy had been denied by Congress, simply moved its foreign policy operations outside of the traditional policymaking circles.

Enactment of this legislation in 1985 would have meant one of two things for the foreign policy debacle now facing us: either we would be dealing with an unequivocal breach of the law, or the private aid network would have been shut down 2 years ago. In either case, this legislation would have removed all doubt about the legality of such actions.

There is no doubt in my mind that actions by private citizens aimed at providing military aid to guerrillas working to overthrow a government with whom we are technically at peace is a violation of the Neutrality Act. However, Richard Secord's view which was apparently shared by others in the administration, that the Neutrality Act sanctions such actions makes it clear that legislation is needed to eliminate any ambiguity in the law.

This legislation should make it explicitly and unequivocally clear that the Neutrality Act prohibits private citizens from conducting their own individual wars against other nations when those actions are in conflict with official U.S. foreign policy. As the President so frequently reminds us, our domestic foreign policy debate must stop at the water's edge: We cannot tolerate a public and a private foreign policy any more than we can have an executive and a congressional foreign policy. Our country should have 1 foreign policy, not 200 million of them.

Our legislation would make it clear that efforts to ignore or undermine the will of Congress will not be tolerated, and that, no matter how repugnant individual Americans may find the internal and foreign policies of other nations, no one, no matter how rich or powerful, has the right to take the making of foreign policy into their own hands. And, finally, our legislation will spare the Nation a rerun of the sordid affair which is now being played out in the hearing rooms of the House and Senate.

## TRIBUTE TO THE JAPANESE-AMERICAN CITIZENS LEAGUE

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the work of a distinguished public service organization, the Japanese-American Citizens League, in Sacramento, CA.

The league has, over the years, dedicated itself to the improvement in the quality of life for all members of the Sacramento community. Through their commitment, the league has assisted many young students further their education by offering scholarships to distinguished college-bound students.

The Japanese-American Citizens League is most deserving of our thanks and our praise for their efforts and compassion. There are few causes more worthwhile than assisting our young people in their efforts to further their education and contribute in a meaningful way to society. Given the unprecedented challenges arising from the vast and significant changes which are taking place in our society, the importance of an advanced education is greater now than ever before.

I wish to commend the league on this act of public service, and extend my personal congratulations to each of these students for their academic excellence. Being honored with scholarships are:

Ms. Sandra Kawamura of Delta High School, Ms. Kimberly A. Ohara of J.F. Kennedy High School, Ms. Mary Jane Nakamura of C.F. McClatchy High School, Ms. Stacy Wong of J.F. Kennedy High School, Mr. Stephen K. Baishiki of Cordova High School, Ms. Jolie M. Yamada, Ms. Jane M. Furukawa, Mr. Geary M. Noguchi, Ms. Laura A. Nishina, and Ms. Fonda H. Watanabe of J.F. Kennedy High School, Mr. Ulysses M. Nishi of Rio Vista High School, Ms. Jayna M. Toyama of C.K. McClatchy High School, Ms. Wendy M. Hirai of Hiram Johnson High School, Mr. Todd Imura of J.F. Kennedy High School, Ms. Cindy Nishio of C.K. McClatchy High School, Mr. David S. Onodera of Sacramento High School, Ms. Dianne C. Miyao, Ms. Colleen Montgomery, and Ms. Lynwood Montgomery of Hiram Johnson High School. Also receiving scholarships were Ms. Kristl Honda and Mr. Robert M. Nakagawa of Sacramento City College.

## RETIRED COLONEL WRITES ON MOSCOW EMBASSY CONTROVERSY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mrs. MORELLA. Mr. Speaker, a constituent in Maryland's Eighth District, retired Air Force Lt. Col. Charles M. Perkins, has written the following provocative article raising questions about some widely held beliefs concerning our controversial new Embassy in Moscow.

The article was printed recently in U.S. News & World Report under the "Rostrum" section.

The article follows:

MOSCOW EMBASSY CONTROVERSY

U.S. counterintelligence has been given an undeserved black mark over security problems at our new embassy in Moscow. Our security services are pictured as hopelessly inadequate and no match for the Soviet KGB. These claims are shocking, embarrassing and distressing to anyone who expects U.S. counterintelligence to earn its keep—protecting our secrets from the theft, our facilities and equipment from compromise and our citizens from subversion.

Fortunately, all of these assertions are quite wrong. I know because I was there—as the Defense Intelligence Agency representative on the Security Advisory Group, Moscow, from 1976 through 1981. The chairman of this group was from State Department security, and the CIA, FBI, National Security Agency and National Security Council also were represented. Our job was to solve the security problems for the embassy, chancery, living quarters and the grounds around the complex.

The group drew on the wealth of experience and technical expertise of its members and came up with safeguards for the research and development, fabrication and assembly stages of the project. Included were:

Tamperproof sealing, escorting and monitoring of all materials being shipped; warehousing under guard of all materials arriving in the Soviet Union from overseas; the fabricating of all building components on site; continuous and spot inspections of all construction activities during the working day—and after hours as well when deemed appropriate.

In addition, our plan called for random and unannounced demolition of fabricated materials at the job site to search for concealed devices.

And these were only the standard, garden-variety measures. There were others that still must remain secret.

As an Air Force security officer for more than 20 years, I saw this project as the capstone of my career—and I think my colleagues did, too. Here was a chance for us to focus our knowledge and strengths on a critically important project right in the back yard of our main adversary and make the complex safe for our diplomats, support personnel and families for years to come.

Of course, we knew we were starting literally in a hole. The site itself was on very low ground with drainage problems and—when I first saw the location near the Moskva River in 1976—what appeared to be a sewer pipe emptying into the center of it.

The site selection had been a political decision—the result of trade-offs and compromises—and it was not our job to criticize or moan about it. We had to come up with ways to work around it. Also, we were well aware of the physical and mental stresses that go along with building a major project in a closed society like the Soviet Union. There was no arrogance on our part. We knew we had a devil of a job to do. But we were determined to prevail.

If the press reports and congressional statements about our new embassy are to be believed, then something has gone seriously awry. Clearly, our recommendations were either selectively employed, used piecemeal, compromised or rejected entirely. We were short-circuited by our own people.

Probably, as with the site selection, concessions were made for politically expedient reasons.

The resulting scandal cannot begin to be measured by the $192 million price tag on the project. U.S. counterintelligence has been subjected to undeserved question and ridicule, and the damage may last for years. My professional lifetime, and those of my partners on the working group, has been squandered. And the heritage of freedom that we tried to secure for our country has been jeopardized.

To those decision makers who put the rest of us in this box—whoever they are—I only hope the fruits of your compromises were worth the sacrifice of our energy, our work and our trust, which you frittered away. We were due better than this.

## DR. JOHN D. MILAM

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ARCHER. Mr. Speaker, one of my constituents, Dr. John D. Milam from Houston, TX, was recently elected president of the American Blood Commission. Dr. Milam is the director of pathology at St. Luke's Episcopal Hospital and a recognized expert in this field. I'm sure that he will make an outstanding contribution during his tenure.

I would like to share with my colleagues his keynote address to the American Blood Commission in which he outlines the challenges facing our Nation's blood service system.

KEYNOTE ADDRESS, AMERICAN BLOOD COMMISSION

(By John D. Milam, M.D.)

It is indeed an honor and a privilege to become the seventh president of the American Blood Commission. As I look at the list of presidents who have served the ABC since its inception, I am aware of the leadership expected of me as ABC president. With the support and understanding of the board, the executive director, my fellow officers, the ABC committees, and our many constituents, I shall endeavor to fulfill my fiduciary and organizational responsibilities.

As we approach a new commission year, we face significant challenges. The public has never been more concerned about the safety of blood transfusion. In light of this fact, we have a great opportunity to serve our country's patients and blood donors. Americans are increasingly being faced with the impact of infectious agents on their lives. One area of particular concern to the ABC is the impact of the evolving epidemiology on blood donors and recipients and on the ability of blood service agencies to maintain a safe, adequate supply of blood and blood products. The ABC's forum has a great potential for accommodating many different points of view and for providing comprehensive, thoughtful, and even diverse types of support for America's blood services by addressing ethical, responsibility, and relationship issues.

Of course, the ABC's most valuable asset is its members. With respect to our organization's purpose and function, I would like to emphasize that the members are invited to the Commission's table, present their views, discuss common interests and concerns, initiate collective action, and identify issues that deserve further attention. We will need commitment from all our members in order to fulfill our mission, as well as assist our member organizations in discharging their responsibilities. Together, we should be able to accomplish our goals. I look forward to working with the board, the committees, and the executive director and her office staff, as well as with other organizations with whom we share mutual concerns and problems.

All of the ABC's committee members deserve a great deal of credit for their hard work. The Planning Committee will be asked to consider the following charges for the new commission year:

(1) To address transfusion safety since this issue weighs heavily on the minds of the public.

(2) To investigate and recommend basic research areas that deserve critical attention.

(3) To develop and implement a program agenda for the annual meeting.

(4) To consider the relationship between blood and other tissue and organs.

(5) To monitor the evolving reorganization of blood source delivery systems.

(6) To consider establishing an ongoing relationship with a biomedical ethicist.

(7) To consider the need for promoting appropriate transfusion practices in line with current scientific information and to consider possible mechanisms for accomplishing this goal.

## GROUPS WORK TO SUSPEND MOST-FAVORED-NATION STATUS TO ROMANIA

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. HALL of Ohio. Mr. Speaker, on April 30, 1987, the House adopted the Wolf-Hall amendment to H.R. 3, the omnibus trade bill. This amendment provides for a 6-month suspension of most-favored-nation [MFN] trade status for Romania because of that nation's failure to respect human rights.

The intent of this amendment is to put the Ceausescu government on notice that Congress expects to see genuine improvements regarding religious rights, labor rights, emigration, treatment of ethnic minorities, and overall human rights as a condition for the continuation of trade benefits. The amendment has the support of a number of organizations that are concerned about these human rights issues.

The amendment has the support of Helsinki Watch and the International Human Rights Law Group. Both of these organizations expressed concern about the overall state of human rights in Romania.

The temporary MFN suspension for Romania also is supported by Christian Response International, CREED, and the Romanian Missionary Society. These groups are especially troubled by religious repression in Romania. Their particular concern is the harassment of the Christian churches in Romania.

While not specifically endorsing the amendment, the Union of Councils for Soviet Jews and the National Jewish Coalition have expressed their approval of the amendment's effort to spotlight human rights abuses in Romania. These organizations are concerned about the well-being of the Jewish community throughout the Eastern bloc, and are troubled by any efforts to suppress the free exercise of religion.

The repression of ethnic minorities in Romania, particularly the 2.5 million Hungarians living in Romania, has been the special concern of several groups. Dr. Michael Szaz, representing the National Confederation of American Ethnic Groups, the American Hungarian Action Committee, and the Transylvanian World Federation, is among those actively supporting the Wolf-Hall amendment. His organizations, along with the Hungarian Human Rights Foundation of Laszlo Hamos, have been working for many years to bring to the attention of the Congress and the administration the human rights violations prepetrated against the Hungarians in Romania by the Ceausescu government. The Hungarian Human Rights Foundation also endorses and is working for the adoption of the 6-month suspension of Romania's MFN trade status.

In addition, the Committee for Human Rights in Romania and the Freedom Federation are among the other groups that support the Wolf-Hall amendment.

Although the Heritage Foundation does not lobby for legislation, it has provided ongoing research information about human rights abuses in Romania. The Heritage Foundation also has documented how Romania supports international terrorism and works against United States interests around the world.

Within the next few days, President Reagan must decide whether the United States will continue MFN for Romania for another year. I would urge him to follow the advise of these organizations and make a strong stand for human rights by temporarily suspending MFN for Romania.

## UNITED STATES-FRENCH COOPERATION IN CHAD

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. HAMILTON. Mr. Speaker, I wish to bring to my colleagues attention correspondence I have had with the Department of State concerning United States-French cooperation in Chad. My letter to the Secretary of State on April 28, 1987, was the result of a report in the Washington Times on April 24 that indicated the French were refusing to share intelligence they had gathered on Soviet military equipment captured in Chad for retreating Libyan forces.

The State Department reply of May 22 shows that the reports were not true. In early April, France and the United States had reached a general agreement on the investigation of Soviet military equipment, pending the approval of the Chadian Government. This operation is now going ahead.

This State Department letter also provides an explanation of current United States aid to Chad and how it corresponds with assistance to Chad from France. I believe Members will find the Department of State's response to be informative. The Washington Times article and the exchange of letters follow:

[From the Washington Times, Apr. 24, 1987]

U.S. BARRED FROM CHAD INTELLIGENCE

(By James Dorsey)

France has refused to share with the United States intelligence gleaned from Soviet military equipment abandoned by Libya in Chad, according to administration officials.

The French government, the officials said, has been unresponsive so far to repeated U.S. requests for briefings on what French officials may be learning from the vast arsenal Libya's defeated troops left behind in Quadi Doum, formerly Libya's main airbase in northern Chad.

"The French have not been very forthcoming," one official said.

With only three military experts in the Chadian capital of Ndjamena, which is hundreds of miles away from the battlefield, the United States has little opportunity of its own to take a close look at the abandoned Soviet equipment.

Following the decisive loss of Quadi Doum last month, Chadian forces captured a vast array of Soviet equipment. It includes L-39 ground support jets, MI-24 attack helicopters, 200 T-55 and T-62 tanks, multiple rocket launchers, entire missile batteries, radar installations, a revolutionary laser guidance system for the SA-6 missile, Russian instruction manuals for their weaponry and log books of aborted air reconnaissance missions.

French intelligence and ordnance experts are reported to be scouring the 10,000-square-mile battlefield looking at the equipment.

U.S. officials acknowledged that France is the leading Western power in its former African colony and said the French would eventually share what they may have learned from the capture. But they added that they did not expect to discover much that had not been known before.

The Reagan administration sent $15 million worth of military equipment to Chad to bolster President Hissene Habre's successful campaign to oust Libyan troops from the north of his country. The administration last month approved an additional $10 million in military supplies to Chad.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 28, 1987.*

Hon. GEORGE P. SHULTZ,
*Secretary, Department of State,*
*Washington, DC.*

DEAR MR. SECRETARY: There have been recent press reports that the United States has asked for French cooperation in sharing intelligence obtained from Libyans captured in Chad and from the Soviet military equipment the Libyans abandoned in Chad and that the French have resisted such cooperation.

I would like to know precisely what we have asked for and what, if anything, has been denied or delayed. I would also like to know about the degree of French-American cooperation in Chad.

I appreciate your prompt response attention to this matter.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
*Chairman, Subcommittee on Europe and the Middle East.*

U.S. DEPARTMENT OF STATE,
*Washington, DC., May 22, 1987.*

Hon. LEE H. HAMILTON,
*Chairman, Subcommittee on Europe and the Middle East, House of Representatives.*

DEAR MR. CHAIRMAN: I am replying to your letter of April 28 to the Secretary, which requested information on the degree of cooperation between France and the United States in assisting Chad. I am pleased to report that cooperation among Chad, France and the United States is excellent.

Since the beginning of this year, Chadian troops under Chadian leadership have inflicted the worst ever military defeats on the Qadhafi regime and driven Libyan troops almost entirely out of northern Chad, which Libyan military forces had occupied since their invasion in 1983.

France, the former colonial power, has the leading Western assistance role in Chad. France provides substantial security aid, both in the supply of military equipment and in the training of Chadian troops. Further, at the request of the Chadian Government, France, since February, 1986, has maintained French military forces in southern Chad to help defend the country against any Libyan attacks south of the 16th parallel. These French forces have not engaged in ground combat. Last week, the French Government announced that French military forces will deploy into northern Chad in a "humanitarian role"—clearing Libyan land mines, and helping with food, health, and education for Chadi-

an refugees returning to their homes in the liberated north. France also provides substantial economic and developmental aid to Chad, which has been hard hit by the cumulative ravages of war, drought, locust, and the collapse of the world market price for cotton, Chad's prime export product.

United States assistance to Chad is designed to complement, not duplicate, the leading French efforts. U.S. security aid has included provision of small arms, ammunition, vehicles, C-130A transport aircraft, Redeye anti-aircraft missiles, light anti-tank weapons, medical supplies, and individual equipment. Small, temporary-duty U.S. military training teams provide training to Chadian personnel on this U.S.-supplied equipment. The training is done in the vicinity of the capital city, N'Djamena, hundreds of miles south of the area of the fighting. The U.S. does not have any combat personnel in Chad. We also provide economic, developmental, and humanitarian assistance to Chad, one of the world's poorest countries.

In their decisive victories at Fada, on January 2, and Ouadi Doum, on March 22, Chadian troops captured large quantities of Soviet-origin military equipment (SOVMAT) from the defeated Libyan forces. This equipment is, of course, Chadian property.

Chad, France, and the United States have had numerous discussions concerning the recovery and exploitation of this captured SOVMAT. In early April, France and the U.S. reached general agreement on joint SOVMAT exploitation operations and sought the approval of the Chadian Government. These operations are now going ahead and information obtained is being shared between France and the United States. We are continuing to work very closely on this and other issues with both Chad and France.

With best wishes,

Sincerely,

J. EDWARD FOX,
*Assistant Secretary, Legislative and Intergovernmental Affairs.*

## A TRIBUTE TO FRANCES KITCHING

### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. DYSON. Mr. Speaker, I rise today in honor of Mrs. Frances Kitching, who recently retired after nearly 35 years of fine service and down home hospitality to visitors of Maryland's eastern shore.

Mrs. Kitching is not only known for her inn keeping, however. For approximately 35 years she has cooked for hungry passersby and workers on Smith Island, delighting them with traditional eastern shore specialties as well as her own creations such as crab loaf and oyster puffs. The spreading word of her fabulous cuisine led to the publishing of "Mrs. Kitching's Smith Island Cookbook."

Her fame has spread to more distant shores as well. Since she appeared on a National Geographic television special about the Chesapeake Bay, people from all over the world have come to know her by name and through their visits.

Unfortunately, due to unforeseen health problems, Mrs. Kitching's restaurant and inn on Smith Island are now closed. From the first days when she cooked for the workers bringing electricity to Smith Island up to the present day, Mrs. Kitching has added a special flavor to the eastern shore. This savory presence, I assure you, Mr. Speaker, will be sorely missed by all in Maryland's First Congressional District.

## THE $600 ENEMA

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. STARK. Mr. Speaker, I've long been critical of the Department of Defense for some of its crazy, wasteful expenditures, such as the $600 toilet seats.

After 2½ years as chairman of the Ways and Means Health Subcommittee, I'm utterly convinced that there are similar layers of waste in the Nation's health care system—a system which now consumes almost 11 percent of our gross national product.

Medicare, Medicaid, and taxpayer/citizens are paying for way too many $600 enemas—the equivalent of the Department of Defense's $600 toilet seat.

For any Member who doubts that there cannot be enormous savings in the physician reimbursement and hospital payment system, I urge them to consider the following article from Medical Economics, March 2, 1987, entitled, "We're Pocketing Money That Belongs to Our Patients."

[From Medical Economics, Mar. 2, 1987]

WE'RE POCKETING MONEY THAT BELONGS TO OUR PATIENTS

(By C. Basil Williams, M.D.)

It's the conventional wisdom that advances in medical technology drive up the cost of health care. In some cases they do—and the benefits to patients are often worth the cost. Sometimes, though, technological advances *save* money. The trouble is that hospitals and doctors don't pass these savings along to patients and health insurers, and our failure to do so is a fine example of the wrong-headed thinking that's pushing control of medicine into non-medical hands.

We're working in an increasingly competitive environment these days, and I think we'd be wise to admit that we've got a lot to learn about pricing from the manufacturers of consumer products.

Twelve years ago, I bought a calculator. It was small enough to be held in one hand, and ran on either battery power or current. It could add, subtract, multiply, divide, and extract square roots—it even had a memory. Its only drawback was that the battery had a relatively short life and soon became depleted if the switch wasn't turned off. For its day, it was an electronic marvel—and it cost a fairly hefty $79.95.

Last week I bought a replacement for that calculator. It's half the size, hardly bigger than a credit card. It has all the same functions, with the added advantage of an automatic turnoff. The battery is expected to last for several years. But the most amazing thing about this new electronic wonder was its price—only $5.95. Just imagine—a 13-fold decrease in 12 years.

Our family's first videocassette recorder cost $2,000 a few years ago. The replacement I just purchased—a much more advanced design—was priced at $599. Our new television set is far superior to the 10-year-old model it replaced, and cost a little less. Our new toaster and blender are both better and cheaper than their predecessors.

When it first comes on the market, a technologically advanced product often carries a high price tag. Then, as research and development costs are recovered, mass production lowers unit costs, more competitors enter the market, and the price comes down. And the design continues to improve, so the consumer gets a better product for less money.

That's the way it works in a lot of industries—but not in ours. The prevailing philosophy in health care seems to be that a technological advance justifies a higher charge to the patient even when the new test or procedure is cheaper, easier, or less time-consuming than the one it replaces. And when a once-esoteric procedure becomes commonplace, the charge doesn't go down—if any thing, it goes right on creeping up.

Our hospital used to charge $24 for a 12-channel multiphasic biochemical screen. The cost to the hospital was under $10, so the markup was pretty high. But even so, you could argue that the patient was getting a real bargain—all that detailed information for little more than the price of three chemistry tests, if they were run separately. Recently, we chipped in with several neighboring institutions and bought a highly advanced new sequential multiple chemistry analyzer. We can now obtain a 20-item screen—the original 12 channels plus electrolytes and some additional goodies. The medical staff wasn't surprised when the hospital announced that the fee for this new service would be $27. But then we learned that the cost of running the test is just $4.97—several dollars less than the 12-channel set. Even though there's some additional cost involved in collecting the samples from the participating hospitals, separating the serum, and delivering the results, I really wonder how that 82 percent markup can be justified.

Blood gas analysis used to be a tedious procedure, and the hand labor it required certainly explained the $33 fee our hospital charged. But our new blood gas analyzer gives answers in seconds with far greater accuracy. Despite the dramatic decrease in labor costs, the lab hiked its charge to $55 before protests by the medical staff forced a rollback to the original $33.

When I've confronted the hospital administrator with these numbers, he mumbled that the lab is a profit center that must subsidize the departments that lose money. But our markups were high enough all along. Are we really entitled to charge more when our costs go down? Shouldn't some of the cost benefits of new technology be passed on to the patient?

And hospitals aren't the only guilty parties.

I've been reading how neurosurgeons and orthopedists—in a rare display of collegiality—are jointly sponsoring one-day courses to teach practitioners the new process of dissolution of herniated intervertebral disks by chemonucleolysis. This procedure requires half the hospital stay that a lumbar laminectomy does, with lower morbidity and mortality rates. What's more, it takes the surgeon half the time to perform.

Obviously, the patient is going to save plenty on hospital costs. But what about the

physician's fee? Shouldn't the patient get a break there, too? Certainly a procedure that can be mastered in a single day, that takes half the time a laminectomy does and requires half the number of post-op visits, shouldn't command the same fee. But apparently the orthopods and neurosurgeons don't see it that way. Charges for this new procedure, like those for laminectomy, still range from $1,200 to $3,000.

I've asked about this, and gotten some pretty dubious answers: "We have to charge that much because the patient still hurts when he goes home and he needs to know we've done something," or "We use a global fee system that threats the disease as a whole—how we manage it is immaterial." Maybe so, but I don't think any of these doctors would have the nerve to charge $2,500 for treating the same problem with 10 days of bed rest.

Reflect for a minute on the total hip replacement. This significant breakthrough in orthopedics was pioneered at a few research centers by a handful of superspecialists. Practitioners who wanted to learn the procedure had to take several weeks away from their practices. It was understandable, then, that the fee was much higher than those charged for earlier, less complicated hip repairs. As the procedure became commonplace, all teaching hospitals incorporated it into their training programs and all new residents became skilled in it. But fees never came down—on the contrary, they get higher every year. Why?

Another example is radial keratotomy. This surgical treatment for nearsightedness is sweeping the country. We're told that it's only one-tenth as risky as a cataract operation, takes half the time to do, and can readily be learned in just a few days by a competent eye surgeon. One might think, then, that it would carry a lower price tag than cataract surgery. It doesn't—at least, not in our community, where the going rate is $2,000.

As a cardiologist, I'm ashamed to state that some cardiac specialists are also guilty. When the fee schedule for pacemaker implantation was first developed years ago, the procedure involved a thoracotomy with direct embedding of the electrodes in the epicardial surface. Now that transvenous techniques have been developed, it's considerably less time-consuming, as well as being less painful and hazardous for the patient. With the development of a subclavian needle-introduction technique, one doesn't even have to do a painstaking dissection of the vein. And yet the price for pacemaker implantation performed by a thoracic surgeon remains the same as it used to be in the days of thoracotomy. This is just plain wrong!

The orthopedist, the ophthalmologist, the thoracic surgeon—all are charging what the traffic will bear, with no concern for fairness to the patient. Some of my colleagues may argue that it's unrealistic to ask them even to hold the line on charges, much less roll them back, when inflation has depleted the value of the dollar in recent years. I'd answer that the fees I'm talking about were so high to begin with that even when you factor in the impact of inflation, they're still too high today—especially when you consider how common most of these procedures have become.

It's obvious that medicine, at least procedural medicine, seems to be immune to the pressures of the marketplace. If American manufacturers can pass on their cost-savings to the consumer, why can't doctors and hospitals do the same? Moreover, if we're not willing to pass along those savings, who's going to force us to do so? And how?

## AGENTS CONCERNED ABOUT INSURER INSOLVENCIES

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. FLORIO. Mr. Speaker, in recent months I have on several occasions called the attention of the House to the growing problem of insolvent insurance companies. The article I am inserting today in the RECORD quotes the president of the National Association of Professional Insurance Agents as saying that, "Insurance company failures loom as the next crisis for consumers." The threatening situation described in the article must be addressed, and I have made the issue a priority for investigation by the Subcommittee on Commerce, Consumer Protection, and Competitiveness.

The article follows:

INSURANCE FAILURES PREDICTED

ANAHEIM, CALIF. (AP).—The cost to consumers of a wave of insurance company failures over the past three years may reach more than $3 billion by 1990, the head of an insurance agent group said yesterday.

In addition, more than one-third of the remaining insurers may be on shaky ground, raising the specter of billions of dollars more in costs, said Nick A. Verreos, president of the Washington-based National Association of Professional Insurance Agents.

"Insurance company failures loom as the next crisis for consumers," Verreos warned at the annual meeting of Professional Insurance Agents of California and Nevada, an affiliate of the national group.

The national group represents more than 43,000 insurance agents across the country.

Verreos called for tighter oversight by regulators.

"The sheer number of insurance insolvencies, and the debt they spread to millions of insurance buyers, has put severe strain on state guaranty funds," Verreos said.

Such funds, which cover insurance claims and other losses for which bankrupt insurers are liable, are supported by levies on healthy insurers. Those levies, in turn, could force some marginally healthy insurers into financial problems.

Verreos cited the bankruptcy of Mission Insurance Co. in Los Angeles as a recent example of the dangers that may lie ahead for the industry.

Since 1984, 58 liability insurance companies have gone bankrupt nationwide. The five biggest of those are expected to cost insurance consumers more than $3 billion by 1990, mostly in higher rates, Verreos said.

Verreos' statistics came from a recent study by the industry research firm of Conning & Co. of Hartford, Conn., which found that 37 percent of the nation's 300 largest insurers failed four or more tests of financial soundness.

## THE GRADUATING CLASS OF 1987

### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to the outstanding graduates of southern Nevada high schools. The valedictorians and salutatorians of these schools represent the finest in America's youth.

Mr. Speaker, I commend these fine students for their accomplishments and look forward to their continued successes. I ask that their names be included in the RECORD:

MOAPA VALLEY HIGH SCHOOL

Valedictorian: Sean McMurray.
Salutatorian: Christie McCune.

ELDORADO HIGH SCHOOL

Valedictorian: Alan Robert Peltier.
Salutatorian: Patrick Kelly O'Bryan.

SOUTHERN NEVADA VOCATIONAL TECHNICAL CENTER

Valedictorian: Gayla Sparks.
Salutatorian: Marco J. Arnhold.

VALLEY HIGH SCHOOL

Valedictorians: Karen K. Bartlett, Jonathan I. Golberg, Marla L. Kessler, Kristin J. Kulm, Renee Y. LiButti, Theta P. McLeroy, Robin K. Sakahara, Ashish Sharma, Claudia I. Verzilli, Aimee S. Weisnor.
Salutatorian: Suzanne E. Bliven.

SUNSET HIGH SCHOOL

Valedictorian: Kyong Suk Lyerly.
Salutatorian: Mike Chung Kim.

VIRGIN VALLEY HIGH SCHOOL

Valedictorians: Kelly Frehner, Russell K. Bowler.

BONANZA HIGH SCHOOL

Valedictorians: Marc Fenster, Millie Gong, Derk Hoskin, Nicole McCoy.
Salutatorian: Catherine Utley.

BOULDER CITY HIGH SCHOOL

Valedictorians: Robert Chapman, Cheryl Shopshire, Sandra Umeno, Colin Windham.

INDIAN SPRINGS

Valedictorian: Donald Theodore Huddleston.
Salutatorian: Antoinette R. Harkess.

CHAPPARRAL HIGH SCHOOL

Valedictorians: Dara L. Caplan, Andrew M. Eisen, Kimberly L. Ludwig, Julie A. Saxton, Melanie R. Wallace.
Salutatorian: Andrea D. Gibbons.

WESTERN

Valedictorians; K. Spenser Ballif, Leah A. Gillman, John P. Hagen, Kimberly L. Vasconi, Gina L. Vaughan, Inga M. Vaughan.
Salutatorians: Kathy L. Dresden, Shawn P. Lee.

LAS VEGAS HIGH SCHOOL

Valedictorians; Rajesh Patel, Andrew K. Song, Dai C. Tran.
Salutatorian; Rhoda A. PeBenito.

RANCHO HIGH SCHOOL

Valedictorian: Nicole M. Wagner.
Salutatorian; Bobbi J. Hanshew.

BASIC HIGH SCHOOL

Valedictorians: Robert Fuller, Denette Gonzales, Linnae Greenhalgh.

BISHOP GORMAN HIGH SCHOOL

Valedictorians: John Ameriks, Eddie Ayoob, Kyla Duckworth, Madalene Fisher, Matt Foley, Eva Liang, Timothy Lovell, Tessie McCullough, Nicole Pinkus, Stephanie Tayengco, Omid Tofigh, Juliet Vestal, Anastasia Warpinski, Michele Wildeveld, Gillian Wynn, Liza Yballe, and Cindy Zurawski.

## ONE THOUSAND YEARS OF CHRISTIANITY IN BYELORUSSIA

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ACKERMAN. Mr. Speaker, on May 31, the congregation of Saint Cyril of Turov American-Byelorussian Greek Orthodox Church, in Richmond Hill, Queens County, NY, will gather to celebrate a millennium of Christianity in Byelorussia-Whiteruthenia.

One thousand years is indeed a long time, and it is a good time to stop and reflect on the past and to look to the future. In honor of this observance, I would like to relate a brief history of Byelorussian Christianity. The recognized date of the introduction of Christianity to Rus and all Slavic lands is the year 988, when the Prince of Kiev, now Saint Vladimir, became an Orthodox Christian. Saint Vladimir then declared the Christian faith an official religion in the state of Kiev-Rus, including the present territory of Byelorussia-Whiteruthenia.

For centuries, the church not only became entrenched, but actually thrived throughout Russia. This situation quickly changed after the Russian revolution. With the Leninists in power, all religions began to suffer. To this day, Christians in Byelorussia endure suppression by the Soviet authorities. The Government has tried to eliminate the religious expression, national characteristics, and cultural traditions of these proud people. The Byelorussian dissidence to this oppression began in the 1920's and continues today, and will continue until religious freedom and human rights are restored to all citizens of Byelorussia.

During 1987 and 1988, the millennium of Christianity in Byelorussia will be observed not only by the members of Saint Cyril of Turov, but also by Americans of Byelorussian descent as well as by Byelorussians throughout the free world. Mr. Speaker, I ask all of my colleagues to join me in this observance, first of all as a celebration, and second, as a signal to the entire world that we support freedom of religion and freedom of conscience for all people.

## HOOSE MARKS MILESTONE

### HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BADHAM. Mr. Speaker, today I would like to honor a man who is a long-time resident of my district and a long-time friend. Mr. Clint Hoose has served the people of Orange County and the people of California well in public office for a decade and a half and has been a leading citizen in Newport Beach, CA, for much longer than that.

Clint, who will celebrate his 50th birthday Friday, was born May 29, 1937, in Kansas City, MI. He moved to California in 1948. He is a product of, and a tribute to, Ensign Junior High School and Newport Harbor High School. Within 5 years of graduating from high school, he owned his own hardware business and he soon became immensely successful.

He retired in 1979, but has continued to serve his fellow residents in other ways. In 1973, he was appointed by then Gov. Ronald Reagan to the Fair Board of Directors. He has been reappointed every 4 years since then. Many people forget that agriculture remains one of California's most important businesses, but Clint has been in Orange County long enough to remember how the county got its name.

Nearly 30 years ago, I had the opportunity to meet Clint when he was just starting out in business. In fact, he was a valued customer of my wholesale company and was a neighbor in my community. It is with the most sincere appreciation and respect that I tell my colleagues about Clint's work and service and I wish him a very happy 50th birthday.

## STUDENTS HONORED DURING MATHEMATICS AWARENESS WEEK

### HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. SCHUETTE. Mr. Speaker, I am proud to take this opportunity to commend several outstanding mid-Michigan area high school students for their excellent academic performance in the area of mathematics. The following students were recently honored at an award ceremony during Mathematics Awareness Week:

Steven Gibson, Carlos Rozas, James Vanderbeek (Alma High School).

Matt Fox, Theresa Straus (Beal City High School).

Rodney Laurenz, Tammy Neitzke, Shane Plaxton (Breckenridge High School).

Jill Durfee, Barry Narnick, Jeremy Praay (Bullock Creek High School).

Rocky Jensen, Annette Martin, Tonya Staines (Central Montcalm High School).

Jennifer Couillard, Shaun Grannis, Brian Krulicki (Chippewa Hills).

Debra Fleethan, Karen Horwood, Robert Pope (Clare High School).

Aaron Campbell, Scott Schmus, Dennis Weihl (Coleman High School).

April Ellis, Jai Iserhoth, David Kedrowski (Farwell Area High School).

Dana Dumont, David Keenan, Brian Woodcock (Freeland High School).

Tonya Anderson, Chris Winarski (Gladwin High School).

Ron Fitch, Alan Linton, Todd Otter (Hemlock High School).

Tom Brandal, Rowland Ebright, Tim Strong (Ithaca High School).

Wendy Brasseur, Terri Dishong, Bryan Harvey (Lakeview High School).

Kerry Dittenber, Deb Lefevor, Scott Lindgren (Meridian High School).

David Hyatt, Heather Hyatt, Glen Pettigrove (Merrill High School).

Michelle Gornowicz, Thomas Li (Midland, H.H. Dow High School).

John Kanuch, Alan Kiley, Andrew Wernette (Midland High School).

Ian Kabell, Sigrid Names, Pete Wood (Mt. Pleasant High School).

Diana Barbour, Stacey McGarva, Tom Trombley (Mt. Pleasant Sacred Heart).

Anne Meyer, John Ruddell, Patti Westphal (Shepherd High School).

Michelle Bradley, Rene Fisher, Lisa Morris (St. Louis High School).

I congratulate them on their fine academic performance and feel that each and every one of us in this body should feel confident that mid-Michigan, and America's future, are in good hands. I wish them all the best in their future academic pursuits.

## CLEAN AIR ACT AMENDMENT

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LEVINE of California. Mr. Speaker, today I introduced legislation to protect air quality in southern California, and in other coastal States. My concern specifically arises from the poor air quality in southern California. Los Angeles, a portion of which I represent, has the worst air quality in the Nation. Los Angeles is in violation of the Clean Air Act standards a minimum of once every 2 days.

The bill amends the Clean Air Act to require any activities regulated by the Outer Continental Shelf Lands Act, as well as vessels engaged in oil and gas development activities in State waters, to comply with all Clean Air Act provisions. Additionally, the bill amends the Clean Air Act to strengthen certain provisions when applied to these activities.

Specifically, the legislation applies to such facilities and equipment as: Offshore oil and gas platforms, offshore storage and treatment facilities, oil tankers, and oil and gas crew and supply boats. In addition, while onshore power generation for platform use, et cetera, is already covered under the Clean Air Act, the controls are strengthened by applying all provisions of this legislation as well.

In the case of new sources of pollution, control technologies would be required to arrive at the lowest achievable emission rate, commonly referred to as LAER. Any remaining emissions would have to be offset by reducing emissions in other polluted areas. Operational limits would be required in addition to LAER, such as in the case of vessels, slowing down vessel speed and trip consolidation.

For existing sources of pollution, LAER would be required to the extent technically feasible. Operational limits would be required as well.

LAER itself would be strengthened by adding specific performance standards to its definition and by adopting a "rebuttable presumption" such that if any Government agency submits an emission control that they

believe will achieve LAER, there is a rebuttable presumption that they are correct.

This legislation wil help prevent further degradation of air quality and will actually serve to improve such for both southern California and the rest of the United States.

## CONGRATULATIONS ANGELO AND SOPHIA TSAKOPOULOS

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. MATSUI. Mr. Speaker, I rise today to offer my sincere congratulations to two close friends of mine, Angelo and Sophia Tsakopoulos, on the baptism of their beautiful daughter, Chrysanthy Panagiota. The baptismal ceremony will take place this Sunday, May 24, 1987, at the Greek Orthodox Church of the Annunciation in Sacramento.

I know that the baptism of their daughter will be a very special day for the entire family, and I wanted to take this opportunity to extend my very wishes for a memorable and enjoyable ceremony.

## NATIONAL TEENAGE SUICIDE PREVENTION MONTH

### HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. VALENTINE. Mr. Speaker, I rise to introduce a resolution designating September, the beginning of the school year, as "National Teenage Suicide Prevention Month."

Many Americans have been shocked to learn that suicide is the second leading killer of youths in the 15- to 19-year-old age group. Approximately 1,700 troubled teenagers take their lives every year. This is an increase of about 300 percent since the 1950's.

There have always been many problems that can confuse young people who are in a vulnerable stage between childhood and adulthood. But the emergence of new problems has made this period even more difficult and dangerous. A high divorce rate shakes their confidence in parents and the family. The increasing prevalence of drugs and peer pressure to experiment is clouding their judgment.

Unfortunately, little scientific research has been conducted to determine why some teens feel compelled to kill themselves. If we do not understand the problem better, we will not be able to solve it.

According to recent surveys, the best way to reduce teenage suicide is by implementing programs designed to raise public consciousness about how to deal with this problem.

Mr. Speaker, I strongly believe that designating September as "National Teenage Suicide Prevention Month" will enable many troubled teens to get help at the onset of the academic year, before their problems snowball. This resolution will certainly focus public awareness on this devastating problem.

Joining me in the introduction of the resolution as original cosponsors are Representatives BILL HEFNER, ALBERT BUSTAMANTE, TOM LEWIS, JAMES TRAFICANT, CARDISS COLLINS, TOM LANTOS, CHARLES HAYES, JAMES SCHEUER, ARLAN STANGELAND, MICKEY LELAND, NICK RAHALL, FRANK HORTON, BOB MRAZEK, PETER KOSTMAYER, JOHN BRYANT, WILLIAM LIPINSKI, ROBERT ROE, MARGE ROUKEMA, MEL LEVINE, BILL RICHARDSON, VIC FAZIO, BARBARA BOXER, WALTER JONES, ROBERT LAGOMARSINO, KEN GRAY, CHARLES BENNETT, MARTIN LANCASTER, MICHAEL DE WINE, RAYMOND MCGRATH, JOE KOLTER, MARTIN FROST, BILL SCHUETTE, EARL HUTTO, DAN SCHAEFER, TOM MCMILLEN , MIKE ESPY, HAMILTON FISH, ELIZABETH PATTERSON, CLARENCE MILLER, and JOHN LEWIS.

I urge my colleagues to join us to commemorate the month of September as "National Teenage Suicide Prevention Month."

The text of the resolution follows:

NATIONAL TEENAGE SUICIDE PREVENTION MONTH

Whereas the Suicide rate for youths between the ages of 15 and 24 has tripled since the 1950's with 12 out of every 100,000 taking their own lives;

Whereas suicide has become the second most frequent cause of death among 15- to 19-year-olds with an estimated 1,700 occurring annually;

Whereas alcohol and drug abuse, changing social mores, and greater access to firearms, the most common means of suicide, have contributed to the increase of suicide;

Whereas recent studies have found that teen suicide attempts increase as a result of adverse publicity;

Whereas, according to a study sponsored by Who's Who Among American High School Students, 31 percent of high-achieving teenagers have contemplated suicide and four percent have attempted it;

Whereas 71 percent of the respondents said teenage suicide would be reduced most effectively through awareness programs involving teens and their parents;

Whereas parents, communities and schools across the nation have played a vital role in organizing suicide-prevention hotlines, counseling services, awareness programs which would make options other than suicide available to troubled youths;

Whereas despite government efforts, there remains little basic research from which scientists can determine what makes a teenager prone to suicide: Now, therefore be it

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That September, 1987 is designated as "National Teenage Suicide Prevention Month," and the President of the United States is authorized and requested to issue a proclamation calling upon Federal, state and local government agencies and the people of the United States to observe such week with appropriate ceremonies and activities.

## WILLARD BUTCHER ADDRESSES TULANE BUSINESS SCHOOL GRADUATES

### HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mrs. BOGGS. Mr. Speaker, on May 15, Willard C. Butcher, chairman of the Chase Manhattan Corp., addressed the graduating class of the A.B. Freeman School of Business at Tulane University in New Orleans. For his commencement address, Mr. Butcher selected the very timely topic of ethics in our society.

Given the recent turmoil in government, business, politics, and religion over real or perceived breaches of the standards we have set for ourselves, I think Mr. Butcher's address to these Tulane graduates on "The Need for Ethical Leadership" is timely and instructive. I would like to take this opportunity to share it with my colleagues.

THE NEED FOR ETHICAL LEADERSHIP

The topic I've chosen is not easy to talk about. On the one hand, it is a subject about which it is easy to generalize—where one's comments become nothing more than platitudes. On the other hand, it is one where being specific often means getting into details so minute that its significance is obscured. And finally, it is a topic which, once broached, tends to lapse into preaching.

For my part today, I wish to be neither too general, nor too specific. Nor, in particular, too pontifical.

But I can make no promises. It is said about General Robert E. Lee, "He preached oh so gently, but nonetheless—he still *preached.*"

And so having excused myself for what I'm about to say—I invite you to sit back, relax, and enjoy the sermon.

My topic is "ethics" and more specifically, the decline of ethical behavior not only in American business but across our society.

Most of you receiving your degrees today will be entering the business world. Indeed my own perspective on "Ethics" is, by definition, that of a businessman. But whether you aspire to business or any other calling, my message is the same; that ethical behavior and effective leadership are intertwined and inseparable.

In fact, meaningful leadership—leadership that in the long-run counts for something—cannot be accompanied by moral collapse. The leader who acts ethically will ultimately succeed. The leader who lacks an ethical foundation will ultimately fail.

A spot check today of the American landscape indicates that something is terribly wrong with ethics in our nation. One could argue—and I would—that the principal cause is the maelstrom of change taking place in society. Rarely have times been more turbulent.

In periods of upheaval, people cut loose from their moorings—and thus lose their bearings. And when you combine this with today's appalling lack of historical perspective—little wonder that some among us have forgotten who we are and what we ought to stand for.

Thus the recent avalanche of ethical abuses—in cutting corners—in bending rules—in cheating.

On Wall Street, insider trading scandals have converted Phi Beta Kappa graduates of the finest business schools into convicted felons.

In *Government,* shocking disclosures at all levels—from the Iranian crisis in Washington to municipal payoffs in New York—call into question the ethical standards of government leaders.

And even in the pristine halls of academia, embarrassing revelations of rule-breaking in amateur athletics have caused com-

mentator George Will to label some leading universities as "schools for scandal."

While all of this is most disturbing, such breaches of ethics are not a new phenomenon in America.

Ethical abuses have been with us since the Grant Administration and Teapot Dome scandals in government . . . . . through the Black Sox of 1919 in sports . . . . . to the Salad Oil and Equity Funding scams in business.

Often throughout our history, "doing wrong" has been a shortcut to "making good."

So why you may ask should we be overly concerned about the current crop of ethical abuses?

Well, as the British diplomat who urgently cabled back to London put it, "The gravity of the situation here is impossible to exaggerate—but I'll try!"

I am concerned that today's attitude toward ethics reflects a "graver" situation than in the past.

"Graver" because in many cases the abusers themselves either won't acknowledge or can't understand that they have done anything wrong.

"Everyone does it," they say. "And besides, our lawyers will get us off."

"Graver" because ethical abusers often are treated more like celebrities than pariahs. According to the New York Times, the best way to ensure the success of your next dinner party is to invite Ivan Boesky, Dennis Levine, or the Mayflower Madam to join you! The attitude seems to be, "If you're indicted—you're invited!"

And "Graver" too because the average citizen today has almost become inured to such behavior. People are starting to accept ethical abuse as the societal norm. As comedienne Lily Tomlin says, "No matter how cynical you become, it's never enough to keep up!"

And it's this cynicism, ladies and gentlemen, that frankly is most alarming. To quote an old aphorism, "How can I trust a man not to lie—when I know I would lie in his place." The point is we will never rid ourselves of ethical abuse until we first reject categorically the notion abroad in the land that ethics today just aren't very important.

In business, the emphasis is on making a quick buck.

The "new business order," the Times tells us, "eschews loyalty to workers, products, corporate structure, businesses, factories, communities, even the nation.

"All such allegiances are viewed as expendable under the new rules. With survival at stake, only market leadership, strong profits, and a high stock price can be allowed to matter."

High premiums are paid today not particularly for quality service or long-term building of a business but rather for making money quickly, getting rich, and getting out.

And that's wrong.

Put another way, the issue isn't whether Mr. Boesky eventually does time in prison. Frankly, I don't particularly care. But what I do care about is that society condemns the kind of unacceptable conduct of which Mr. Boesky was found guilty—and condemns it to the point that a would-be ethical violator will forever be an outcast in this nation.

By the same token, in education—particularly higher education—we have started to lose sight of the reasons schools were built in the first place . . . . . to teach values and to promote scholarship. As one college president said tongue-in-cheek recently, "We're trying to build a university that our football team can be proud of!"

Gallows humor to be sure. But nonetheless a chilling indicator of how far in the wrong direction the educational pendulum has swung.

U.S. Education Secretary Bill Bennett has suggested that all universities ought to teach ethics in a serious way. Not just with a course or two but with a comprehensive program.

We seem to have lost sight of the fact that there are fundamental "rights and wrongs" in our society. And I agree with Secretary Bennett that these precepts need to be reinforced to students. Indeed, the occasional inspirational speaker who gives students what someone once labeled, "The equivalent of a quick dunk in a morality bath," simply won't suffice anymore.

Beyond formal classwork in ethics, colleges also must take more of a stand on ethical issues—particularly those in their own backyard. All too often, a university is more willing to deal with moral issues that have little local relevance . . . . . rather than confront issues of more immediate concern on its own campus.

We need more examples of the kind of courage that this university showed in the face of an athletic scandal a few years ago—and thus reasserted its academic leadership.

Likewise, we need to reassert, throughout society, the importance and urgency of making decisions in an ethical way. Ethical decision-making isn't an option today. It's an obligation—in business, in education, in government, in our daily lives.

For example, my own company, like most others, has a Corporate Code of Conduct—a blueprint that spells out the value standards we expect our employees to live up to. But having a written document is no guarantee that decisions will be made in an ethical way.

We must constantly work at making our Code of Conduct a "living document" and the practice of corporate ethics, a "living spirit" throughout the Chase organization.

Stated another way, "Church on Sunday, Sin on Monday" ethics will not cut it. We must practice what we preach and incorporate ethics into every decision we make.

Now ladies and gentlemen, I doubt seriously that anyone in this graduating class aspires to be a convicted felon. On the contrary, I suspect that most of you aspire to be leaders.

Very soon now, you will get your opportunity—to be one or the other.

What standards will you adhere to?

What principles will you embrace?

What values will you practice yourselves and instill in your co-workers?

Let me suggest a point of departure.

Michael Novak, an eminent scholar at the American Enterprise Institute, has said that, "The fundamental motive of democratic capitalism—to produce greater well-being for the world's people—is, at base, a moral motive."

I agree.

Despite what some may argue, the primary responsbility of business is much more than simply using resources to engage in activities to increase profits.

Profits, to be sure, are critical. You don't live long if you have air to breathe tomorrow but none today. And if a business intends to be around for the long-term, it must make profits in the short-term as well.

But profits alone are not the answer.

Andrew Sigler, the chairman of Champion International, has put it, "Things that affect free enterprise affect the whole society. The underlying issue isn't the shareholders of the business—it's the society."

And it's this kind of framework that you should consider as you begin to make your own way in the business world.

Forty years ago, when I sat where you do today, I received some simple advice that has stayed with me from a family friend named Marion Folsom, the architect of our nation's social security system and then a top executive of the Eastman Kodak Company.

"Bill," Mr. Folsom said, "You're going to find that 95 percent of all the decisions you'll ever make in your career could be made as well by any reasonably intelligent high school sophomore.

"But they'll pay you for the other 5 percent.

And it's those 5 percent ladies and gentlemen that will be the most difficult—the kind of subjective 51-49 decisions that will call into play your own long-term vision—your corporate ideals—the discipline and constancy of your character.

If, in making these decisions, you rely on clear ethical principles—a firm commitment toward ethical behavior—and an inflexible standard of what's right and what's wrong—then your track record will be very good indeed.

Moreover, if you use such personal standards to set corporate standards—you will exemplify the kind of business leader that seems in such short supply today.

Leaders like Reg Jones at General Electric, Irving Shapiro at DuPont, and David Rockefeller, my predecessor at Chase—who rightfully saw their responsibilities extending beyond quarterly profit statements and into areas of broader public policy and societal concern.

Or a leader like John Shad, our newly-named Ambassador to the Netherlands, who has battled corruption as chairman of the Securities and Exchange Commission and is the principal donor and prime mover behind a program at the Harvard Business School—if you'll forgive that blasphemy—to make the study of ethics an integral part of the curriculum.

Or a leader like Jim Burke, the chairman of Johnson & Johnson, who, when faced with the sabotaging of its largest consumer product, immediately removed Tylenol from the shelves.

As costly as that decision was, Jim Burke never hesitated. Johnson & Johnson had developed a tradition over decades for integrity. And that tradition stood it well in its moments of crisis.

Stated another way, when Jim Burke asked the American people to "Trust him"—they did just that.

So, too, will they trust you if you lead in a way that clearly indicates that at your business as well, "Ethics is spoken here."

Business leaders today can't shrink from their obligation to set a moral example for those they lead. They must draw the line between on the one hand, the perpetual push for higher profits and on the other, actions antagonistic to the values of the larger society.

Put another way, ethical business leadership requires not only harvesting the fruit we can pluck today . . . not only investing in the small trees and experimental hybrids that won't yield a thing in this quarter or the next . . . but also caring for the soil that allows us to produce such a rich harvest in the first place.

Today's painful headlines coming out of our counting houses and our court houses remind us that ethical standards are not monuments, but living ideals. They thrive and wither as our commitment to them waxes and wanes.

Mature people who aspire to leadership in the days ahead must begin to grapple much more meaningfully with this whole issue of ethical standards. They must consistently work at it and instill its importance in others.

If they do—if you do—I am confident that you will become the kind of responsible leaders that our Republic so desperately needs.

Thank you.

## SANTA CLARA COUNTY CELEBRATES "ITALIAN WEEK"

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. EDWARDS of California. Mr. Speaker, on June 1, the people of Italy as well as our many Americans of Italian descent, will celebrate the 41st anniversary of the founding of the Italian Republic.

The county of Santa Clara, much of which I represent here in the House of Representatives, plans to celebrate that historic event as well as to honor the many contributions Italian-Americans have made to Santa Clara Valley.

In recognition of the important role Italian-Americans have played in the rich history of the Santa Clara Valley, the Santa Clara County Board of Supervisors has adopted a resolution proclaiming the week of June 1-8, 1987, as "Italian Week." I'm pleased to share that resolution with my colleagues today.

The resolution follows:

Whereas, on June 1st the Italian community of Santa Clara County will celebrate the Anniversary of the Founding of the Republic of Italy; and

Whereas, almost forty years ago the people of Italy were faced with the decision to become a kingdom or a republic; on June 2, 1946, the citizens of Italy voted to form a republic; and

Whereas, the citizens of Italian ancestry can look with deep pride and conviction on their heritage; the struggles, achievements and growth Italy has endured have created a unity among its citizens few other nations enjoy; and

Whereas, the Italian-American citizens of the Santa Clara Valley number in the thousands; Santa Clara County is proud of the significant contributions made by its citizens of Italian descent, and commends the Italian-Americans for their determination and belief.

Now, therefore, be it resolved, that the Board of Supervisors of Santa Clara County does hereby declare the week of June 1-8, 1987 Italian Week in honor of the contributions, sacrifices and advancement made by citizens of Italian descent in the Santa Clara Valley.

Passed and adopted by the Board of Supervisors of Santa Clara County, State of California, this Nineteenth Day of May, Nineteen Hundred and Eighty-Seven.

## GRAND JURY REFORM BILL

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. CONYERS. Mr. Speaker, I am introducing a bill permitting counsel to accompany a witness into the grand jury room.

The complex and important legal issues which confront a witness testifying before the grand jury makes the presence of defense counsel critical. For example, a witness is subject to self-incrimination and imprisoment for contempt. A witness may also inadvertently lose a right to claim a privilege by operation of the doctrine of waiver. Pressure and nervousness may make it difficult for a witness to remember an attorney's instructions.

Grand jury witnesses who wish to consult with counsel are now put in the awkward position of having to ask the prosecutor's permission to go outside the grand jury room, try to repeat the question to his attorney, and then return and try to remember the attorney's instructions. This process is inefficient and ineffective, as well as prejudicial to the witness. It annoys grand jurors and raises speculation in their minds regarding the purposes of the consultation. Moreover, some courts have placed a limit on how frequently the witness can leave the grand jury room to consult counsel.

The Department of Justice has argued that the presence of counsel inside the grand jury room will disrupt the grand jury's investigation. Yet, under my proposal, the lawyer's role would be strictly limited. The lawyer could only advise the client, not take part in the proceedings. The lawyer would only be present while the client is testifying. Moreover, the court could order the removal of a disruptive counsel.

The Department of Justice has also argued that permitting counsel to accompany a witness before a grand jury would result in a loss of spontaneity in the testimony. The goal, however, should not be spontaneity, it should be fairness. Requiring a witness to get up and go outside the grand jury room to consult with counsel is so prejudicial to grand jury witnesses that it undermines one of the primary functions of the grand jury, to shield persons from unwarranted prosecutions. The American Bar Association, while testifying last session before my subcommittee on the presence of defense counsel in the grand jury room, noted that 20 States permit counsel to acccompany witnesses into the grand jury room with no adverse effect on the grand jury process.

The grand jury is a longstanding part of our legal and constitutional tradition. However, it needs the same attention every other part of our criminal justice process has received. This bill will help to restore the grand jury to its intended role as a people's watchdog against overzealous prosecutors and governmental corruption.

## IN HONOR OF RABBI ALLEN I. FREEHLING

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LEVINE of California. Mr. Speaker, I ask you and my distinguished colleagues to join me in saluting a fine and compassionate man, an outstanding Los Angeles leader and a close personal friend, Rabbi Allen I. Freehling.

On June 5, 1987, Rabbi Freehling will celebrate the 15th anniversary of his service as spiritual leader of University Synagogue, a renowned center for Jewish education. To mark this occasion, I would like to share a few of his numerous accomplishments.

Allen was born in Chicago, IL, on January 8, 1932, to the late Marian and Jerome Freehling. His family moved to Miami, FL, in 1938, where he attended Miami's Coral Way Elementary School, Shenandoah Junior High School and Miami Senior High School. He attended the University of Miami and graduated with an A.B. degree in 1953. Allen also attended Hebrew Union College in Cincinnati, OH, and received a B.H.L. degree in 1965. He continued on to earn a masters degree and was ordained as a rabbi in 1967. Rabbi Freehling received his Ph.D. degree from Kensington University in 1977.

Rabbi Freehling has held many leadership positions with many outstanding secular and nonsecular organizations of Los Angeles County, including: president of the American Jewish Congress; chair, Regional Synagogue Council; board member, Jewish Federation Council and member of several committees and commissions. He held the office of vice president of the Westside Ecumenical Council, and was chaplain of the Los Angeles Police Department from 1974 to 1986.

Allen Freehling has touched all those he knows with his generous nature and kind spirit. He served as a member of the Committee on Ethics, Medicine, and Humanity at Santa Monica Hospital; he is an adjunct professor at Loyola-Marymount University and St. Mary's College. He is a board member of the Israel Bonds Organization and the National Jewish Fund; he has often been a guest on the radio show "Religion on the Line." He was a commissioner on the Los Angeles County Commission on Public Social Services and is currently a member of the city of Los Angeles Task Force on the Diversity of Families. Rabbi Freehling is a cochair of the AIDS Interfaith Council and a board member of AIDS project Los Angeles.

Rabbi Freehling keeps his journalistic talents sharp as a guest columnist for the Los Angeles Herald Examiner; he was awarded a "Silver Angel" by Religion in Media for a recent column. On a personal note, Allen and I have worked closely together on numerous projects almost from the moment he arrived in Los Angeles.

Allen is married to the former Dale Crown Silver and has three children, Shira, David, and Jonathan.

It is a pleasure to share some of the accomplishments of Rabbi Allen I. Freehling with

my colleagues in the U.S. House of Representatives at this time of celebration.

## CAM AND DOROTHY ELLIOTT CELEBRATE A MILESTONE

### HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. FEIGHAN. Mr. Speaker, I am pleased to say that Cleveland can lay claim to a very special couple, a couple who made a commitment to each other which has lasted now for 50 years.

Cam and Dorothy Elliott met as young people in St. Louis, were school sweethearts, and married on January 30, 1937. To celebrate this long-lasting union, the Elliotts arranged to return to St. Louis on their 50th anniversary for a 3-day celebration. Joined by family and friends from all across the country, they exchanged vows a second time. Their two sons George and Michael, who live in Cleveland Heights, and their daughter, Mary Frances of California, were there to witness the event.

Campbell and Dorothy have lived in Cleveland for over 30 years. Cam is the vice president of Public Affairs for Van Dorn Co. He is the former president of the Greater Cleveland Growth Association and the American Shipbuilding Co. He was also the senior vice president of Midland Ross.

Both the Elliotts have been generous with their time and talents. Dorothy is a long time volunteer at the University Hospital. Campbell has given his time to the St. Benedictine Order, John Carroll University and Gilmour Academy. When they are not engaged with good works, they spend as much time golfing as they can.

Mr. Speaker, this couple has brought much joy to each other, their three children, seven grandchildren and everyone who knows them. It is my distinct pleasure to be able to offer them my sincerest good wishes. I hope that the next 50 years will be as full as the last.

## BOARDER BABIES

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. RANGEL. Mr. Speaker, as chairman of the Select Committee on Narcotics Abuse and Control, I would like to bring to my colleagues' attention a recent news column, entitled "The New Lost Generation." This new lost generation are the babies being left in city hospitals; the so-called boarder babies.

Why are these babies left in the hospital? They have been abandoned by their mothers, who are addicted to drugs and cannot care for them.

The boarder babies are presenting a serious problem for the hospitals. Some stay only for a few weeks and can be placed in foster care. For others, for example those with AIDS, foster care is not readily available. They may remain in the hospital for months.

The number of boarder babies is growing. The problem is one which policymakers at all levels of government are confronting and for which solutions must be found.

The column by Earl Caldwell appeared in the Daily News on May 13. It highlights the problem of boarder babies. The complete text of the article follows:

[From the New York Daily News, May 13, 1987]

THE NEW "LOST GENERATION"

(By Earl Caldwell)

It's the same at all the hospitals. They've taken the little space that could be found and they've scrubbed and polished it and that's what they use.

"For our babies, "they say.

In the City of New York, where the incredible happens on a daily basis, nothing is more shocking than to see these infants left in hospital cribs. And it's that way because their mothers are so addicted to drugs they can't be trusted to take their babies home.

For close to two years, these infants have been collecting in city hospitals. They are known as boarder babies. And they are the clearest reflection yet of the kind of damage that drugs are inflicting on people at the bottom.

At the start, the belief was that the boarder baby problem would be shortlived. But it's not happening that way. Instead of getting better, the situation could be getting worse.

"It's frightening," said Dr. David Bateman, chief of the neonatal unit at Harlem Hospital. "It's got to be frightening," he explained. "We have almost no tools to deal with the situation and we know so little."

In New York, the municipal hospitals are huge, monstrous places. But by law, they cannot turn anybody away. They take it as it comes, and so they are noisy and crowded and often dangerous places. It would seem that these hospitals would be all wrong for the boarder babies. But that hasn't been the case. In caring for the infants, these hospitals, in a way, have achieved their finest hour.

You go into the hospitals and see the long rows of white metal cribs that hold these babies. And you are struck by two things: Almost all the babies are black and almost all of them are smaller than they ought to be.

The mothers are not only addicted to drugs, many are also heavy smokers, and Dr. Bateman says those two things account for the low birth weight. Some of the infants stay in the hospitals a few weeks. But others stay for months before foster homes are found.

"Nobody knows what happens when a baby is let alone like that," Dr. Bateman says. "What happens when an infant misses the bonding that takes place between a baby and the mother."

At Kings County, they have paid workers who come into the hospital and rock or just pick up and hold the babies. They also have senior citizens who are volunteers, and they come to the nurseries and they do the same jobs. And it's not just at Kings County. At Harlem Hospital and others, they have the same programs. None of the babies is left alone.

Janet Wise has been involved in social work for 17 years. At Harlem Hospital now, she is social work supervisor. "It is scary," she says. "So much is needed but we're living in times where human services are not a priority. Poor people need so much. Education is so important. At what age do you begin to reach youngsters?"

"But shouldn't the young women know by now that they risk losing their babies if they continue on drugs while they are pregnant?" she is asked.

"But they don't know. On the streets, we here people say, 'They're taking people's babies. You'll lose your baby if you go there (to Harlem Hospital).' So instead of coming here early and letting us help them get care and advice, they stay away. By the time they come to deliver, it's too late. By then, the drugs are in the baby's system too."

"Is it just the young teenagers?"

"Actually, it's not the teenagers. A lot of the women are 25, and some are older. Some of them are homeless and they have gotten into a situation that is so stressful, they use cocaine. They say it's just recreational, but they come here addicted."

"But what about their families?"

"A lot of these families are just overloaded. There are already too many babies and there's been a great deal of breakdown. In a lot of cases, grandma would like to help, but she has limited resources and there is only so much a person can do."

"What does it mean?"

"It means we all need to work together and put pressure where it's needed. Our future as black people is definitely at stake here. We're losing a generation of children."

"Is it already too late?

"I'm an optimist but to do what has to be done is going to take a lot of work. But we don't have a choice. We're being destroyed from within."

## MEAT EXPORTS TOUTED

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mrs. SCHROEDER. Mr. Speaker, the Denver-based U.S. Meat Export Federation is working hard to promote meat sales around the globe. I would like to share with my colleagues a recent Denver Post article detailing the federation's efforts.

The article follows:

[From the Denver Post, May 11, 1987]

FEDERATION PROMOTES U.S. MEATS IN JAPAN

(By Bartell Nyberg)

A helicopter-borne camera zeroes in on a family gathered for a barbecue dinner on the deck of a ranch house amid the cattle-dotted green hills of California. Playing in the background are the soft, melodic tones of "Blueberry Hill," the 1940s favorite popularized by Gene Autry.

Unmistakably American.

A remote video camera zooms down on a blonde woman and her companion enjoying an elegant beef dinner in a cosmopolitan San Francisco setting. Again the notes of "Blueberry Hill" are heard in the background.

Unmistakably American.

$6.5 MILLION PROMOTION

Those distinctively American scenes were recorded on Japanese cameras as part of a $6.5 million promotion touting beef in Japanese newspaper, magazine and television campaigns. And not just anybody's beef. American beef.

The promotion is part of a global effort by the Denver-based U.S. Meat Export Federation to build markets for American red meat. Even though Japan already is by far the biggest importer of U.S. beef, meat industry experts think Americans have scarcely scratched the surface so far.

Figures from the National Cattlemen's Association peg Japan's beef consumption at just under 10 pounds a person annually, perhaps one pound of it from the United States. Each American last year ate some 78 pounds of beef.

STRICT QUOTAS

The problem is that Japan regulates imports of high-quality U.S. beef via strict quotas. Last month, two Reagan administration officials, Agriculture Secretary Richard Lyng and Special Trade Representative Clayton Yeutter, returned home from Tokyo disappointed after 12 days of talks didn't alter Japan's protectionist stance.

Current trade agreements, which will allow the sale of about 177,000 metric tons of beef to Japan this year, expire in March 1988.

While MEF has been working to build meat exports since its founding in 1976, the current $6.5 million program in Japan and a companion $500,000 promotion in Hong Kong is just a month old.

Those promotions are financed under the U.S. Department of Agriculture's five-year, $1 billion Targeted Export Assistance program established by the 1985 farm bill. All exportable agricultural products qualify for the export aid. Among other organizations awarded funds so far are such diverse groups as the California Prune Board, $4.5 million, and the Denver-based National Potato Promotion Board, $2.55 million.

MEF's $6.5 million promotion in Japan is one of the largest export assistance programs. And, because of those unfruitful initial quota negotiations, it may be at least another year before American cattlemen know if the campaign will pay off in higher sales.

"The USDA is targeting this program toward countries that limit agricultural imports from the United States," said Alan "Bud" Middaugh, MEF president, "In Japan, what we're gambling on is that trade negotiations will be successful in increasing import quotas."

For their part, Japanese agricultural officials point out that they already are the No. 1 overseas customer of American livestock products. MEF figures show that in 1986 American exports of beef, pork and variety meats topped $1 billion for the first time, and some two-thirds of those products went to Japan.

"About 81 percent of U.S. exportation of beef in 1986 went to Japan," not counting beef shipped abroad under the U.S. dairy herd reduction program, said Hiroshi Nishimura, chief representative for Japan's Livestock Industry Promotion Corp. LIPC's North American headquarters is in Denver.

Americans supplied 31.3 percent of all Japanese beef imports in 1985, said Nishimura, while Australia provided 61.9 percent and New Zealand 3.9 percent.

One of the biggest exporters of beef to Japan is Greeley-based Monfort of Colorado. "Japan is our principal export market," said company President Kenneth Monfort. He estimated the company's fiscal 1986 sales to Japan at some $75 million.

"The bulk of their business is chucks, briskets—our lower-priced cuts that we would use in stirfried products," he said. "We do sell them some strips and tenderloins, but primarily it is the cheaper items."

And that isn't all bad, from Monfort's point of view: "What they are importing are the items we have trouble moving in this country."

MEF's Asian director, Phil Seng, said one problem for Japanese consumers is that in supermarkets all foreign beef is lumped together. Consumers aren't told which is grass-fed Australian beef and which is grain-fed American meat.

"All we're trying to do with this campaign is notify the Japanese consumer that there is U.S. meat available," said Seng in a telephone interview from his Tokyo office. "It is marketing and informational campaign as opposed to just an advertising campaign.

"It's almost guerrilla warfare. We're creating demand for U.S. products. Then if the market is opened up some day, we'll be ready."

Currently, most of Japan's American beef is sold in restaurants rather than supermarkets, said Seng. Because of government controls, he noted, Japanese restaurant customers must pay anywhere from two to five times more for beef than do U.S. restaurant patrons.

Those "delicious American beef television commercials," filmed in this country by Tokyo's Dentsu Advertising Agency, will be aired on Tokyo and Osako stations until May 18. Advertising in five or six major national newspapers, 25 magazines and 36 local newspapers will continue through September.

RECIPE BOOK

MEF is working on a recipe book, restaurant promotions, supermarket point-of-sale materials and a "mook"—a combination magazine-book for consumers that explains the U.S. beef industry from conception to consumption. While beef gets most of the attention, Seng's campaign also touts U.S. pork and lamb.

"I think we've accomplished our point," said Seng. "We've not had one negative phone call. We get 80 to 100 phone calls per day. The questions are always the same: 'Where can we get the product? Where can we get the product?' "

It won't be just American beef producers that benefit if quotas are liberalized, Seng added. "There is tremendous pent-up demand for beef in Japan. There is potential for Japanese producers to produce to their potential, for the United States to sell more and for the Australians to sell more. Even if the price remains the same."

## NEW ZEALAND PREPARES TO ENACT U.S. SHIP BAN INTO LAW

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BROOMFIELD. Mr. Speaker, Prime Minister David Lange of New Zealand recently announced that New Zealand soon will enact into law his government's policy that bans U.S. Navy ships from entering New Zealand ports. The decision of the Government of New Zealand to enact its policy into law bodes ill for the future security relationship of the United States and New Zealand.

Since New Zealand refused to accept the visit of the U.S.S. *Buchanan* in February 1985, New Zealand steadfastly has refused to permit U.S. Navy ships to enter New Zealand ports because they might carry nuclear weapons. New Zealand's policy demands that the United States identify which of its ships carries nuclear weapons, and permits only those ships that do not carry such weapons to enter New Zealand ports.

The United States has only a single, unitary Navy. It does not have one nuclear Navy and one non-nuclear Navy. Moreover, to protect the security of the United States and its allies, and to protect naval personnel at sea, the United States must maintain a firm policy of declining to confirm or to deny whether any particular U.S. Navy ship carries nuclear weapons. Thus, the New Zealand policy effectively bans U.S. Navy ships from New Zealand ports.

The United States exercised a great deal of patience in responding to New Zealand's breach of its security obligations under the Australia-New Zealand-United States [ANZUS] Treaty with the ship ban policy. The ANZUS Treaty arrangement is a critical Pacific element in the Western alliance system whose global defense strategy has successfully deterred major warfare in the four decades since the Second World War. Under this arrangement, the United States naval fleet constitutes an important deterrent to hostile action by the Soviet Union and other countries that might threaten United States and allied security interests and block vital Pacific sea lines of communication.

With the hope that New Zealand might abandon its ship ban policy and resume its security obligations, the United States chose to leave the treaty regime and mutual military support arrangements intact. By August 1986, however, New Zealand's intransigence became clear, and the United States suspended its security obligations to New Zealand in response to New Zealand's breach of its ANZUS Treaty security obligations.

New Zealand remained committed to its policy banning U.S. Navy ships from its ports. In February 1987, the United States informed New Zealand that it would not renew or renegotiate the expiring United States-New Zealand Memorandum of Understanding which provided for mutual military support arrangements.

In an April 30, 1987 address to the New Zealand Institute of International Affairs, Prime Minister Lange announced that the New Zealand Parliament will enact in June 1987 the "New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act." That act makes all New Zealand territory, waters, and airspace a nuclear free zone; prohibits the entry of nuclear-powered ships; and prohibits the entry of foreign military aircraft and ships unless the Prime Minister is satisfied that they will not be carrying any nuclear explosive device.

In his address, the Prime Minister stated:

New Zealand cannot be defended by nuclear weapons and does not wish to be defended by nuclear weapons. We have disengaged ourselves from any nuclear strategy for the defence of New Zealand . . . The exclusion of nuclear weapons from New Zealand will become a matter of law in June this year. . . People in New Zealand must be satisfied that the ships and aircraft of other countries which visit New Zealand are not armed

with nuclear weapons or not engaged in the transport of nuclear weapons.

The effect of the New Zealand Disarmament Act is to place in law the ban on U.S. Navy ships entering New Zealand ports. The prohibition will no longer simply be the policy of the Prime Minister; it will be the law of New Zealand, duly adopted by the representatives of the People in Parliament and assented to by the Governor-General for the Crown.

The decision of the Government of New Zealand to enact its U.S. ship ban into law constitutes a major turning point in the United States-New Zealand security relationship. The decision reflects a more permanent New Zealand national commitment to the ship ban.

New Zealand has every sovereign right to exclude U.S. Navy ships from is ports, but that decision has consequences. New Zealand cannot expect to enjoy the benefits of close defense alliance with the United States without accepting the burdens that go with it. New Zealand has made its national decision to shift its security relationship with the United States from one of close alliance to one of mere friendhship.

After waiting with patience and hope for New Zealand to change its mind, the United States must now accept New Zealand's sovereign decision about the course of its future. The time has come to adjust U.S. law to reflect the existing reality of the new relationship.

In February 1987, I introduced H.R. 85, the New Zealand Military Preference Elimination Act. The bill eliminates New Zealand from the list of allies (NATO countries, Japan, Australia, New Zealand) entitled to preferential treatment under various provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act. The bill would shift New Zealand's status under those statutes from that of an allied country to that of a friendly country, reflecting the new security relationship to the United States that New Zealand has chosen for itself.

The bill is a measured and proportionate response to New Zealand's decision to enact into law its U.S. ship ban. The bill does not impose any economic or other sanctions on New Zealand. The United States and New Zealand enjoy, and should continue to enjoy, close economic, political and cultural ties, even though close security cooperation has ended by New Zealand's choice.

The United States greatly regrets the choice New Zealand has made to leave the group of America's security allies. Nevertheless, New Zealand has made its choice and soon will enact it into law. Accordingly, the Congress should adjust U.S. law to reflect the new, diminished relationship, by enacting H.R. 85.

## IN HONOR OF EVERETT ASCHER

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LEVINE of California. Mr. Speaker, I rise to salute Everett Ascher, who will be honored on June 16, 1987, for his year of dedicated leadership of the Los Angeles West Chamber of Commerce. To mark this occasion, I would like to share with my colleagues some of the accomplishments of Everett Ascher during his chairmanship year—1986-87.

The Los Angeles West Chamber of Commerce continued to prosper and grow under his leadership. It increased both its membership and revenues. The chamber developed the concept for a "Leadership LA" program, the first in the Los Angeles area, which will train business leaders to take an active leadership role in the community.

The Los Angeles West Chamber of Commerce the planned growth and development task force into a permanent standing committee to deal with the problems of growth throughout the community.

The chamber developed a public education campaign to cope with problems of crime on the westside. It established a health care task force to keep members and the community apprised of developments in the health-care industry.

It gave its support to an updated Westwood Village specific plan, which is designed to restore this unique air to one of our city's main shopping, walking and entertainment centers.

The Los Angeles West Chamber undertook its fourth reaccreditation process, which will make this the only chamber in the State of California to have earned the 20-year seal of approval from the U.S. Chamber of Commerce. It held a 1-day retreat, which redefined the chamber's mission and established goals and priorities for the coming year.

The west chamber sponsored two highly successful Westwood art shows and awarded purchase prizes in excess of $10,000 to outstanding artist/participants. It also celebrated its 17th Annual Beautification Awards presentations, recognizing the commercial, residential and landscaping projects which have contributed to enhancing the beauty of the community.

Chairman Ascher personally represented the Los Angeles West Chamber of Commerce at the annual U.S. Chamber of Commerce meeting the Washington, DC.

As Everett Ascher steps down from his successful year as chairman, it is a pleasure to join with the community and congratulate him on a job well done.

## SALUTE TO A GREAT AMERICAN

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. HANSEN. Mr. Speaker, I rise today to pay tribute to a great American; Charles D. McElhanon, who will retire on June 1, 1987, with over 45 years of dedicated Federal service.

"Mr. Mac," as he is known to his many friends, has a record of achievement that won't quit. He enlisted in the Army Air Corps in 1940, and rose to the position of first sergeant in 1942—at that time, he was the youngest first sergeant in the Army. Upon completion of Maintenance Officer School, he was assigned to the B-24 Bomber Wing where he served until 1943. From there, he went to India to support the P-51's and C-46's. At the end of World War II, Mr. Mac returned to the States for duty in PT-19 and AT-6 maintenance squadrons in Texas. From 1949 to 1951, he was assigned overseas with the 19th Bomb Wing, maintaining B-29's. Then, his career took him back to California, until 1953, as an RB-36 maintenance squadron commander. Back overseas, Mr. Mac served as a staff maintenance officer in Japan until 1956.

In August 1956, Mr. Mac was assigned to the Directorate of Maintenance Engineering, Headquarters USAF as a maintenance programmer. He served in that capacity until August 1960. He was then assigned to the 21st Air Division as Director of Materiel, Forbes AFB, KS, with responsibilities for the B-47, RB-47, KC-97, and Atlas E missile systems. He returned to the Air Staff in the Directorate of Maintenance Engineering in 1963, and served there until his retirement as a colonel in September 1965. While in the military, he was awarded the Bronze Star, Commendation Medal with one Oak Leaf Cluster, American Defense Service Medal, Asiatic Pacific Campaign Medal, and the United Nations Service Medal.

Mr. Mac returned to Federal service in 1967 with the Directorate of Maintenance Engineering, USAF and later transferred to the Directorate of Logistics Plans and Programs as Chief, Modification and O&M Programs Division. Since entering the civil service, he has received seven outstanding performance awards, four sustained superior performance awards and the Meritorious Civilan Service Award. He also was nominated for the Thomas P. Gerrity Memorial Award for Logistics Management in 1980. His numerous contributions are all crowns that cap a distinguished career.

As his distinguished career exemplifies, Mr. Mac's personal commitment to his country is his way of life. Throughout his career, he has extended the richness of his wisdom and experience—always giving willingly and unselfishly of his time—in helping others. I know, because I have come to rely heavily on him over the years. He possesses an exhaustive grasp of Air Force logistics issues, but his incredible knowledge goes well beyond the logistics arena. Mr. Mac is a true walking library.

I applaud the knowledge, training, hard work and personal commitment that has enabled him to win the friendship, trust and loyalty of so many people. Thanks to dedicated individuals such as Mr. Mac, our country is second to none among nations throughout the world. I'll miss him, but I know the Air Force will miss him evern more. I wonder how we will get along without him!

I know that his many friends join me in extending the sincerest and heartfelt wishes for a long, prosperous, healthy, and rewarding retirement.

## THE TROUBLES OF OUR TURKISH FRIENDS

### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. COURTER. Mr. Speaker, sometimes Americans imagine that a foul government is in one sense deserved by the people enduring its rule: "If they will not overthrow it, they must suffer its depradations." Or, as notable Englishmen said six and a half decades ago in response to requests by Winston Churchill to support an intervention that would break the Bolshevik stranglehold on the Russian people: "Let them stew in their own juice." But that is a cynical view, and a flawed one. Its flaw is in the staggering underestimation of the police powers of a totalitarian state.

Today we can see these slow, quiet, and methodical police powers at work in the Communist State of Bulgaria. Agents of the state are doing what they do in all Communist countries, which is labor at the near-total subjugation of indigenous culture, politics, language, learning, and religion, relegating them to the status of historical curiosities preserved only for tourists and for old people unsusceptable to "reeduction." All these indigenous and heartfelt things are disturbing sources of conflicting loyalties; therefore they are to be replaced with the uniform "proletarian internationalism" that satisfies the souls on none but Communist Party members and their Soviet overseers.

I think the American people should be aware of the fact that, as one witness has said, the Bulgarian regime "has systematically been taking various measures to obliterate the national, cultural, and religious identity of more than one and a half million Turks in Bulgaria," even to the extent of taking away their names. Does this not fit the United Nations definition of genocide? Yet, even now, our own State Department has been working for closer relations with the Soviet satraps in Sofia.

Mr. Speaker, Turkey is a republic, a close NATO partner, and an ally of inestimable value. In an age when we are concerned about the insubstantial defense spending by some Europeans, the Turks' contribution remains worthy. In 1983, for example, they were devoting about 5 percent of their GNP to their armed forces, while our friends in Canada spent only 2.2 percent, and our allies in Belgium and The Netherlands were only a little over 3 percent.

Some Americans forget that an ally like Turkey is spending for our mutual defense, while a state like Bulgaria is doing all that it can to undermine our defenses and those of Europe. So I put the question to our State Department: which of these sets of bilateral relations deserves our efforts?

Mr. Speaker, what follows is the testimony of Halil Ibisoglu, a refugee from Bulgaria, who spoke before the U.S. Commission on Security and Cooperation in Europe—Helsinki Commission—here in Washington DC, on February 3, 1987. It is reprinted as it appeared in the Bulletin of the Assembly of Turkish American Associations, spring 1987.

TESTIMONY OF HALIL IBISOGLU BEFORE THE U.S. COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I am honored to testify before the U.S. Congressional Commission on Security and Cooperation in Europe, which monitors the Helsinki Accords and in this context follows cases of violations of human rights in Eastern Europe. I wish to discuss with its esteemed members the present situation of the Turkish minority in Bulgaria which is subjected to inhumane persecution and assimilation policies.

Why did I flee from Bulgaria? For many years, the Bulgarian regime has systematically been taking various measures to obliterate the national, cultural, and religious identity of more than one and a half million Turks in Bulgaria. First, Turkish religious schools were abolished. Then, the Turkish schools were merged with the Bulgarian schools. Later on, Turkish language classes were totally eliminated. The forced Bulgarization of the Turkish minority started in December 1984, in the Province of Kurdzhali. This campaign was conducted at gunpoint. I have learned from very reliable sources that there have been many incidents of murder, exile, and imprisonment.

As a member of the Bulgarian National Assembly, I requested documentation of the decision of the Bulgarian Communist Party Central Committee on the Bulgarization issue from the Party and the police. In response, I was told this decision was not documented and that I should not persist in requesting the document. Otherwise, they told me my life would be in jeopardy, noting that I was young and had children. They added that those who opposed the decision of the Party would be murdered or imprisoned. The civil police then attempted to accuse me without specifying an actionable offense. The police wanted to imprison me for setting up a protest meeting which was organized by the Turkish minority.

In January 1985, the Bulgarian authorities forced me to change my name to Lubomir Alekseev Avdjiev. I subsequently was asked to make a presentation on television declaring that we, members of the Turkish minority in Bulgaria, had changed our names voluntarily and that we were originally Bulgarians. I refused to make this declaration. This time, the civil police asked me to help them. They wanted me to continuously report to them the private communications and actions of my Turkish brothers. I did not accept this either.

The Bulgarian authorities later summoned Assembly members of Turkish origin, as well as teachers, physicians, journalists, famous athletes, certain muftis, and intellectuals of the Turkish community. The authorities read a protest letter addressed to Turkish Prime Minister Turgut Ozal which they forced us to sign.

Prior to this, an official from the Varna District Committee had given me a serious threat. He warned that if I opposed the decisions of the Party I would not only lose my membership in the Assembly, but also would never be able to see my spouse and children. I signed the letter along with the others because of fear of losing my family. The letter stated that we changed our names voluntarily and we were converted Bulgarians, and that Turkey should not interfere with our internal affairs. They also summoned the Turkish intellectuals in Varna and made them sign a similar declaration. Furthermore, intellectuals of Turkish origin were forced to make similar declarations at meetings and workplaces, before workers and students, in journals and magazines, and on television and radio. Those who failed to comply with these orders were dismissed from their jobs, imprisoned, and exiled. Some of them were murdered.

Turkish teachers in Turkish villages were replaced by Bulgarian teachers who were also acting as police agents. They closely monitor the Turkish minority and report to the police.

The Bulgarians forcibly impose their own policies while publicly describing compliance as voluntary. Since I had witnessed the facts and truth, I could not stand this oppression. Hence, in order to be able to openly express the plight of the 1.5 million Turkish minority, I left Bulgaria for my Motherland, Turkey.

In Bulgaria, Turks are usually employed in the harshest jobs such as building and road construction, agriculture and forestry, manufacturing of toxic materials, etc. When drafted, Turkish youth are employed as labor soldiers (trudovak) and they perform the hardest jobs. Turkish young men are not allowed to join the army as officers. There are no Turkish employees at security and police offices. There are very few, if any, Turkish students at the universities.

During the forced name-changing campaign, villages populated by the Turkish minority were surrounded by the military and police forces including tanks, military, and fire vehicles. Nobody was allowed to move around. The military and the police monitored telephone conversations. A number of Turkish families were relocated to areas densely populated by Bulgarians. Circumcision was banned. Circumcisers, as well as many parents of circumcised children, were imprisoned.

Speaking Turkish is strictly forbidden. A fine is imposed on individuals who address each other by their Turkish names. Even signing in Turkish or singing Turkish folk songs is forbidden. Radio broadcasts in Turkish are terminated. It is even forbidden to listen to the Turkish radio or to read Turkish books and magazines. Moreover, publishing in the Turkish language is not allowed. Any kind of communication with relatives in Turkey is forbidden. Those who want to emigrate to Turkey are not permitted to do so. Mosques in most places are demolished and tombstones are obliterated. Funeral ceremonies according to Islamic practices are banned. Muslim-Turks are buried in the same cemeteries as Bulgarians.

Although many Bulgarians are against this policy of oppression and ethnic persecution, they cannot speak up for fear of being punished. The reason the Bulgarian government does not allow the foreign press to visit Turkish villages is because it does not want the truth to be revealed. The main reason behind the gun-point Bulgarization of the Turkish minority is to stop the rapid population growth among the Turkish minority because the growth rate among Bulgarians has stabilized. The Bulgarians fear the possibility of becoming a minority in the course of time. The annual population growth rate among the Turks is about two percent.

The Turkish minority in Bulgaria seeks help from countries of the Free World, especially from the U.S. The only possible way to free those people from Bulgarian cruelty is to put heavy pressure on Bulgarians to respect human rights and to secure the right of the Turkish minority to emigrate to Turkey.

The Bulgarian Government is undoubtedly hoping this issue will be forgotten. There-

fore, we should continue to put the Bulgarian regime under pressure until it reevaluates its present position and begins to seek solution to the problem.

While I am certain the U.S. Administration and the Congress support efforts to help the Turks in Bulgaria, much more can be done in the critical period ahead. Congressional advocacy on behalf of the Bulgarian Turks can make the critical difference in one person's life. This advocacy can take the form of letters and resolutions, as well as public statements and actions.

I wish to take this opportunity to ask you to actively support passage of House Joint Resolution 262 and Senate Joint Resolution 126 condemning the brutal treatment of the Turkish minority by the Bulgarian Government. Your support will clearly convey to the Bulgarian Government the deep concern of the U.S. Congress about the fate and future of the Turks in Bulgaria.

Thank you.

## TRIBUTE TO THE MUNCY COMMUNITY

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GEKAS. Mr. Speaker, Saturday, May 30, 1987, will be a very important day for the residents of Muncy, PA. That is the day officials and residents of this community will rededicate the Muncy Post Office Building after 50 years of service.

It has been said that the biggest thing in America is the small town with its red chimneys, church spires, school towers, smokestacks, windowed stores, busy organizations, neat streets, and local government. It is the spirit behind these visible features that makes the small American community great, for just as a pile of lumber and paint is not a home, a collection of people and houses is not a community. The necessary ingredients are a common spirit of interest, mutual confidence and good neighborliness.

The borough of Muncy is a typical example of one such town. With a population of less than 4,000, Muncy has two distinctive characteristics which might easily escape notice of the causal passerby. These are the town's rich historical background and its unusual completeness.

The Muncy Post Office, like many small town post offices, performs many important functions besides performing its officials duties of providing mail service. The post office is a place where citizens gather to meet and talk with their neighbors. It is a place where favorite stories are told and retold. It is a place where good times and bad times are reminisced. So when the Muncy Post Office celebrates its 50th anniversary, the Muncy community celebrates as well.

During the past 50 years, the Muncy community has experienced change and growth. But Muncy is as pleasant a community today as it was in 1937. Within the county of Lycoming, Muncy is recognized for a certain degree of uniqueness that has enhanced and set the community apart from the other boroughs: A high concentration of historic homes and buildings in a small area along Main Street has helped contribute charm to the town; the borough has the only local newspaper remaining, thereby giving its residents the best local newspaper coverage in the county; the Ritz movie theatre is the last theatre in a Lycoming County borough; and the business district has the widest variety of stores and businesses of any borough or shopping center in the county.

Mr. Speaker, I would like to ask my colleagues in the U.S. Congress to join me in paying tribute to the Muncy community and congratulating them on the Muncy Post Office's 50th anniversary.

## U.S. PROTECTION OF PERSIAN GULF SHIPPING

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BROOMFIELD. Mr. Speaker, on May 20, 1987, Secretary of State George Shultz advised the House by letter of the Iraqi Air Force attack on the U.S.S. *Stark* in the Persian Gulf. The Secretary's letter also addressed the need for United States naval protection of United States-flag merchant vessels in the gulf, including Kuwaiti tankers applying for United States registry.

The Secretary's letter did not receive wide distribution within the House, despite its importance as a statement of the administration's position on a major foreign policy and national security issue. I urge my colleagues to read the letter:

THE SECRETARY OF STATE,
*Washington, May 20, 1987.*

Hon. JIM WRIGHT,
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: For nearly 40 years, the United States has maintained a limited naval presence in the Persian Gulf for the purpose of providing for the safety of U.S. flag vessels in the area and for other reasons essential to our national security. This has been done pursuant to the authority of the President under the Constitution as Commander-in-Chief, and the duty to provide protection for U.S. forces and U.S. vessels that are engaging in peaceful activities on the high seas. Congress has been fully and repeatedly advised of our policy.

Our naval presence in the Gulf has been fully within our rights under international law, and we have respected all the relevant international rules of conduct. We have remained neutral in the Iran-Iraq war, and our vessels have taken no action that could provide any basis for hostile action against them by either country. Until this past Sunday, no U.S. warship or other U.S. flag vessel in the Gulf had been the object of any attack from any source.

Shortly after 2 p.m. (EDT) on May 17, an Iraqi Air Force F-1 Mirage launched an Exocet missile, which struck the USS *Stark*, causing heavy damage. Within the hour, the USS *Stark* was stopped and listing, but damage control parties were able to stabilize its condition, and the vessel has now returned to port. At this time, a total of 37 members of the crew are reported dead or missing, and two more are seriously injured.

The United States immediately contacted the Iraqi Government through diplomatic channels, to protest in the strongest terms and demand an explanation of the incident and appropriate compensation. President Saddam Hussein sent a letter expressing deepest regret over this tragic accident and his condolences and sympathy to the families of the victims, explaining that Iraqi forces had in no way intended to attack U.S. vessels but rather had been authorized only to attack Iranian targets. A joint U.S.-Iraq review had been agreed upon to determine more precisely the circumstances surrounding the Iraqi attack, and to ensure that there is no recurrence.

Our naval forces in the area have been instructed to assume a higher state of alert readiness in carrying out the standing Rules of Engagement. Ship commanders continue to have the authority to take such steps as may be necessary to protect their vessels from attack. However, we have no reason at this time to believe that Iraqi forces have deliberately targeted U.S. vessels, and no reason to believe that further hostile action will occur.

Our forces are not in a situation of actual hostilities, nor does their continued presence in the area place them in a situation in which imminent involvement in hostilities is indicated, although we are mindful of recent Iranian statements threatening United States and other ships under protection. In accordance with this desire to keep the Congress fully informed, the President nonetheless has asked that I provide this account to the Congress of what has transpired, and has directed that the relevant committees and leadership of Congress be fully briefed on these events.

Quite apart from the Iraqi attack on the USS *Stark*, Iran continues publicly and privately to threaten shipping in the Gulf. It is this basic Iranian threat to the free flow of oil and to the principle of freedom of navigation which is unacceptable. The frequent and accelerating Iranian attacks on shipping have spread the war geographically to the lower Gulf and have heightened the risk to all littoral states. The *Stark* incident provides no reason for altering the policy which we have adopted in the Gulf area of being prepared to defend U.S. vessels and U.S. interests when necessary. We intend to proceed with plans to provide protection for ships flying the U.S. flag in the Gulf, including certain Kuwaiti tankers which have applied for U.S. registry. It is not our intention to provoke military action, but to deter it. Sunday's incident, although regrettable and tragic for our courageous seamen aboard the USS *Stark*, does not suggest that either of the countries involved in the war have decided to attack U.S. vessels in the Gulf.

At the same time that we are taking these steps, we want to assure you that the administration is actively pressing for comprehensive and effective international action, including at the United Nations, to bring this bloody, wasteful and dangerous war to an end. We will of course keep the Congress fully informed of any further developments in these matters.

Sincerely yours,

GEORGE P. SHULTZ.

## A CONGRESSIONAL SALUTE TO JIM HAWKINS—PRESIDENT OF THE HARBOR CITY CHAMBER OF COMMERCE, HARBOR CITY, CA

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ANDERSON. Mr. Speaker, I am honored today to pay tribute to Jim Hawkins, president of the Harbor City Chamber of Commerce in Harbor City, CA. Jim will be honored at a dinner by the Harbor City Chamber of Commerce at the Ports O' Call Restaurant in San Pedro, CA, on June 19, 1987.

Jim Hawkins was born in Santa Monica, CA, and raised in Torrance. Jim's outstanding athletic prowess enabled him to attend the University of Redlands on a baseball scholarship. Jim pursued a political science degree, and upon graduation attended Loyola Law School. While at Loyola, Jim worked his way through school at a variety of jobs: bailiff, taxi cab driver, and law clerk. After graduating from Loyola Law School, and subsequently passing the bar exam, Jim went to work with the Los Angeles City Attorney's office. He opened his own private law practice in 1973, and presently has a law office in Torrance.

In 1971, Jim married the former Julie Lang who was also a graduate of Redlands. They have two sons, Jamie age 9, and Jeff age 10. The boys are following in their father's athletic footsteps, both participating in Little League baseball and soccer. The Hawkins presently live in San Pedro, CA.

Jim is active in the Rotary Club of Torrance—past president, 1981—the San Pedro Chamber of Commerce, Councilwoman Flores' Community Advisory Council—CAC chairman—and the Harbor City Chamber of Commerce, president, 1985-87.

Mr. Speaker, Jim Hawkins has done much over the years in helping make the Harbor City-San Pedro area a special place to live and work. His commitment to his family and community will never go unnoticed, as Jim feels it is important to "give service above self." My wife, Lee, joins me in congratulating Jim on this special occasion and we wish him and his wife, Julie, and their two sons, Jamie and Jeff, continued success and happiness in all their future endeavors.

## THE SCHOOL IMPROVEMENT ACT: SERVING ALL OF AMERICA'S CHILDREN

### HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GEPHARDT. Mr. Speaker, H.R. 5, the School Improvement Act, passed overwhelmingly by the House last week, represents a step in the right direction toward one of our most important national goals: Providing a quality public education for all America's students.

Today's students will live and work in a new world: A world characterized by rapid change and strong competition from other nations. It is our obligation to prepare them well—and nothing is more important than giving them a firm foundation in the basic skills of reading, writing, calculating, and reasoning.

As we face the challenges of the 21st century, it is more imperative than ever before in our history that we honor our traditional commitment to providing all our citizens with the basic tools to become productive and responsible members of society. We simply cannot afford to allow a first rate education to become the prerogative of a privileged few.

That is why I attach special importance to the provisions in the bill concerning chapter I, the program designed to provide special help in basic skills to those students who need it.

Basic skills are the key to hope and opportunity. It has been clearly demonstrated that without them, young people are all too likely to fall into the traps of dropping out of school, teen pregnancy, and poverty. Eighteen-year-olds with weak basic skills are seven times more likely to have dropped out of school before graduation, four times more likely to be both out of work and out of school, eight times more likely to bear children out of wedlock, and four times more likely to need public assistance for basic support.

Chapter I is effective in providing disadvantaged students with the basic skills they need to finish high school successfully. Studies and evaluations have shown that chapter I programs do raise the basic reading and mathematics skills of program participants.

Despite this record of success, funding levels have not kept pace with increasing need for chapter I services, or with inflation. In constant dollars, funding for chapter I has been cut by 17 percent since fiscal year 1980. With 8.8 million poor children between the ages of 5 and 17, this just is not good enough. Right now, only one-half of the eligible student population is being served by chapter I. This isn't fair—and it isn't smart.

I therefore strongly support the declaration of policy contained in the School Improvement Act that calls for a planned incremental approach to full funding of chapter I by 1993. The goal of increasing chapter I funding by $500 million a year is a realistic and responsible one. It is consistent with budgetary constraints, yet at the same time recognizes the need to make extra educational help available to all students who qualify for it. As we move into a future when we will need all our citizens to be strong and productive, we can do no less.

## ELLA GRACE WHITE CAMPBELL

### HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. MFUME. Mr. Speaker, every so often we are fortunate to meet individuals who exhibit extraordinary concern and service for their communities. I am extremely proud to recognize just such an individual who has worked tirelessly in my district to improve the quality of life for her neighbors. Ms. Ella Grace White Campbell has devoted her life to service and her accomplishments are numerous. I offer the following history of her service to Maryland's Seventh Congressional District as an example of true volunteerism and community activism:

ABOUT THE HONOREE . . .

Ella Grace White Campbell is an alumnus of Morgan State University, Johns Hopkins University and the University of Maryland. She holds degrees in Music Education, History/Social Science and Administration. Her employment experience includes Recreation Leader, Recreation Directory, Senior Recreation Director, English Teacher, Department Head of English, Educational Specialist of Girls Activities—Community College of Baltimore, Professor—Coppin State Teachers College, Administrative Consultant and Assistant Principal. She has received awards for outstanding service to the Gwynnvale and Cherry Hill Communities, and to the Delta Sigma Theta Sorority, Inc.—Baltimore, Maryland Alumnae Chapter, the Second Mile Award from the Minister of Tourism of Grand Bahama Island. She is listed in current editions of Who's Who in the East, Who's Who in America and Community Leaders of the world (1985). Ella has served as a board member of the Pikesville Community Growth Corporation, Baltimore Neighborhoods, Inc., and the NAACP. She is a board trainer for the United Way of Central Maryland, Third Vice President of the YWCA—Central Maryland. A member of the School Board Nomination Committee—Baltimore County, and chairperson of the Administrative Board of Epworth United Methodist Church.

As former president of the Gwynnvale Civic Association, she was the catalyst for developing meaningful activities for youths and various other community projects. She led the fight for flood control and represented the association in its Adjudicatory Hearing in Annapolis. She was instrumental in getting the MTA to provide sound barriers along the subway route through the Gwynnvale community. She served as editor of the community newsletter for a number of years, and she still types and prints the bi-monthly newsletter.

While president of the Liberty Road Community Council, Inc., Ella paved the way for fiscal accountability and responsiveness to neighborhood concerns. Under her administration, LRCC broadened communication channels, lessened neighborhood tensions and promoted inter/intra-group relations; fostered a better understanding of local and state-wide issues; served as a mutual support system for groups; served as a mechanism for defining concerns, planning problem-solving strategies and coordinating common concerns; and provided a public forum to effectively address issues. LRCC dealt effectively with flooding, housing, health, crime, zoning, and community organizing. LRCC fought for the availability of the Campfield School as a community center, focused attention on the need for improvements at the Woodmoor Shopping Center, fought for improvements in traffic conditions, promoted participation in ancillary programs and neighborhood activities. Through the Liberty Neighbors Project, the format and circulation of the Liberty Neighbors Newsletter were improved upon. Plans for the Liberty Assistance Center were inauguated; free concerts for neighbors and families to enjoy positive cultural interchange were held; and arrangements were made for the clean-up

and betterment of the Valley Forge and Oakland Park communities. LRCC held its first successful Leadership Training Workshop and its first Recognition Night for community leaders. During Ella's two-year tenure as president of LRCC, the organization spanned new horizons, climbed treacherous mountains and swam the deep oceans in order to better living conditions for people in the Liberty Road corridor.

Mr. Speaker, I think you and my colleagues will agree that the Nation could use a few more people like Ella Grace White Campbell. Her selfless leadership and love for her neighbors and community deserve the attention of a nation that could only gain in pride and inspiration from such an example of excellence and service.

## SALUTE TO DISTINGUISHED PUBLIC SERVANT

### HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. IRELAND. Mr. Speaker, today marks the retirement of Mr. Kenneth L. Pierson, Director of the Office of the Motor Carrier Standards of the Federal Highway Administration after 32 years of distinguished service with the Federal Government. Ken and I became good friends several years ago when I held the first hearing ever conducted which covered the concerns of the Nation's independent truckers. At that time I realized our Nation was honored to have such a dedicated public servant who during his life had actually worked in the field his Federal duties covered.

Tonight his many friends are having a surprise dinner farewell in the banquet rooms of the Rayburn House Office Building. The evening is aptly named "Salute to Ken Pierson. "I would now like to take just a few moments to join this salute and wish him nothing but the best, which he so richly deserves in retirement.

Mr. Pierson began his career in the transportation industry as a road driver for an Ohio-based motor carrier of general commodities. He left this employment to enter the University of Maryland, from which he graduated cum laude in 1958, earning a bachelor of science degree in business and public administration, with a major in transportation. While in college, Mr. Pierson was employed in the operations office of a class I common carrier on a part-time basis. Upon graduation from college, he accepted an appointment with the then Bureau of Motor Carriers of the Interstate Commerce Commission, as a field investigator, and was promoted to increasingly responsible positions with that agency.

On May 28, 1987, 2 months after the transfer of the motor carrier safety functions to the new Department of Transportation, Mr. Pierson was appointed Special Assistant to the Director in the Bureau of Motor Carrier Safety. On June 30, 1969, Mr. Pierson was designated as Acting Director, Bureau of Motor Carrier Safety, and served in this capacity until April of 1970 when he was appointed Director, Bureau of Motor Carrier Safety. In that capacity, he was responsible for the administration of the National Motor Carrier Safety Program.

Pierson is a member of the American Society of Safety Engineers, the National Committee on Uniform Traffic Laws and Ordinances, the National Committee of Motor Fleet Supervisor Training, the Hazardous Materials Committee of the Transportation Research Board, and other professional organizations. He served in the Ordinance Corps of the U.S. Army during the period 1950–53, primarily in heavy maintenance operations, in Korea and Germany. He resides with his family in Glenn Dale, MD.

## A SPECIAL THANKS TO LT. COL. JAMES E. NEU

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. HANSEN. Mr. Speaker, I would like to take this opportunity to say a special thanks to Lt. Col. James E. Neu, U.S. Air Force, for his many kindnesses to me while serving in the Special Projects Branch, USAF.

Jim Neu's excellent grasp of issues as well as the competent manner in which he expresses himself have elevated my level of knowledge of Air Force programs. In every request I have made of him, he would constantly strive to assist and provide me with the best possible answers to my questions. He exemplifies the highest qualities, and is, in every respect, a true professional.

Jim has always been a leader. He has received numerous awards and recognitions, such as the Daughters of the American Revolution Award, and the Military Training Award. He was nominated for the Daedalian Trophy, the Jabara Award, and the Sijan Leadership Award. While at Holloman AFB, he was the F-4 RTU outstanding academic graduate and outstanding aircraft commander. In Italy, he was recognized as the distinguished graduate of the U.S. Army Jumpmaster Course, as well as the 17th Air Force Outstanding ALO of the Year, 1978.

I am pleased to have had the privilege of working with this outstanding officer, and I wish him every success as he leaves the Pentagon for an assignment with the 475th WEG at Tyndall Air Force Base.

## JIM HACKETT RAISES LEGITIMATE INF VERIFICATION QUESTIONS

### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. COURTER. Mr. Speaker, with all the giddy euphoria surrounding a possible arms control agreement on intermediate range nuclear forces [INF], the following essay on verification by Jim Hackett of the Heritage Foundation is like a cold slap in the face. An INF/SRINF arms reduction agreement, according to Mr. Hackett, may very well be unverifiable. The sooner we realize this fact, the better it will be for United States and NATO security interests.

Reduced to its essence, the INF/SRINF verification problem boils down to a Western inability to effectively monitor the activities of the Soviet police state. We can never have high confidence that meaningful INF limitations are being observed by the Soviet Union. Onsite inspection can only improve this situation if such inspections are on an unlimited, surprise basis. There is no indication that the Soviet Union will accept this type of unprecedented verification regime. Accordingly, it is difficult to see how an INF agreement will be fundamentally different from the fatally flawed arms control agreements of the 1970's. I commend Mr. Hackett's essay on this subject to my colleagues' attention.

VERIFICATION: THE IMPOSSIBLE DREAM

(By James T. Hackett)

Ronald Reagan and Mikhail Gorbachev are close to an arms-control agreement that would eliminate short- and intermediate-range nuclear missiles in Europe. On the surface this sounds desirable, but there are several serious problems. One of the most serious is verification.

Simply stated, it is impossible to verify how many mobile missiles an adversary may have—or where they are. This is a given and must be recognized before any agreeement is signed because an unverifiable agreement would be based on little more than trust.

The Reagan administration, to its credit, says it will insist on strict verification, including direct inventory control of the weapons covered by the agreement and on-site inspection by suspect sites (not just the ones the Soviets say the U.S. may inspect). This means U.S. inspectors would need ready access to Soviet missile fields, test ranges, production facilities and destruction centers.

Can you imagine that? One of the world's most tightly controlled police states, which treats even the Moscow telephone book as a classified document, is going to let U.S. inspectors poke around freely in their most secret facilities? Who's kidding whom?

Even the most optimistic arms-control enthusiasts concede that effective verification is essential. But don't worry; the State Department says it can all be worked out. That must be gratifying to the Kremlin's experts in arms-control cheating, who know that verification presents enormous problems. For example:

No one knows how many missiles the Soviets have. The numbers the U.S. uses are its own estimates; the Soviets never provide figures. What is the point in the U.S. carefully monitoring reductions when it doesn't know how many missiles there are in the first place?

The missiles are mobile. The missile "launchers" the U.S. tries to count are wheeled vehicles that can be driven on roads or over open country. They can travel hundreds of miles under the cover of darkness and even farther on cloudy or rainy days when U.S. satellites cannot see them. Consequently, the U.S. doesn't actually count missiles or launchers, but the sheds it thinks they are parked in. This means the U.S. doesn't really know where the launchers are from day to day, or how many there are.

The U.S. can't verify production. The Soviets could, of course, show U.S. inspectors a former missile plant that now produces toasters, but how do we know they don't

have another missile factory somewhere else that they're not telling us about? And what's to keep them from starting a new missile production line next week?

We can't see through roofs. Mobile missiles don't sit in fixed silos. The launchers can be driven from their sheds into bunkers, hangars, factories, tunnels, garages, or anything else that has a roof over it—and U.S. satellites can't see or count them.

The launchers can be reloaded. U.S. figures are based on missile launchers, not the missiles themselves. A single launcher can be reloaded and reused over and over again. So even if the U.S. could count the launchers accurately, it still wouldn't know how many missiles there were.

The missiles can be converted. The main Soviet intermediate-range missile, the SS-20, has two rocket stages. Add a third stage and it becomes a long-range SS-16 intercontinental ballistic missile. Would the Soviets dare dismantle their SS-20s under the proposed agreement and then convert them to SS-16s that are not prohibited? What do you think?

Replacements can be built. The short-range Soviet missiles that are supposed to be eliminated are effective against targets 300 to 600 miles away. Even if such missiles were outlawed, battlefield missiles with a range of as much as 240 miles still would be permitted. The Soviets have an aging battlefield missile called the "Scud B" with a range of 180 miles. If short-range missiles are banned, might Moscow then produce an "improved" version of the Scud B with a longer range? Want to bet?

Other things can do the same job. Moscow is churning out its new mobile ICBM, the SS-25, like sausages. Is Europe more secure if SS-20s are removed while a little farther from the target dozens of new SS-25s take their place?

Improved cameras on U.S. reconnaissance satellites can take excellent pictures of even small objects—if they know where to look. But the Soviet land mass is enormous. It is virtually impossible to find something in such a large area if the other side wants to hide it.

How can the U.S. have a verifiable agreement under such conditions? It can't. So why do some U.S. officials claim that verification of mobile missiles is possible? Apparently they believe that Moscow wants an agreement so badly it will let U.S. inspectors prowl unannounced around the Soviet Union.

We should put Moscow to the test. The administration must not retreat from its insistence on ironclad verification provisions, including inspection on demand of suspect sites.

## OUTSTANDING YOUNG ADULTS

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GEKAS. Mr. Speaker, on Wednesday, June 3, 1987, I will be hosting a luncheon in the Gold Room of the Rayburn Building to honor the young men chosen from my congressional district to attend our four U.S. service academies. Accompanied by family members, these outstanding young adults will be greeted by representatives of their respective academies, providing insight and moral support for the difficult, yet exciting 4-year program that awaits them.

I would like the CONGRESSIONAL RECORD to reflect my own personal best wishes and those of my districtwide Service Academy Committee to this fine group of young people and ask that my colleagues in the U.S. Congress to join me in recognizing their great accomplishment. The names and hometowns of those who will attend our service academies are as follows:

Air Force Academy—Michael Reiner, Rebuck.

Military Academy—Lance Kohler, Muncy; David Reardon, Harrisburg; Robert Wenzel, Montoursville; Joseph Kremer, Northumberland; Richard Shipe, Northumberland; Michael Bogovich, Northumberland; and Robert Ash, Hershey.

Naval Academy—John Chilson, Millersburg; John Patterson VI, New Bloomfield.

Merchant Marine Academy—Robert Carr, Millmont.

## MR. HERBERT A. SCOTT, RETIRING EDUCATOR AND CIVIC LEADER

### HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ESPY. Mr. Speaker, I wish to share with my colleagues a few words about one of the finest community contributors in my district. Mr. Herbert Scott is closing-out another chapter in his long career of public and civic service. Mr. Scott is retiring on Thursday, May 28, after more than 38 years as a teacher and civic leader.

Mr. Scott, a resident of my district and a native of my hometown, Yazoo City, has been an educator for almost 39 years. He has been a teacher and principal, and served as assistant superintendent of in the same school system, Yazoo County Schools.

During his long career in community and civic service, Mr. Scott has been Director of Federal programs for Yazoo County, President of the Federal Directors for the State of Mississippi, and is currently serving as president of the Yazoo County Fair and Civic League, and organizational sponsor of senior citizens housing.

Mr. Scott was the first black to serve on the State Welfare Board and served on the board with distinction. He is now a church deacon at Beulahland Baptist Church and remains active in a number of civic organizations and activities.

Mr. Speaker, Mr. Scott has inspired and nutured a clear understanding of commitment to family, community, and church. He is a true leader and model citizen; the kind every community must have.

## HOSTILE FOREIGN TAKEOVER MORATORIUM ACT

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. COBLE. Mr. Speaker, a frenzy has gripped our Nation and it is being fueled by greed. Too many publicly held companies are being threatened with hostile takeovers, often by foreign companies and investors. This takeover frenzy is costing us thousands of American jobs.

Many of these takeovers require huge amounts of borrowed funds in order to succeed or be repelled. Once the dust settles, portions of the target company must be sold in order to pay off those massive debts. Little thought is given to the ramifications of a hostile takeover by the greedy investor who is out to make a quick buck. He cares little about the people who work for the company he seeks to control. His only question is: what's in it for me?

Because of the need to call a temporary "time-out" to this frenzy, I am introducing the Hostile Foreign Takeover Moratorium Act. The measure will provide for an amendment to the Securities and Exchagne Act to provide for a 6-month moratorium on hostile takeovers of American corporations through tender offers by foreign corporations.

The measure is a reasonable, short-term solution to the problem of hostile foreign takeovers. During the moratorium, we can take a deliberate, thoughtful approach to addressing the issues that arise in this situation. The atmosphere is too heated to make sound decisions during the takeover frenzy which has gripped Wall Street.

Mr. Speaker, I speak with some degree of urgency about this matter because such a hostile foreign takeover is occurring in my own backyard. I represent the Sixth District of North Carolina, which includes Greensboro, the corporate home of Burlington Industries, the Nation's leading textile manufacturer. As you may know, Burlington Industries is being threatened with a possible takeover by a New York investor and a Canadian textile company. Because of the many people employed by BI, I have followed this situation since first news of a possible takeover surfaced.

I believe many of you share my concern that a hostile takeover of Burlington Industries at this time could have an adverse impact on thousands of jobs. In fact, those involved in the takeover attempt, specifically Mr. Asher Edelman, have made it clear that a successful takeover could result in the sale or closing of plants. These possibilities are indeed threatening to an industry already weakened by massive imports.

Moreover, there is serious and legitimate concern regarding the concentration of economic power in the textile industry. We face the prospect of a U.S. firm with more than 23 percent of the U.S. denim market being purchased by a Canadian firm which also has a significant share of he U.S. denim market. Serious issues are raised by the possibility of a foreign takeover of a major U.S. manufactur-

ing company engaged in the production of a product essential to our economy.

I am introducing the Takeover Moratorium Act despite the Burlington Industries announcement of a tentative agreement to be purchased by Morgan Stanley Group, Inc. This purchase would not have happened without the threat of a hostile takeover by Asher Edelman and Dominion Textile.

Thousands of jobs are at stake when a hostile takeover occurs because, no matter who wins, the debt incurred is so great that portions of the company must be sold in order to pay off that debt. When that happens, jobs are likely to be sacrificed. Since the textile industry employs thousands of people in our district and State, we will do whatever we can when foreign corporate raiders threaten our jobs.

## TRIBUTE TO MANCHESTER HIGH SCHOOL DEBATE TEAM

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. MAVROULES. Mr. Speaker, I rise today to recognize the Manchester High School debate team for its impressive performance at the National High School Tournament of Champions held on May 7–11 at the University of Kentucky in Lexington. I commend debate coach Tim Averill and the entire team for bringing such distinction to the Commonwealth of Massachusetts.

I extend my heartiest congratulations to Sarah Gannett and Zach Leber for winning this premier tournament. It is indeed an honor to represent the No. 1 team in our Nation. I also commend Kirsten Bolten and Andrea Marston for their fine performance, as well as Gretchen Crosby, Craig Chew, and Amy Spence for distinguishing themselves in the Lincoln-Douglas competition.

The success of the Manchester debate team is the result of an unyielding commitment to excellence. This most recent accomplishment, in particular, represents years of dedication, effort and intellectual growth. Tim and his team have worked extremely hard to claim the title of the very best in America. It is a distinction in which all of us from Massachusetts can take great pride.

Mr. Speaker, there has been a great deal of discussion in this Chamber recently about America and our quest for excellence. Whether in the context of debate over international trade policy or our national defense budget, we continually emphasize our desire to reach America's potential to be the very best.

The Manchester debate team has reached this potential. These young men and women exemplify a dedication and spirit that is the backbone of our great Nation. We should all take a moment to reflect on their commitment and pride. Their achievement serves as an inspiring example to all young Americans dedicated to achieving academic excellence and intellectual growth.

## IDENTICAL TWIN SISTERS MAKE WEST POINT HISTORY

### HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. DioGUARDI. Mr. Speaker, I would like to bring to the attention of my colleagues the unique achievements of two individuals who reside in the congressional district which was represented by our former colleague, the late Stewart McKinney. I know that if Stew were here today, he would want to acknowledge these two outstanding people, Tracy and Tara Miller of Stamford. Tracy and Tara are the first female identical twins to attend the U.S. Military Academy at West Point. Following is an article on the Miller twins which appeared in the May 15, 1987 New York Times:

IDENTICAL TWIN SISTERS MAKE WEST POINT HISTORY

(By Jack Cavanaugh)

Whenever Brig. Gen. Roy R. Flint encounters Cadets Tara or Tracy Miller on the grounds of the United States Military Academy at West Point, N.Y., he plays it safe. They are identical twins, and he is never sure which is which.

"I've know them since they were plebes, but I still can't tell the difference," said General Flint, who taught the twins in his course "The History of the Korean War and Vietnam." "Their name tags don't help, since they both read 'Miller.' So when I meet them, I just smile and say, 'Hello, Miss Miller.' They're delightful women—very cheerful, very thougthful and very talented."

The brown-eyed, dark-haired Miller sisters are 23 years old. Each weighs about 125 pounds, but Tara, at 5 feet 8 inches, is a quarter-inch taller than Tracy. In their military uniforms, they are virtually indistinguishable.

The Millers are the first identical female twins to attend the academy. Academy officials said that although other female twins have attended or are attending West Point, none of them were identical. Two sets of female twins have graduated, and another set, Sigrun and Ellen Denny of Katonah, N.Y., are in their second year. An academy spokesman said that no records had been kept on the number of male twins, identical or otherwise, who have been enrolled.

Though women have been accepted at West Point since 1976, the academy is still essentially a male domain. On May 27, 933 men are scheduled to graduate, and 119 women.

But the twins said that this milieu has served as an incentive for them to work harder academically.

"When you put twins into such a highly competitive environment—particularly female twins in what is basically a male environment—the competition is definitely enhanced," Tracy said during an interview at her parents' home in Stamford, Conn., where she and her sister were spending a recent weekend. "I think we've both thrived on it. And even though women are in the minority at the academy, we don't feel we've been at any disadvantage. Cadets are cadets."

At West Point, the Miller sisters have produced remarkably similar academic records. After seven semesters, they were within one one-hundredth of a point of each other in their class standings. Tara's academic concentration is in history, while Tracy's is in national security and public affairs.

The twins first visited West Point as high-school sophomores. "We were both emotionally stirred during our one-day visit," Tracy said.

Tara added: "We're from a very patriotic family, and because of our upbringing and the type of parents we have, we believe in a calling that is going to help others. When we went to the academy for a visit, we had just got back from India. The trip made us appreciate our country all the more. And I think we had become convinced that we wanted to become both leaders and servers."

THE PLACE FOR ME

Tracy said she was more hesitant about the academy: "I was a little intimidated by the practically all-male environment. And I didn't have the confidence level that Tara did. But after going back a second time, I became convinced and said, "This is the place for me.' "

Both parents said they were surprised the twins decided to go to West Point. Their father, Charles Miller, is retired and was a vice principal at Westhill High School in Stamford. Their mother, also named Tara, is a personnel consultant in Stamford.

"We found it difficult to understand why women would want to put themselves through such a tough grind," Mrs. Miller said. "But we also knew they liked the academy from the time they first saw it and that they were intrigued by the honor code. When they did make up their minds, we were behind them 100 percent."

Both the twins are athletic. Tara, who was named to the all-state field hockey team as a senior in high school, became the first women to play on the soccer team at the United States Military Academy Preparatory School at Fort Monmouth, N.J., which the twins attended for a year before enrolling at the military academy itself. There, Tara has played women's varsity softball, and Tracy, women's lacrosse.

The sisters, who are to be commissioned as second lieutenants next month, will attend the six-month Army intelligence program at Fort Huachuca, Ariz. Then, for the first time in their lives, they will go separate ways: Tara to Fort Campbell, Ky., and Tracy to Fort Monmouth.

"It's going to be strange being apart, not only because we're identical twins, but also because we're best friends," Tracy said. "We've always been able to turn to each other. For example, when I came back from a bivouac, I told Tara all about it, and she knew that since I had done it, she could, too. And it worked the same way when Tara got back from a chemical-warfare training program and told me about it. We both always knew that if one of us could do something, so could the other."

## TRIBUTE TO MAYOR FRANK E. RODGERS

### HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GUARINI. Mr. Speaker, on Friday, May 29, 1987, there will be a special event in Harrison, NJ, one of the communities in the 14th Congressional District I represent, honoring Mayor Frank E. Rodgers.

On that day this community's chief executive will have served 40 years, 4 months, and 29 days consecutively as mayor.

On that day, Rodgers a vibrant 77-year-old, will enter the Guinness Book of World Records beating the record set by Erastus Corning, former mayor of Albany, NY, who died in office in 1983.

To mark the occasion, the Harrison Town Council has declared Friday, May 29 "Frank E. Rodgers Day," which is to be commemorated by all the citizens of our town with a daylong celebration.

It is my distinct honor and pleasure to have my friend Frank Rodgers' illustrious career made a part of the CONGRESSIONAL RECORD for all to witness and appreciate. On May 29, municipal offices and buildings will close at 11 a.m. A Mass of Celebration will be held at Holy Cross Church, whose pastor is the beloved Monsignor Hugh O'Donnell. Archbishop of Newark Theodore McCarrick has been asked to preside.

Gov. Thomas H. Kean is expected to arrive for a formal ceremony at 1 p.m. when Mayor Rodgers, who served as a New Jersey State senator, will be honored by Federal and State lawmakers. It shall be my privilege to participate in this function.

A litany of Mayor Rodgers' community service has extra significance in this year of 1987, the 200th anniversary of the U.S. Constitution which is being celebrated in every State, community, and hamlet in our Nation.

Frank E. Rodgers has dedicated his life to serving people through government. His career as a public servant has been long and distinguished, and has included elected and appointed positions on the municipal, county, and State levels.

Frank Rodgers' political career began in 1937 when he was sworn in as councilman representing the fourth ward, an office he held until he became mayor. In 1946, Rodgers and his veterans slate ousted the incumbents, and he and his ticket assumed office January 1, 1947. Rodgers, Harrison's mayor since then, is currently serving his 20th consecutive term and is seeking reelection in November 1986.

In Hudson County, Rodgers has held several offices, both appointed and elected. He was elected to the Hudson County Board of Chosen Freeholders. Later, he was appointed clerk to the Board of Freeholders, a position he held from 1964 through 1982. In January 1984, Rodgers assumed the position of Hudson County clerk, having been elected on November 8, 1983, for a 5-year term of office.

In addition to serving on the local and county levels, Rodgers served two terms in the New Jersey Legislature. In 1977, Rodgers defeated incumbent State Senator Anthony Imperiale and became the 30th District's—Harrison, Kearny, East Newark, Seacaucus, Bellville, and parts of Newark—representative in the senate. Following the constitutionally manadated redistricting, Rodgers represented the 32nd District—Harrison, Kearny, East Newark, Seacaucus, North Bergen, and parts of Jersey City. Rodgers has also received various gubernatorial appointments to State positions over his 50-year career. In 1963, Gov. Richard Hughes appointed him as secretary to the New Jersey Racing Commission. In 1976, Gov. Brendan Byrne appointed him as commissioner of the New Jersey Highway Authority. Most recently, Gov. Thomas Kearn apointed him commissioner of the New Jersey Turnpike Authority, a post in which he is presently serving.

Besides performing his governmental duties, Rodgers has served on boards and been a member of numerous business, fraternal, religious, and charitable organizations. He has been a director of the Metropolitan Federal Savings & Loan Association since 1969. In 1983, he became a member of the board of St. Michael's Heart Research Institute. He is a parishioner of Holy Cross Church in Harrison and a member of its Holy Name Society and Knights of Columbus Council. He also belongs to the American Legion, the Ancient Order of Hibernians, the B.P.O.E., Loyal Order of the Moose, the Lions Club, and Counter Intelligence Corp. Association.

On November 21, 1986, St. Peter's College in Jersey City presented Rodgers with an honorary degree of doctor of humane letters, honoris causa. The citation read on the occasion by Father Edward Glynn, S.J., president of St. Peters College, is as follows:

Mayor Frank E. Rodgers: The word "politics" which has its origin in the Greek word polis (city) and polites (citizen)—originally meant whatever had to do with the rights and status of a citizen. Gradually the word politics came to be defined as "the art or science of government." You, Frank E. Rodgers, are both a skilled artisan and an expert scientist in government, recognized recently by the Newark Star Ledger as the "Perpetual Politician". As the longest tenured mayor in New Jersey, your service to the residents of Harrison, the people of Hudson County and the citizens of New Jersey began a half-century ago with your election to the Town Council of Harrison.

That service, to date, has included 20 terms as mayor of Harrison, two terms as a state senator, and election as county clerk of Hudson County, a position you will retain. By the appointments of three different governors, you have also served the state as secretary of the New Jersey Racing Commission and as a member of both the New Jersey Highway Authority and the New Jersey Turnpike Commission.

Over the course of this impressive career you have been political advisor to a host of elected officials of the local, state, and national levels. It has not been unusual for governors or members of the United States Senate or Congress to seek your advice and support. Your success in politics, however, is built around your interest in the everyday people of your community. You pride yourself on giving people the personal attention, service and care to which they are entitled. This commitment to personal caring has served you well throughout your career. We at St. Peter's college admire you for this characteristic since our Jesuit educational tradition is rooted in the ideal of "cura personalis" the Latin phrase for personal care and concern.

The French scientist and Jesuit priest, the late Teilhard de Chardin, once wrote that the spiritual success of the universe is bound up with the correct functioning of every aspect of that universe. We rightly apply to you and your life's work the words of Teilhard: "Because your enterprise is going well, a little more health is being spread in the human mass, and in consequence a little more liberty to act, to think and to love." In short, Frank E. Rodgers, you are doing what is yours to do in building a better world.

For one-half of a century, St. Peter's College has observed your success as a people's mayor, a people's legislator, a people's public official. Tonight, therefore, we salute you, Mayor Rodgers, for this lifetime of distinguished service and a personal caring for the citizens of Harrison, of Hudson County and the State of New Jersey. St. Peter's College is proud to welcome you warmly into its college family and to confer upon you the Degree of Doctor of Humane Letters, honoris causa.

Officials of the Guiness Book of World Records will reflect Mayor Rodgers' service record in their 1988 edition. It is my understanding that Mayor Rodgers' record of 40 years, 4 months, and 29 consecutive days, was closely matched by the record of Hawthorne's Mayor Louis Bay II, who retired on May 19 of this year after 40 years as mayor of the Passaic County, NJ, community.

Mayor Rodgers has been described as a beneficent "task master" during his governmental career. Beneficent to the people he served and as a task master to those who worked with him and under him. His outstanding record as councilman, mayor, New Jersey State senator, New Jersey Turnpike commissioner, clerk of Hudson County, is best echoed by the words of our late President John F. Kennedy who said:

It is when the politician loves neither the public good nor himself, or when his love for himself is limited and is satisfied by the trappings of office, that the public interest is badly served. And it is when his regard for himself is so high that his own self respect demands he follow the path of courage and conscience that all benefit.

Let every public servant know whether his post is high or low, that a man's rank and reputation in this Administration will be determined by the size of the job he does, not by the size of his staff, his office or his budget.

I am sure my colleagues here in the Congress would like to join me in this salute to Mayor Frank E. Rodgers which is so well deserved.

## SIDESTEPPING THE CONSTITUTION

### HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. HUBBARD. Mr. Speaker, I was recently contacted by my constituent, Rouse B. Hawes of Paducah, KY, who sent me an editorial that appeared in the April 20, 1987, issue of the Paducah Sun—a respected daily newspaper published in my district of western Kentucky. The editorial written by Editorial Page Editor Don Pepper follows:

Having decided that they disagree with President Reagan's management of foreign policy and national defense, the anti-defense wing of the House of Representatives has decided to take it over.

That's the only conclusion we can draw from a couple of items the House Appropriations Committee has tacked onto a supplemental appropriations bill.

One of these mischievous items would require the government to comply with certain limits set by SALT II, the second strategic arms limitation treaty of 1979.

The other would prohibit all but the smallest nuclear tests.

These are preposterous efforts to assume control of policy which the Constitution gives to other parts of the government, the president and Senate.

It is dismaying in this bicentennial of the Constitution to see congressmen displaying such ignorance of and disregard for what that remarkable document requires of them.

Both these provisions deal with subjects of negotiation between our country and the Soviet Union.

The first thing to remember about the SALT II treaty is that it wasn't ratified. The Constitution calls for the Senate—not the House—to ratify treaties. When SALT II was submitted, it refused to ratify it because it was found not to be in the security interests of this country. It shouldn't be necessary to point out, but it probably is, that the Senate that refused to ratify the treaty was controlled by Democrats.

That's the way treaties become the law of the land. The executive branch negotiates them, and the Senate ratifies them. If the Senate had done this in 1979, SALT II limits would be the law, not only for this country but for the Soviet Union.

For the House to attempt to impose the limits unilaterally, against the judgment of the president, the State Department and the Senate, is just irresponsible.

The nuclear-testing limitation which the House committee seeks to impose is of the same kind. It attempts to take over direction of the defense and foreign policy of the United States, which are the duty of the president and the Defense Department.

Congressmen have been making this kind of mischief for some time lately. When President Reagan went to Reyjavik summit with Premier Gorbachev, the anti-defense people in the House tried to enact similar limitations on the president. The superior wisdom of the Senate persuaded them that it would be folly to tie the president's hands, to attempt to tell him what he could offer and what he could not in negotiating with the Russians.

House members can't make foreign policy, and they can't make defense policy. No foreign nation could negotiate with 435 little secretaries of state of defense. That's the reason the Constitution gives the responsibility of making and conducting foreign and defense policy to the executive branch.

What the Constitution does require of the House is wise budgets. That's not as glamorous as foreign policy, but it's just as important. And the House hasn't shown great aptitude for it in recent years.

## LOOKING BEYOND THE RHETORIC ON SUBSCRIBER LINE CHARGES

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. FIELDS. Mr. Speaker, legislators don't often have an opportunity to prevent an increase in their constituents' local telephone bills. But, when the chance comes around, it is certainly tempting.

In 1983, the House of Representatives voted to block the Federal Communications Commission's [FCC] first telephone "subscriber line charge." The Commission modified its plan and a $2 per month residential subscriber line charge went into effect.

The 100th Congress is once again faced with a tempting political proposition. Blocking the Federal Communications Commission's plan to increase the monthly subscriber line charge by $1.50 over the next 3 years might garner praise from constituents in the short term, but I urge my colleagues to look beyond the superficial appeal of such an action.

The last 10 years have been tumultuous for the telecommunications industry: The AT&T divestiture, long-distance competition, new technologies, and a host of less publicized but equally profound changes have been the catalysts for the revolution. Consumers, regulators, industry and legislators are all adapting to these changes and analyzing the consequences.

The question of increasing subscriber line charges is a direct result of this dramatically altered industry mosaic. Historically, local telephone service was priced below its true cost and long-distance service was priced above its cost, through an arcane and often bizarre set of revenue separations that few understood. While complex and confusing, the system did accomplish its purpose—keeping local rates down, but only at the expense of higher long-distance rates. In today's world of long-distance competition and ever increasing customer choice, however, the old system could not be sustained.

Long-distance customers in today's marketplace simply will not continue to pay subsidies to keep local rates below their cost. Doing so would defy economic rationality, common sense and maybe even the job of the telecommunications manager of a large corporation.

This ticking timebomb had to be defused before millions of dollars in telephone company revenues were lost because of large customers engaging in a mass exodus of the public telephone system. This would have left the average customer holding the bag and paying a bigger share of the bill.

Enter the FCC. The Commission's recent decision to increase subscriber line charges correctly conforms telephone pricing policies to the new realities of the telecommunications industry. Without these changes, it is likely, and perhaps even probable, that many long-distance customers would find alternatives to the local telephone company network to originate and terminate their long-distance calls. Such an outcome would have the effect of raising local rates much more over the next 3 years than the proposed $1.50 increase in monthly subscriber line charges. Let me explain.

A telephone company's cost of providing its customers access to the local and long-distance network is broken down into two categories: Nontraffic sensitive costs, which encompass all equipment—poles, wires, and so forth—between a customers home or office and a telephone company's local switching facility. And, second, traffic sensitive costs, which are costs associated with providing a long-distance carrier access to the local customer.

Historically, all of these costs were recovered through long-distance rates paid by AT&T and, more recently, other long-distance companies. The FCC first began to eliminate this subsidy in 1984 by shifting some of the nontraffic sensitive costs to residential and business customers in the form of a $2 monthly subscriber line charge and correspondingly decreasing the amount of these costs recovered from long-distance companies and their customers.

The results have been dramatic: a reduction in long-distance rates of approximately 30 percent over the last 3 years and a significant increase in the amount of long-distance usage. In the Southwestern Bell Telephone Co. region alone, the average residential customer's long-distance bill went down $4.34 per month. So when you factor in the $2 monthly subscriber line charge that led to this long-distance rate reduction, the average customer is better off by about $2.34 per month. These benefits hold true for other subgroups such as senior citizens and low-income people who also realized net savings on their telephone bills when local- and long-distance expenditures are combined.

The shift of some of the non-traffic-sensitive costs called for by the first FCC decision in 1984 has not reduced the subsidy enough. So the FCC has recently decided to shift another portion of these costs to residential customers. The Commission has now decided to cap the portion of non-traffic-sensitive costs paid by residential customers at $3.50, phased-in in three stages over 3 years beginning in July 1987 and ending in April 1989.

Let me underscore the point that after this last phase of the subscriber line charge is phased in, that's it. The FCC has made that commitment in hearings before the Telecommunications Subcommittee.

These three moderate increase—60 cents in July 1987, 60 cents in December 1988, and 30 cents in April 1989—when added to the $2 monthly charge already in place will stimulate even more reductions in long-distance rates. This, in turn, will make long-distance calling more accessible to all Americans, especially those with low incomes.

The record of what happens when the subsidy is removed is clear: Overall, the average customer is better off; net monthly expenditures on telephone service for the average customer have declined; and usage of the public switched network has increased. In fact, Census Bureau numbers confirm that the percentage of households with telephones has increased, not decreased, since the FCC implemented the first $2 of the subscriber line-charge plan. Given this track record, and the clearly unacceptable alternative of large customers bypassing the network, Congress should reject any legislation aimed at blocking the FCC plan.

Finally, the FCC plan also includes provisions for low-income subscribers who today cannot afford telephone service. Through the link-up America plan, low-income individuals can receive additional financial assistance to make telephone service more affordable.

Blocking the subscriber line charge may seem attractive on its face, but when you cut through all the smoke and political rhetoric on the issue, the FCC's plan is a sound compromise that balances the interests and realities of today's telephone industry and its customers. A decision by the House to derail the FCC plan could have disastrous consequences for universal telephone service and the long-run viability of the public telephone network. The FCC decision has not only garnered the support of the local telephone industry, but it is also endorsed by the Communication Workers of America, representing tens of thousands of workers in this country. I urge my colleagues to reject any efforts to block the FCC's plan.

## TRIBUTE TO JOHNS HOPKINS UNIVERSITY LACROSSE TEAM

### HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. McMILLEN of Maryland. Mr. Speaker, I rise to pay tribute to a great university and a great lacrosse team. Yesterday, at Rutgers Stadium in New Jersey, the Johns Hopkins University demonstrated its dominance over the sport of lacrosse once again an 11 to 10 victory over Cornell in the NCAA championship.

Yesterday's win was Johns Hopkins' third NCAA championship in the last 4 years. Since 1971, when the tournament was established to determine the college lacrosse champion, Johns Hopkins has emerged victorious seven times. Occasionally we have witnessed challenges from such alien sites as Chapel Hill or Ithaca to Maryland's dominance as a State over lacrosse, but these have been quickly and decisively dispatched. Pretenders may come and go, Mr. Speaker, but those of us from Maryland know there is one and only one rightful heir to the NCAA lacrosse crown and that is Johns Hopkins.

No school in the history of intercollegiate athletics, not UCLA in basketball, not Notre Dame in football, not even Indiana in swimming has so dominated a sport as Johns Hopkins has lacrosse. Mr. Speaker, we can all take great comfort and rest easier in knowing that the NCAA lacrosse trophy is now returning to its rightful home at the Homewood campus of Johns Hopkins in Baltimore

## WHAT THE U.S. CONSTITUTION MEANS TO ME AND OUR COUNTRY

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. WELDON. Mr. Speaker, I rise today in order to share an essay written by a student from my district. Tham Thu Thi Nguyen, a seventh grade student from the Beverly Hills Middle School, won the Pennsylvania, U.S. Constitution Essay Competition with this piece. I am proud to present these inspiring words which eloquently express the feelings so many Americans share.

This young lady expresses the spirit of freedom and how the U.S. Constitution reflects that spirit. Who better to describe the significance of our Constitution than someone whose family has lived under deprivation and oppression in their own country. The freedoms this student refers to, are most basic, yet unfortunately taken for granted by many Americans. Children have a great capacity for honesty of emotions; let us take these words to heart, and be thankful for the freedoms we as Americans enjoy. The essay follows:

WHAT THE U.S. CONSTITUTION MEANS TO ME AND OUR COUNTRY

When asked what does the U.S. Constitution mean to me, I'd say freedom. Yes! It was the love of freedom that bound the people of the United States together two hundred years ago; they were determined to fight for one common cause, the right to pursue liberty and happiness. It was also for this love of freedom that my family and I moved to this country, seven years ago, despite the hardship we faced on the dangerous high seas.

To me, freedom is a fulfillment of a dream; it is a reason for hope, and above all, it offers opportunities, and the rights to individualism.

Let's travel back in time to the year 1787. We are just in time to celebrate the birth of the U.S. Constitution. Although America is still an infant, compared to other well established countries, she rose above the rest with the establishment of her written constitution. It was written to protect rights and freedom. Many often take the constitution for granted. But our everyday life would not be the same without it.

To sum it all up, the constitution can be compared to the universal sun which always shines ever brightly, leading us out of the darkness, and spreadlng its radiant rays toward all, just like the guaranteed justices in the constitution that secures the rights of all U.S. citizens.

## PASTOR GIVES CINCINNATI 45 YEARS OF THOUGHTFUL DEDICATION

### HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. THOMAS A. LUKEN. Mr. Speaker, on Sunday, June 7, 1987, friends and parishoners will celebrate the retirement of one of my long-time friends, Father Robert E. Hungling. Father Hungling has an illustrious 45-year career as a high school teacher and as pastor of the Church of the Assumption, located in Mount Healthy, OH, in my district for 16 years. However, we not only honor the length of Father Hungling's service to the church, the Mount Healthy community, and Greater Cincinnati, but the quality of that service as well. His contributions of talent, leadership, and responsibility have fostered significant and lasting improvement in the community.

Father Hungling was ordained a priest in 1942. In 1944 he received a masters in education from Catholic University in Washington, DC. From 1944 and 1960 he taught English at Purcell High School in Cincinnati. He first served Assumption parish as an associate pastor from 1947 to 1953, while he was still teaching high school. Father Hungling served brief pastorates in Waynesville and Blanchester, OH, before being transferred to Resurrection Church in the community of Price Hill, where he served from 1965 to 1971. Father Hungling became pastor of Assumption Church in 1971. He's greatly loved by his parishioners to whom he has ministered untiringly and whom he has supported to become involved in the work of the church.

Aside from his pastoral duties, Father Hungling served his community in many different ways. He has been Chaplain of St. Isaac Jogues General Assembly, fourth degree Knights of Columbus, from 1967 to the present. From 1969 to 1971 he served as president of Seton High School Board of Education. In the archdiocese of Cincinnati he served as a member of the Priests Senate from 1969 to 1970 and from 1972 to 1974 he was a member of the Archdiocesan Pastoral Council. Following that he was dean of St. Margaret Mary Deanery for 4 years.

Father Hungling is a man who personifies kindness and love. His service to our community indicates that we all can make a difference and help improve our world by care, dedication, and hard work. I thank him for his years of unselfish time and effort; his contributions have a resounding effect on our community.

## TRIBUTE TO MARVIN PESKIN

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. TRAFICANT. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an outstanding constituent of mine, Mr. Marvin Peskin. Mr. Peskin is being honored this Sunday at the Squaw Creek Country Club in Vienna, OH. He is being given the prestigious Guardian of the Menorah Tribute.

The Guardian of Menorah Tribute is given each year to an outstanding member of the community who has exhibited dedicated and excellent service to local youth and the community. No one deserves this honor more than Marvin.

Marvin is currently the president of the Akiva Academy and a member of the boards of the Commission for Jewish Education, the Youngstown Area Jewish Federation, and Temple El Emeth. Marvin has lived in Youngstown since 1930 and is president of the Peskin Sign Co., Inc. He is presently serving as chairman of the Civic Awards Committee of the Youngstown Area Chamber of Commerce.

Throughout his career, Marvin has dedicated himself to the sacred principle of serving others. He cares deeply for his community and for the future of our young people. He is a man of deep faith and conviction. We in the Youngstown area are lucky to have a person like Marvin in our community.

Mr. Speaker, I am honored to pay tribute to Marvin Peskin and I wish him and his family the best of luck.

## ECONOMIC RECOVERY IS ALIVE AND KICKING

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of the American people an article in the May 22, 1987, issues of the Washington Times by Donald Lambro entitled, "No Letup in Our Economic Recovery." As the article points out the jobless rate fell last month to 6.3 percent, its lowest since the beginning of this decade.

Mr. Speaker, I urge my colleagues and the American people to review the following article on the health of our national economy:

[From the Washington Times, May 22, 1987]

NO LETUP IN OUR ECONOMIC RECOVERY

(By Donald Lambro)

Politicians and pundits alike were stunned earlier this month by the sharp drop in the unemployment rate for April, although—given the robust rate of new business growth in this country—they shouldn't have been.

The jobless rate fell to 6.3 percent, its lowest since the beginning of this decade, providing further proof that the national economic recovery begun at the end of 1982 is still alive and kicking. A record 112 million Americans are now employed.

Many economists consider an unemployment rate between 5.5 percent and 6 percent to be tantamount to full employment, because a large part of today's jobless rate is made up of workers who are temporarily in transition from one job to another or are new entrants into the labor force.

America is in the fifth year of the current economic expansion, one of the longest recoveries in postwar history, and virtually no economist is predicting that it's going to end any time soon.

The 6.3 percent rate, the lowest since April 1980, represented a much larger decline than most economists expected. In fact, many economists were confidently predicting that the jobless rate would remain unchanged.

They were supported by an army of gloom-and-doom politicians who have whipped themselves into a protectionist frenzy, crying that a "flood" of imports is costing the United States thousands of jobs.

Just how they reconcile this view with the well-documented fact that the U.S. economy has created 13 million new jobs since 1982 is a mystery, because they never mention America's job-creation record in their diatribes.

Still, we should all be thankful that America's entrepreneurs aren't listening to these professional naysayers.

These businessmen and women just keep plugging away—creating new enterprises, inventing new production and marketing innovations and selling their goods and services both here and abroad.

The happy result is that the Great American Job Machine keeps humming along, producing nearly half a million jobs last month alone, more than twice the number many economists were predicting.

What's happening here?

Well, what's happening is the continuing growth in new business formation, more than 650,000 newly incorporated businesses per year, resulting in the creation of most of those 13 million new jobs.

The engine driving this incredible job machine is largely made up of small to mid-sized businesses that have been producing up to 80 percent of all the new jobs being created in the United States.

Indeed, most new jobs are coming from enterprises employing fewer than 100 people, while the big Fortune 500 corporations have shown little job growth in recent years.

Where is the job picture headed?

Unemployment will very likely continue to decline throughout the rest of this year, as new business formation continues to expand at a robust rate in the Age of the Entrepreneur.

The 1986 tax-reform law is going to channel the nation's investment resources more efficiently into business expansion and new venture-capital enterprises. And a continuing decline in the deficit under Gramm-Rudman-Hollings is going to result in less future borrowing by the U.S. Treasury, leaving more private capital in the nation's economy.

The decline in the dollar and the Commerce Department's relaxation of excessive federal export licensing regulations are going to increase export sales in the coming months, and that's also going to help the job picture here.

But Congress can help to lower the still unacceptable jobless rates in areas suffering from economic depression.

Among the steps it can take: Enactment of President Reagan's "Enterprise Zones" legislation to stimulate economic growth in poor inner cities; liberalization of tax breaks under Individual Retirement Accounts and other savings plans to boost available investment capital; and elimination for counterproductive labor regulations—such as the Labor Department's "home worker rules"—which keep an underclass of workers out of the nation's economic mainstream.

But perhaps the most important step Congress can take is a further reduction in spending.

Every dollar that is not taxed away and spent by Washington is another dollar that will be saved, invested, or spent by business or consumers, nourishing greater economic growth and helping to raise the ladder of opportunity for all Americans.

## THE RETIREMENT OF MR. JOHN SWAFFORD

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GORDON. Mr. Speaker, our public education system is a precious resource that holds the key to our Nation's future. A good education opens the doors of opportunity for our young adults. The educational community in Murfreesboro, TN, has been fortunate to have Mr. John Swafford, an outstanding educator, who has given unselfishly to our young adults for many years.

Mr. Swafford, a veteran teacher, coach, and principal will retire at the end of this academic year, taking with him the memories of 36 years in public education.

During his tenure, Mr. Swafford taught and coached football and basketball at Polk County High School and Murfreesboro's Central High School. Later he was a principal and superintendent in Warren County. Since 1972, Mr. Swafford has held the leadership role at Oakland High School and during that time the school has had 31 National Merit Scholarship finalists. For both academic and athletic achievement the school is well known throughout our State.

While we all have a sense of great loss as we watch Mr. Swafford retire, we know that many students and teachers have gained a great deal from his presence and his influence will be felt long into the future. I wish Mr. Swafford many happy years of retirement and hope he continues to lend his knowledge and leadership to our community in coming years.

## ANGELES MESA BRANCH OF THE LOS ANGELES YWCA HONORS DR. ANN SHAW

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. DIXON. Mr. Speaker, I want to congratulate Dr. Ann Shaw who will be recognized at the Angeles Mesa Branch of the Los Angeles YWCA's gala awards dinner on Friday, June 5, 1987. The theme of the affair is "The Pride of Womanhood," and the leadership awards to be presented will spotlight several women who have made significant contributions to the Los Angeles community. The awards dinner is in honor of Dr. Shaw, an outstanding citizen who has held leadership positions in numerous civic and political organizations.

Dr. Shaw is currently president of the Wilfandel Club of Los Angeles and a member of its corporate board; she sits on the region V board, the awards and recognition committee, and the Underserved Committee of United Way, Inc. She also serves on the board of visitors of the UCLA Medical School, Loyola Law School, and as a trustee emeritus of the University of Redlands. She previously served as chair of the Board of Founders' Savings and Loan Association.

Over the years, Dr. Shaw has been an active crusader for women's rights. She has served on the Board of the Women's Council of the Los Angeles Chamber of Commerce, Church Women United, Women For, and American Women for International Understanding. Her involvement with the YWCA spans 30 years. She is a past president of the Los Angeles YWCA, a former member of the YWCA National Board, and is at this time serving as a member of the YWCA World Service Council.

Ann Shaw became a part of California history when she was the first woman and first black person appointed and reappointed to the State commission on judicial performance. She has received numerous merit awards for community service and involvement, including the Los Angeles Times Woman of the Year, the Gold Key Award—United Way's highest honor—the 1985 Black Woman of Achievement Award—from the NAACP Legal Defense of Educational Fund—the Los Angeles Senti-

nel Woman of the Year Award, and the 1986 award from the Big Sisters of Los Angeles.

Dr. Shaw, who was educated at the University of Redlands, Ohio State University, and the University of Southern California, has worked as both a university teacher and a social worker. A mother of four and the widow of the late Leslie N. Shaw—former postmaster of Los Angeles and Great Western Financial Corp. executive—she has still found time to serve the community in many capacities.

Dr. Shaw provides a role model for all women to continue to work diligently to improve themselves and society. I am pleased to have this opportunity to call attention to her many accomplishments, and proud to inform my colleagues of the well-deserved honor that is being bestowed upon her. The community of Los Angeles has benefited greatly from her presence.

## A TRIBUTE TO THE GRAY PANTHERS OF GREATER ROCHESTER

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LaFALCE. Mr. Speaker, I rise today to call to the attention of my colleagues the good works of a community organization in my district: the Gray Panthers of Greater Rochester.

Consisting of 200 members, the Gray Panthers of Greater Rochester are actively involved in meeting the needs of Rochester's senior citizens. They have published a series of studies and directories, including one which offers Medicare beneficiaries important guidance and assistance in selecting physicians. In addition, the Gray Panthers of Greater Rochester interview and evaluate candidates for public office, thereby allowing seniors to make informed political decisions on election day.

Ultimately, the goal of the Gray Panthers of Greater Rochester is to demonstrate that seniors are, and should be, creative and productive members of society. The Panthers see it as their role to dispel the myth which says that once a person reaches 65 years of age, he or she no longer has anything to contribute to the larger community.

This myth needs dispelling, and on the occasion of Older Americans Month, I wish to extend my congratulations to the Gray Panthers of Greater Rochester for doing just that. Mr. Speaker, I commend the Gray Panthers of Greater Rochester for their contributions to our community and wish them continued success in the years to come.

## TOWN OF FORESTBURGH, NY, SESQUICENTENNIAL

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. GILMAN. Mr. Speaker, 150 years ago this week, a new President of the United States, Martin VanBuren, was still getting settled in the White House. Washington, DC at that time was a city of wide, muddy roads with great vistas, but few buildings. Congress had recently voted to abolish the charter of the Bank of the United States, and one result of that momentous decision was the "Panic of 1837," our Nation's first major depression. The total population of the United States was somewhere between 13 and 18 million, with a density of 7.4 people per every square mile of land, as opposed to the 64 people per square mile who live here today.

The United States, isolated from Europe by the Atlantic Ocean, did not involve itself much in foreign affairs in 1837. Queen Victoria was just beginning her long reign on the British throne. Germany and Italy had not yet united as cohesive nations, and the polar regions were still unexplored. In fact, the diplomats of most nations considered assignment to embassies in Washington, DC to be "hardship" assignments, and were offered extra pay to accept such a thankless position.

There were only 26 States in our Union in 1837, and the Mississippi River was considered the Western Frontier. The great chronicler of that frontier—Mark Twain—was only 2 years old, California, New Mexico, Arizona, and Texas were all still a part of the newly independent Republic of Mexico, and the vast mineral resources of this region were still unknown. The great waves of immigration which washed American shores—the Irish, the Italians, the Germans, and Eastern Europeans—were still in the future.

America was a vastly different nation in 1837.

It was in this vastly different nation, on May 30, 1837, that the town of Forestburgh, in Sullivan County, NY, held its first town meeting. It was only a few weeks earlier that the New York Legislature adopted legislation creating the town, and the residents were prompt to exert their responsibilities under our form of government.

Although American life has changed during the subsequent 150 years to an extent that none of the town fathers could have foreseen, the town of Forestburgh still enjoys the model type of local government and community activity that would make those Founding Fathers proud. Led by Town Supervisor, Paul A. Rausch, town historian Elsie B. Winterberger, and the entire town government, the town of Forestburgh is embarking on an ambitious series of celebrations marking their sesquicentennial. The Forestburgh Founders Day calls to the attention of all of us the foundation upon which the town was established. It is impressive to note that, during the course of these celebrations, the town of Forestburgh is paying proper homage to the veterans who, throughout the years, dedicated their lives in our armed services to ensure that not just their townspeople but all Americans could continue to enjoy the fruits and benefits of our free society.

As part of the celebrations, the town of Forestburgh will display examples of the log cabins which were built by the original settlers. Company H, 143d New York Volunteer Infantry will set up an encampment, identical to those occupied by their brave predecessors in this highly distinguished company. The Forestburgh Post Office will mark the occasion with a special cancellation stamp, and a traditional bonfire and fireworks display will put the perfect capstone on what promises to be a memorable Founder's Day.

Later in the year, additional social and historic activities are planned, which will be climaxed by the burial of a time capsule dedicated to the future of the town of Forestburgh.

Mr. Speaker, I invite my colleagues to join with me in commending the town of Forestburgh for remembering that only by knowing our past can we chart our course for the future, and for putting a high premium on preserving our heritage for future generations.

## AN ARTISTIC DISCOVERY

### HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. PRICE of Illinois. Mr. Speaker, I am proud to submit for the RECORD, the winner of the Sixth Annual Congressional Art Competition for High School Students in the 21st District of Illinois is Debbie Hilger. Honorable mentions were awarded to: Kimberly A. Miller and Jill Dugger. All of the works submitted were winners in my book and I wish we could have awarded them all. I would also like to thank all of the teachers for their encouragement of the talents of these young people.

## THE 25TH ANNIVERSARY OF WESTCHESTER-PUTNAM SCHOOL BOARD ASSOCIATION

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. FISH. Mr. Speaker, I rise on this occasion to announce to this Chamber that on June 4, 1987, the Westchester-Putnam School Boards Association, Pleasantville, NY, will celebrate a quarter century of service to the school boards of Westchester and Putnam Counties.

The Westchester-Putnam School Boards Association is comprised of 55 individual school boards in the two counties. These separate boards are responsible for educating nearly 130,000 of the young people I represent.

I salute the dedication and efforts of all the members and past members of the association for the high level of education they have brought to so many children. They have made a lasting effect on the lives of those who pass through their schools by giving them the freedom to use their minds to meet their potentials.

I will be in my home district speaking before a group of literacy volunteers from Dutchess County. I am reminded of the handicap endured by those without the tools of learning and education. Our education is continually reflected in the quality of our lives.

Knowledge is freedom. I thank the Westchester-Putnam School Boards Association

for the 25 years it has served public education. I extend all my best wishes for a happy anniversary and continued performance.

## TWO HUNDRED YEARS AGO TODAY AT THE CONSTITUTIONAL CONVENTION—MAY 25

### HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. SHARP. Mr. Speaker, on May 25, 1787, 29 delegates from 9 States took their places in the Pennsylvania State House for the start of the Constitutional Convention.

Ahead of them lay a long summer of debate which would ultimately determine the fate of a nation.

General George Washington was unanimously chosen as President of the Convention. His acceptance speech modestly asked the assembled gentlemen to forgive his inexperience.

Many State delegations saw their task as making improvements in the Articles of Confederation—the existing weak National Government. The delegation from Virginia, however, saw the need for an entirely new Government and they presented their case to the Convention 200 years ago:

"The crisis has arrived at which the good people of America are to decide the solemn question whether they will * * * reap the just fruits of that Independence * * * or whether * * * they will * * * furnish our enemies with cause to triumph."

## TRIBUTE TO GAR HIGH SCHOOL BAND

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. KANJORSKI. Mr. Speaker, it is my great pleasure to bring to your attention the Grand Army of the Republic High School Jazz Band of Wilkes-Barre, PA, which will perform in two recitals in Washington on Friday, May 29, 1987.

The GAR High School Jazz Band will give their first performance on the east front House steps of the Capitol Building at 11:30 a.m., and again will perform at the Pavilion at the Old Post Office at 5:30 p.m.

This special group of musicians range in age from grade 9 through grade 12. They have performed at a number of civic and social events on both a local and State level, including a benefit for the American Red Cross. The GAR Jazz Band has achieved many outstanding awards for their efforts, and its members are particularly looking forward to their Washington performances. The members of the band will be accompanied by Brian Fischer, the band director.

Mr. Speaker, it is indeed an honor for me to take this opportunity to draw the attention of my colleagues in the House of Representatives to the many impressive accomplishments of the GAR High School Jazz Band, and to encourage them to take a moment of their time on Friday morning to enjoy the work of these fine musicians.

## TRIBUTE TO JOSEPH REGIS DOLAN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. BERMAN. Mr. Speaker, I ask my colleagues today to join me in honoring a valued and respected member of my community, Joseph Regis Dolan. Joe is retiring from the California Department of Motor Vehicle after 19 years of outstanding service.

Joe Dolan's pleasant personality and ready willingness to be helpful has endeared him to both his colleagues in the DMV and to the public that he served so well. In his kind and friendly way, he epitomized the true concept of public service. Always ready to go the extra mile, he created a true fan club of people that he helped with difficult problems.

Joe is extremely well-known for his activities to promote safety and awareness. Groups ranging from senior citizens to high school students have honored him for his contributions to the well-being of his community. He is active in the chamber of commerce and in local government.

I invite you all to join me in wishing Joe the greatest of joy in his retirement. I hope that he will take some time for relaxation and recreation, although I know that he will find many new ways to continue his tradition of service to his many friends, neighbors, and fans.

## DERBY-SHELTON AND THE AHLEN, GERMANY, FIREFIGHTERS

### HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to recognize a 9-year fellowship between the Derby/Shelton, CT, and Ahlen, Germany, Fire Fighters Friendship Force.

The Derby/Ahlen Fire Fighters Friendship Force was initiated in 1978 when Ann and Manfred Muenz, members of the Derby East End Hose Co. No. 3, took part in an exchange program with the Ahlen Volunteer Fire Department in Germany. This June will mark the fifth of such exchanges as 20 members of the Derby/Shelton Volunteer Fire Department join in the Ahlen's 85th anniversary celebration. In addition to the scheduled parade and presentations, the East End Hose Co. representatives plan to travel through Europe for 2 or 3 weeks.

I commend the joint efforts of the Derby/Shelton and the Ahlen, Germany, firefighters for their continued friendship. I know my colleagues will join me with honoring the Fire Fighters Friendship Force and in wishing them continued good will and brotherhood.

## A JOB WELL DONE—SAN MATEO ELEMENTARY AND SECONDARY SCHOOLS IMPROVE STANDARDS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 27, 1987*

Mr. LANTOS. Mr. Speaker, I am pleased to share with my distinguished colleagues news of recent academic progress in California's Eleventh District elementary schools. The State superintendent of public instruction, Mr. Bill Honig, recently provided me with results of annual statewide math and reading tests of students in the third, sixth, and eighth grades.

At all three grade levels, approximately half of the schools met both the math and reading target goals, as set by committees of personnel from school districts, universities, and the State department of education. In addition, district elementary schools scored consistently higher than the statewide average for the sixth and eighth grades.

Administrators, teachers, students, and parents alike, are to be commended for these encouraging results. Student display of fundamental knowledge and skills in math and reading echos the county schools' commitment to excellence in education.

The importance of a sound education cannot be stressed too highly—education is the key that unlocks a world of boundless opportunities. On this occasion, I would like to congratulate San Mateo County elementary schools for a job well done.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 28, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 29

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affairs.
2172 Rayburn Building

10:00 a.m.
Foreign Relations
To hold hearings on U.S. policy in the Persian Gulf.
SD-419

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

JUNE 1

2:30 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on S.J. Res. 128, prohibiting the sale to Honduras of certain defense articles and related defense services, focusing on the sale of F-5 aircraft.
SD-419

JUNE 2

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

9:30 a.m.
Energy and Natural Resources
To hold hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366
Environment and Public Works
Nuclear Regulation Subcommittee
To hold oversight hearings on the Department of Energy's high level waste program, including a proposal for the authorization of a monitored retrievable storage facility.
SD-406
Judiciary
To hold oversight hearings on certain provisions of the McCarran-Ferguson Act, which provides exemptions from the antitrust laws for the insurance industry.
SD-226

10:00 a.m.
Foreign Relations
Business meeting, to mark up S.J. Res. 128, prohibiting the sale to Honduras of certain defense articles and related defense services.
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider S. Res. 176, calling for the immediate release of all the children detained under the state of emergency regulations in South Africa, and pending nominations.
SD-419

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume oversight hearings to review rail safety issues.
SR-253
Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings to review the implications of certain provisions of S. 694, to provide a comprehensive national oil security policy, for energy regulation and conservation and other areas of energy policy.
SD-366
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 3

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on issues concerning the performance of a certain member of the Nuclear Regulatory Commission.
SD-406

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the transportation of radioactive materials.
SD-406

2:00 p.m.
Judiciary
To hold hearings on the nominations of James T. Turner, of Virginia, to be a Judge of the United States Claims Court, Robert F. Kelly, to be United States District Judge for the Eastern District of Pennsylvania, Philip M. Pro, to be United States District Judge for the District of Nevada, and Robert H. Bell, to be United States District Judge for the Western District of Michigan.
SD-226
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 4

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the extent and nature of foodborne illnesses in the United States.
SR-332
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253
Energy and Natural Resources
To resume hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 492, Construction Industry Labor Law Amendments of 1987.
SD-562

10:00 a.m.
Foreign Relations
Business meeting, to resume consideration of proposed legislation to better facilitate U.S. trade with developing countries by promoting opportunities for exports of goods and services from the United States.
SD-419
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 373, authorizing funds for fiscal years 1988 through 1993 for elementary and secondary education assistance.
SD-430

2:00 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 5

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on current water-related programs of the U.S. Geological

Survey, focusing on quantification and analysis of groundwater resources.
SD-366

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on tax incentives to increase energy security.
SD-215

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 8

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on pending clean air proposals.
SD-406

JUNE 10

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on pending clean air proposals.
SD-406

Small Business
To hold hearings to review the impact on small business of certain provisions of S. 79, to require notification to workers who are at risk of occupational disease.
SR-428A

JUNE 11

9:30 a.m.
Energy and Natural Resources
To resume hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To continue hearings on clean air proposals.
SD-406

JUNE 12

9:30 a.m.
Energy and Natural Resources
To continue hearings on oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-366

10:00 a.m.
Finance
Health Subcommittee
To resume hearings on the quality of long-term health care.
SD-215

JUNE 16

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

JUNE 17

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the implementation of the Veterans Administration loan guaranty program, and on proposed legislation relating to the VA loan guaranty program.
SR-418

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

JUNE 18

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To resume hearings on current water-related programs of the U.S. Geological Survey, focusing on quantification and analysis of groundwater resources.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To resume oversight hearings on the Department of Energy's high level waste program, including a proposal for the authorization of a monitored retrievable storage facility.
SD-406

Small Business
To hold hearings on S. 437, to revise certain provisions of the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies.
SR-428A

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
2172 Rayburn Building

JUNE 23

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 24

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 25

9:00 a.m.
*Veterans' Affairs
To hold hearings on S. 9, Service-Disabled Veterans' Benefits Improvement Act, S. 453, Veterans' Ionizing Radiation Compensation Improvements Act, S. 1002, Veterans' Radiation Exposure Disability and Death Benefits Act, and other related measures.
SR-418

Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JUNE 26

9:00 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

2:00 p.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To continue joint hearings with the House Select Committee to Investigate Covert Arms Transactions with Iran on matters relating to the Iran/Contra affair.
SR-325

JULY 16

9:30 a.m.
*Veterans' Affairs
Business meeting, to consider S. 6, Veterans' Health Care Improvement Act, S. 9, Service-Disabled Veterans' Benefits Improvement Act, S. 917, to authorize a headstone allowance for prepurchased grave markers and to modify eligibility requirements to the plot allowance, S. 1090, Veterans Administration Insurance Amendments, and related proposals, and proposed legislation providing for disability payments based on nuclear-detonation radiation exposure.
SR-418

## POSTPONED

May 28

2:00 p.m.
Governmental Affairs
To hold hearings on S. 1233, Economic Competitiveness, International Trade, and Technology Development Act of 1987.
SD-342

June 1

9:30 a.m.
Governmental Affairs
To resume hearings on S. 1233, Economic Competitiveness, International Trade, Technology Development Act of 1987.
SD-342

June 3

10:00 a.m.
Governmental Affairs
Business meeting, to mark up S. 1233, Economic Competitiveness, International Trade, and Technology Development Act of 1987.
SD-342

June 4

9:30 a.m.
Governmental Affairs
Business meeting, to continue markup of S. 1233, Economic Competitiveness, International Trade, and Technology Development Act of 1987.
SD-342