HOUSE OF REPRESENTATIVES—*Monday, June 29, 1987*

The House met at 12 noon.

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

O loving God, as we are surrounded by so much that causes anxiety for the future, so too are we surrounded also by so much that is good and full of beauty and truth.

As our eyes see the dangers in a fragile world, may Your spirit fill our hearts with the bountiful gifts of a blessed hope and the assurance of Your eternal promises. We thank You, O God, for Your healing, Your grace, Your hope and peace. 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 without amendment bills and a joint resolution of the House of the following titles:

H.R. 626. An act to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, AL, and for other purposes;

H.R. 2166. An act to amend the Small Business Act and the Small Business Investment Act of 1958; and

H.J. Res. 181. Joint resolution commemorating the bicentennial of the Northwest Ordinance of 1787.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 558) entitled "An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children."

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

S. 104. An act to recognize the organization known as the National Academies of Practice;

S. 442. An act to amend section 914 of title 17, United States Code, regarding certain protective orders;

S. 836. An act to amend the Department of Energy Organization Act to authorize protective force personnel who guard the strategic petroleum reserve or its storage and related facilities to carry firearms while discharging their official duties and in certain instances to make arrests without warrant; to establish the offense of trespass on property of the strategic petroleum reserve, and for other purposes;

S. 1430. An act to impose a moratorium on prepayments under section 515 of the Housing Act of 1949;

S.J. Res. 40. Joint resolution to give special recognition to the birth and achievements of Aldo Leopold;

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month";

S.J. Res. 48. Joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Awareness Week";

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week";

S.J. Res. 72. Joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week";

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day";

S.J. Res. 103. Joint resolution to designate October 1987, as "Computer Learning Month";

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day";

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week";

S.J. Res. 121. Joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day";

S.J. Res. 122. Joint resolution to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week";

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month";

S.J. Res. 138. Joint resolution to designate the period commencing on July 13, 1987, and ending on July 26, 1987, as "U.S. Olympic Festival-'87 Celebration", and to designate July 17, 1987, as "U.S. Olympic Festival-'87 Day";

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day";

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week";

S.J. Res. 157. Joint Resolution to designate the month of October 1987, as "Lupus Awareness Month";

S.J. Res. 160. Joint Resolution to designate July 25, 1987, as "Clean Water Day";

S.J. Res. 163. Joint Resolution to designate the month of November 1987, as "National Family Bread Baking Month";

S.J. Res. 165. Expressing the sense of the Senate and the House of Representatives that the President is authorized and requested to issue a proclamation declaring June 27, 1987, as "National Sokol Day in the United States";

S. Con. Res. 38. Concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, CO; and

S. Con. Res. 64. Concurrent Resolution to authorize the printing of "Guide to Records of the United States Senate at the National Archives, 1789-1989: Bicentennial Edition."

The message also announced that pursuant to section 1295, title 46, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation; Mr. STEVENS, from the Committee on Commerce, Science, and Transportation; and Mr. MOYNIHAN, at large; to the Board of Visitors of the U.S. Merchant Marine Academy.

The message also announced that pursuant to sections 276h-276k, title 22, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. SANFORD, Ms. MIKULSKI, and Mr. FOWLER, as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 1st session of the 100th Congress, to be held in Cancun, Mexico, June 26-30, 1987.

The message also announced that pursuant to Public Law 99-660, the Chair announces the selection, made jointly by the Senate majority leader and the Speaker of the House of Representatives, of the following individuals as members of the National Commission on Infant Mortality:

James Thompson, of Illinois; Barbara Matula, of North Carolina; and Dr. William Hollingshead, of Rhode Island—as representatives from State government, and

Lynda Robb, of Virginia; Richard W. Riley, of South Carolina; Dr. Julius Richmond, of Massachusetts; Dr. Herman A. Hein, of Iowa; and Margaret S. Wilson, of Connecticut—as at-large members.

UNITED STATES TANKS—"MADE IN EGYPT?"

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

Mr. LANTOS. Mr. Speaker, Egypt has been a positive force for stability and peace in the turbulent Middle East. The American people and the American Congress have consistently and generously supported Egypt in dealing with its enormous economic problems.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

As good friends of Egypt, we now have an obligation to prevent a horrendous mistake.

Reports are circulating that Secretary of Defense Weinberger wants to authorize Egypt to produce the top-of-the-line main battle tank of the United States Army—the M1 tank.

This proposed move—if it is allowed to proceed—will not only lead to a drastic misallocation of Egyptian resources but also to the loss of vast numbers of American jobs and to the transfer of some of our most sophisticated and sensitive technology.

The Weinberger plan would add billions to our huge trade deficit at a time when it is critical to bring our trade into balance.

Today, I am calling for comprehensive and immediate hearings on this ill-conceived idea.

What the tens of millions of low-income Egyptians need is an improvement in their quality of life—and not a misguided attempt to build a giant, uneconomical arms industry.

SUPPORT URGED FOR CONFERENCE REPORT ON H.R. 1827, SUPPLEMENTAL APPROPRIATIONS

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

Mrs. SMITH of Nebraska. Mr. Speaker, I wish to bring the still pressing delay in funding the CCC to the attention of our distinguished colleagues, to urge them to support the conference report on H.R. 1827.

In addition, I strongly urge the President of the United States to sign this bill as swiftly as possible after it passes the Congress, hopefully this week.

I, along with the other conferees, have worked very hard to come up with a bill that is both acceptable to the Congress and the administration. I especially want to thank and to recognize the tremendous effort put forth by the chairman of the House Appropriations Committee, JAMIE WHITTEN, to get H.R. 1827 passed, and I commend him on his efforts.

Farmers are still expressing considerable frustration at not being able to get CCC payments due them.

In fact, CCC payments have not been made since April 30, nearly 2 months.

The CCC has shut down only five times before this year in its history, but recently it has become increasingly frequent.

In July 1985 it shut down for 7 days.

It shut down three times in fiscal year 1986, for 5 days in February, for 19 days in March, and for 28 days in June and July.

As of July 1, 1987, the CCC having been shut down for so long, will have outstanding commitments totaling around $1.5 billion. I certainly do not hope it goes until August 1, but if so the CCC would be in the arrears nearly $2.5 billion.

The CCC owes payments to the following farm groups, in the order of most outstanding payments owed. Nearly 14,000 dairy farmers and 400 dairy processors are awaiting funds; 111,000 farmers are waiting for their cost share payments from CRP participation.

Storage, handling, transportation and packaging companies are waiting on payments due them for services performed under contract on CCC-owned commodities.

Some farmers are waiting for advanced deficiency payments and diversion payments.

Finally, farmers harvesting 1987 crops are waiting to get commodity loans from the CCC, mostly wheat farmers.

Therefore, I appeal to my distinguished colleagues and to urge them to support H.R. 1827, and for a quick signature from the President on making supplemental appropriations for the fiscal year ending September 30, 1987, for the Department of Agriculture.

INVOKE WAR POWERS

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

Mr. DEFAZIO. Mr. Speaker, the Secretary of State tells us, "Damn the torpedoes, the mines or the air-to-air ship missiles, full speed ahead" on the reflagging. I have read the administration's classified report on security arrangements in the Persian Gulf. I'm not sure why they bothered to classify this report. I guess the secret they're trying to keep is that they have no policy in the Persian Gulf. Many Members of this body have expressed their reservations about the lack of any clearly defined mission for U.S. forces in the gulf and the inconsistency of the President's policy in the Middle East. Let me suggest to those Members that if it is their view that the Congress should be involved before decisions are made which could lead us into a war, then there is a vehicle at hand. It is called the war powers resolution; 38 of my colleagues have joined me as cosponsors of a bill which invokes the war powers resolution as soon as United States forces begin to offer protection to reflagged Kuwaiti tankers. Senators HATFIELD, BUMPERS, PELL, MATSUNAGA, and HARKIN have introduced a companion bill in the Senate. It's time for Congress to quit talking, and take an active role. Invoke war powers.

THE GOVERNMENT SHOULD PAY INTEREST ON OVERDUE DEBTS

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

Mr. ROBERTS. Mr. Speaker, I rise today to thank my colleagues Mrs. SMITH of Nebraska and Mr. CONTE of Massachusetts.

As everyone in farm country knows, farmers have not been able to receive overdue farm program checks since the first of May. More than 300 million dollars' worth of delinquent warehouse storage and handling payments have been held up by this delay.

That is not all—conservation reserve program payments, storage payments to producers, dairy program payments, deficiency payments, reserve and wheat loan payments—in other words the entire farm program has been held up.

Why? For the fifth time in 2 years, the CCC's spending authority has been delayed by adding on some 400 amendments to the supplemental appropriations bill.

Every year its the same story, nonfarm interests see a free ride and add hundreds of amendments that have to be delayed and stripped away in conference. And while Congress is busy doing that farmers and ranchers pay the price as interest payments and bills mount up.

You can bet when a farmer misses a payment to the bank, the supply store, or the local elevator, he pays the interest. We have introduced a clean CCC spending bill that has apparently broken this logjam—the supplemental will be up this week. More to the point, I believe all Government departments and agencies should be required to pay interest on overdue debts regardless if the late payment results from delays caused by the Government agency or by congressional inaction. That is a bill we should also explore.

SPECIAL AGRICULTURAL WORKERS OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

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

Mr. WYDEN. Mr. Speaker, today the Immigration and Naturalization Service announced that as of July 1, it will begin to implement the special agricultural worker of the Immigration Reform and Control Act [IRCA] of 1986 the way that Congress intended.

When the Congress passed IRCA, it had built in a mechanism into the law which was intended to provide a stable legal work force for America's farmers—that mechanism of course was the

Special Agricultural Worker Program. But somewhere along the line, congressional intent, and INS' regulatory process took divergent paths.

Instead of allowing SAW applicants in Mexico to make a nonfrivolous claim—and enter this country to work before presenting the majority of documents to adjust their status—INS had required applicants to present a full application at the beginning of the process. This created a paperwork bottleneck that stopped eligible workers from entering this country and created a critical labor shortage in my home State of Oregon.

INS is now about to rectify this problem. For this growing season only, applicants can now go to a consular processing center or to the border point of entry to fill out an application, pay their fee, and enter this country to work for 90 days. There will be no need to wade through the morass of paperwork which had daunted so many people early in this program's implementation. During this 90-day period, workers can gather the rest of the documents needed to begin to legalize their status.

Mr. Speaker, this move can be seen as a monumental gesture in flexibility on the part of INS—I commend them for it—and to use the words of Rob Hukari, an Oregon farmer who leads the Oregon Farm Bureau, "our crops may be saved after all."

SANDINISTAS HAVE SUPPLIED ARMS TO MARXIST GUERRILLAS IN EL SALVADOR

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

Mr. LAGOMARSINO. Mr. Speaker, after years of denial, President Ortega has finally admitted the Sandinistas supplied arms to the Marxist guerrillas in El Salvador. Ortega was quoted in an interview in a respected Mexico City newspaper that Nicaraguan military officials gave logistical support to the Salvadoran rebels shortly after the Sandinistas took power in 1979. He did not say when such aid stopped.

In May 1983, the House Select Committee on Intelligence issued its report stating the Salvadoran insurgency "depends for its lifeblood—arms, ammunition, financing, logistics, and command-and-control facilities—upon outside assistance from Nicaragua and Cuba. This Nicaraguan-Cuban contribution to the Salvadoran insurgency is longstanding. It began shortly after the overthrow of Somoza in July 1979. It has provided—by land, sea, and air—the great bulk of the military equipment received by the insurgents."

Now that Ortega himself has admitted Sandinista support for the Salvadoran guerrillas, perhaps administration critics will stop asking "where's the evidence?"

DIVIDED SPOUSES COALITION MEETS WITH SECRETARY OF STATE AND SOVIET AMBASSADOR

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

Mr. SMITH of New Jersey. Mr. Speaker, this morning the Divided Spouses Coalition met with Secretary of State George Shultz and, in a separate meeting, Acting Soviet Ambassador Yevgeni Kutovoy. Among the seven spouses represented was Andrea Wine, a friend of mine whose home is Cranbury, NJ.

Andrea Wine is the wife of Victor Faermark, a Soviet citizen currently living in Moscow. Andrea and Victor were married in Moscow on November 21, 1985. It has been over 19 months since their wedding and yet they have been denied the right of living normal lives together. Despite the fact that their marriage was conducted according to Soviet law, despite the fact that the Soviet Union signed the Helsinki accords which makes provisions for individuals from two countries to marry and then be allowed to live in the country of one of the spouses, and despite the fact that repeated requests have been made on the Soviet authorities to allow Victor to emigrate, Mr. Faermark continues to be denied his pleas to join his wife.

Mr. Faermark made his first application for emigration in 1971, while working as a research scientist at a prestigious institute. Following denial of his application on the grounds of secrecy, Mr. Faermark was fired from his position and with much difficulty eventually found a job as an engineer. Since 1968—19 years ago—he has not done any work which could be remotely classified as secret and yet he has been denied emigration over one dozen times.

Mr. Speaker, Secretary Gorbachev himself has stated—as published in 1985 in the French Communist newspaper L'Humanite—that security classification is generally limited to 5 years and that the upper limit is 10 years. Again the question was raised this morning with the Soviet officials at the Embassy, "What is the hold up?"

As a Commissioner on the Commission for Security and Cooperation in Europe, the Helsinki Commission, I am particularly concerned about all the divided spouse cases. Mr. Speaker, marriages between men and women from different countries is specifically addressed in the Helsinki accords and the unambiguous assurances for union in a country in which one is normally a resident are specifically outlined.

As a Member of Congress representing the Fourth District of New Jersey, I have been personally involved in the case of Andrea Wine for some time. In February of this year, I took the opportunity to raise Andrea and Victor's case in Vienna, Austria, during the third review meeting of the Conference on Security and Cooperation in Europe. Upon presenting a letter to Yuri Kashlev, head of the Soviet delegation, I was given the assurance that Andrea and Victor's case would be given renewed attention. Thus far nothing tangible has happened. But we continue to hope.

In April, Mr. Speaker, I sent another letter, this time addressed to Secretary General Gorbachev and signed by the entire New Jersey congressional delegation, via the delegation lead by Speaker JIM WRIGHT. Again, the Soviets gave assurances that this case would be reviewed.

Mr. Speaker, the Soviets continue to deny the right of emigration for thousands every year. In the case of divided spouses the refusals have been repeated and excruciating. Husbands and wives are beginning their marriages—even the first decade of their marriages in some cases—separated by the bureaucratic entanglements of the Soviet system. I urge all my colleagues to bring these cases to the attention of the Soviet authorities at every available opportunity. Mr. Speaker, the Soviets must live up to their obligations outlined in the Helsinki accords and permit these men and women to join their spouses. Granting these requests to be reunited could be such an easy but positive way to demonstrate to the world at least a modicum of respect for elemental human rights.

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SEVERANCE PAY FOR JAPANESE—NOTHING FOR AMERICANS

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

Mr. TRAFICANT. Mr. Speaker, recently the Pentagon paid $28 million in severance pay to 141 Japanese workers who were working for the Pentagon doing banking activities. The Pentagon said they had to do this because the Japanese jobs had ended. The payments were in accord, they said, with Japanese traditions that workers in Japan are guaranteed lifetime employment.

I want to know the answer to this question: Why does the American tradition that applies to Americans in this country not apply to Japanese working for the American Government? Our workers get no layoff notices, no plant notices, no guarantee, and certainly no lifetime employment

contracts. And to further rub it in and to really exemplify how the American workers get screwed literally, the Pentagon said that now they have given the contract to a bank in Houston. This bank in Houston employs Americans, "And Americans will now do this work, and we won't have to worry," the Pentagon said, "because we don't have to pay any severance pay. We can save some money."

After all, they are only hiring Americans, and they do not get any special favors. I ask the Members to think about this ridiculous situation.

A REGRETFUL EXPERIENCE IN THE HOUSE DINING ROOM

(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, folks from home look forward to lunching with their Congressman in the House Dining Room, a pleasant experience to remember; but alas, it is pleasant no more, an embarrassment it has become. Last Friday, with constituents, I visited the Dining Room. We received water and crackers but no butter. After a 22-minute wait in the uncrowded room, I asked the head waiter to please have someone take our order. With this accomplished, a long vigil ensued and we amused ourselves by observing the general inefficiencies of the place. Curiously, some colleagues were getting excellent service. Returning from a vote, I found my friends still not served. Again I interceded with the head waiter and our meal was finally brought, but not what had been ordered by some. Not one to put up with insult to those I represent, which includes me, I took umbrage with such management as I could find, I'll have more to say later, you'll find it interesting. Meantime, if conditions improve down there, thank yours truly.

IDENTIFYING THE BIG SPENDERS IN CONGRESS

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

Mr. LUNGREN. Mr. Speaker, evidently the wraps are off, the bare knuckles are out now, and if anybody wanted to read what the attitude of the Democratic Party is versus the President on the Budget Act, all they have to do is pick up today's Post, and there in a way that tries to make it funny the esteemed chairman of the Budget Committee, the Democratic member from Pennsylvania [Mr. GRAY] takes the words of the song, "The Great Pretender," turns them around and turns them on the President, and in one line says they are real—that is, the deficits—but to me they are make-believe; they are real, but I feel deceived.

So now we have it. It is considered honorable to call the President of the United States someone involved in deception. I am not going to say anybody is involved in deception here, but we ought to look at the record and see who is spending and who is not spending.

The National Taxpayers Union, which is a nonpartisan organization, rates every single Member of Congress. Where does the esteemed gentleman who criticized the President stand on that? Accordingly to the National Taxpayers Union, he is one of the big spenders in Congress. The Democratic leadership is listed as big spenders in Congress, according to this nonpartisan operation.

Where does the President stand according to positions he has taken on spending bills in the last Congress? Here, according to the National Taxpayers Union, not Democrat and not Republican, he is one of the good guys in trying to bring down spending.

If we are going to argue from here to the 1988 campaign as to whether we ought to spend and spend and tax and tax, at least let our friends on that side of the aisle admit to what they are doing. They want to spend and they want to spend, and they want to tax and they want to tax. That is an honorable position.

There can be two sides to the argument, but at least take the position and back up your deeds with your words, but do not turn it around and accuse the President of the United States of deception. Let us at least argue on facts. Let us at least argue with some degree of honor.

H.R. 1115, THE UNIFORM PRODUCT SAFETY ACT

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

Mr. PENNY. Mr. Speaker, perhaps one of the most crucial issues that was not addressed in the last session of Congress is product liability reform. Indeed, the White House Conference on Small Business picked this as their No. 1 priority last August when they met here in Washington, as did NFIB members in a recent survey.

I think that no longer can we continue to ignore this problem that affects small businesses in every one of our districts—I think that the time is now for us to move forward with a solution.

H.R. 1115, the Uniform Product Safety Act, heads us in the right direction by reestablishing fault as a uniform criteria of liability. It reforms the doctrine of joint and several liability in a sensible manner; uniform, clear standards would be put in place, and recovery by claimants whose drinking or drugs were major contributing factors to an accident would be prohibited.

No one wants to relieve business of liability when they are truly culpable, and of course we do not wish to leave consumers unprotected. The reforms included in this bill are moderate in nature and are intended only to bring common sense and fairness back into the process.

ETHICS IS SUBJECT OF PROPOSED AMENDMENT

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

Mr. GINGRICH. Mr. Speaker, when the House takes up the legislative appropriations bill this afternoon, the gentleman from Pennsylvania [Mr. WALKER] and several others of us will have an amendment which would encourage the House to look carefully at the issue of the integrity of the institution and which would recommend to the leadership of the House in both parties the establishment of an outside committee of eminent Americans to review critically and carefully ethical patterns in the House and the effectiveness of the current House ethics system.

I would urge every Member to look carefully at that amendment, given all of the recent newspaper and magazine stories, and I would hope the Members of the House would vote for such an amendment.

A SALUTE TO AMERICAN CONSTRUCTION WORKERS IN ALASKA

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

Mr. YOUNG of Alaska. Mr. Speaker, American working men and women remain the most productive on Earth. Their dedication and skill is an example for all to follow.

This month marks the 10th anniversary of operations at one the most successful examples of the skill and craftsmanship of the American worker—the Prudhoe Bay oil field and the trans-Alaska pipeline.

I've talked a lot these past few days about the success of Prudhoe and TAPS and their role as the energy lifeline of America. It is now time to salute the reason for that success—working men and women from across this country who contributed to the construction and operation of this mammoth facility.

It is no small job to build a facility with a price tag of $9 billion—but the plumbers, pipefitters, teamsters, car-

penters, engineers, building trades people, and roustabouts—all Americans—did an outstanding job. They were supported in their efforts by American workers from across the country.

The Prudhoe Bay oil field and the trans-Alaska pipeline have meant thousands of jobs for Americans. More importantly, the over 5 billion barrels of oil produced from the field have reduced our bill for imported energy by $130 billion. This money has stayed home to fuel our economy and provide opportunity for Americans.

Mr. Speaker, I am confident that the American worker can repeat the success of Prudhoe Bay and the trans-Alaska pipeline. That is why I urge all my colleagues to join me in an effort to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas development.

THE POPE'S ILL-ADVISED VISIT WITH WALDHEIM

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

Mr. ECKART. Mr. Speaker, much controversy has been engendered about the meeting of Pope John Paul II and Prime Minister Kurt Waldheim, a man with an egregious Nazi past.

I have admired Pope John Paul's commitment to peace as a Pope of peace and his commitment to human rights as a Pope of human rights and as a Pope committed to the dignity of man. This Pope has taken his message of peace and dignity to troubled parts of the world such as Central America and Eastern Europe, to the disenfranchised and the dispossessed. But as a Catholic, I am disturbed and share the dismay of others around the world that this man of peace would meet with a man of this history. In fact, our own U.S. Government has expressed serious reservations about Waldheim's thoughts of a visit here.

Let sanity prevail. Let reason help us to reach accord. This inflammatory visit between the Pope and Waldheim sets back the hope and voice of the dignity of man many times. For if we fail to feel strongly about human rights and if we desire a world in which human atrocities may never happen again, then to encourage and to allow these kinds of meetings to continue is to recommit the mistakes of the past.

Mr. Speaker, the Pope has served as a beacon, as a light, as a hope and a voice. With this meeting, his light shines a little less bright.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 30, 1987.

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1987

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2616) to amend title 38, United States Code, to improve health care programs of the Veterans' Administration, as amended.

The Clerk read as follows:

H.R. 2616

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Administration Health-Care Amendments of 1987".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH CARE PROVISIONS

SEC. 101. ELIGIBILITY FOR MEDICAL SERVICES.

(a) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.—Section 612(a) is amended by striking out "may furnish" and inserting in lieu thereof "shall furnish".

(b) OTHER VETERANS.—Paragraph (1) of section 612(f) is amended to read as follows:

"(f)(1)(A) In addition to the medical services provided under subsection (a) of this section, the Administrator shall furnish medical services on an outpatient or ambulatory basis—

"(i) to any veteran who is a former prisoner of war, for any disability; and

"(ii) to any other veteran eligible for hospital care under section 610(a)(1) of this title, for any purpose described in subparagraph (C) of this paragraph.

"(B) Subject to paragraph (4) of this subsection, the Administrator may furnish medical services on an outpatient or ambulatory basis to a veteran eligible for hospital care under section 610 of this title (other than under section 610(a)(1)) for any purpose described in subparagraph (C) of this paragraph.

"(C) Medical services described in this subparagraph are medical services reasonably necessary—

"(i) in preparation for hospital admission;

"(ii) to obviate the need of hospital admission, but in the case of a veteran described in subparagraph (B) of this paragraph, only to the extent that facilities are available; and

"(iii) in the case of a veteran who has been furnished hospital care, nursing home care, or domiciliary care, to complete treatment incident to such care, but only for a period not in excess of 12 months after discharge from such care, unless the Administrator finds that a longer period is required by reason of the disability being treated.".

(c) CONFORMING AMENDMENT.—Section 603(a)(2)(B) is amended by striking out "section 612(f)(1)(A)(ii)" and inserting in lieu thereof "section 612(f)(1)(C)(iii)".

SEC. 102. DOMICILIARY CARE.

Section 610(b) is amended by striking out "domiciliary care to" and all that follows through "(2) a veteran" and inserting in lieu thereof "domiciliary care to a veteran".

SEC. 103. DEFINITION OF NURSING HOME CARE.

Section 101(28) is amended—

(1) by striking out "skilled nursing care" in the first sentence and inserting in lieu thereof "nursing"; and

(2) by striking out the second sentence and inserting in lieu thereof the following: "Such term includes services delivered in skilled, intermediate care, and combined facilities. It does not include domiciliary or residential care.".

SEC. 104. DEFINITION OF VETERANS' ADMINISTRATION FACILITIES.

Section 601(4) is amended—

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

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) public or private facilities at which the Administrator provides recreational activities for patients receiving care under section 610 of this title.".

SEC. 105. AUTHORIZED CONTRACT CARE.

Section 603(a) is amended—

(1) by inserting "or receiving nursing home care in a public or private nursing home in the community under section 620 of this title" in paragraph (3) after "in a Veterans' Administration facility";

(2) by striking out "or" at the end of paragraph (6);

(3) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(8) hospitalization of a person for observation and examination to determine eligibility for a benefit under a program administered by the Veterans' Administration.".

SEC. 106. ENTITLEMENT FOR MEDICAL SERVICES FOR PERSONS DISABLED BY TREATMENT OR VOCATIONAL REHABILITATION.

Section 612(a)(1) is amended—

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

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) to any person (i) for a disability for which the person is in receipt of compensation under section 351 of this title, or (ii) for a disability for which the person would be entitled to compensation under section 351 of this title but for a suspension pursuant to that section, but only to the extent that such person's continuing eligibility for medical services is provided for in the judgment or settlement described in such section.".

SEC. 107. RELOCATION OF VETERANS READJUSTMENT COUNSELING CENTERS.

(a) RELOCATION.—The Administrator of Veterans' Affairs may not, before the date specified in subsection (b), transfer to a Veterans' Administration health-care facility the location for the provision of readjustment counseling services under section 612A of title 38, United States Code, from any location that on the date of the enactment of

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this Act is situated apart from Veterans' Administration health-care facilities.

(b) SPECIFIED DATE.—The date referred to in subsection (a) is the last day of the 120-day period beginning on the later of—

(1) the date on which the report required by paragraph (2) of section 612A(g) of title 38, United States Code, is received by the Committees on Veterans' Affairs of the Senate and House of Representatives; and

(2) the date on which the report required by paragraph (3) of such section is received by those committees.

(c) JUSTIFICATION FOR PLAN.—The report referred to in subsection (b)(2) shall include a detailed explanation and justification for the plan described in such report.

(d) DISCRETIONARY TRANSITION.—Section 612A(g)(1) is amended by striking out "shall" in the matter preceding subparagraph (A) and inserting in lieu thereof "may".

SEC. 108. CONTRACT ADULT DAY HEALTH CARE PROGRAM.

(a) THREE-YEAR EXTENSION.—Section 620(f)(3) is amended by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1991".

(b) STUDY REQUIREMENT.—The Administrator of Veterans' Affairs shall conduct a study of—

(1) the medical efficacy and cost effectiveness of furnishing adult day health care under section 620(f) of title 38, United States Code, as an alternative for nursing home care; and

(2) the comparative advantages and disadvantages of providing such care through facilities that are not under the direct jurisdiction of the Administrator and through facilities that are under the direct jurisdiction of the Administrator.

(c) REPORTS.—(1) The Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives—

(A) an interim report on the study under subsection (b), to be submitted not later than February 1, 1988; and

(B) a final report on such study, to be submitted not later than February 1, 1991.

(2) Each such report shall include—

(A) the results of the study under subsection (b) to the date the report is submitted; and

(B) any other recommendation that the Administrator considers appropriate for legislative and administrative action with respect to the furnishing of adult day health care under section 620(f) of title 38, United States Code.

SEC. 109. HEALTH CARE AND MEDICAL SERVICES ABROAD.

Section 624(b) is amended by striking out "if the veteran" and all that follows and inserting in lieu thereof "if the veteran—

"(1) is a citizen of the United States sojourning or residing abroad;

"(2) is in the Republic of the Philippines; or

"(3) is sojourning or residing in Canada.".

SEC. 110. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON CONTRACT CARE.

Section 201(b) of the Veterans' Health Care Amendments of 1979 (Public Law 96-22; 38 U.S.C. 601 note) is repealed.

SEC. 111. PILOT PROGRAM ON CONTRACT COMMUNITY-BASED RESIDENTIAL CARE.

(a) AUTHORITY FOR PROGRAM.—The Administrator of Veterans' Affairs shall conduct a pilot program to provide care and treatment and rehabilitative services (by contract or otherwise) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities who are eligible for hospital care under section 610(a)(1) of title 38, United States Code.

(b) CRITERIA FOR CONTRACT FACILITIES.—Before furnishing such care and services to any veteran through a contract facility, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

(c) DURATION OF PROGRAM.—The authority for the pilot program authorized by this section expires on September 30, 1988.

(d) REPORT.—Not later than May 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience of the Veterans' Administration under the pilot program to that date and the recommendation of the Administrator (together with reasons for such recommendation) as to whether the pilot program should be continued.

(e) FUNDING.—(1) There is authorized to be appropriated for the pilot program under this section for fiscal year 1988 the sum of $6,000,000.

(2) Of the amounts appropriated for the pilot program for fiscal year 1988, not less than $250,000 shall be expended for management and monitoring of the program to ensure that a high quality of care is provided under the program and to ensure an accurate accounting of funds for the program.

(3) No funds may be obligated or expended for the pilot program under this section other than funds specifically appropriated for such purpose.

(f) REPEAL.—(1) Section 620C (as added by section 2 of Public Law 100-6) is repealed.

(2) The table of sections at the beginning of chapter 17 is amended by striking out the item relating to such section.

TITLE II—HEALTH CARE PERSONNEL

SEC. 201. PAY SCALES FOR DEPARTMENT OF MEDICINE AND SURGERY.

(a) SECTION 4103 SCHEDULE.—The table in subsection (a) of section 4107 is amended to read as follows:

"SECTION 4103 SCHEDULE

"Chief Medical Director, $97,206.

"Deputy Chief Medical Director, $93,248.

"Associate Deputy Chief Medical Director, $89,314.

"Assistant Chief Medical Director, $86,682.

"Medical Director, $73,958 minimum to $83,818 maximum.

"Director, $63,135 minimum to $79,975 maximum.".

(b) SECTION 4104(1) POSITIONS.—The tables in subsection (b)(1) of section 4107 are amended to read as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $63,135 minimum to $79,975 maximum.

"Executive grade, $58,297 minimum to $75,784 maximum.

"Chief grade, $53,830 minimum to $69,976 maximum.

"Senior grade, $45,763 minimum to $59,488 maximum.

"Intermediate grade, $38,727 minimum to $50,346 maximum.

"Full grade, $32,567 minimum to $42,341 maximum.

"Associate grade, $27,172 minimum to $35,326 maximum.

"NURSE SCHEDULE

"Director grade, $53,830 minimum to $69,976 maximum.

"Assistant Director grade, $45,763 minimum to $59,488 maximum.

"Chief grade, $38,727 minimum to $50,346 maximum.

"Senior grade, $32,567 minimum to $42,341 maximum.

"Intermediate grade, $27,172 minimum to $35,326 maximum.

"Full grade, $22,458 minimum to $29,199 maximum.

"Associate grade, $19,326 minimum to $25,122 maximum.

"Junior grade, $16,521 minimum to $21,480 maximum.

"CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

"Chief grade, $53,830 minimum to $69,976 maximum.

"Senior grade, $45,763 minimum to $59,488 maximum.

"Intermediate grade, $38,727 minimum to $50,346 maximum.

"Full grade, $32,567 minimum to $42,341 maximum.

"Associate grade, $27,172 minimum to $35,326 maximum.".

(c) CAREER APPOINTEES.—Subsection (c)(3) of such section is amended by inserting "and any person appointed under section 4103 of this title who is not eligible for special pay under section 4118 of this title" after "applies".

SEC. 202. MISCELLANEOUS MEDICAL PERSONNEL MATTERS.

(a) NURSES PREMIUM PAY.—Section 4107(e)(3) is amended by striking out "Saturday" and inserting in lieu thereof "Friday".

(b) PHARMACISTS.—(1) Section 4104 is amended—

(A) by striking out "Pharmacists, psychologists" in paragraph (2) and inserting in lieu thereof "Psychologists"; and

(B) by striking out "Clinical" in paragraph (3) and inserting in lieu thereof "Pharmacists, clinical".

(2) Section 4105(a)(9) is amended by inserting "pharmacist," after "dental technologist,".

(3) Section 4107(f) is amended by inserting "registered pharmacists," in the second sentence after "retain the services of".

SEC. 203. DISCIPLINARY BOARDS FOR MEDICAL PERSONNEL.

(a) AUTHORITY OF DISCIPLINARY BOARDS.—Subsection (a) of section 4110 is amended to read as follows:

"(a)(1) The Administrator may appoint boards to be known as disciplinary boards. Each such board shall consist of not less than three nor more than five employees of the Department of Medicine and Surgery who are senior in grade.

"(2) A disciplinary board shall determine charges in a covered disciplinary action (as defined in paragraph (6) of this subsection) brought against a person employed in a position provided in section 4104(1) of this title. A determination by a board shall be made after notice and opportunity for a fair hearing.

"(3) The majority of the members of a disciplinary board shall be employees in the same category of position as the employee who is the subject of the charges.

"(4) The appointment of disciplinary boards shall be made under regulations prescribed by the Administrator.

"(5) In the case of charges arising from performance or conduct of duties during a person's tenure with the Veterans' Administration that are brought against a person employed in a position provided in section 4104(1) of this title in a case that is not a covered disciplinary action, the matter shall be determined in accordance with procedures to be prescribed by the Administrator.

"(6) For the purposes of this subsection, the term 'covered disciplinary action' means a disciplinary action—

"(A) arising from performance or conduct of duties during a person's tenure with the Veterans' Administration; and

"(B) proposing that the person involved be—

"(i) removed,

"(ii) suspended for more than 14 days, or

"(iii) given a demotion involving the loss of grade or pay.".

(b) DETERMINATIONS OF BOARDS.—Subsection (d) of such section is amended by striking out "suitable" and all that follows in the first sentence and inserting in lieu thereof "that the proposed disciplinary action be sustained or modified in accordance with limitations prescribed by the Administrator.".

(c) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by striking out "The Chief Medical Director" and inserting in lieu thereof "The Administrator".

(2) Subsection (e) of such section is amended to read as follows:

"(e) Any person with respect to whom a decision is made to take disciplinary action under authority delegated under subsection (d) of this section shall have the right to appeal such decision to the Administrator. In the absence of such an appeal such decision shall have the same force and effect as a decision of the Administrator.".

SEC. 204. HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) COURSES OF TRAINING.—Section 4142(a)(1) is amended by striking out "or a course" and all that follows in such section and inserting in lieu thereof "or otherwise leading to qualification for employment in a position described in section 4104 of this title;".

(b) LIABILITY FOR REPAYMENT.—Section 4144(b)(4) is amended by striking out "become licensed" and all that follows through "auxiliary, during" and inserting in lieu thereof "meet any applicable licensure or registration requirement within".

SEC. 205. PERSONNEL CEILINGS FOR NONCAREER RESEARCH PERSONNEL.

Section 5010(a) is amended by adding at the end the following new paragraph:

"(6)(A) Temporary research personnel of the Veterans' Administration shall be excluded from any ceiling on full-time equivalent employees of the Veterans' Administration or any other personnel ceiling otherwise applicable to employees of the Veterans' Administration.

"(B) For purposes of subparagraph (A) of this paragraph, the term 'temporary research personnel' means personnel who are employed by the Veterans' Administration in other than a career appointment for work on a research activity and who are not paid by the Veterans' Administration or are paid from funds appropriated to the Veterans' Administration to support such activity.".

SEC. 206. OFFICE OF THE CHIEF MEDICAL DIRECTOR.

(a) ASSISTANTS TO CMD AND DCMD.—Paragraph (3) of subsection (a) of section 4103 is amended to read as follows:

"(3) Two Associate Deputy Chief Medical Directors, who shall be assistants to the Chief Medical Director and the Deputy Chief Medical Director, appointed by the Administrator upon the recommendation of the Chief Medical Director.".

(b) TENURE.—Subsection (b) of such section is amended to read as follows:

"(b)(1) Any appointment under subsection (a) of this section shall be for a period of four years, with reappointment permissible for successive four-year periods. Any such appointment or reappointment may be extended by the Administrator for a period not in excess of three years. Any person appointed or reappointed, designated, or redesignated pursuant to this section, including subsection (c) of this section, or whose appointment or reappointment, designation or redesignation is extended shall be subject to removal for cause in the same manner and under procedures similar to those set forth in section 4110 of this title. The members of the disciplinary boards in such cases may be any persons appointed pursuant to this subsection.

"(2) Any person who relinquished an appointment made pursuant to section 4104(1) of this title in order to accept an appointment under this section and whose appointment, reappointment, or extension of appointment or reappointment under this section is terminated, shall be entitled, upon such termination, to reemployment under section 4104(1) of this title.".

SEC. 207. DISCIPLINARY ACTIONS CONCERNING PROBATIONARY EMPLOYEES.

Subsection (b) of section 4106 is amended to read as follows:

"(b) The first two years of employment of a person appointed under section 4104(1) of this title shall be a probationary period. The record of performance of any such employee may be reviewed at any time during that period by a board appointed under regulations prescribed by the Administrator. Procedures governing the review of employee performance during the probationary period shall be established in regulations prescribed by the Administrator. The board shall recommend to the Chief Medical Director action consistent with the ability of the employee, as determined by the board, to perform efficiently. The Chief Medical Director may accept, reject, or modify any recommendation of the board. If the Chief Medical Director takes action not recommended by the board, a statement of the reasons for such action shall be made part of the record.".

SEC. 208. ON-CALL PAY FOR CERTAIN PERSONNEL.

Section 4107 is amended by adding at the end the following:

"(j) Notwithstanding any other provision of law, a health care employee, or employee providing services incident to health care, who is employed pursuant to title 5 or paragraph (2) or (3) of section 4104 of this title and who is officially scheduled to be on call during a period other than the employee's regular hours of duty or on a holiday designated by law or Executive order shall be paid for each hour of such on-call duty (other than time the employee was actually at work) at a rate equal to 10 percent of the hourly overtime rate for services in excess of the employee's regularly scheduled duty.".

SEC. 209. WAIVER OF LICENSURE REQUIREMENTS FOR CERTAIN PERSONNEL.

Subsection (d) of section 4114 is amended to read as follows:

"(d) The Chief Medical Director may waive for the purpose of an appointment under this section the requirement of section 4105(a) of this title that the licensure or registration, as appropriate, of a physician, dentist, podiatrist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist be in a State if the person to be appointed—

"(1) is to be employed in a research post or an academic post or where there is otherwise no direct responsibility for the care of patients; or

"(2) is to serve in a country other than the United States and such person's licensure or registration is in the country in which the person is to serve.".

TITLE III—ADMINISTRATION OF HEALTH-CARE SYSTEM

SEC. 301. HOSPITAL COST COLLECTIONS AND TORT CLAIMS.

(a) STATUTE OF LIMITATIONS FOR SUITS TO RECOVER COSTS.—Section 629(b)(2) is amended by adding at the end the following new subparagraph:

"(C) A proceeding under subparagraph (B) of this paragraph may not be brought after the end of the six-year period beginning on the last day on which care or services for which recovery is sought are furnished to the veteran by the Administrator under this chapter.".

(b) TORT CLAIMS.—Section 4116 is amended by adding at the end the following new subsection:

"(f) For purposes of this section, section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) of this section in furnishing medical care or treatment (including the conduct of clinical studies and investigations) while in the exercise of such person's duties in or for the Department of Medicine and Surgery.".

(c) SETTLEMENT OF TORT CLAIMS.—(1) Subchapter II of chapter 3 is amended by adding at the end the following new section:

"§ 223. Administrative settlement of tort claims

"(a) Notwithstanding the limitations contained in section 2672 of title 28, the Administrator may settle any claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or section 4116 of this title to the extent the authority to do so is delegated to the Administrator by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

"(b) For purposes of this subsection, the term 'settle', with respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.".

(2) The table of sections at the beginning of chapter 3 is amended by inserting after the item relating to section 222 the following new item:

"223. Administrative settlement of tort claims.".

SEC. 302. LIMITATION ON PROPERTY TRANSFERS TO OTHER AGENCIES.

Section 5022(a) is amended by striking out paragraph (2) and inserting the following:

"(2) The Administrator may not transfer any interest in real property owned by the United States and administered by the Veterans' Administration which has an estimated value in excess of $50,000 to another Federal agency or to a State (or any political subdivision of a State) unless such transfer is specifically authorized by law after the date of the enactment of the Veterans' Administration Health-Care Amendments of 1987.

"(3) Amounts realized from the sale of any interest in real property described in paragraph (2) shall be deposited in the fund established under section 5009 of this title.".

SEC. 303. FINANCIAL MANAGEMENT OF CANTEEN SERVICE.

(a) INTEREST-BEARING ACCOUNT.—The second sentence of section 4205 is amended by inserting "or other interest-bearing accounts" after "checking accounts".

(b) RETENTION OF BALANCES IN REVOLVING FUND.—Section 4206 is amended by striking out the second sentence.

SEC. 304. EXEMPTION OF CANTEEN SERVICE FROM PERSONNEL CEILINGS.

(a) IN GENERAL.—Chapter 75 is amended by inserting at the end the following:

"§ 4209. Exemption from personnel ceilings

"Persons who are employed by the service and compensated from the revolving fund established by section 4204 of this title may not be considered to be employees of the Veterans' Administration for the purposes of any personnel ceiling which may otherwise be applied to employees of the Veterans' Administration by the President.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4209. Exemption from personnel ceilings.".

SEC. 305. RESTORATION OF CERTAIN FUNDS TO THE CANTEEN SERVICE.

(a) RESTORATION.—Section 113(b)(2)(B) of title 38, United States Code, shall apply with respect to a sequestration order issued, or a sequestration law enacted, for any fiscal year after fiscal year 1985.

(b) IMPLEMENTATION.—The Secretary of the Treasury shall take such action as is necessary to implement subsection (a) and shall, not later than 60 days after the date of the enactment of this Act, report to the appropriate committees of Congress on the action taken by the Secretary pursuant to this section.

SEC. 306. PILOT PROGRAM ON HOSPITAL MANAGEMENT EFFICIENCY.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator of Veterans' Affairs shall carry out a pilot program to determine the effect of the authorities provided by this section on the efficiency and economy of the management of Veterans' Administration medical centers.

(b) DESIGNATION OF MEDICAL CENTERS.—The Administrator shall designate five medical centers to participate in the pilot program. The Administrator shall consult with the Committees on Veterans' Affairs of the Senate and House of Representatives before making such designation.

(c) MANAGEMENT EFFICIENCY.—The Director of a medical center designated under subsection (b) may waive or alter such laws and regulations applicable to the management and administration of the medical center (insofar as such laws and regulations apply to such medical center) as may be authorized by the Administrator in order to improve the efficiency and economy of such medical center.

(d) PRESERVATION OF FACILITY BUDGET.—The Administrator shall ensure that a medical center designated under subsection (b) does not incur a reduction in its budget during the period of the pilot program due to any improved efficiency or economy of operation achieved by the director of the medical center attributable to the authority provided such director under this section.

(e) REPORTS.—The Administrator shall submit to Congress an annual report on the pilot program under this section.

(f) DURATION OF PROGRAM.—The pilot program under this section shall expire on September 30, 1990.

SEC. 307. OUTPATIENT CLINIC, SOUTHERN NEW JERSEY.

(a) IN GENERAL.—The Administrator of Veterans' Affairs shall establish and operate, as part of the Department of Medicine and Surgery of the Veterans' Administration, an outpatient clinic in central or southern New Jersey.

(b) EFFECTIVE DATE.—The Administrator shall begin the site location process for such clinic no later than 30 days after enactment of this Act.

SEC. 308. NAME OF MEDICAL CENTER, SHREVEPORT, LOUISIANA.

The Veterans' Administration Medical Center in Shreveport, Louisiana, shall after the date of the enactment of this Act be known and designated as the "Overton Brooks Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Overton Brooks Veterans' Administration Medical Center.

TITLE IV—MISCELLANEOUS

SEC. 401. EFFECTIVE DATE.

Except as otherwise expressly provided, the amendments made by this Act shall take effect on October 1, 1987.

The SPEAKER pro tempore. Is a second demanded?

Mr. SOLOMON. 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 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 now recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Speaker, H.R. 2616 was ordered reported unanimously by our committee. The bill contains a wide range of health-care provisions which are clearly described in the report accompanying the bill (H. Rept. 100-191) however, I would like to explain and comment on the major provisions.

The first title of the bill contains general health care provisions. In particular, it would require the VA to provide outpatient care for service-connected disabled veterans for their service-connected disabilities and for all medical conditions of veterans rated 50 percent or more disabled as well as former prisoners of war [POW's]. Other category A veterans would be provided entitlement for outpatient care in preparation for, to obviate the need, for, and as followup to, hospital care.

Mr. Speaker, as you know, last year in public Law 99-272 the Congress substantially changed eligibility by creating three categories which have been named by the VA as categories A, B, and C. The categories were conceptualized by using the traditional priorities for VA care; service connection and ability to defray the costs of care. What has been discovered, or course, is that about 94 percent of the VA patient population is in category A; essentially service-connected and low-income, nonservice-connected veterans.

This change was intended—at least insofar as the House is concerned—to bring some concreteness to the subject of eligibility. The old "within the resources of the VA" eligibility for hospital care provided no planning basis for the VA, the Congress, or veterans. However, the Public Law 99-272 requirement for hospital care allows the normal fluctuation in demand to be flexibly met by the space-available categories B and C.

The provision in H.R. 2616 would simply extend the solidification of eligibility which was begun in Public Law 99-272. An important feature of H.R. 2616 is that less costly outpatient care can be provided with the same statutory foundation as hospital care is now provided. The obvious result should be to allow medical judgment to select the locus as well as the procedure for medical care. That the new requirement for outpatient care is less extensive than that for hospitalization is simply a realization that at this time the VA's capacity for outpatient care is insufficient to absorb the demand for outpatient services. The combination of less cost for outpatient procedures and the statutory option for outpatient care should increase over time the VA's capacity for outpatient care.

Mr. Speaker, another provision of H.R. 2616 involves the Vietnam Veteran Readjustment Counseling Program, often referred to as the Vet Center Program. This provision would prevent the relocation of any storefront Vietnam veteran counseling centers until Congress has had time to analyze and evaluate the impact of the planned relocations. After the VA submits its plan for relocating these vet centers and an evaluation of the vet center effectiveness, as required by existing law, Congress would have 120 days to review the plan before it could be implemented.

To date, the committee, despite written communication with the VA, has

not received the April 1, 1987, statutory report of the Administrator's evaluation of the effectiveness of the Vet Center Program in helping to meet the readjustment needs of veterans eligible for vet center counseling services. The absence of the report makes it impossible to understand the VA's intentions regarding the Vet Center Program. In particular, the committee has not been advised of the relationship between the VA's announcement that nine vet centers are to be physically relocated into VA medical centers during the summer and early fall of 1987 and the VA's plans for the National Readjustment Counseling Program.

Another provision in H.R. 2616 is intended to improve the delivery of VA health care services. This is the provision that would extend for three additional years the authority to contract for adult day health care, from September 30, 1988, to September 30, 1991.

This authority was originally authorized in Public Law 98-160 and I continue to view it as a promising alternative to institution-based care for veterans who have some family to care for them during the evening and weekends but need some minor medical supervision during the workday. Alternatives to institution-based care are practical as well as significant in allowing veterans to remain at home among family and friends for as long as it is medically feasible.

Mr. Speaker, this bill would also provide a substitute for section 2 of Public Law 100-6 which provided a contract authority that allowed the VA to furnish community-based residential treatment to chronically mentally ill homeless veterans. H.R. 2616 would replace section 620(c) of title 38 of the United States Code with a 1-year pilot program to provide community-based residential care to homeless chronically mentally ill veterans. The reported bill would also authorize appropriations of $6 million in fiscal year 1988 for the program and would require that not less that $250,000 of such moneys be devoted to management and monitoring of the program. The evidence is very strong that management of noninstitutional mental health care treatments and monitoring of the patients can prevent the occurrence of neglect of former mental patients after they leave mental hospitals. I hope the set-aside money will accomplish just that.

In title II of the reported bill, there are provisions that are intended to improve the VA's ability to recruit nurses and pharmacists. These two health care professions were reported to be in very scarce supply in VA medical centers around the country. It is true, Mr. Speaker, that everywhere in the United States registered nurses are in short supply, but the problem is especially acute in the VA. This provision would require the VA to pay premium pay for work on Saturdays as well as the current Sundays. This would certainly not solve the whole problem of making the VA competitive in the market place, but would allow the VA to do what is currently general practice in non-VA hospitals.

Another provision in title II would move pharmacists into title 38 of the United States Code for pay purposes. Mr. Speaker, we did this same thing for physical therapists, respiratory therapists, and licensed practical and vocatioinal nurses back in the 98th Congress. It did wonders to improve the recruitment of these professionals and I hope that it will do the same thing for pharmacists.

Along with these improvements of the VA's ability to recruit and retain, H.R. 2616 would widen the eligibility for participation in the VA's Health Professional Scholarship Program to medical personnel such as lab technicians, respiratory therapists, and physical therapists. The scholarship program has proved to be a highly successful method for recruiting and retaining health care professionals for the VA. For example, 73 percent of the full-time nursing students who participated in the scholarship program have stayed in the VA after their obligated service period, and as of April 23, 1987, all of the part-time scholarship participants have remained in VA employment.

This bill would prohibit the transfer to another Federal agency, or to a State, of any interest in real property owned by the VA which has a value estimated at more than $50,000 unless the transfer is explicitly authorized under law. Land that is declared excess would be sold at fair market value and funds would be deposited in the revolving fund used to build new parking garages at VA medical facilities. During the 99th Congress, the committee reported H.R. 4623 which included a provision prohibiting the Administrator from declaring certain property excess. The report accompanying H.R. 4623 contained a brief history of the committee's concern over the increasing pressure on the Administrator to declare vacant land excess to VA needs.

Section 306 of H.R. 2616 is similar to a provision on hospital management efficiency which I introduced last year which was passed by the House but rejected in the Senate. This provision would require the VA to conduct a pilot program at five medical centers to determine the feasibility of operating such centers free of certain statutory and regulatory constraints. Given this authority, we believe that more veteran patients can be treated without increasing operating budgets. Any funds that are saved as a result of this test program would remain at the medical centers involved. I am encouraged that the VA has formed a group of high level officials who have been examining the specific limitations and restrictions which may inhibit the management efficiency of medical center directors, which they believe could be lifted without altering the mission of the facilities or in any way adversly affecting veteran beneficiaries.

Mr. Speaker, I want to thank the very able gentleman from Arkansas, the ranking minority member of our subcommittee on hospitals and health care, Mr. HAMMERSCHMIDT, for the leadership he provided in helping draft this bill. I am also grateful to the distinguished ranking minority member of the full committee, Mr. SOLOMON, for his leadership and cooperation in getting the bill to the floor. I'm very grateful to all members of the committee who have worked on the bill, especially members of the subcommittee who attended the hearings and spent so much time on this measure. I do want to mention LANE EVANS who, while not on the subcommittee, contributed much to the discussion of the Vet Center Program.

This is a good bill and I urge all Members of the House to support it.

□ 1230

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

Mr. Speaker, I rise in strong support of H.R. 2616. This bill reflects a continuing commitment of the Congress to assure quality health care for deserving veterans. It fine tunes several programs and mandates outpatient care for our most deserving veterans.

Mr. Speaker, our chairman has concisely explained the substantive provision of this significant bill. I want to highlight those provisions which may be of special interest to many veterans, although it cannot be said that they are necessarily more important than the others. I very strongly endorse the bill in its entirety.

Section 101 codifies the current eligibility for VA outpatient care. Those veterans now eligible for outpatient care would be protected from future budget cuts aimed at reducing the number of veterans cared for in the VA's outpatient clinics. The so-called category A, B, and C, eligibility system had worked well for inpatient eligibility. Dire predictions of all the problems that would develop with the new inpatient eligibility system proved to be unfounded, and the time is right for a similar assurance of treatment for outpatients who are our highest priority concern—such as the service connected, the poor, and former POW's.

Section 102 corrects something about which service-connected veterans have properly expressed concern.

Under the current provisions of law on eligibility for domiciliary care, certain veterans are better situated than service-connected veterans. The bill's provision would remove the difference in eligibility so that service-connected veterans are treated the same.

Section 202 extends premium pay for nurses from not only Sunday but to Saturday as well. A shortage of nurses plagues both the VA and the private sector hospitals in some areas, including my own in New York. This provision of H.R. 2616 will help alleviate at least part of this problem for the VA.

Section 306, which would establish a pilot program on hospital management efficiency, is just the kind of experiment the Government ought to be conducting to perhaps cut some Government redtape and better utilize our tax dollars. Decentralized management has advantages which are becoming increasingly well understood, and there is no reason why it should not be tried at the VA on a selective basis.

I recognize the VA already has somewhat of a decentralized style of management, but current VA management must operate within many externally applied legal and regulatory restraints, some of which might be unnecessary. We ought to find out if they are. What we find out could have profound implications for the entire Government. VA hospital directors around the country are very enthusiastic about being involved in this pilot project. The House passed a similar bill last year but the other body declined to go along. This year our committee feels that a good chance exists for final passage.

An important provision of this bill concerns the storefront vet centers of the VA. It prevents the transfer of them to more traditional hospital settings until 120 days after two required reports are received by the Congress from the VA. This will give the Congress necessary time to evaluate and act upon the recommendations contained in the reports. In this connection, it has been and is my judgment that location of such centers ought to be based solely on the best medical judgment of VA officials.

Finally, Mr. Speaker, H.R. 2616 also strengthens the administration of the VA medical system. It gives necessary authority to the Chief Medical Director to more effectively manage the VA hospitals, outpatient clinics and nursing homes.

Mr. Speaker, the bill before us is a good one. It has evolved from a long process of careful study and consideration by all the members of the House Veterans' Affairs Committee. I particularly commend our distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the distinguished ranking member of the Subcommittee on Hospitals and Health Care, for their excellent work on it. It is a bill we can all support and be proud of.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 2616.

The Subcommittee on Hospitals and Health Care of the House Veterans' Affairs Committee has held extensive hearings on the VA medical program. Those hearings and committee studies before and after them resulted in the bill before us. It is a good and necessary bill, and deserves the support of the Congress.

Mr. Speaker, the health care program improvement bill is a comprehensive measure ranging from the organization of the Chief Medical Director's Office to eligibility for outpatient care. H.R. 2616 is a compilation of administration proposals, committee proposals, and committee modification of administration proposals.

One of the most significant provisions which merits discussion is section 101 of title I. With the enactment of Public Law 99-272, we removed the uncertainty veterans faced with respect to their eligibility for hospital care. For the first time, we defined the universe of veterans to whom the Veterans' Administration must provide inpatient care. Now, with sufficient experience under Public Law 99-272, we are ready to carry the definition process the next logical step—to outpatient care.

Essentially, the bill before us today would mandate the VA to provide outpatient care to the same veterans to whom it provides care today on a discretionary basis. I certainly support this and urge my colleagues to do likewise.

Mr. Speaker, the other provisions of H.R. 2616 have been well explained by the distinguished chairman of the full House Veterans' affairs committee, and also the chairman of the Subcommittee on Hospitals and Health Care, and by my good friend JERRY SOLOMON. They and all of the other members of our committee are to be commended for their efforts.

Mr. Speaker, I urge passage of this excellent legislation.

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

Mr. LAGOMARSINO. Mr. Speaker, I want to commend the chairman, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the gentleman from New York [Mr. SOLOMON] and everybody else who brought this bill to the floor here today.

I think it is an excellent bill, and I particularly want to thank the committee for addressing the issue that is of great concern wherever they are located; namely, the question of storefront veterans' readjustment counseling centers. I have one in my district. It performs an excellent service. The people there have been quite nervous about whether it will continue. I think that when that happens, they spend a lot more time worrying about that than attending to the needs of their clients.

I appreciate the inclusion of this particular matter.

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

Mr. SOLOMON. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for bringing up those counseling centers. We think there should be more time before we start closing them up. We would like to get more information, and that is what we requested under this legislation, to delay the closing for a year. Maybe some should be closed, but some should be kept open. We really are not closing them. In effect, they would be moved to the hospitals on the hospital grounds. We like the way the program has worked so far and we are going to take a good hard look at it before we start letting the administration just close them up.

Mr. SOLOMON. The gentleman's remarks are well taken.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentleman from New York, for yielding

Mr. Speaker, I rise in support of H.R. 2616 as reported out of the Committee on Veterans' Affairs. I believe this legislation will greatly improve the delivery of health care services by the Veterans' Administration and urge my colleagues to vote for its final passage.

Mr. Speaker, H.R. 2616, as amended would in part require the VA to provide outpatient care for service-connected disabled veterans for their service-connected disabilities and for all medical conditions of veterans rated 50 percent or more disabled as well as former prisoners of war. As my colleagues may know, under current law outpatient care to these veterans is discretionary; H.R. 2616 mandates this care.

Moreover, H.R. 2616 would provide the VA Administrator with the authority to pay for emergency hospital care for veterans who have been placed in community nursing homes at VA expense. The bill would also prevent the transfer of storefront vet centers in VA medical facilities before a 120-day period after congressional re-

cipient of two reports from the VA which are required by law. Another provision of H.R. 2616 is a pilot program to provide care and treatment in community-based treatment facilities; that is, halfway houses to homeless veterans suffering from chronic mental illness disabilities and who are eligible for hospital care as category A veterans.

Another provision I would like to take a few minutes to explain to Members is an amendment I offered to the bill which requires the VA to establish and operate an outpatient clinic in central or southern New Jersey. I am pleased that the Veterans' Committee adopted my legislation and I hope the full House of Representatives will also vote to approve it.

The inclusion of this amendment in H.R. 2616 represents a 4-year effort on my part to improve health care delivery to veterans in the central and southern regions of my home State of New Jersey.

Mr. Speaker, the compelling need for a medical facility in central/southern New Jersey area is well documented. In the VA's own study, Ocean County emerged as the No. 1 priority for establishing a satellite outpatient clinic. The VA's minimum threshold requirement to establish such a clinic is 15,000 service-connected visits per year. Mr. Speaker, in Ocean County alone, the VA estimates that a satellite clinic would receive 52,000 visits by service-connected veterans per year. That is more than three times the minimum number of visits that justifies a VA clinic.

Currently, Mr. Speaker, veterans in the southern regions of New Jersey must travel either to the Philadelphia VA hospital or to the Wilmington, DE, hospital. Of the two VA medical centers in the State, both are located in northern New Jersey—at least 1½ hours drive one way. The outpatient clinic in Newark is extremely busy—frequently plagued with staffing shortages and equipment breakdowns. In short, it simply cannot meet the demand for outpatient services in the State.

The Ocean County clinic would treat minor surgery, fill pharmaceutical needs and provide local diagnostic services for veterans in several counties including Ocean, Monmouth, Burlington, Mercer, and Atlantic Counties.

Mr. Speaker, the amendment, which is listed as section 307 of H.R. 2616, will not only go a long way to meet the current unmet demand for VA medical services but also will prepare for the future. The dollars we spend to establish this clinic will provide valuable health care to a most distinguished groups of Americans—our veterans.

I urge my colleagues to vote in favor of H.R. 2616.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS], a member of our committee and an active chairman of one of our subcommittees.

Mr. EVANS. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of this legislation and specifically to highlight the provisions concerning the transition of community-based readjustment counseling centers. Section 107 of this bill prohibits the Veterans' Administration from relocating free standing vet centers to medical facilities until the House Veterans' Affairs Committee has received two required reports on the readjustment needs of veterans and the plan and timetable for relocating vet centers. These reports are expected to provide the information needed to be able to make informed decisions on the relocation of vet centers.

Despite the fact that the VA has not yet provided Congress with the report on readjustment needs, which the agency was required to do by April 1, the VA has adopted a policy of relocating vet centers this year. For the reasons already cited, these relocations are clearly premature, unwise and ill advised and could prove to be needlessly disruptive to the readjustment counseling program.

Section 107 also significantly amends the current vet center transition requirement. Currently, the Administrator is required to provide an orderly transaction of vet centers. Under this legislation, the Administrator is no longer mandated by law to undertake an orderly transition. Instead, the Administrator is given discretionary authority concerning the transition of vet centers.

I would like to thank the chairman of the House Veterans' Affairs Committee, the gentleman from Mississippi [SONNY MONTGOMERY], for his leadership on the vet center relocation issue. The concerns Chairman MONTGOMERY has expressed about these relocations and the actions taken through this legislation are greatly appreciated. I urge my colleagues' support for passage of H.R. 2616, including provisions regarding our vet centers.

Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to congratulate the Veterans' Affairs Committee on its excellent work in bringing H.R. 2616, the VA health care programs bill, H.R. 2327, the travel benefits bill, and H.R. 1504, the extension of the Veterans' Job Training Act, to the floor of the House for final passage. These three bills deserve our wholehearted support.

These bills are important because they help to retain, and in some cases strengthen, a variety of benefit programs that are essential to the well-being of our Nation's veterans.

We spend a lot of time here in the Congress figuring out where and how we will save the billions of dollars necessary to get our deficit under control. We must certainly do all that we can to curb wasteful spending. But as the Veterans' Affairs Committee has shown, slashing veterans benefits programs is not the answer to our problems. In fact, preserving these programs may be part of the answer.

Take, for example, the Veterans' Job Training Program. H.R. 1504, which seeks to extend that program for another 3 years, will help to ensure that those veterans who can work, but need training first, will be given the opportunity to get a job. By making these men and women independent wage earners, we are helping them to a more productive life, and we are also helping to turn them into tax revenue producers rather than receivers. That makes fiscal, as well as common sense.

I want to thank the committee for its good sense in protecting this program, the travel benefit program, and a variety of health care programs that really do make a difference to veterans. I urge all of my colleagues to give these bills their support.

Mrs. LLOYD. Mr. Speaker, I rise in support of the three veterans bills that are pending before the House today.

Earlier in the year, this House with my full support, formally expressed in House Concurrent Resolution 27, its strong opposition to the administration's VA budget for fiscal 1988 because it would have reduced the VA's capacity to provide health care to eligible veterans.

At that time Chairman MONTGOMERY had estimated that one of the consequences of the administration's $75 million rescission would be a significant reduction—212,000—in outpatient visits to VA medical facilities. One of the bills that we are considering today—H.R. 2616—mandates that certain categories of veterans will continue to receive outpatient care from VA medical facilities as a matter of right. Those categories includes veterans disabled in war, former prisoners of war, and low-income veterans. In order to ensure that no eligible veteran will be denied access to outpatient care, the bill provides provisions that will help the VA to recruit and retain nurses, pharmacists, and other health care professionals to adequately staff its medical facilities.

The second bill that is before us—H.R. 2327—is equally important in protecting the health care benefits of eligible veterans by ensuring that they will be fully reimbursed for their travel expenses to VA medical facilities. This bill, which I was proud to cosponsor in cooperation with the chairman and ranking minority member of the House Veterans' Affairs Committee, responds to recent VA regulations which have severely restricted eligibility for veterans' beneficiary travel payments. These regulations have had the effect of denying VA medical care to veterans—especially those in rural areas—who cannot afford the trip to a hospital even though they may be in urgent need of medical attention. Travel payments are a vital part of the VA health care package, and I hope that all of my colleagues will join me today in supporting the effort to protect this important benefit.

The third bill that is before us—H.R. 1504—is also deserving of our support. This bill would extend a program that has been highly successful in addressing the unemployment

problems of Vietnam-era and Korean conflict veterans. Since the Veterans' Job Training Act was enacted in 1983, it has helped more than 50,000 veterans to become productively employed.

It is generally accepted that veterans constitute 26 percent of the total population of dislocated workers in this country today. By extending the Veterans' Job Training Act, which is due to expire on July 2, 1987, we can afford many of these veterans the opportunity to support themselves and their families.

Each of these bills, is an important part of our veterans legislative agenda, and, I am proud to join our colleagues on the Veterans' Affairs Committee in supporting their enactment by the House today.

Mr. GILMAN. Mr. Speaker, I rise in strong support of three pieces of legislation brought before the House today: H.R. 2616, the VA Health Care Act Amendments of 1987; H.R. 2327, the VA Beneficiary Travel Program; and H.R. 1504, the Veterans Employment and Education amendments. I want to commend the gentleman from Mississippi [Mr. MONTGOMERY] for his leadership on the committee, and the gentleman from Mississippi [Mr. DOWDY] and my colleague from New York [Mr. SOLOMON] for their dedicated efforts on behalf of our veterans.

The VA Health Care Act Amendments of 1987 authorizes $6 million for a pilot program to provide community-based treatment to homeless veterans suffering from chronic mental illness. The homeless mentally ill have become one of the greatest problems of present-day society. The problem will not be solved until a comprehensive and integrated system of care for the chronically mentally ill is established. H.R. 2616 requires that the VA furnish outpatient health care to category A veterans seeking care. Extending mandatory treatment for outpatient care will enable veterans to predict the likelihood of receiving care and eliminate the need for costlier inpatient services.

The VA Beneficiary Travel Program requires the Veterans' Administration to pay travel benefits to certain eligible veterans. As a cosponsor of this fine legislation, (H.R. 2327), I want to stress that historically, VA travel benefits in connection with medical treatment have been awarded on a discretionary basis. However, new regulations prescribed in April 1987 have limited eligibility. Studies have shown that the veterans applying for travel benefits are more likely to be unemployed and have incomes below $10,000. Many of our veterans have been unable to use VA health care without travel benefits. These new regulations have placed an unreasonable hardship on our needy veterans.

The Veterans Employment and Education Act amendments (H.R. 1504) authorizes $30 million in fiscal year 1987 and $60 million annually through fiscal year 1990 for the Veterans' Job Training Act [VJTA]. The VJTA was enacted in 1983 in response to the high unemployment among Vietnam-era and Korean veterans. Through the program the VA pays subsidies to employers providing on-the-job training in approved programs. This successful program has helped over 48,000 chronically unemployed veterans return to work. When the program was enacted in 1983, the unemployment rate for Vietnam veterans was 9.1 percent. Today, it stands at 4.2 percent, lower than that of the comparable group of nonveterans.

Mr. Speaker, these measures help alleviate many of the burdens faced by our veterans and the rest of society, such as homelessness and unemployment. Accordingly, I urge my colleagues to join in support of the VA Health Care Act Amendments of 1987, the VA Beneficiary Travel Program, and the Veterans Employment and Education Act amendments. These bills which received the unanimous support of the Veterans' Affairs Committee deserve our solid support.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today in strong support of H.R. 2616, the Veterans' Administration Health Care Programs Act of 1987. Our veterans have sacrificed a great deal for this Nation. We must now honor the commitment we made to provide them with needed health care.

This bill would provide outpatient care for veterans disabled in war, former prisoners of war, and low-income veterans. It would enable the VA to provide incentives to ensure that quality nurses, pharmacists, and other needed professionals are available to provide that care.

Mr. Speaker, while I rise in support of H.R. 2616, it is my strong hope that passage of this legislation will not be injurious to the Veterans' Outreach Center, Inc., which is located in my District in Rochester, NY. The Veterans' Outreach Center is a not-for-profit, community-based organization, which was established in 1973. The center served as a model for the VA Vet-Center Program which was initiated in 1979. It has helped thousands of Vietnam-era veterans with readjustment problems, utilizing contracts with the Veterans' Administration and the great State of New York. The Veterans' Outreach Center receives additional support from foundations, businesses, and individuals in our community.

The Veterans' Outreach Center and the VA Vet Center have worked cooperatively in our community since 1986, when the VA Vet Center was first established in our community. It is my hope that both initiatives can continue to work together and serve Vietnam-era veterans under the readjustment counseling program.

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

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

The SPEAKER pro tempore (Mr. GRAY of Illinois). 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. 2616), as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

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 and to include extraneous material on this bill and also, Mr. Speaker, on the next two bills, H.R. 2327, and H.R. 1504, to be considered.

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

There was no objection.

□ 1245

VETERANS' ADMINISTRATION BENEFICIARY TRAVEL PROGRAM

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2327) to amend title 38, United States Code, to ensure eligibility of certain individuals for beneficiary travel benefits when traveling to Veterans' Administration medical facilities.

The Clerk read as follows:

H.R. 2327

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

SECTION 1. VETERANS' ADMINISTRATION BENEFICIARY TRAVEL PROGRAM.

(a) ENTITLEMENT.—Subsection (a) of section 111 of title 38, United States Code, is amended—

(1) by striking out "may" both places it appears and inserting in lieu thereof "shall"; and

(2) by striking out "person" and inserting in lieu thereof "eligible claimant or beneficiary".

(b) BENEFICIARIES.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f); and

(2) by inserting after subsection (a) the following new subsection (b)(1):

"(b)(1) The following persons are entitled to payment under this section:

"(A) A veteran traveling in connection with treatment of a service-connected disability.

"(B) A veteran with a service-connected disability rated at 50 percent or more for any disability.

"(C) A veteran receiving or eligible to receive pension under section 521 of this title for any disability.

"(D) A veteran whose annual income (determined in accordance with section 503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 521 of this title for any disability.

"(E) A veteran for whom ambulance transportation, wheelchair van transportation, or other special mode of transportation is medically indicated and an administrative determination is made that the veteran is unable to bear the cost of such transportation for any disability.

"(F) A veteran who is determined (under regulations prescribed by the Administrator) to be unable to defray the expenses of

the travel for which payment under this section is claimed for any disability.

"(G) Such other persons as the Administrator determines by regulation.

"(2) The purposes for which payments for travel shall be made under this section are those specified in regulations of the Veterans' Administration in effect on July 1, 1986 (38 CFR 17.100, 17.102).

"(3) Payment may not be provided to a person under this section—

"(A) to reimburse for the cost of travel by privately owned vehicle in any amount in excess of the cost of such travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable; or

"(B) in excess of the actual expense incurred by such person (as certified in writing by such person).".

(c) CONFORMING AMENDMENTS.—Subsection (f) of such section (as redesignated by subsection (b)) is amended—

(1) by striking out "paragraph (3)(C) of this subsection, and, in any event, immediately following the enactment of this subsection and not less often than annually thereafter, and" in the second sentence of paragraph (1) and inserting in lieu thereof "paragraph (2)(C) of this subsection and, in any event, not less often than annually and,";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3) and striking out "paragraph (3)(C)" in that paragraph and inserting in lieu thereof "paragraph (2)(C)".

(d) CLERICAL AMENDMENTS.—Subsection (c) of such section (as redesignated by subsection (b)) is amended—

(1) in paragraph (1)—

(A) by striking out "the" and inserting in lieu thereof "The"; and

(B) by striking out "subsection (a) hereof;" and inserting in lieu thereof "subsection (a) of this section";

(2) in paragraph (2)—

(A) by striking out "actual" and inserting in lieu thereof "Actual"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period; and

(3) in paragraph (3), by striking out "the expense" and inserting in lieu thereof "The expense".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel expenses incurred after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. GRAY of Illinois). 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.

Mr. Speaker, H.R. 2327 would reinstate the beneficiary travel allowance for certain veterans traveling to and from VA medical facilities for care and treatment.

First of all, I would like to commend my distinguished colleague, the gentleman from New York, Mr. GERALD SOLOMON, the ranking minority member of the committee, for his outstanding leadership in sponsoring this bill. I am a cosponsor, as are 255 Members of the House, including every member of our committee.

In this year's budget, the administration proposed to drastically reduce eligibility for the payment of travel for veterans who seek care in VA hospitals and outpatient clinics.

This action prompted thousands of veterans to call or write Members, protesting the cuts proposed by new regulations issued this past April by the Veterans' Administration.

The bill before us is a reasonable compromise and should be adopted. H.R. 2327 would require the Administrator of Veterans' Affairs to pay beneficiary travel to the following:

First, a veteran for treatment of a service-connected disability.

Second, veterans with service-connected disabilities rated 50 percent or more for treatment of any disability.

Third, a veteran receiving or eligible to receive VA pension benefits.

Fourth, a veteran for whom ambulance transportation, wheelchair van transportation or other special modes of transportation are medically indicated and where the Administrator determines that the veteran is unable to bear the cost of such transportation.

Fifth, such other persons as the Administrator determines by regulation.

Mr. Speaker, one of the great things about our democracy is that when people are unhappy about something, they let us know. I'm sure almost every Member of this Congress has heard from constituents who are unhappy over the administration's action earlier this year to restrict eligibility for the beneficiary travel allowance.

Under the administration's original plan, hardly anybody was left who qualified for the beneficiary travel allowance. Veterans who counted on that allowance to get to and from the hospital or clinic suddenly found themselves without access to the care which they needed. It doesn't make sense to have an excellent health care system, and not give veterans the chance to use it.

This bill is going to send a strong bipartisan message to the administration. This Congress is going to make sure that veterans have reasonable access to VA medical care.

Mr. Speaker, again I want to commend the gentleman from New York [Mr. SOLOMON] who has done such an outstanding job in bringing before us this very necessary and timely piece of legislation and I urge Members of the House to support the bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time and I may consume.

Mr. Speaker, as ranking member of the Committee on Veterans' Affairs, I rise in strong support of H.R. 2327 to reinstate beneficiary travel payments in connection with Veterans' Administration health care for many veterans.

With the cosponsorship of our distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], I introduced this legislaltion on May 7, 1987, in response to a draconian cut in the level of veterans' travel benefits, and, due to the urgency of the situation, our chairman saw to it that the legislation moved through the committee quickly and to this body at the earliest opportunity.

Mr. MONTGOMERY has just very ably explained the categories of veterans to which H.R. 2327 would restore travel benefit eligibility.

Mr. Speaker, the committee was compelled to act following a precipitous, and, in my judgment, ill-advised regulation change made by the VA on April 13, 1987.

The former regulation had allowed beneficiary travel payments in connection with VA medical treatment for all service-connected veterans, for VA pensioners and other low-income veterans, and for veterans presenting evidence of inability to pay for travel or necessary ambulance transportation.

By simply saying that, except for compensation and pension examinations and special mode transportation, the VA would not pay for beneficiary travel within a 100-mile radius, the VA eliminated most of those veterans previously eligible.

According to the VA's own statistics, 97 percent of America's 28 million veterans live within 100 miles of a VA medical facility. That's right, 97 percent of veterans live within that 100-mile radius the VA drew.

And for those who lived beyond 100 miles, the VA imposed an $11 deductible. The deductible is calculated by multiplying the mileage rate of 11 cents per mile by the 100 miles.

Thus, an eligible veteran who travels 101 miles to a VA medical center and another 101 miles to return home, will receive travel reimbursement from the VA in the grand sum of 22 cents.

Mr. Speaker, that's an insult to the men and women who put their lives on the line to defend our precious freedoms.

H.R. 2327 gets rid of the 100-mile radius and the onerous deductible.

It makes certain that our veterans who have low incomes and can't afford to travel, or who need treatment for service-connected conditions, will receive the health care to which they're entitled.

Eligibility for VA health care doesn't mean much if veterans can't get to a VA hospital or clinic.

Mr. Speaker, the Government has paid various travel benefits for medical care to eligible veterans since World War I.

The Congress has an obligation to ensure that these benefits remain adequate.

In my view, today they are not, and we must remedy this situation as soon as possible.

Mr. Speaker, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the committee's former ranking member and still the ranking member of the subcommittee on hospitals and health care, has, along with our chairman, given this legislation his invaluable support.

Their work on behalf of veterans has been tireless.

Their work has been recognized by many richly deserved awards and commendations, and I consider it a privilege to serve on the Veterans' Affairs Committee with them.

Now, it is no secret that I'm a fiscal conservative, and I can assure you that the cost aspects of this legislation have received careful attention.

The Congressional Budget Office estimates that H.R. 2327 would cost $36 million more in 1988 than under the new regulations, but that this would still be a reduction of $24 million from the cost of the old program.

The bill is a fair and equitable approach to travel benefits for deserving veterans.

It has the additional advantage of being easy and straightforward to administer, because the eligibility scheme is similar to the old one, with no mileage restrictions or deductibles to complicate the clerical tasks involved with paying the benefits.

Finally, the purposes for which the benefit could be paid would be exactly the same as they were before the April regulation change.

Mr. Speaker, since I introduced H.R. 2327 on May 7, 1987, it has attracted 256 cosponsors as the result of genuine grassroots support by veterans from across the country.

The cosponsors are Democrats and Republicans, liberals, moderates, and conservatives, and they all agree that the Congress should act on this bipartisan measure.

The committee unanimously reported the bill, and all of the major veterans' organizations support it as well.

I strongly urge every one of my colleagues to vote for H.R. 2327. Our Nation's veterans need and deserve their support!

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the Subcommittee on Hospital and Health Care, the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, a cosponsor of the legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of H.R. 2327—to restore beneficiary travel eligibility to many veterans. As ranking member of the Subcommittee on Hospitals and Health Care, I cosponsor this legislation, which is badly needed by our veterans.

The gentleman from Mississippi, Mr. MONTGOMERY and the gentleman from New York, Mr. SOLOMON, have already explained the provisions and the intent of the legislation, but I want to add that I was dismayed by the severe reduction of benefits.

The VA, which is willing to spend about $55 million on beneficiary travel, but which vehemently opposes spending the additional $34 or $35 million to return the benefit to a reasonable level, has made some astonishing claims to one or more Members of this body in opposition to the beneficiary travel bill, and I am surprised and dismayed by them too. The VA suggests that the beneficiary travel program is "replete with fraud," and that, in effect, we are only opening the doors wider to veterans who are robbing the VA and the taxpayers blind.

Mr. Speaker, if that is true, and I do not for a moment think it is, it is a terrible indictment of the employees and managers in the VA's Department of Medicine and Surgery who have allowed it to happen and who have failed to do anything about it.

But it is a strange way to deal with allegedly dishonest veterans, by denying many honest veterans something they desperately need—the means for access to VA health care.

The committee may need to look into the VA's allegations more and find out why they are made, but these last minute tactics should not be permitted to sway our vote today on H.R. 2327, a bill which stands tall on its own merits, and which is a credit to its author, Mr. JERRY SOLOMON, to our chairman, Mr. SONNY MONTGOMERY, and to every one of its 256 cosponsors.

Mr. Speaker, I urge unanimous passage of this legislation by the House.

Mr. Speaker, as an original sponsor of H.R. 1504 and as an original sponsor of this most worthwhile program, I am pleased that legislation to extend and provide funding for the Veterans Job Training Act has received such strong bipartisan support.

The reauthorization of the VJTA Program will help hard core unemployed Korean and Vietnam-era veterans and will assure that long overdue job training, education and employment opportunities are provided to service-connected disabled veterans. The downturn in the unemployment level of Vietnam veterans that we have witnessed recently can be partially attributed to the ongoing success of the VJTA. After a slow start, the program has been a success.

Lastly, Mr. Speaker, I wish to commend Congressman WAYNE DOWDY, chairman of the Education, Training and Employment Subcommittee; CHRIS SMITH, the ranking member of the subcommittee; Congressman MONTGOMERY, chairman of the committee and Congressman SOLOMON the ranking member of the committee for all of their efforts to strengthen and improve this important program.

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Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS], a member of our Committee on Veterans' Affairs.

Mr. HARRIS. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this very needed and vital legislation and urge my colleagues to support it. It is well timed and I just want to compliment the chairman and Mr. SOLOMON and all the members of the committee for helping move this legislation along. The motivations that brought it about in my opinion are very cruel and we want to make sure that we uphold the promises that we made to our veterans.

Mr. Speaker I urge strong support from my colleagues.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minuts to the gentleman from Arkansas [Mr. ALEXANDER], one of the great supporters of veterans' programs.

Mr. ALEXANDER. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this bill. Benefits to assist veterans in need of medical treatment were first made available 70 years ago, in 1917.

The Veterans' Administration Administrator acted within his discretionary authority last April in issuing regulations which denied thousands of veterans of medical travel pay benefits. But, that decision was both unwise and unfair. Because of the hardship and injustice created I have cosponsored this legislation to restore travel assistance for medical assistance.

I want to compliment and thank the Veterans' Affairs Committee for considering and acting on this legislation with speed and with the compassion which has been the trademark of its management of veterans legislation in the past.

By virtue of their military service, U.S. veterans have served our Nation in a way that no other Americans do. They have prepared to fight, and in many cases, have fought to protect the liberty, freedom, and American values we treasure. Our Nation made commitments to these men and women that we must honor, particularly in their time of need for medical treatment.

A study of the veterans' use of the medical travel pay benefit which was mandated by the Congress was completed and released in 1985. Results of this study show that veterans who use the program are:

More likely to be unemployed or retired than are nonusers;

More likely to have been admitted to a VA medical facility in the past 12 months than are nonusers;

More likely to have had more than 20 outpatient visits to a VA medical facility in the last 12 months than are nonusers; and/or

More likely to have to travel greater distances to reach VA medical treatment.

And, veterans who have used the program are more likely to have lower incomes than veterans who do not use the program.

Veterans who are already ill and in need of treatment at a VA medical facility already bear a burden of anxiety that is not beneficial to their health. The VA Administrator's action in denying thousands of them, particularly those who live substantial distances from a VA facility and have travel and transportation difficulties as many of those I represent do, medical travel pay benefits added to the anxiety of our veterans.

That action broke faith with our veterans. It imposed on them a burden of anxiety and economic costs they should not have to bear.

Substantial numbers of Arkansas veterans have told me that without the medical travel pay benefit they will have to forego the VA medical treatment they know they need. Others have told me of their growing worry about their ability to travel to a VA medical facility if they become ill as friends of theirs have.

Our veterans do not need this worry on top of their other concerns. I am proud to have cosponsored this legislation to help relieve them of it. I urge passage of this bill to help restore travel benefits to veterans who have been denied them by the VA Administrator's rule change last April.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], a valuable member of our subcommittee.

Mr. SMITH of New Jersey. I thank the ranking member for yielding to me.

Mr. Speaker, first of all I want to thank the gentleman from New York for his leadership in fashioning this legislative remedy to a very difficult problem, for acting so quickly in recognizing the problem and then putting together a proposal that would accomplish and remedy the problem.

I also want to thank the chairman of the full committee, the gentleman from Mississippi [Mr. MONTGOMERY] for his even-handedness and for his fairness as evidenced by reporting to the full House a bill that has been authored by the ranking minority member, a member of the minority party.

I think that speaks volumes to the fairness of the chairman and I am very pleased again to commend him and to support this bill.

I am glad to be a cosponsor. It is a good bill. I hope it will be acted upon very quickly by the Senate and become law.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the gentleman from Palm Beach, FL, one of the first Members of this Congress who brought this problem to our attention when the proposal for knocking out travel allowances was published in the Federal Register. He and his staff were helpful in drafting the legislation before us today.

I again commend the gentleman from Palm Beach. I know he has one of the largest veterans populations in all of Florida. His fellow Member, DAN MICA, often reminds us they have 5,000 veterans moving into Florida every month and most of them are moving down to Palm Beach, according to TOM and DAN.

I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I rise today in strong support of H.R. 2327, legislation I am proud to have helped formulate, which restores beneficiary travel benefits to most veterans.

As we all know in April a VA rule went into effect which is so strict as to virtually eliminate the VA's former practice of reimbursing veterans for travel.

In a congressional district as large as mine with over 200,000 veterans this VA rule has produced serious problems.

I believe it is hypocritical for the Veterans' Administration to, on the one hand, be willing to provide health care services for veterans, and yet, on the other, take steps which would impede or even deny access to those very same services.

H.R. 2327 is a responsible bipartisan remedy to this situation.

Although this bill will not totally restore all medical travel reimbursements it will help the truly needy veteran and those who suffer from service-related medical problems.

Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLOMON] for his instantaneous response to this particular problem and also commend the chairman of the committee, Mr. SONNY MONTGOMERY of Mississippi for his leadership in bringing this legislation to the floor.

Mr. Speaker, I urge the House to pass this important legislation.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, as a cosponsor of the veterans legislation considered today, I rise in strong support of H.R. 2327, the VA Beneficiary Travel Program, H.R. 2616, the VA health care amendments, and H.R. 1504, the Veterans Employment and Education Act amendments.

Each of these bills symbolize our continued commitment to America's veterans. Our chairman, SONNY MONTGOMERY, and our ranking member, GERALD SOLOMON, have again demonstrated their leadership by having the House of Representatives expeditiously consider this important legislation.

Mr. Speaker, H.R. 2327 would reinstate the beneficiary travel payments for certain veterans who travel to and from VA medical facilities for care and treatment. As the chairman of the full committee has indicated, H.R. 2327 would require the VA to reimburse a veteran for treatment of a service-connected disability; veterans with service-connected disabilities rated 50 percent or more for treatment of any disability, and a veteran receiving or eligible to receive VA pension benefits.

Also, H.R. 2327 would provide travel pay for a veteran for whom special modes of transportation are medically required or if the Administrator determines that the veteran is unable to bear the cost of such transportation.

In my view, this legislation is necessary because VA regulations did not provide a reasonable reimbursement plan for veterans which would enable them to obtain their health care. With this proposal, veterans will now have the opportunity and the means to receive their care. I urge my colleague to support H.R. 2327.

Mr. Speaker, the other bill that we are considering, H.R. 2616, the VA Health Care Act amendments, contains several health care provisions that will provide and improve care for former POW's and disabled veterans with service-connected disabilities of 50 percent or more. And H.R. 2616 would also provide a pilot health care program for homeless veterans who suffer from chronic mental illness disabilities.

H.R. 2616 is designed to address the continuing and changing needs of our veterans. Moreover, this bill reaffirms our belief that benefits and services for America's disabled veterans ought to have the highest priority with the Congress and the people of our Nation.

Mr. Speaker, the third measure under discussion is H.R. 1504, the Veterans Job Training Act. This measure continues the already successful program for veterans who are seeking new employment, skills and careers. This job program is working for veterans and businesses across the country. But more importantly, thousands of veterans are realizing their worth in their own communities. The Veterans Job Training Act has fostered and encouraged each of them to reach their full potential.

Mr. Speaker, H.R. 1504 warrants the support of all Members of the House, and I asked my colleagues to join me approving this legislation. Thank you.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO], a great supporter of veterans' programs.

Mr. DE LUGO. Mr. Speaker, I rise in support of H.R. 2327 to ensure certain individuals' eligibility for beneficiary travel benefits when traveling to Vet-

erans' Administration medical facilities.

My district, the U.S. Virgin Islands, is a community consisting of three main islands—St. Thomas, St. John, and St. Croix. The only Veterans' Administration medical center in the entire region is in San Juan, PR. The only means of transportation for those seeking medical attention there is by air.

Recently, the Veterans' Administration put in effect new travel regulations using mileage to determine eligibility for reimbursement. This had a discriminatory and inequitable effect on the veterans population of the Virgin Islands. For the lack of a a few miles, those who reside on St. Thomas and St. John found that they were no longer entitled for travel cost reimbursements. St. Croix residents, however, being outside of the required 100 mile radius, were unaffected. Yet the air fare for veterans in both islands to San Juan was virtually the same. I am told similar problems have also occurred in Hawaii and Alaska.

Thus, this legislation which removes distance as the criteria is a step in the right direction to correcting a situation which could prevent many persons in need of medical care from receiving it.

Therefore, I am proud to be a cosponsor of H.R. 2327 and I commend its sponsor, my colleague Mr. SOLOMON, from New York, and the honorable chairman of the Veterans' Committee for proposing this bill and expediting its passage. I also wish to thank the chairman of the oversight subcommittee and his excellent staff for their assistance.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments about our committee.

Mr. Speaker, I yield 2 minutes to the distinguished Member of Congress, the gentleman from Texas [Mr. GONZALEZ], from the San Antonio area. He has done so much work on protecting the Audie Murphy Veterans' Hospital there.

Mr. GONZALEZ. I thank the very distinguished chairman of this committee not only for this legislation but for everything he has done, especially in the last 6 years to save so much hardship and unnecessary punishment of men who have served not only loyally and patriotically but heroically. In the case of Audie Murphy Hospital which I recall having been instrumental in having President Kennedy designate San Antonio as the site for the hospital, it has been very, very heartrending to see what some of the decrees have done to some of these men with whom I have come into contact personally. This legislation addresses and is responsive to some of the most urgent needs that we find confronting us back home.

I want to thank the chairman again because I have summoned his help and he has been forthcoming.

I want to assure my colleagues that this legislation ought to be passed unanimously because it is very responsive to what our eligible veterans are confronted with, and that is needless hardship and deprivation.

Mr. VENTO. Mr. Speaker, will the gentleman yield to me?

Mr. GONZALEZ. I will be glad to yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I too want to commend the gentlemen, Mr. MONTGOMERY and Mr. SOLOMON for their legislation. Health care without access is meaningless. Unless we can get the veterans to the facilities and help them, many of these veterans who do seek help in VA hospitals have substantial needs in terms of transportation and in terms of health care. It is only fair that we would provide adequate access through this program. We do not want to diminish the program as a way of starving the health care facilities and providing a waste of space and needed personnel that are available and ready to help, simply for the cost of a taxi ride or mileage which is necessary to get them to the facilities.

So I think it is a commonsense proposal and I hope that we do not face these sorts of tactics in the future with regard to administrative tactics that may make sense in terms of dimes and pennies, but do not make sense in terms of the millions of dollars that we spend in the VA system annually.

I commend the committee and thank the gentleman for yielding.

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

Mr. Speaker, in closing the debate I want to just make a couple of comments. One to thank Congressman RON DE LUGO for his remarks. You know, one of the most pleasant changes of pace that I have in this Congress is coming from my position as one of the ranking subcommittee members on the Committee on Foreign Affairs where there is often dog eat dog atmosphere to the Committee on Veterans' Affairs and work with the Members of Congress there in such a bipartisan effort on behalf of the veterans of this Nation, it is just a real pleasure.

The other comment I would like to make is just to thank the staff on both sides of the aisle for all of their input in developing this complex piece of legislation into a measure that will truly help the veterans of this Nation.

So I thank the staff, both Democrat and Republican, and I deeply thank the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] for his help.

Ms. SNOWE. Mr. Speaker, today the House will consider a bill that is very important to veterans in the State of Maine. H.R. 2327, the veterans beneficiary travel allowance, will restore travel allowance benefits to thousands of veterans who have found themselves without the financial means to travel to veterans medical facilities for care since April 13.

When the Veterans' Administration published final regulations in March to change the travel allowance benefits, veterans in my district and many others found themselves facing the elimination of this important benefit. The new regulations call for the reimbursement of travel expenses when specialized modes of transportation are necessary, in conjunction with compensation and pension examinations, and for travel beyond a 100-mile radius from the nearest VA medical facility.

I believe these regulations are shortsighted and ill-conceived and have forced many veterans to choose between economic hardship and medical treatment. Furthermore, the cost of travel is small compared to that of inpatient care, which is where many of these veterans will end up if they are forced to go without their inpatient visits. The cost will go up even further if they are unable to work due to the lack of adequate health care.

For veterans in my district, the impact has been especially severe. Maine has only one veterans hospital, Togus, in Augusta, ME. Veterans traveling to Togus from Caribou experience a 40-percent reduction in reimbursement under the new regulations, from Bar Harbor, 95 percent, from Machias, 70 percent, and from Presque Isle, a 58-percent reduction.

Under H.R. 2327, benefits would be restored to many veterans including; veterans who need treatment of their service-connected disabilities; veterans who are disabled at least 50 percent; veterans who receive a VA pension; certain low-income veterans; and anyone else the VA determines to be unable to afford transportation.

Veterans came to the defense of this country when it was in need, and I firmly believe that this country must keep the promises it made to these men and women. I urge my colleagues to support H.R. 2327 in order to help keep this promise.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 2327, legislation I have cosponsored that require the Veterans' Administration to resume paying travel benefits to eligible veterans needing medical care.

Federal regulations issued April 13, 1987, would have substantially reduced the number of veterans eligible for travel benefits in connection with medical treatment. This would have severely impacted low-income veterans, many of whom would be unable to use VA health care services without the travel benefit.

H.R. 2327 reinstates the travel benefit for low-income veterans and for veterans being

treated for service-connected disabilities, for veterans who have service-connected disabilities rated at 50 percent or more, and for veterans who cannot defray the cost of special-mode transportation such as ambulances and wheelchair vans.

At the direction of Congress, the Veterans' Administration has established one of the finest medical care programs anywhere in the world. This system, however, cannot serve the needs of our Nation's veterans if they are unable to get to the hospitals or clinics to receive the treatment to which they are entitled.

The House will also consider legislation today that reauthorizes the Veterans Jobs Training Act, which in the past 4 years has helped more than 48,000 chronically unemployed veterans return to the our Nation's work force.

H.R. 1504 extends the deadline for veterans to enroll in the jobs program from July 2, 1987, to September 30, 1990, and grants an extension for actual participation in the program from January 2, 1988, to March 30, 1991. Through this program, employers are encouraged to provide valuable on-the-job training to veterans who want to learn important new skills so that they can proudly become self-sufficient members of our communities.

Finally the House today will consider H.R. 2616, the Veterans Health Care Amendments of 1987, which authorizes and extends several new and innovative medical programs.

Among these programs is an Adult Day Health Care Program that provides assistance to our growing population of aging veterans. All too often, chronically ill or dependent veterans are moved from the comfort of their homes and placed in VA institutions because their families cannot meet the needs associated with long-term care. Congress has authorized the Veterans' Administration to reimburse veterans for community-based day health care expenses in non-VA facilities. This enables families to receive assistance with long-term care needs but allows veterans to continue living in their homes, rather than being institutionalized. H.R. 2616 extends for 3 years this adult day health care program through September 30, 1991.

New programs such as these are urgently needed because the Veterans' Administration is experiencing a shortage of nursing home space to care for disabled and elderly veterans. Nowhere is this problem greater than in Florida where more than 5,000 veterans move into our State each month and the demand for VA nursing home beds in expected to triple by the end of this century. As a member of the Appropriations Committee, I have made every effort over the years to ensure that we are providing the resources necessary to meet the needs of our growing veterans population. Just last week, the Appropriations Committee approved my request for the Veterans' Administration appropriations bill to provide $670,000 to fund the final design for a new 120-bed nursing home in Tampa.

Mr. Speaker, the commitment of this Congress to provide for the needs of our Nation's veterans is evident from the breadth of issues we consider today. Legislation before us continues many important programs including those extending travel benefits, job training programs, and health care services. This Member of Congress remains unwavering in his support of our Nation's veterans and I would urge my colleagues to support these three important measures before us today.

Mr. BRENNAN. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 2327.

Health care is one of the most important benefits we provide our veterans for their service to our country. For many individuals, it is precisely because of that service that medical care is required. As the veterari population ages, the need for care grows, and the need for new and different types of treatment expands and becomes more urgent.

Just as our veterans have met their obligation to serve our country, we in Congress have a duty to ensure that our country meets its obligation to our veterans. Meeting that obligation means not only seeing that health care is available but also seeing that our veterans have access to it. What good is medical care to a disabled veteran who is 200 miles from the nearest medical center and is financially unable to make the trip?

By limiting access to medical care, we effectively deny care to those veterans who most need that benefit—the low income, the disabled, and the aging.

Restoring beneficiary travel benefits to a reasonable level is not optional but necessary, not extra but essential. This measure must pass if we are to fulfill our promise to our men and women in uniform. They have earned our respect, our gratitude, and our assistance.

I join my colleagues in support of this measure to restore access and therefore restore medical care to our veterans to whom we are all indebted.

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

Mr. MONTGOMERY. Mr. Speaker, I would like to second the remarks of the gentleman from New York [Mr. SOLOMON] with respect to our committee. It has certainly been a team effort on our committee. It is totally bipartisan. We are proud of our record so far and also proud of the staff that so totally cooperates.

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

Mr. SMITH of Florida. Mr. Speaker, I rise in support of H.R. 2327, a bill to restore veterans benefits from the VA Travel Program. As my colleagues know, many veterans are forced to travel hundreds and sometimes thousands of miles to reach the proper VA facility for medical treatment.

This legislation is a much needed response to the recent Veterans' Administration regulations which would not reimburse veterans travel to medical facilities under a 100-mile radius. This bill ensures eligibility of certain individuals for compensation for traveling to Veterans' Administration medical facilities. Those eligible include veterans disabled in war, former prisoners of war, and low-income veterans.

This bipartisan legislation provides an economical and fair solution to this problem. It ensures that those who served our country will be able to receive the proper health care to which they are entitled.

In my district alone, I have heard from numerous veterans who will be unable to receive adequate health care due to the VA regulations on travel. A World War II veteran from Hollywood, FL, who has lost his sight must receive a quarterly examination for a heart ailment in a Dade County VA facility. Before these regulations were implemented, this man relied on the VA reimbursement for his transportation costs to the VA hospital. Due to these regulations he will be forced to miss his crucial heart examinations. In addition, I am familiar with a veteran from South Broward who has been confined to a wheelchair for years and is now unable to afford an adequate vehicle to transport him across the Broward-Dade County line for his VA medical treatment, that was previously covered by the VA reimbursement. These stories are not unique to my district but occur all over the Nation.

While I recognize the need for fiscal responsibility, the VA regulations cut at the heart of what is important to this Nation. We have a commitment to all veterans, to provide quality health care, not only to those who live in close proximity to veterans health care facilities.

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 2327, a bill to require the Veterans' Administration to restore beneficiary travel benefits for veterans requiring medical care.

As a member of the Veterans Committee and an original cosponsor of this bill, I believe this legislation is a fair and equitable approach to the new VA regulation which restricts eligibility for travel benefits. I strongly believe that the VA should provide the best medical care for veterans. If a disabled or low-income veteran cannot get to a VA medical facility for the medical treatment, eligibility for the medical treatment is pointless.

This legislation will ensure that no service-connected or low-income veteran is left without the means to obtain the medical care to which he or she is entitled. The strong bipartisan support for H.R. 2327 reflects the extent of which deserving veterans are being hurt by the recent cutback in travel reimbursement.

I urge my colleagues to join with me in supporting H.R. 2327. Our Nation's veterans deserve and need our support.

The SPEAKER pro tempore (Mr. GRAY of Illinois). 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. 2327.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announce-

ment, further proceedings on this motion will be postponed.

VETERANS' EMPLOYMENT AND EDUCATION AMENDMENTS OF 1987

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1504), to amend the Veterans' Job Training Act, as amended.

The Clerk read as follows:

H.R. 1504

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 "Veterans' Employment and Education Amendments of 1987".

SEC. 2. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Section 17 of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended to read as follows:

"TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING

"SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after September 30, 1990; or

"(2) for any such program which begins after March 30, 1991.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 16 of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(1) by striking out "and" the second place it appears in the first sentence and inserting in lieu thereof a comma;

(2) by inserting after "1986" in the first sentence the following: ", $30,000,000 for fiscal year 1987, and $60,000,000 for each of the fiscal years 1988, 1989, and 1990"; and

(3) by striking out "1988" in the second sentence and inserting in lieu thereof "1992".

SEC. 4. TRAINING AND EMPLOYMENT STUDIES AND REPORTS.

(a) IMPLEMENTATION OF THE VETERANS' JOB TRAINING ACT.—The Administrator of Veterans' Affairs and the Secretary of Labor shall conduct a study of the implementation of the Veterans' Job Training Act and shall transmit to the Congress, within 90 days after the date of the enactment of this Act, a report containing the findings and conclusions of such study, including—

(1) a listing, by regional office and by State, of the number of veterans placed in a program of job training under the Veterans' Job Training Act and the percentage that this number represents of the total number of veterans certified (not including renewal of certifications), by regional office and by State, as eligible for participation under such Act;

(2) a description, by regional office and by State, of the demographic nature (including race, sex, age, educational level, income before placement, and income after placement) of veterans placed in a program of job training under such Act;

(3) a description, by regional office and by State, of the demographic nature (including, race, sex, age, educational level, and income) of veterans certified as eligible for participation under such Act but not placed in a job training program;

(4) an analysis of the reasons that veterans certified as eligible for participation have not been placed in a program of job training under such Act;

(5) a listing, by regional office and by State, of the number of veterans who were certified as eligible for participation under such Act and were not placed in a program of job training under such Act but were later placed in another job training program or employment;

(6) a description, by regional office and by State, of the rate at which veterans have discontinued participation in, without completing, a program or job training under such Act, with a separate rate stated for those who discontinued with 3 months after beginning such a program, those who discontinued within 3 to 6 months after such beginning, and those who discontinued within 6 to 9 months after such beginning;

(7) an analysis of the major reasons for veterans failing to complete such a training program;

(8) a ranking of the twenty-five categories of employers who have most frequently been denied approval under such Act of a program of job training, with such ranking being made on the basis of the number of such denials for each such category; and

(9) a ranking of the twenty-five categories of employment in which veterans have most frequently received employment as a result of a program of job training under such Act, with such ranking being made on the basis of the number of jobs provided in each such category.

(d) DISPLACED WORKERS.—(1) The Administrator of Veterans' Affairs shall conduct a study to determine the following:

(A) The number of veterans who are unemployed as a result of a permanent closure of a plant or other facility or any substantial portion thereof.

(B) The percentage of these veterans who are disabled.

(C) The degree of concentration of these veterans in the different geographical areas of the country.

(D) The types of employment in which these veterans were engaged on a regular basis before their current unemployment.

(2) The Administrator shall, within 180 days of the date of the enactment of this Act, transmit a report to the Congress of the findings and conclusions of the study carried out under this section.

SEC. 5. COUNSELING.

(a) IN GENERAL.—Section 14(a) of the Veteran's Job Training Act is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) The"; and

(2) by adding at the end the following:

"(2) The Administrator shall, after consultation with the Secretary, provide a program of employability training and counseling services designed to assist veterans in finding, applying for, and successfully participating in a suitable program of job training under this Act. As part of providing such services, the Administrator shall coordinate them, to the extent practicable, with the readjustment counseling program described in section 612A of title 38, United States Code. The Administrator shall advise veterans participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.".

(b) FUNDING.—Section 16 of such Act is amended by adding at the end the following: "Not less than 5 percent of any amount appropriated pursuant to this section after June 3, 1987, shall be made available for counseling services under section 14 of this Act, especially with respect to the program established under subsection (a)(2) of such section.".

SEC. 6. CERTAIN PAYMENTS TO STATE AND LOCAL AGENCIES.

Section 1774(a) of title 38, United States Code, is amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Subject to paragraphs (2) through (4) of this subsection, the"; and

(2) by adding at the end the following new paragraphs:

"(2)(A) The Administrator shall, beginning with fiscal year 1988, make payments to State and local agencies, out of amounts available for the payment of readjustment benefits, for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out contracts entered into under this section.

"(B) The Administrator shall make such a payment to an agency within a reasonable time after the agency has submitted a report pursuant to paragraph (3) of this subsection.

"(C) Subject to paragraph (4) to this subsection, the amount of any such payment made to an agency for any period shall be equal to the amount of reasonable and necessary expenses of salary and travel certified by such agency for such period in accordance with paragraph (3) of this subsection.

"(3)(A) Each State and local agency with which a contract is entered into under this section shall submit a report to the Administrator on a monthly or quarterly basis, as determined by the agency, containing a certification of the reasonable and necessary expenses incurred for salary and travel by such agency under contract for the period covered by the report. Such report shall be submitted in such form and manner as the Administrator shall prescribe.

"(B) The Administrator shall transmit a report to the Congress on a quarterly basis which summarizes—

"(i) the amounts for which certifications were made by State and local agencies in the reports submitted with respect to the quarter for which the report is made; and

"(ii) the amounts of the payments made by the Administrator with respect to such certifications.

"(4) The total amount made available under this section for any fiscal year may not exceed $12,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed $12,000,000 except for the provisions of this paragraph, the Administrator shall provide that each such agency shall receive the same percentage of $12,000,000 as such agency would have received of the total amount that would have been made available without the limitation of this paragraph.".

SEC. 7. COMMISSION ON VETERANS' EDUCATION POLICY.

Section 320(a)(3) of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576; 100 Stat. 3248) is amended by inserting "the Assistant Secretary of Defense for Force Management and Personnel" after "paragraph (2)(A).".

The SPEAKER pro tempore. Is a second demanded?

Mr. SOLOMON. 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 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.

Mr. Speaker, H.R. 1504 would, among other things, extend the Veterans' Job Training Act which has been very successful in providing jobs for Vietnam and Korean disabled veterans.

In 1983 we enacted Public Law 98-77, establishing a program of job training assistance to relieve unemployment among Korean conflict and Vietnam-era veterans. This program, properly referred to as VJTA, was extended and improved by Public Laws 98-543, 99-108, and 99-238. The goal of VJTA is to address the problem of severe and continuing unemployment among certain groups of veterans, especially those who have been unemployed for extended periods of time.

This program has proven to be effective and the unemployment rate among Vietnam veterans continues to improve. Since the beginning of the program, 48,000 veterans have been placed in jobs and more than 72,000 employers have been approved to participate in the program. Our committee is pleased that many veterans have reentered the labor force, but that is no reason to let this program expire. The fact that others have found work is small comfort to some 380,000 veterans of the Vietnam era who were still looking for jobs in May of this year.

So I commend my colleague from Mississippi [Mr. DOWDY] the chairman of our Subcommittee on Education, Training and Employment and the ranking minority member of the subcommittee, the very able gentleman from New Jersey [Mr. CHRIS SMITH] for getting this measure to the floor quickly.

Due to a schedule conflict, Mr. DOWDY could not be on the floor today and in a few minutes I will yield to a ranking member of the committee, Mr. EVANS of Illinois, who will provide a more detailed explanation of the bill. The gentleman from Illinois has been very active across the board when it comes to programs for Vietnam veterans. I'm grateful for his interest and his good work.

The distinguished ranking minority member of the committee, Mr. SOLOMON, is one of the original sponsors of the Veterans Job Training Act. The gentleman from New York and the distinguished gentleman from Texas [Mr. LEATH], were the original drafters of this program and both have been very active in job training activities for veterans for a number of years. I'm grateful for their work.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, on June 10 the Committee on Veterans' Affairs voted unanimously to order reported H.R. 1504, amended. This bill, referred to as the "Veterans Employment and Education Amendments of 1987," would amend the Veterans' Job Training Act, popularly known as VJTA, by extending the program and providing additional funding. An amendment offered by the distinguished ranking minority member of the Subcommittee on Education, Training and Employment, Mr. CHRIS SMITH of New Jersey, would allow a veteran to apply for participation in VJTA through September 30, 1990, and begin participation in a training program by March 30, 1991. This bill would also authorize $30 million for fiscal year 1987, and $60 million for each of the fiscal years 1988, 1989, and 1990.

H.R. 1504, amended, would also require two reports. The first would require an in-depth analysis of VJTA to be done by the Administrator of Veterans' Affairs and the Secretary of Labor. This study, which was recommended by the chairman of the Subcommittee on Housing and Memorial Affairs and an outstanding member of our subcommittee, Ms. KAPTUR of Ohio, would give us a better understanding of who is being served by VJTA and how effectively those veterans' are being served.

A second study, recommended by Mr. SMITH of New Jersey, would examine the population of displaced workers. Veterans are over-represented in this group, and this situation greatly concerns us all. This study would provide the Congress with additional information regarding displaced veteran workers and enable us to better assist them.

Another provision of H.R. 1504, as amended, which was proposed by the distinguished gentleman from Massachusetts [Mr. KENNEDY] would set aside 5 percent of the funds appropriated for VJTA to establish a program of employability training and counseling for VJTA participants. During hearings, the subcommittee was told that many veterans do not have basic skills such as writing an effective resume and marketing their strengths and abilities in a job interview. We believe a program of employability training will greatly enhance the ability of these veterans to reenter the work force.

In addition to provisions related to VJTA, H.R. 1504, as reported, would provide for a revised funding process for the State approving agencies. This will ensure adequate funding for these agencies in each State to perform their approval functions related to veterans' education programs.

Finally, the reported bill would include the Assistant Secretary of Defense for Force Management and Personnel as an ex officio member of the Veterans' Education Policy Commission, which was established under Public Law 99-576. Because of the recent enactment of Public Law 100-48, legislation making the Montgomery GI bill a permanent program, the committee feels that the Department of Defense should be represented on this commission.

On behalf of the chairman of the subcommittee, I want to thank the chairman of the full committee, G.V. (SONNY) MONTGOMERY, and the distinguished ranking minority member of the full committee, JERRY SOLOMON, for their leadership and support of this legislation. I also want to thank CHRIS SMITH, the ranking minority member of the Subcommittee on Education, Training and Employment, and all members of the subcommittee, for their cooperation and assistance.

Mr. Speaker, a long-term unemployed veteran who was hired under VJTA told the subcommittee during a recent field hearing in my district, "I feel that I am no longer a tax burden, but a taxpayer now. By paying Federal and State taxes I feel that I can maybe contribute to help train another veteran through this program with my tax dollars." This statement tells us a lot about the positive impact VJTA has had on the nearly 50,000 unemployed Korean conflict and Vietnam-era veterans who have found work as a result of this program. I urge my colleagues to support H.R. 1504, as amended.

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

Mr. Speaker, I will not take much time because the bill has been fully explained and all of us here today are in agreement that the Veterans Job Training Act should be extended.

I wish to congratulate SONNY MONTGOMERY, chairman of the Veterans' Affairs Committee, WAYNE DOWDY, chairman of the Education, Training, and Employment Subcommittee and CHRIS SMITH, ranking member of that subcommittee, for their fine work in bringing this measure to the floor in a timely manner.

Amendments by CHRIS SMITH, MARCY KAPTUR, and JOE KENNEDY have enhanced the VJTA by extending it an extra year, providing more information for evaluating the program with an eye toward future improvements, and by offering counseling to participants.

Chairman DOWDY's amendments will also improve the funding process for State approving agencies and expand representation on the Commission on Veteran's Education Policy.

This was a difficult program to start up and the results of training and education take time.

However, the results have started to come in and the program is working and working well.

It is working for the veterans, it is working for the employer, and it is working for the country.

As the ranking member of the Veterans' Affairs Committee, and as one of the authors of the original program along with MARVIN LEATH of Texas, I have a special interest in VJTA.

It has demonstrated its value to the Nation year after year in assisting thousands of veterans to receive education and training and obtain meaningful employment.

VJTA has returned members of our society into productive individuals and in so doing has restored their self-esteem and dignity.

VJTA is still needed by our Korean- and Vietnam-era veterans, and I am proud we are here today to approve and extend the program.

The intent of the Congress that the VJTA should be extended is already clear.

For the remainder of fiscal year 1987, the Senate has approved $20 million in supplemental appropriations, and the House has approved $23.7 million, with the difference to be resolved in conference.

In conclusion, Mr. Speaker, let me say that without the leadership of our chairman, Mr. MONTGOMERY, there would have been no targeting of Korean or Vietnam veterans for training and employment. VJTA should be continued, and I ask all my colleagues to support this valuable veterans program.

Mr. Speaker, I request that the gentleman from New Jersey [Mr. SMITH], who is the ranking member of the Subcommittee on Education, Training, and Employment, be recognized to manage the remainder of the bill on our side.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from New Jersey [Mr. SMITH] is recognized.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Veterans' Affairs Subcommittee on Education, Training, and Employment, and as original cosponsor of H.R. 1504, I rise in strong support of H.R. 1504 as amended.

H.R. 1504 reauthorizes and amends the Veterans Job Training Act. The VJTA was enacted in 1983, thanks to the leadership of Mr. LEATH and Mr. SOLOMON, to respond to the unemployment of some 883,000 Vietnam- and Korean-era veterans. Under the VJTA program, substantial incentives are provided to employers to hire and train veterans of the Korean- and Vietnam-era who have been unemployed for extended periods of time.

Though the VJTA Program got off to a slow start and has some current difficulties, I believe that the recent performance of the program and perhaps more importantly the potential for substantially mitigated unemployment among our veterans compels us to continue our support of the VJTA. I would remind the House that as of March 9, 1987, the number of veterans placed in jobs was 47,279 and 70,945 employer applications had been approved for participation in the VJTA.

On June 3, the Subcommittee on Education, Training, and Employment, marked up H.R. 1504. I was very pleased that the subcommittee adopted two amendments I offered to strengthen the program. One of these amendments provides a 3-year extension of the VJTA.

Mr. Speaker, in a March 18 hearing the subcommittee received testimony from several veterans' organizations who testified that one of the primary weaknesses of the present VJTA is its on-again, off-again status. These organizations indicated that the uncertainity of the program from one year to the next has hampered efforts to develop the necessary confidence of employers in the program. As a solution, each of these organizations advocated a 3-year extension of the VJTA which is accomplished by this bill.

My amendment which was adopted by the Veterans Committee extends the VJTA for 3 years, allowing an eligible veteran to apply through September 30, 1990, and begin training by March 30, 1991. Moreover, this provision authorizes an additional $60 million for fiscal year 1990 and provide that all funds for the program be available through September 30, 1992.

Mr. Speaker, our subcommittee also heard testimony regarding veterans dislocated due to plant closings and substantial layoffs. I think we have to seriously look to changing the current eligibility requirement for participation in the VJTA to allow displaced veterans to apply immediately. To get a better handle on the scope of the problem and the kind of resources required to meet the need my second amendment to H.R. 1504 directs the VA to conduct an extensive study of the veterans who are unemployed as a result of plant closings and massive layoffs.

In addition to the two amendments I offered, I was very pleased that the subcommittee adopted two amendments offered by Chairman DOWDY, one by Ms. KAPTUR, and one by Mr. KENNEDY. I believe that these amendments taken collectively strengthen the VJTA Program and go a long way in helping unemployed Korean- and Vietnam-era veterans obtain needed job training and gainful employment.

I salute the leadership of our Chairman, Mr. MONTGOMERY, our ranking member, Mr. SOLOMON, and the subcommittee chairman, Mr. DOWDY who have all done a tremendous job on this legislation.

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

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to commend and thank the distinguished ranking member of the subcommittee, the gentleman from New Jersey [Mr. SMITH], as well as the subcommittee chairman, the gentleman from Mississippi [Mr. DOWDY] and, of course, the committee chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking member, the gentleman from New York [Mr. SOLOMON], for their leadership in bringing the Veterans' Employment and Education Act Amendments of 1987 to the floor. I also recognize that those amendments offered by the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Massachusetts [Mr. KENNEDY] certainly improve the bill, and I urge support for the bill.

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

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. JONTZ], a very valuable member of the committee. I believe we had hearings on this bill that took place in the gentleman's district.

Mr. JONTZ. Mr. Speaker, I would like to commend the gentleman from Mississippi for his leadership on this very important legislation, and I also commend our subcommittee chairman, the gentleman from Mississippi [Mr. DOWDY] for his leadership on this very important legislation as well.

We did indeed have two field hearings on H.R. 1504 in the Midwest, one in Galesburg, IL, in the district of the gentleman from Illinois [Mr. EVANS], and one in Schererville, IN, in the Fifth Congressional District. At that field hearing and then at the hearing in Illinois, we heard testimony from veterans, from employers, and also from veterans organizations about the benefits of the Veterans Job Training Act and the importance of reauthorizing this legislation and passing H.R. 1504.

There are several shortcomings in the law that were brought to our attention, and I am pleased to say that H.R. 1504 does address a number of these shortcomings. Of course, the availability of funding is a crucial

point in this legislation, and the legislation does authorize $210 million to continue the program.

The stop-and-start nature of the program, as pointed out by the gentleman from New Jersey [Mr. SMITH], has also been something of a problem in its implementation, and, of course, this legislation does provide for a 3-year authorization through 1990.

The need for better coordination at the State and local level was brought to our attention. I believe that this can be accomplished administratively without the need for additional legislation.

There is also the very important problem of dislocated workers. It is estimated that some 26 percent of the dislocated workers in our country are veterans, and certainly that is a problem in Indiana where we have had devastating effects on our economy because of the demise and the problems of the steel industry. We have a very large number of dislocated workers who are veterans. The amendment that was offered by the gentleman from New Jersey [Mr. SMITH] that will provide for a study of this issue so we can bring forth some ideas perhaps about how we can better address the needs of the displaced workers should help us to make necessary changes in that regard.

Mr. Speaker, there are some 360,000 unemployed veterans in this country. This legislation will go a long way toward helping them and meeting the needs of these very deserving individuals.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to compliment the gentleman from Indiana [Mr. JONTZ] and the gentleman's logical statement pertaining to this bill.

Mr. Speaker, let me say that the gentleman from New York [Mr. SOLOMON], the distinguished ranking minority member of the committee, is one of the original sponsors, as well as the gentleman from Texas [Mr. LEATH].

Both gentlemen were two of the original drafters of this program, and both have been active in the job training activities for veterans for a number of years.

I am grateful for the work of the gentlemen.

This is an important bill for many unemployed Vietnam and Korean veterans. Veterans will benefit as well as the Nation by extending their worthwhile program, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. (Mr. GRAY of Illinois). 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. 1504, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

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.

PROHIBITING CONSTRUCTION OF DAMS IN NATIONAL PARKS AND MONUMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1173) to provide for certain restrictions on the use of lands within boundaries of national parks and monuments.

The Clerk read as follows:

H.R. 1173

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

SECTION 1. RESTRICTION OF DAMS IN PARKS AND MONUMENTS.

(a) No individual, corporation, partnership, Federal or State agency, political subdivision or any other legal entity may commence construction of—

(1) any new dam or other new impoundment within the external boundaries of a national park or monument, except that any such project may be developed by the National Park Service if deemed necessary to meet the requirements for which the park or monument was established and if the project would not degrade the resources within such park or monument; or

(2) any new dam, or other new impoundment which will, after the date of enactment of this Act, inundate land within the external boundaries of a national park or monument.

For purposes of this section: (A) the term "new dam or other new impoundment" means any facility for impoundment or obstruction of water, the construction of which commences after the enactment of this Act; and (B) the term "inundate" shall mean for the formation of a body of water upstream from a dam or impoundment caused by construction or operation of the dam or impoundment which permanently or intermittently covers lands within the boundary of any national park or national monument.

(b) The prohibition contained in this section shall be in addition to, and not in lieu of, any other prohibition or restriction on activities within the boundaries of national parks and monuments.

SEC. 2. YOSEMITE NATIONAL PARK

Notwithstanding any other provision of law, no Federal lands may be used for the expansion of the capacity of any reservoir which is located within the boundaries of Yosemite National Park, unless Congress enacts specific statutory authorization after the date of the enactment of this Act for such expansion.

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

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] 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 H.R. 1173, 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. VENTO. Mr. Speaker, H.R. 1173 was introduced by the gentleman from California [Mr. LEHMAN] my good friend and colleague on the committee and is identical to the bill H.R. 4089 which we passed in the 99th Congress but no action was taken by the other body.

The Department of the Interior contends that no dams can be built in national parks or monuments because of a combination of various acts, dating back to the 1916 Organic Act for the park system.

In spite of this assertion, a number of water resources development projects are under study or permit that affect national parks or monuments.

For example, at Yosemite National Park, an application has been made for a permit to develop a hydropower project on the Merced River outside of the park where the pool formed by the dam may inundate portions of the river within the park. A third powerhouse for the Hetch-Hetchy system has been built, with DOI approval, by the city of San Francisco. The operation of this powerhouse will divert flows from several miles of the Tuolumme River within the boundary of Yosemite National Park. In addition, the city of San Francisco has indicated it believes it has the authority to raise the Hetch-Hetchy Dam and further inundate lands within Yosemite, not wholly a California problem.

Voyagers National Park in Minnesota and Olympic National Park in Washington State have also been the focus of new water projects for which preliminary actions by Federal agencies have been contradictory to say the least.

H.R. 1173 would address these problems by prohibiting construction of a new dam within the boundary of any national park or monument and also prohibit construction of any dam that would back water into any park or monument. The bill would specifically prohibit the use of any Federal lands in any way to expand any reservoir within the boundary of Yosemite National Park.

Mr. Speaker, this bill would permit construction of new dams in some units of the National Park System, such as national historical parks or national recreation areas. In my view, these national treasures should be included in this bill but I become persuaded that existing law could be relied upon to prevent tragic losses of our national and cultural heritage through construction of water projects. I hope that will prove to be true, for I, RICK LEHMAN, and many other Members of this body share the view that units of the National Park System are established to protect outstanding values of great national significance which must not be diminished or degraded by some over zealous urge to build some short-term water project.

Mr. Speaker, the new authority proposed in this measure is in addition to existing law, not in place of existing law. This is an important new protection for national parks and monuments.

Mr. Speaker, I wish to commend the gentleman from California [Mr. LEHMAN] for his hard work and persistent efforts to gain passage of this bill and I urge my colleagues to support H.R. 1173.

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

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 1173 to prohibit the construction of new dams or other new water impoundments within, or which would inundate, national parks and national monuments. This bill would also prohibit the expansion of any existing reservoir within Yosemite National Park.

Members of this body may recall that legislation (H.R. 4089) to restrict water developments in national parks and monuments was introduced in the last Congress. That bill, which was initially much broader in scope than H.R. 1173, was substantially amended in the committee process before being unanimously approved by the House last September. Since no action was taken in the Senate, the compromise bill was reintroduced as H.R. 1173 this year.

As the vice chairman for parks on the Subcommittee on National Parks and Recreation, I certainly support a general prohibition on the construction of new dams in national parks and monuments. Through their designation, Congress has determined that the natural resources of these areas should be protected and preserved in the future. This legislation is intended to clearly establish congressional intent in this regard.

While the U.S. Department of the Interior asserts that it has the authority to restrict various types of water development within units of the National Park System, the committee took no position regarding these assertions. Rather, it was the committee's intent to maintain existing law on this subject, except for the prohibition on new dams contained in this bill. Section 1(b) of the bill specifically states that this prohibition is in addition to, not in lieu of, any other prohibition on activities within national parks and monuments.

I believe it is important to note that H.R. 1173 in no way affects existing water development projects within, or which inundate, national parks and monuments, other than those projects within Yosemite National Park. The bill is not intended to restrict the operation, maintenance, rehabilitation, improvement or repair or existing dams, including reconstruction for safety of dams needs and emergency repairs. It deals strictly with new dams. I might also point out that this prohibition is intended to apply only to national parks and national monuments which are so designated by the Congress or, in certain cases, established by the President, and not to any other units of the National Park System. Whenever Congress makes such a designation, it may only be changed by an act of Congress.

I want to commend the sponsor of the bill, the gentleman from California [Mr. LEHMAN] for working with the other interested members of the committee in an effort to address their concerns with this legislation. I also want to commend the gentleman from Wyoming [Mr. CHENEY] for his interest in this bill and his efforts and valuable assistance in the last Congress and this Congress to develop a sound piece of legislation. The subcommittee chairman, Mr. VENTO, deserves recognition for working with Members on this side of the aisle to accommodate their concerns before moving this bill forward.

I believe H.R. 1173 is an important bill which will greatly assist in protecting the resources of our Nation's parks and monuments by providing a clear statutory ban on new water developments in these areas.

Therefore, I urge all of my colleagues to approve H.R. 1173.

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

Mr. PETRI. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding time to me. Mr. Speaker, I rise in support of this legislation. The United States has the best National Park System of any nation in the world. In fact, our system has served as a model for many other nations which recognize the benefits of setting aside special places for public enjoyment. While we have led the world in establishing these national reserves, we have also abused their intended purpose by building 108 dams in 18 of our national parks.

The people of the United States believe the parks are as free from dam building as they are from real estate subdivision, or the placement of a new highway. Too often, however, these areas are viewed as convenient and relatively inexpensive places to tap water resources.

Mr. Speaker, I believe that our parks ought to be made off-limits to the development of dams and water impoundments. This legislation accomplishes that goal. I urge my colleagues to join me in support of the bill.

Mr. LAGOMARSINO. Mr. Speaker, I urge my colleagues to vote for the bill.

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

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

I just want to point out that the very genesis of our national parks was based on debates that occurred around water projects proposed for Yosemite and proposed for Hetch Hetchy. The fact is that in some of those instances we lost. The fact is that Hetch Hetchy's existence today was created by inundating one of the most spectacular areas in that Sierra Nevada Mountain Range is a testament to that last debate. Today there are proposals to expand the Hetch Hetchy impoundment.

The gentleman from California [Mr. LEHMAN], a member of the committee, a very able member and a member who has pursued and sponsored this measure, has really been a champion of trying to bring us back and sort of shake up this Congress and the Park Service to once again pay attention to these concerns and policies with regard to activities that are going on in and around our national parks.

So I think this bill really will bring us back to the course that initially we began in terms of the protection of these areas and the impact of water projects on these very special park resources.

I think today more than ever with the threats to our parks, we need to pay attention to at least what the National Government is doing between the various agencies within the Department of the Interior and other agencies. This measure before us deserves our support.

So, Mr. Speaker, with this said, I want to yield such time as he may consume to the gentleman from California [Mr. LEHMAN], the sponsor of this measure, and commend the gentleman for the hard work that he had done in crafting the measure before us.

Mr. LEHMAN of California. Mr. Speaker, I rise today in support of H.R. 1173, a bill to protect our national parks and monuments from hydroelectric projects in the future. The bill before this House today sets forth a statement for the 1980's and beyond

that the very best of our American landscape will be off-limits for the construction of new dams. It is both necessary and proper that Congress take this step.

I first became interested in our policy with regard to dams in national parks when I learned that a system-wide power study for the city of San Francisco in 1981 recommended raising O'Shaughnessy Dam in a national park which I represent—Yosemite. I learned that the city believed it could do so under a law dating from 1913, known as the Raker Act. I contested this view and in 1985 the Department of the Interior agreed that new congressional authority would be necessary to raise O'Shaughnessy Dam. Still, San Francisco claimed that it had the legal right to raise the dam and flood hundreds of acres more of one of the oldest national parks in America.

In my opinion, the future of Yosemite is too important to be left to the city of San Francisco, to the Department of the Interior or to the courts. It should be settled here in this body where the park was designated in the first place.

The situation at Yosemite led me to explore the problem elsewhere in the Nation. I learned that 18 of our 48 designated parks contain 108 dams, some small but some very large indeed. I then asked the Congressional Research Service just what legal protections exist for the national parks on a general basis and if a new legislative prohibition on new dams would be redundant. CRS's legal review indicated that at best current law on this subject is vague and ambiguous. Questions exist about dams constructed after 1921—when the Federal Power Act prohibited licensing of hydroelectric projects in national parks and monuments—dams constructed without hydroelectric components and dams built by the Government itself.

Last year in the course of hearings and discussions by the House Interior and Insular Affairs Committee, the Department of the Interior declared that it had sufficient power to outlaw new dams in parks under existing law. Then during questions, the Deputy Assistant Secretary of the Interior for Fish, Wildlife, and Parks acknowledged that the Federal Energy Regulatory Commission did not necessarily agree with the Department of the Interior on that point. Furthermore, it became quite clear that the Department of the Interior also believed that Federal reclamation projects should be exempted from any national prohibition on dams in parks.

Mr. Speaker, it is clear to me that we do need legal clarification that in the future, national parks and monuments are not the proper locations for new dam facilities. H.R. 1173 does not turn the clock back on existing facilities. It does not affect water rights. It does not apply to any units of the National Park System except national parks and monuments. The protections contained in H.R. 1173 are in addition to, and not in lieu of, existing protections.

This House agreed last year on the need for new prohibitions on dams in parks and passed an identical. Bill without dissent. In the intervening year, the city of San Francisco withdrew its opposition to the specific provisions of this legislation which prohibit expansion of O'Shaughnessy Dam.

The bill before the House today is a bipartisan bill with cosponsors from both parties and many States. The language in H.R. 1173 was developed with the able direction of our subcommittee chairman, Mr. VENTO and with the counsel of Mr. LAGOMARSINO and Mr. CHENEY. Majority and minority staffs are in large part responsible for the bipartisan support which H.R. 1173 enjoys and I congratulate them for working together for the protection of our national parks.

Mr. Speaker, the 1913 debate over building a dam in Yosemite National Park spoke to the needs and values of a different era. John Muir's cry that damming Hetch Hetchy was tantamount to damming our cathedrals for water tanks went unheeded. Instead, the philosophy of the Director of Reclamation prevailed. As he then said of the proposed Hetch Hetchy facilities:

> I have naturally come to the conclusion that there is nothing more beautiful than a well-built dam with a reservoir behind it.

Mr. Speaker, I confess that I, too, like well-built dams with reservoirs behind them, but not in our national parks and monuments. There is plenty of other property outside the parks for these beneficial facilities.

Our American landscape represents both our past and our future. Our parks represent the best, but often the most fragile and threatened portions of that landscape.

Our national park resources are finite and irreplaceable. I urge my colleague to draw the line today on new dams in national parks, and write the last chapter ending the controversies on the Tuolumne River in Yosemite. I urge unanimous support for H.R. 1173.

Mr. VENTO. Mr. Speaker, I also appreciate the gentleman from California [Mr. LEHMAN] recognizing the hard work of subcommittee staff, both majority and minority, but I also want to recognize the work of his personal staff of this matter. They have been very helpful and cooperative in crafting this proposal.

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

The SPEAKER pro tempore (Mr. GRAY of Illinois). 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. 1173.

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

A motion to reconsider was laid on the table.

AMENDING THE BOUNDARIES OF STONES RIVER NATIONAL BATTLEFIELD IN TENNESSEE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1994) to amend the boundaries of Stones River National Battlefield, TN, and for other purposes.

The Clerk read as follows:

H.R. 1994

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

SECTION 1. STONES RIVER NATIONAL BATTLEFIELD.

(a) EXPANSION OF STONES RIVER NATIONAL BATTLEFIELD.—In furtherance of the Act of March 3, 1927 (44 Stat. 1399), as amended, the boundary of Stones River National Battlefield (hereinafter referred to as "battlefield") is hereby revised to include the lands generally depicted on the map entitled "Boundary Map, Stones River National Battlefield" numbered 327/80,001, and dated March 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the Stones River National Battlefield.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior (hereinafter referred to as "Secretary") is hereby authorized to acquire lands or interests therein within the boundary of the battlefield by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Tennessee or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to this Act shall become part of the battlefield, subject to all the laws and regulations applicable thereto.

SEC. 2. AGREEMENT.

The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, under which (1) the Secretary shall acquire sufficient interest in land and shall construct thereon a trail linking the battlefield with Fortress Rosecrans, (2) the city shall operate and maintain the trail in accordance with standards approved by the Secretary, and (3) the Secretary shall preserve the existing remnants of Fortress Rosecrans and the city shall operate and maintain the fortress.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes 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 California [Mr. LAGOMARSINO] 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 within which to extend their remarks on the measure presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1994 was introduced by our colleague, the gentleman from Tennessee [Mr. BART GORDON], with the cosponsorship of the entire Tennessee delegation. The legislation provides for the inclusion of approximately 53 acres within the boundaries of the Stones River National Battlefield in Tennessee. The bill also authorizes a cooperative agreement between the National Park Service and the city of Murfreesboro to develop a trail to link the existing national battlefield segments with the nearby historic Civil War Fortress Rosecrans, and to preserve the existing remnants of the fortress.

Stones River National Battlefield is located in middle Tennessee, 30 miles southeast of Nashville. The National Park Service presently administers 330 acres of the 3,700 acre battlefield site, along with an additional 20 acres located in the adjacent national cemetery. The national battlefield preserves and interprets the scene of the Battle of Stones River fought from December 31, 1862, through January 2, 1863, which resulted in 23,000 casualties inflicted on both the Union and Confederate Armies.

The area surrounding the national battlefield is undergoing rapid urbanization, which has already resulted in battlefield properties being lost to development. The 53 acres proposed in H.R. 1994 are the only undeveloped tracts that remain of the over 280 additional acres proposed for the national battlefield in its general management plan 7 years ago.

There is a strong interest within the National Park Service and the city of Murfreesboro in providing for the preservation and interpretation of the historical lands associated with the battle. The cooperative agreement provided for in H.R. 1994 is in keeping with those efforts. The approximately 2.7 mile trail will link several scattered National Park Service administered battlefield tracts with the historic Fortress Rosecrans, which incidently was the largest earthworks constructed in the Civil War. The development of the trail, along with the stabilization of the fortress as provided for in the bill, will provide enhanced interpretive and recreational opportunities to the visitors and residents of the area.

In keeping with the cooperative nature of the agreement, the National Park Service will provide for the one-time capital costs of the trail and fortress stabilization projects and the city will be responsible for their ongoing operation and maintenance costs. Further, the trail's sponsors agree that publicly owned land required for the trail will be donated to the National Park Service and that the city of Murfreesboro will continue in its efforts to secure a bridge for the trail and that the bridge, when acquired, also will be donated to the National Park Service.

Mr. Speaker, I want to commend the sponsor of this measure, Mr. GORDON, for his work he has been persistent and an able advocate for this legislation. Unfortunately, he is not present at this moment because of the announcement today of the Presidential candidacy of Senator AL GORE our colleague from Tennessee. H.R. 1994 speaks well of the efforts put forth by Representative GORDON and the Tennessee delegation on behalf of the Stones River National Battlefield. I support its adoption and urge its passage.

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

Mr. Speaker, I rise in support of H.R. 1994. As the subcommittee chairman has explained, this legislation expands the boundary of Stones River National Battlefield in Tennessee to include an additional 53 acres. These acres were recommended for inclusion in the battlefield by the National Park Service in the 1980 general management plan for the park. They represent another portion of the site of the Murfreesboro battle of the Civil War, and will clearly be an asset to the battlefield.

H.R. 1994 also directs the Secretary of the Interior to preserve the existing remnants of Fortress Rosecrans, a large earthen fortress used during the Civil War, and to construct a trail between the battlefield and the fortress. The city of Murfreesboro has agreed to pay any future operation and maintenance expenses for the trail and the fortress.

I was initially concerned with the requirement that the Federal Government assume all of the costs for construction of the trail and preservation of the fortress. My concern stemmed from the fact that the fortress was acquired by the city with Federal land and water conservation funds through the State grants program and that it has been determined by the Park Service to be of only significance. Even though the city had agreed to pay operation and maintenance expenses. I felt that it should pay a portion of the construction and preservation costs, which have been estimated to be close to $1 million. However, since the bill was first considered by the subcommittee, the city has been actively negotiating with the State of Tennessee to acquire a bridge structure which the city would then donate for use as a part of the trail. Such a contribution would reduce the estimated construction costs for the trail by about $150,000—a considerable sum. Therefore, I feel that the city is clearly making a significant effort to assume a portion of the costs associated with the trail and the fortress and I want to commend the city's leaders for their assistance and cooperation.

I do feel it is extremely important, however, that the city be held, through the cooperative agreement with the Park Service, to its agreement to assume all operation and maintenance costs for the trail after its construction and for the fortress following the stabilization work. We must insure that the financial burden does not fall upon the Park Service at some future date and prevent it from carrying out its primary mission and mandate under Congress. In this regard, I commend the subcommittee chairman, Mr. VENTO, for his agreement on this important issue and, the inclusion of language in the bill and the committee report which reflects this points and guards against such a funding situation occurring in the future. I also want to commend the author of the legislation, Representative GORDON, for his efforts on this bill and for working with the interested members of the committee to address their concerns.

Mr. Speaker, I believe H.R. 1994 is a good bill which seeks to preserve an important area in our Nation's history while improving the recreational aspects of the area through utilitization of an appropriate Federal/local cost-sharing formula. Therefore, I urge all of my colleagues to approve this bill.

Mr. BONER of Tennessee. Mr. Speaker, I am pleased to speak in support of H.R. 1994, which was introduced by my distinguished colleague from Tennessee, Hon. BART GORDON, and which would amend the boundaries of the Stones River National Battlefield at Murfreesboro, TN.

Mr. Speaker, the War Between the States represents a watershed event in the history of the South, as well as the rest of the Nation. As has often been stated, the war transformed a way of life and significantly altered the direction in which the South developed and its citizens prospered.

Although the war is taught to our children as a tumultous and bloody period in our Nation's history, it is not often when we are able to preserve the actual locations of battles so schoolchildren can visit the battlefield and visualize the clashing Union and Confederate Armies. Stones River is such a site and, perhaps most importantly, within an easy drive of the schools of the metropolitan area of Davidson County, which I have the honor to represent.

Witnesses before the National Parks Subcommittee underscored the historical significance of the Battle at Stones River. Suffice to say that from December 31, 1862, to January 2, 1863, the Union and Confederate armies, with a combined strength of more than 81,000 men, clashed at Stones River in one of the war's bloodiest battles. For 3 days, Union and Conferedate forces fought in the coldness and dampness of the battlefield. For 3 days, these men made repeated assaults against the strongholds of the other. By battle's end, there were thousands of casualties and a Union victory.

Following the Union victory, construction of Fort Rosecrans began and, once completed, the fort housed 55,000 men and horses and was the major supply depot for the Union Army's march to Chattanooga, to Atlanta, and to the sea. As has already been stated in testimony, this fort is one of the largest earthen fortresses in the world.

In 1927, Congress declared a small portion of the battlefield a national military park. The outlying parcels, on which major development took place preceding the battle, were not included. But, then again, most of the land around the battlefield was undeveloped as either commercial or residential property. Thus, for all practical purposes, visitors to the national military park could still tour the surrounding area and learn about the movement of the Union and Confederate Armies as they approached Stones River.

Today, visitors to the battlefield often take notice of the encroachment of commercial and residential development around the battlefield. In particular, some 53 acres around the military park—land on which the armies massed and prepared for battle—are being subjected to pressure from developers. Just as the neighboring metropolitan area of Nashville-Davidson County is growing, so, too, is Murfreesboro. For example, since the National Park Service prepared its general management plan recommendations in 1984, 37 percent of the land available for purchase and preservation around the national military park has been lost to development. H.R. 1994 would bring those lands into the national military park.

In addition, H.R. 1994 includes the historic preservation of Fort Rosecrans and 3-mile recreational trail along Stones River linking the fort with the battlefield.

I am pleased to join BART GORDON and the other members of the Tennessee delegation in support of this measure. Enlarging the national military park and preserving Fort Rosecrans are important not only to the citizens of our State, but also to future generations. The Civill War must always be remembered as a hard-fought battle between men, between individuals who spilled blood to preserve a way of life. Commemorating the locations on which these men fought will allow visitors to appreciate better the sacrifice these men made. What better teaching tool can we provide our children as well as ourselves?

I urge passage of H.R. 1994.

Mr. GORDON. Mr. Speaker, I would like to thank the chairman of the National Parks and Public Lands Subcommittee, BRUCE VENTO, for his guidance and support in bringing H.R. 1994 to the floor today. If it weren't for Chairman VENTO's recognition of the bill's national importance, it would never have come to the floor in such an expeditious manner with such unanimous support.

Briefly, H.R. 1994 directs the Park Service to stabilize and historically interpret Fortress Rosecrans, the world's largest earthen fortress, and construct a trail connecting Stones River National Battlefield and the fortress while intersecting two outlying parcels of land already included in the park.

My hometown of Murfreesboro, TN, was the site of one of the Civil War's major battles. From December 31, 1862, through January 2, 1863, the Union and Confederate Armies, with the combined strength of more than 81,000 men, clashed in one of the war's bloodiest battles. As a result of the Union's victory in the Battle of Stones River, Union forces were able to construct Fortress Rosecrans.

The Union Army used the fortress as an armament and supply depot for their march south. The fortress was designed to house more than 55,000 troops and maintain a 2- to 3-month supply of food and armaments.

Major developments in the battle took place on the land which lies adjacent to, but is not currently included, in the national military park. In order to preserve the historical integrity of this land and preserve the significance of the battle which led to the Union's eventual victory in the War Between the States, H.R. 1994 expands the boundaries of the existing park by 53 acres and incorporates Fortress Rosecrans into the boundaries of the park.

Mr. Speaker, time is of the essence. Nashville is one of the fastest growing metropolitan areas in the Southeast. Murfreesboro is a suburb of Nashville which is experiencing the same rate of growth.

Three thousand families move to the Murfreesboro area annually. Since 1983, the number of building permits for residential dwellings has tripled. I am proud of this growth. Yet, I am concerned at the same time. We need controlled growth which preserves the historical integrity of the Stones River National Battlefield.

Unfortunately, instead of attempting to acquire all the land that is necessary to preserve the historic value of the Stones River Battle, I am faced with the task of securing land that is still free from development.

In 1980, the Park Service's general management plan targeted 284 acres to be acquired and included in the national park. By 1984 the number of available acres had diminished to 84. Last month the Park Service conducted another land appraisal and informed me that we have lost another 30 acres to development. In all, 231 acres of historically significant land has been subject to development.

H.R. 1994 initiates a unique arrangement between the Park Service and the city of Murfreesboro. In return for the Park Service's technical expertise in stabilizing and preserving Fortress Rosecrans and constructing the trail, the city has agreed to take all management, maintenance, and financial responsibilities after the Park Service has completed their work. It is important to point out that the citizens of Murfreesboro are woking in coordination with the Federal Government to preserve national history.

Mr. Speaker, H.R. 1994 is important to preserving a section of American history. The more than 200,000 visitors who visit Stones River annually would not only be exposed to the historic battlefield, but, additionally, visitors will be able to explore one of the largest earthen forts still partially intact in the United States.

Mr. LAGOMARSINO. Mr. Speaker, 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. 1994.

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

A motion to reconsider was laid on the table.

AUTHORIZING AN AFFILIATED STATUS WITH THE NATIONAL PARK SERVICE FOR THE WILDLIFE PRAIRIE PARK, IN THE STATE OF ILLINOIS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1100) to authorize an affiliated status with the National Park Service for the Wildlife Prairie Park, in the State of Illinois, as amended.

The Clerk read as follows:

H.R. 1100

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

The Secretary of the Interior (hereinafter referred to as the "Secretary") in recognition of the efforts to create Wildlife Prairie Park, is authorized and directed to prepare and make available within two years after the date of enactment of this Act to the Forest Park Foundation for publication and distribution, an interpretive handbook describing that area of approximately one thousand eight hundred acres near Peoria, Illinois, owned by the Forest Park Foundation and designated as the Wildlife Prairie Park. The handbook shall describe the purposes of the Wildlife Prairie Park, the historical, cultural, and ecological values, the methods of site acquisition and development, the management goals and the facilities that exist for public use.

SEC. 2. (a) The Secretary shall, in consultation with interested conservation, professional, and park management organizations and individuals, prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of criteria for the elements of national significance and other factors necessary for a proposed area to be considered appropriate for inclusion as an affiliated area of the National Park System including an analysis of applicability to Wildlife Prairie Park. In addition the report shall address the responsibilities to be required of the operators of an affiliated area and the responsibilities of the National Park Service to any such designated area.

(b) The report shall be submitted not later than two years from the date of enactment of this Act and shall provide recommendations by the Secretary of the Interior including but not limited to how criteria for national significance and other factors should be made applicable to future proposed affiliated areas, when such areas are considered by the Secretary. The Secretary shall also recommend any criteria or procedures for such considerations by the Congress including recommendations for legislative action.

SEC. 3. There are authorized for appropriation such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. 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 California [Mr. LAGOMARSINO] 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 within which to revise and extend their remarks on this measure.

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

There was no objection.

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

Mr. Speaker, H.R. 1100, a bill introduced by the minority leader, the gentleman from Illinois [Mr. MICHEL], authorizes the Secretary of the Interior to provide assistance to Wildlife Prairie Park located near Peoria, IL. I very much want to thank both Mr. BOB MICHEL and the ranking minority member of this subcommittee, the gentleman from California Mr. BOB LAGOMARSINO, for their assistance on this bill. With their help, the bill has been significantly redefined and will provide the National Park Service with direction on future proposed affiliated sites of the National Park System. At present, there are 33 such sites with more proposed but insufficient criteria for evaluating their appropriateness as part of the National Park System.

The bill directs the National Park Service to prepare and submit to the Congress a report of criteria for the elements of national significance and other factors necessary for a proposed area to be considered appropriate as an affiliated area of the National Park System. The report will analyze the suitability of Wildlife Prairie Park as an affiliated area. H.R. 1100 will also provide recommendations from the report to be delivered to the Congress. Finally, the bill directs the National Park Service to prepare an interpretive handbook for Wildlife Prairie Park, including a description of its purposes, its history and management goals.

Wildlife Prairie Park consists of 1,860 acres of land, including forest, meadows and reclaimed strip mined land. The park displays various animals that once lived in Illinois, including bears, bison, deer, woodchucks and an eagle. It also has a pioneer farmstead and various recreational opportunities including the Prairie Puffer miniature railroad, a 55-foot slide, a playground, and several restaurants and meeting facilities, all interesting attractions, and surely a marvelous achievement for the private group, the forest park foundation, that have shaped this recreation activity area.

Mr. Speaker, H.R. 1100 will assist the National Recreation Park Service in the future by developing criteria for future affiliated areas. Mr. Speaker, I recommend that H.R. 1100, as amended, be adopted.

□ 1350

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

Mr. Speaker, I rise in strong support of H.R. 1100, to direct the Secretary of the Interior to prepare a report on the criteria necessary for affiliated areas and to provide assistance to Wildlife Prairie Park in the State of Illinois.

As introduced by my good friend and colleague, the distinguished minority leader, Representative MICHEL, H.R. 1100 would have provided affiliate status for Wildlife Prairie Park. However, during the subcommittee hearing, numerous questions were raised regarding the National Park Service affiliate status, including concern about the criteria which should be used to evaluate candidate areas for affiliate status. Therefore, the subcommittee, with representative MICHEL's cooperation, made a determination that before any additional affiliate areas are authorized by Congress, a study should be conducted by the Secretary of the Interior on the affiliate issue. A report issued after the study would provide Congress with clear guidance on the criteria and procedures to be used in designating affiliate areas.

A substitute embodying the study proposal was approved by the Subcommittee and the Interior and Insular Affairs Committee and is before us today. As amended, H.R. 1100 provides that the study will also evaluate whether Wildlife Prairie Park meets the recommended criteria for affiliate status. The bill also requires the National Park Service to prepare a handbook on the history and resources of Wildlife Prairie Park recognizing the efforts made in developing the park.

Wildlife Prarie Park is an approximately 1,800-acre park outside of Peoria, IL. It was created through the efforts, dedication, and financial resources of William Rutherford. Mr. Rutherford is certainly to be commended for developing this wonderful park which allows its visitors to enjoy a wide variety of wildlife and other resources in a truly natural environment. Wildlife Prairie Park is operated by a private organization, the Forest Park Foundation, and tells the story of the heritage and life-style of Illinois' past through several educational tools, including pioneer craft demonstrations, school programs, and a pioneer homestead and school furnished to the 1920's era.

I believe H.R. 1100 is a good compromise which will, through the affiliate study, provide Congress with clear guidance regarding future affiliate area designations. It also provides for an evaluation of Wildlife Prairie Park as a candidate for affiliate status, as well as recognition for the outstanding efforts by Mr. Rutherford in creating the park.

I want to especially commend the sponsor of H.R. 1100, Representative MICHEL, for his valuable assistance, efforts and cooperation on this legislation. It has certainly been a pleasure to work with him. I also want to commend the subcommittee chairman, Representative VENTO, for his leadership in addressing the affiliate status issue.

Mr. Speaker, I urge all of my colleagues to support H.R. 1100.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL] the minority leader.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as has been alluded to by both the distinguished chairman of the subcommittee and the ranking member, the bill before us today is an amended version of the measure I originally introduced last fall and then reintroduced on February 11 of this year calling upon the Secretary of the Interior through the National Park Service to prepare an interpretive handbook describing Wildlife Prairie Park located just west of my home community of Peoria, IL.

The handbook will describe the original purpose of the park, how it achieves that purpose and the historical, cultural and ecological value that it seeks to preserve.

Wildlife Prairie Park protects and preserves wildlife, plants and prairie meadows indigenous to the area. It is a very unique place that I have visited a number of times. Among those animals that the chairman has made

mention of that are in the area we have buffalo, elk, badgers, wolves, foxes and, as the chairman indicated, even a wonderful facility for an American eagle to fly in its own habitat with a lake to do its fishing in its own right.

Early in the year, Bill Mott, the Director of our National Park Service, was kind enough to come up and visit the park. I think it fair to say that he was very impressed by what he saw.

The Park Service handbook can be a boon to the park in its ability to attract visitors from other parts of the country and to attract the type of nationwide recognition that it deserves.

In addition to requiring development of the handbook, the measure we are adopting here today, hopefully will also require the Secretary of the Interior to develop a set of criteria for determining affiliated status within the Park Service, and determine whether Wildlife Prairie Park would qualify for affiliated status under those criteria.

During the subcommittee hearings on this bill there was considerable discussion to the effect that we do not currently have any clearcut standards for determining affiliated areas, so we have thus agreed that we should call on the Park Service to develop such criteria in order to clarify the types of areas that can qualify for affiliated status, and there are currently some of those.

The point was raised, and I think with good reason, that if at one time the Department accepts and the Members of Congress vote to accept affiliated status for a facility, what happens if the financing arrangements go awry. That would be the furthest thing that we would want in our own case out in Illinois, for the Federal Government or any government to take over any financial obligation of what has been conceived and funded primarily by the Forest Foundation. We want to keep it that way, and we think it is built on solid enough grounds to preserve that kind of situation.

But there are good reasons for questions to be asked, and that is why we are calling upon the Department of the Interior to develop the kind of criteria that will be used in the future to be absolutely certain that when we accept something in affiliated status that we are not going to get stuck with some bill later on that we cannot foresee.

So, in conclusion, let me express my personal thanks to the distinguished gentleman from Minnesota, Mr. BRUCE VENTO, my friend and the chairman of the subcommittee, as well as the gentleman from California, Mr. BOB LAGOMARSINO, for their willingness to move this bill along and for the cooperative manner in which they have worked with us in fashioning this compromise. It was indeed a good working relationship that we had as Members. I would also extend my thanks to the members of our respective staffs who likewise wanted to do what they thought was right, and what we felt was right, and in the true spirit of compromise that is what we have today.

I urge, Mr. Speaker, Members to adopt this legislation. I am happy for the compromise and hope it will be adopted.

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

Mr. Speaker, I want to thank again the Republican leader for his sincere efforts and his thoughtful comments with regards to our work. I only wish that all of the problems I had to deal with were characterized by a willingness to work on issues which has been demonstrated by the minority leader. I am very grateful for it.

This report will really be a service to us to get this national significant standard for affiliated areas on the record from the Park Service, and I know with the gentleman's sponsorship—the minority leader—we can accomplish that. So it will be a real service along the way to also addressing the concerns we had with regard to the Wildlife Prairie Park area.

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

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

The SPEAKER pro tempore (Mr. GRAY of Illinois). 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. 1100, 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 authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes."

A motion to reconsider was laid on the table.

TRANSFER OF CERTAIN LANDS IN THE STATE OF ARIZONA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1366) to provide for the transfer of certain lands in the State of Arizona, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1366

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

SECTION 1. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed to convey the property described in section 2 of this Act to the Payson Unified School District No. 10, Arizona, (hereafter, the "School district"), in accordance with this Act.

SEC. 2. The property referred to in section 1 is that parcel of land comprising approximately sixty acres, known as the Payson School Site, in the town of Payson, county of Gila, Arizona.

SEC. 3. (a) Conveyance of the property described in section 2 shall be made upon a request of the governing body of the school district submitted to the Secretary of Agriculture no later than thirty years after the date of enactment of this Act.

(b) Conveyance of title to the property described in section 2, upon a timely request by the school district shall be in consideration for payment to the United States of an amount equal to—

(1) administrative costs associated with the preparation of title and legal description of such property, and the fair market value of such property (as determined by the Secretary of Agriculture on the basis of continued use of the property for school purposes) as of December 1, 1986,

(2) reduced by an amount equal to the total amounts paid to the United States by the school district for use of such property (pursuant to agreements between the school district and the Secretary of Agriculture) subsequent to January 1, 1961 and prior to the date of the request by the school district for conveyance of such property pursuant to this Act (but such reduction shall not be greater than the total amount described in paragraph 1).

SEC. 4. Any conveyance made pursuant to this Act shall be subject to such terms and conditions, consistent with this Act, as the Secretary of Agriculture determines necessary or desirable in the public interest, including but not limited to the treatment of existing easements or rights-of-way for roads and other purposes.

SEC. 5. During the period specified in section 3(a), the Secretary of Agriculture shall permit the school district to continue to occupy and use the property described in section 2 for school purposes upon condition that the school district make annual payments to the United States for such use of the property, but such payments shall not exceed $12,500 in any one year.

SEC. 6. Payments pursuant to section 3 and section 5 shall be considered to have been deposited with the Secretary of Agriculture pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a) and shall be handled in the same manner as amounts so deposited pursuant to such Act.

SEC. 7. (a) Title to any real property conveyed pursuant to this Act shall revert to the United States if the school district attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or permits the use of any portion of such property for any purpose incompatible with the purposes specified in subsection (b) of this section.

(b) Real property conveyed pursuant to this Act shall be used for a public school.

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 extend their remarks on H.R. 1366, 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 might consume.

Mr. Speaker, H.R. 1366 deals with a 60-acre tract of national forest land in the town of Payson, AZ, currently used as the site for a public school complex.

Lands affected by the bill were first used for public school purposes in 1961, when the school district sought and obtained a special-use permit for 45 acres. The permit was broadened to cover an additional 15 acres in 1965.

The lands are currently the location of a high school and junior high school, athletic facilities, and related school facilities.

According to the school district, the annual payment to the Forest Service for use of the lands has increased from $2,850 in 1978 to $10,845 in 1987, and further significant increases are scheduled for future years. The school district testified they would be hard pressed to find the funds for this purpose without adversely affecting their educational programs.

As introduced, the bill would have transferred the lands to the school district without compensation except for administrative costs, but would have provided for their reversion to the United States if the school district should attempt to convey or otherwise transfer ownership or use the property for any purpose incompatible with public-school purposes.

At our hearing on the bill, the administration testified that they were supportive of transferring the property to the school district, but opposed any transfer that was not based on payment to the United States of the full value of the property.

In response to the objections of the administration, the committee has amended the bill, and it is the amended version we now bring before the House.

Mr. Speaker, the bill as reported would provide the school district with the option of acquiring the property for the present fair market value of the property for school purposes—which the Forest Service testified is about $425,000—plus the administrative costs. That option can be exercised anytime during the next 30 years. Meanwhile, the school district would continue to pay annually for use of the property, but the annual payments would be capped at $12,500—more than they are paying this year, but less than would be the case in the future otherwise. If and when the school district chooses to exercise the option to obtain the property, against the specified price it is to get credit for past payments for use of the land. Finally, after any conveyance, the United States would retain a reversionary interest to assure that the property will remain in the hands of the school district and will not be used for purposes incompatible with its use for a school site.

Mr. Speaker, the reported bill represents a fair compromise. It reflects the interests of the United States in receiving value in return for use or transfer of the valuable asset of the school site. It also reflects the fact that the school district has made a considerable investment in the property and that there are very limited alternatives available for public school purposes in this particular community.

The bill does provide substantial concessions to the school district. The result is that the school district, if it chooses to do so, can obtain the property by payments over time, free of interest. But on the other hand, the reversionary interest which the United States will retain is a protection for the Federal taxpayer and also means that the value of transaction will be less than would otherwise be the case.

Mr. Speaker, I believe the bill as reported is sound and balanced and I urge its passage and appreciate Mr. RHODES, a member of our committee, for his special assistance with this issue. We achieved a good resolution with his help, Mr. Speaker.

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

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

Mr. Speaker, I rise in support of H.R. 1366, as introduced by my colleague from Arizona, the Honorable JON KYL, who represents the people of Arizona's Fourth Congressional District.

The chairman of the subcommittee, Mr. VENTO, has described the details of the bill as we fashioned it during consideration in the Interior Subcommittee on National Parks and Public Lands.

I believe the compromise we have devised, with the help of Mr. KYL and the Payson School District, is a fair one from the perspectives of the school district and the Federal Government. Under the terms of this bill, the Forest Service will receive full payment of the present use land value of $425,000 over a period of 30 years. At that time, if requested by the school district, the land will be conveyed, with a continuing stipulation that the 60-acre parcel be used for school purposes. Annual payments will be $12,500, and at the time of conveyance, the school district will be credited with all payments made since 1961.

Mr. Speaker, this is a fair and equitable bill. I appreciate the active involvement and timely consideration of this legislation by subcommittee chairman Mr. VENTO, and the leadership demonstrated by Mr. KYL in helping to develop this compromise on behalf of the Payson School District. I also want to thank the chairman of the Interior Committee, Mr. UDALL, for quick consideration of the bill in the full committee.

I urge my colleagues to support passage of H.R. 1366.

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

Mr. LAGOMARSINO. Mr. Speaker, H.R. 1366 is indeed a compromise which was worked out between the author of the bill and members of the subcommittee and the committee itself. Several Members supported a straight conveyance of this land to the Payson School District with no compensation to the Federal Government. We in the West recognize the tremendous burden Federal land ownership can cause local communities. This is certainly true in Payson where the entire town is surrounded by Federal land, and of course there can be no better use of this land than a public school.

However, Mr. Speaker, in the spirit of compromise, the committee has worked out a proposal explained by Chairman VENTO which compensates the Federal Government and yet does not break the budget of the local school district.

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Mr. Speaker, I also want to especially commend the author of the legislation, Mr. KYL, for introducing the bill and for his diligence in pursuing it and for his agreeing to this compromise.

I want to also commend the gentleman from Arizona [Mr. RHODES] for his hard work on this measure as well. It is a compromise but I think it is a good one. As the chairman [Mr. VENTO] certainly can take credit for bringing this compromise along, as well as the chairman of the full committee, Mr. UDALL.

Mr. Speaker, I urge my colleagues to support it.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KYL] my friend and colleague and sponsor of the bill.

Mr. KYL. Mr. Speaker, this is an important day for the people of Payson, AZ. Our consideration of this legislation today confirms to them that the Federal Government cares about the difficult situation thay have found themselves in, and wants to help.

I want to express a special thanks to Chairman VENTO and his staff, particularly Stan Sloss, for their interest in the school district's problem and their willingess to work with us for a reasonable compromise.

I also want to pay a special thanks to my colleague, Representative JAY RHODES, and his staff, Jim Huska, for their tireless efforts to secure early action on this bill. I think it is a fair assessment to say that without his personal interest and support, we couldn't have gotten this far, this fast.

And of course, I want to thank my colleagues, RON MARLENEE, BOB LAGOMARSINO, and MANUEL LUJAN for their support in committee. I can tell them that it did not go unnoticed by the people in Payson.

Mr. Speaker, we have before us today a compromise bill that is supported by all parties—Chairman VENTO, and Payson School District, and, of course, by myself.

It is my understanding that the Forest Service still may have some concerns, but this compromise bill is much more beneficial to the Government than the bill originally introduced.

What we have tried to address in this piece of legislation is the problem of rapidly increasing special use permit fees paid by the Payson School District.

The school district has occupied 60 acres of Forest Service land since 1961, and it has paid a special use permit fee for the use of the land since 1972.

That arrangement worked well until this year, when the school district learned that the special use permit fee would skyrocket.

In 1986, the payment by the school district to the Forest Service amounted to $3,528. Because the Forest Service ties the fee to the value of the land, and the land is in an area where values are increasing rapidly, the fee more than tripled to $10,845 this year. It is set to increase to $16,268 in 1988, and $21,690 in 1989. That will represent roughly a 515-percent increase from the 1986 level.

The Payson School District just cannot afford that sort of increase. The people of Payson, and Gila County, already bear one of the highest property tax rates in the State, and will face the highest rate beginning this summer. The town is plagued with high unemployment—about 20 percent—due, in large part, to the depression in the copper industry. About 60 percent of the population is retired.

It will come as a shock to my colleagues, but in Gila County, AZ, only 3 percent of the land is privately owned and on the tax rolls; and in the Payson area of northern Gila County, private ownership is only one-half of 1 percent. It is not hard to see how difficult it is to support education through property taxation and how devastating even a small permit fee increase can be. That's the cause of the problem addressed by this legislation.

The people of Payson aren't looking for a handout. They work hard, they pay their taxes, and they're willing to pay for the education of their children.

Despite the already high taxes, the high unemployment rate, and the large retired population, however, they have voted for three bond issues over the past 3 years for a total of $10.3 million for the construction of new school facilities. They have already made a substantial investment in building and land improvements on the Forest Service land.

But, because of the uniquely small property tax base, they simply can't afford to assume any additional debt for the purchase of the land. Without the alternative before us today, the increased special use permit fee will have to be paid out of the school district's capital outlay budget, which will adversely affect the quality of education of Payson's youth.

I originally proposed an outright conveyance of the land to the school district. There were some concerns about an outright "gift" of the land, so we worked with Chairman VENTO to find an acceptable alternative. The substitute adopted by the Public Lands Subcommittee, with my support and the support of the school district, represents a fair middle ground.

The legislation would allow the Forest Service to charge the school district no more than $12,500 annually for the special use permit. At any time during the next 30 years, the school district may apply for conveyance of the land in return for a payment, which is established in the legislation. That payment amounts to the value of the land as determined in last year's Forest Service appraisal—$425,000—plus administrative costs for preparation of title and legal description. From that will be subtracted all payments made by the school district on the special use permit, including those made since 1961. The past payments amount to approximately $56,691. Each $12,500 payment made by the district will also be credited to the acquisition price.

To protect the interest of U.S. taxpayers and ensure that the land continues to be used for school purposes, we've agreed to include a reverter clause.

Mr. Speaker, before I finish, I have to give credit to a few other individuals for their efforts on this legislation. Marriane Morrison, the president of the Payson School Board, Betty Mack, the school district's business manager, and Dave Wilson, from the Payson town manager's office, all appeared before the committee and put forth a great effort to help the people of Payson come out as winners.

I also want to thank Larry Soehlig with the Tonto National Forest in Arizona. Larry told us up front that the Forest Service had concerns about the proposal, but he afforded us every courtesy and every bit of assistance that was appropriate.

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

Mr. RHODES. 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 (Mr. GRAY of Illinois). 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. 1366, 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.

ARMS CONTROL AND DISARMAMENT AMENDMENTS ACT OF 1987

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2689) to amend the Arms Control and Disarmament Act to authorize appropriations for the fiscal years 1988 and 1989 for the Arms Control and Disarmament Agency, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2689

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 "Arms Control and Disarmament Amendments Act of 1987".

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended—

(1) by striking out paragraphs (1) and (2) and inserting in lieu theoreof the following:

"(1) $28,800,000 for the fiscal year 1988 and $29,800,000 for the fiscal year 1989; and"; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) FUNDING FOR EXTERNAL RESEARCH.—Section 49(a) of that Act is further amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Of the amounts authorized to be appropriated by this subsection of each of the fiscal years 1988 and 1989, not more than $2,000,000 may be used for external research but not less than $1,300,000 shall be used for external research to assist the Bureau of Verification and Intelligence in making assessments of possible new systems, devices, and capabilities for verification of arms control.".

SEC. 3. STANDING CONSULTATIVE COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) the Standing Consultative Commission was established by the United States and the Soviet Union under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems as a framework for considering and resolving questions concerning compliance with arms control obligations; and

(2) the United States should raise and attempt to resolve issues relating to compliance by the United States and the Soviet Union with arms control agreements in the Standing Consultative Commission.

(b) ANNUAL REPORTS.—Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2577) is amended by adding at the end the following:

"SEC. 38. ANNUAL REPORTS ON STANDING CONSULTATIVE COMMISSION ACTIVITIES.

"The President shall submit, not later than January 31 of each year, to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the United States Commission on the activities of the Standing Consultative Commission (established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems). Such annual report shall include detailed information on all issues raised by either side and the response of the other side with regard to such issues. Such annual report shall be classified as appropriate, but shall be accompanied by an unclassified annex containing such information with respect to the activities of the Commission as can be made public consistent with the need for confidentiality of Commission proceedings and the national security of the United States.".

(c) STUDY AND REPORT.—The Director of the Arms Control and Disarmament Agency shall conduct a study to determine how the Standing Consultative Commission could be used more effectively to resolve arms control compliance issues. The Director shall report the results of this study to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate within 6 months after the date of enactment of this Act.

SEC. 4. COMPLIANCE REPORTS.

Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2591) is amended—

(1) in paragraph (1)—

(A) by inserting ", the Soviet Union, and other nations" after "adherence of the United States"; and

(B) by inserting "the Soviet Union and" after "compliance by"; and

(2) by striking out "and" at the end of paragraph (2) and by redesignating paragraph (3) as paragraph (5);

(3) by inserting the following after paragraph (2):

"(3) the section of the report dealing with Soviet adherence shall include information on actions taken by the Soviet Union with regard to the size, structure, and disposition of its military forces in order to comply with arms control agreements;

"(4) the section of the report dealing with adherence by other nations shall include information on actions taken by each such nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control agreements; and"; and

(4) in paragraph (5), as so redesignated by this section, by inserting "the Soviet Union and" after "problems of compliance by".

SEC. 5. ACDA INSPECTOR GENERAL.

(a) ESTABLISHMENT.—Title IV of the Arms Control and Disarmament Act (22 U.S.C. 2581-2591) is amended by adding at the end the following:

"SEC. 53. ACDA INSPECTOR GENERAL.

"(a) ESTABLISHMENT AND DUTIES.—There shall be an Office of the Inspector General at the Agency headed by the Inspector General of the Agency who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978.

"(b) DUALITY OF APPOINTMENT.—An individual appointed to the position of Inspector General of the Department of State shall, by virtue of such appointment, also hold the position of Inspector General of the Agency.

"(c) UTILIZATION OF STAFF.—The Inspector General of the Agency shall utilize personnel of the Office of the Inspector General of the Department of State in performing the duties of the Inspector General of the Agency, and shall not appoint any individuals to positions within the Agency.

"(d) REFERENCES.—For purposes of this section, references in the Inspector General Act of 1978 to the establishment involved, to the head of the establishment, and to an Inspector General shall be deemed to be references to the Agency, the Director of the Agency, and Inspector General of the Agency, respectively, except to the extent inconsistent with this section.".

(b) SURVEY OF ACDA CLASSIFIED INFORMATION SECURITY.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the United States Arms Control and Disarmament Agency—

(1) shall conduct a survey of physical, personnel, document, and communications security programs, procedures, and practices at the Agency for the protection of classified information; and

(2) shall submit a report on the results of that survey, together with such recommendations for improvement of classified information security at the Agency as the Inspector General considers appropriate, to the Director of the Agency and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objecton.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

Mr. FASCELL. Mr. Speaker, H.R. 2689 is a 2-year authorization bill for the Arms Control and Disarmament Agency [ACDA]. Specifically, H.R. 2689 authorizes $28.8 million for fiscal year 1988 which $3.8 million less than the executive branch request for ACDA funding. The authorization for fiscal year 1989 is $29.08 million which reflects the Congressional Budget Office deflator number that adjusts for the anticipated impact of inflation for fiscal year 1989. H.R. 2689 reflects a true bipartisan consensus of the Committee on Foreign Affairs in support of ACDA's role in assisting in the development and implementation of our country's arms control policies.

On June 15, 1987, the Subcommittee on Arms Control, International Security and Science heard from the Director of Agency, Ken Adelman, on behalf of the executive branch request for ACDA funding. The subcommittee concentrated its hearing on the moneys requested for the Geneva negotiations, the adequacy of the Agency's operating budget in Washington, and the progress that has been achieved between the United States and the Soviet Union toward conclusion of an Intermediate-Range Nuclear Forces [INF] agreement.

Upon conclusion of receiving Mr. Adelman's testimony, the subcommittee proceeded to markup draft legislation and unanimously approved H.R. 2689. On June 16, I was joined by every member of the subcommittee in introducing H.R. 2689. On June 25, the Committee on Foreign Affairs met in open session and adopted an amendment to H.R. 2689 which provides that the inspector general of the Department of State will serve simultaneously in the position of inspector general for ACDA. Upon the adoption of this amendment, the committee approved H.R. 2689 by unanimous voice vote.

Mr. Speaker, the Arms Control and Disarmament Agency [ACDA] was created by the Congress in 1961 to: coordinate United States arms control policy; negotiate arms control agreements with other governments; conduct and coordinate U.S. Government-sponsored research related to problems of arms control and disarmament; and coordinate and disseminate public information on conventional arms control and disarmament matters. In carrying out these functions, ACDA has consistently enjoyed the solid bipartisan support of Congress.

H.R. 2689 continues to reflect a solid bipartisan consensus between both the majority and minority with respect to the present and future direction of ACDA. It is the belief of the Committee on Foreign Affairs that ACDA has a major role to play in assisting in the information of present and future United States arms control policies and in providing administrative support for ongoing arms control negotiations. In this regard, H.R. 2689 contains several important initiatives that are designed to enhance and strengthen this small but important agency. These initiatives include:

The adoption of an initiative proposed by our colleague who is the ranking minority member of the committee, Mr. BROOMFIELD, that ear-

marks $1.3 million in external research funding to assist the Bureau of Verification and Intelligence in making assessments with respect to possible new systems, devices, and capabilities for the verification of arms control agreements. These funds will be used to develop verification technology which could be used to verify arms control agreements in such areas as chemical weapons, nuclear testing, and strategic and offensive and defensive weapons systems.

The adoption of a sense of the Congress resolution, in section 3, that expresses our belief that every effort should be made to address and resolve United States-Soviet compliance issues within the Standing Consultative Commission [SSC].

Section 3 also includes two other important reporting requirements. The first requires the President to submit a report by the SCC on the activities of the Commission. This report shall include detailed information on major issues raised by either side and the response of the other with regard to such issues. The second reflects the concern of our colleague, Ms. SNOWE. It requires the Director of ACDA to conduct a study to determine how the SCC could be used more effectively to resolve compliance issues.

Section 4 amends the Pell report on United States-Soviet compliance to lend it more balance. The section of the report on Soviet adherence will now include information on actions taken by the Soviet Union with regard to the size, structure, and disposition of its military forces in order to comply with existing arms control agreements. The report will also include information on actions taken by other nations with regard to the size, structure, and disposition of their military forces in order to comply with existing arms control agreements. As a result of these changes, Congress will receive information on Soviet compliance as well as noncompliance with arms control agreements.

Finally, section 5 establishes an inspector general for ACDA, with powers provided by the Inspector General's Act of 1978. The State Department inspector general will serve as the inspector general for ACDA but will not receive any additional compensation beyond what he receives solely as the State Department inspector general. In this new capacity, the inspector general will conduct an one-time only survey of security programs, procedures, and practices in ACDA and report his findings and recommendations to the Director of the Agency.

Mr. Speaker, in closing, I would say the committee strongly believes that each of these initiatives will serve to enhance ACDA's role in the development and implementation of our Nation's arms control policies. The committee also believes that each of these inititatives will serve to increase our confidence in the Arms Control Agency and improve the prospects for new arms control agreements in the future. Mr. Speaker, I encourage the bipartisan adoption of H.R. 2689.

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

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

Mr. Speaker, I am pleased to join Chairman FASCELL in support of H.R. 2689, the Arms Control Agency authorization bill for fiscal years 1988 and 1989.

This bill is the bipartisan product of the Foreign Affairs Committee, which approved it unanimously.

H.R. 2689 funds the Arms Control Agency at slightly less than a fiscal year 1987 freeze level.

There are three legislative initiatives in the bill of particular interest.

First, the bill increases emphasis on arms control verification research and development.

Second, it seeks better ways to use the Standing Consultative Commission to resolve arms control compliance issues.

Finally, it creates an inspector general for the Arms Control and Disarmament Agency, and requires him to conduct a classified information security survey of the agency.

The inspector general's security survey will determine where security procedures at ACDA can be improved.

Chairman FASCELL and I also have requested a GAO study of ACDA's security procedures and certain specific cases to help determine if any further congressional action may be needed.

I urge all of my colleagues to support this bill. It is a bipartisan effort to provide the Arms Control Agency the funding it needs at a critical time in the arms control process.

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

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the chairman, Mr. FASCELL, and the ranking member of the Committee on Foreign Affairs, Mr. BROOMFIELD, for including in the bill an inspector general survey of classified information security at the Arms Control and Disarmament Agency.

ACDA must work to protect the Nation's secrets. There has been a lot of concern about this just in the last several weeks and I think it is very important if ACDA is going to be able to carry out its function that it retain the trust and the credibility that it has had up to this point. So I do want to commend the chairman and ranking member for adding this to the bill and also for the proposal in the bill for an inspector general. I think that will go a long way.

I urge my colleagues to support this bill.

Ms. SNOWE. Mr. Speaker, I wish to speak in support of the Arms Control and Disarmament Agency authorization bill, H.R. 2689. I'd like to commend Chairman FASCELL of the Foreign Affairs Committee and the Arms Control Subcommittee, and the ranking member, Mr. BROOMFIELD, for their work in writing a responsible ACDA reauthorization which is so bipartisan that it is sponsored by the entire membership of the Arms Control Subcommittee.

This bill contains a provision which I authored addressing a critical flaw in the arms control process; namely, the inability of the Standing Consultative Commission to play an effective role in resolving compliance disputes. Soviet noncompliance with the ABM and SALT II Treaties has eroded public and congressional support both for these treaties themselves and for the arms control process in general.

The House of Representatives has voted unanimously to recognize the Krasnoyarsk radar site in Siberia as a violation of the ABM Treaty. Even a Soviet general, Boris Surikov, has admitted that the location of the radar site constitutes what he called a technical violation of the treaty. Yet the SCC has spent 224 hours discussing Krasnoyarsk without reaching a resolution, and the site is now nearing completion.

The SCC has been similarly ineffective in resolving critical SALT II compliance issues, spending 385 hours on the subject of Soviet encryption of missile telemetry, and 270 hours on the illegal testing and deployment of the SS-25 ICBM, without resolving either of these areas of noncompliance.

To help us address this problem, the provision which I authored would require ACDA to conduct a study to determine how the SCC could be used more effectively to resolve arms control compliance issues. This study, which should also include recommendations on possible alternative methods for resolving compliance questions, will be due within 6 months of enactment. I also plan to request a similar report from the Congressional Research Service.

In the meantime, Chairman FASCELL has assured me that the Arms Control Subcommittee will be holding hearings on this issue. It is my intent to use the information we obtain through these hearings, together with the ACDA and CRS studies, to develop initiatives to improve the effectiveness of the SCC and the arms control compliance process.

Improving arms control compliance is a bipartisan concern. Once again, I would like to thank Chairman FASCELL and Mr. BROOMFIELD for their cooperation, and I look forward to working with them and my other colleagues on the subcommittee and the full committee, to find ways in which we can strengthen the compliance process.

I urge the passage of the bill.

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

Mr. FASCELL. 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 Florida [Mr. FASCELL] that the House suspend the rules and pass the bill, H.R. 2689, 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.

EXPRESSING INSISTENCE OF THE CONGRESS ON THE EXTRADITION OF MOHAMMED HAMADEI TO THE UNITED STATES FOR TRIAL

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) expressing the insistence of the Congress on the extradition of Mohammed Hamadei to the United States for trial in connection with the murder of Navy diver Robert Stethem and the opposition of the Congress to any trade of Mohammed Hamadei for West German nationals being held hostage, as amended.

The Clerk read as follows:

H. CON. RES. 94

Whereas on June 14, 1985, Trans World Airlines Flight 847 departed Athens International Airport enroute to Rome, Italy, with 153 passengers and crew members on board who were predominantly American;

Whereas two hijackers, identified by the Department of Justice as Mohammed Hamadei and Hasan 'Izz-al-din, according to the indictment filed in the United States District Court for the District of Columbia, commandeered the aircraft and pistol whipped the flight crew;

Whereas the aircraft flew between Beirut and Algiers several times over the next two days while the hijackers retained control of the plane;

Whereas the indictment states that the hijackers bound Navy diver Robert Stethem with an electric cord, beat him until he was unconscious, and after the aircraft's second landing in Beirut, shot him in the head in cold blood, and dumped his body onto the tarmac in Beirut;

Whereas Mohammed Hamadei has been charged by the United States with murder, hijacking, hostage-taking, and other crimes, and was indicted on these charges in the United States District Court for the District of Columbia in November, 1985;

Whereas the United States has requested the Federal Republic of Germany to extradite Mohammed Hamadei under the extradition treaty between the United States and the Federal Republic of Germany;

Whereas the Federal Republic of Germany is bound under this extradition treaty to extradite to the United States persons charged with offenses under United States law if it is not going to prosecute such persons for the same offenses for which extradition is sought; and

Whereas it has been almost six months since the United States requested the extradition of Mohammed Hamadei: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should continue to express to the Government of the Federal Republic of Germany in the strongest possible terms that the United States expects that Government to comply with both the letter and the spirit of its treaty obligations by prosecuting Mohammed Hamadei on all charges, including especially those arising from the hijacking of Trans World Airlines Flight 847 and the murder of United States Navy diver Robert Stethem;

(2) refusal of extradition by the Federal Republic of Germany at this time does not exclude the United States from reinstating its extradition request should circumstances so warrant; and

(3) any action by the Government of the Federal Republic of Germany that directly or indirectly involves the exchange of Mohammed Hamadei for German nationals being held hostage by terrorists shall be unacceptable to the Congress and will have unforeseen consequences for the relationship between our two countries.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. 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 Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

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Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 94, expressing the sense of Congress that the Federal Republic of Germany act expeditiously to carry out a vigorous and complete prosecution of all possible charges against Mohammed Hamadei, including especially those arising from the hijacking of Trans World Airlines flight 847 and the murder of United States Navy diver Robert Stethem.

Mr. Speaker, this resolution reaffirms the assurances given to the United States by the Government of the Federal Republic of Germany with regard to Mohammed Hamadei. The tragic circumstances involved in the murder of a member of the United States military necessitated our strong desire that the Federal Republic of Germany agree to the United States request to extradite Hamadei. However, under the 1978 United States-Federal Republic of Germany Extradition Treaty, West Germany could deny extradition, which in fact they have done, if they agree to prosecute Hamadei on all charges for which extradition was sought.

Under the 1970 Hague Convention for the suppression of unlawful seizure of aircraft, the 1971 Montreal Convention for the suppression of unlawful acts against the safety of civil aviation, and the 1979 convention against the taking of hostages, West Germany has an obligation to prosecute Hamadei on all possible charges if it chooses not to extradite to the United States. The West German Government is in fact meeting their international obligations and have assured us that they will promptly prosecute Hamadei, and if convicted, punish him to the fullest extent of German law.

However, House Concurrent Resolution 94 makes clear that if circumstances change, that is, West Germany seeks to grant clemency or other concessions involving Hamadei, then the U.S. Government will reinstate its extradition request so that Hamadei will be tried here in the United States for these egregious crimes.

In closing, Mr. Speaker, I would like to commend the distinguished gentleman from Maryland [Mr. DYSON] for introducing this important resolution and for his diligence in helping to bring it before the House. I urge the adoption of the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. DYSON], who will speak in regard to this matter.

Mr. DYSON. Mr. Speaker, let me say to the chairman and the ranking minority member and to the entire Committee on Foreign Affairs that, speaking for me and for the Stethem family, we are very pleased with the fast and expeditious way your committee has acted on this resolution. Both the Stethem family and myself felt betrayed by the position taken by the Government of the Federal Republic of Germany regarding the extradition of Mohammad Ali Hamadei. I think they feel much more relieved today knowing the House of Representatives is taking such prompt action on this resolution.

Mr. Speaker, let me say to the chairman of the committee that it has been a pleasure to work with him and with the ranking minority member and all the committee members, and on behalf of myself and the Stethem family, I thank them very much.

Mr. Speaker, we meet today to consider a resolution with extremely important ramifications to our fight against terrorism, as well as our relationship with our friends in the Federal Republic of Germany. Again, let me say that I thank the distinguished chairman and members of the Committee on Foreign Affairs for their prompt and timely consideration of this important resolution. They have provided this Chamber with a resolu-

tion that we can all support and one that will inform our friends that we demand nothing less than full justice and total prosecution for terrorists who terrorize the civilized world.

Mr. Speaker, today, I am extremely pleased that we are addressing this issue; however, I am also very disappointed that our West German ally has decided not to extradite the terrorist, Mohammad Ali Hamadei, to the United States. The thought that this man, Hamadei, may escape full prosecution under the law for the murder of my constituent, Navy diver Robert Stethem, outrages me.

We are all aware that West Germany faces the same situation that we face here at home. They also have citizens who have been taken hostage by terrorists in Lebanon. These terrorist who attack our citizens have made no secret of the fact that they wish to trade their hostages for Hamadei's freedom. This is a serious concern of all Americans and West Germans, and one which we must not ignore.

We cannot condone, nor can we permit such an exchange. I would set a dangerous precedent for relationships between the Western democracies and it would send a message to terrorists around the globe. That message would be: "Don't worry about receiving justice for your atrocities." This is wrong and we must stop it. House Concurrent Resolution 94 is the vehicle to prevent any such miscarriage of justice.

Mr. Speaker, House Concurrent Resolution 94 with over 50 cosponsors calls for the Federal Republic of Germany to comply with the letter and spirit of its treaty obligations with our Nation by prosecuting Mohammad Hamadei on all charges, most especially those arising from the 1985 hijacking of TWA flight 847 and the brutal murder of my constituent, Robert Stethem.

In addition, this resolution explicitly states, that the current refusal of extradition by the Bonn government does not preclude the United States from reinstating its extradition request if circumstances warrant another request. Finally, the resolution informs the West German Government that any direct or indirect, exchange of Hamadei for German nationals being held hostage will have unforeseen consequences for the relationship between our two nations.

This resolution, I believe, is vital to remind the civilized world and the terrorists who continue to attack it, that we have not forgotten the events that occurred in June 1985, nor, Mr. Speaker, will we ever forget. During those horrifying days following the hijacking of a routine flight from Athens to Rome, our Nation and the world watched in horror and repulsion as we learned of the murderous acts committed by the hijackers. The passengers were terrorized and abused; the flight crew was pistol-whipped; and finally, in an act of pure viciousness, Robert Stethem, a U.S. Navy diver from Waldorf, MD, was tied up so that he could not defend himself or block the horrible beating which followed. He was beaten so badly that he was disfigured. And then, in a final act of brutal savagery, the hijackers murdered Robert Stethem in cold blood and threw his body to the tarmac of the Beirut Airport. We all lived through the agony of those ruthless actions and it is something we cannot, and should never, forget. For that was a crime against more than those aboard the airplane and our country, I believe it was a crime against humanity itself.

Mr. Speaker, each of us realizes that we should not make Robert Stethem larger in death than he was in life. He was an ordinary man doing an extraordinary job in the U.S. Navy. He could have come from anywhere in the country, but he did not. He came from my congressional district. As his elected Representative, it is my duty, indeed my honor, today to stand before this body and ask that this resolution be passed, not only for Robert and his family, not only for my congressional district, my State or my country. This resolution, Mr. Speaker, is for the citizens of the world.

Mohammed Ali Hamadei has been indicted by our Government on the charge of murder. This was a terrible act; it would be anywhere on the face of the Earth. I ask for nothing more than justice, and House Concurrent Resolution 94 is a step in that direction.

Again, Mr. Speaker, let me thank the chairman of the Foreign Affairs Committee and his very capable staff with whom I worked on this resolution. I thank also my colleagues on the other side, I am very much indebted to them, and I know that the Stethem family will be pleased to know that this resolution has been passed today.

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

(Mr. BROOMFIELD asked and was given permission to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, the minority strongly supports the House Concurrent Resolution 94.

The terrorists responsible for the cold-blooded slaughter of American citizens and U.S. Navy diver Robert Stethem aboard hijacked TWA flight 847 have thus far escaped justice.

Our Government has reliable information that Mr. Mohammed Hamadei bears responsibility for the murder.

I am extremely disappointed that the Government of West Germany has not responded favorably to President Reagan's request for extradition.

The resolution clearly expresses the Congressional intent by stating "that the United States expects the West German Government to comply with both the letter and spirit of its treaty obligations by extraditing Mohammed Hamadei to the United States as quickly as possible."

The United States should try Mr. Hamadei for Mr. Stethem's murder under American criminal laws, and in American courts. He should be prosecuted to the fullest extent of the law.

This resolution makes clear that our West German allies should send Mr. Hamadei to the United States for trial, and—above all—must understand that Mr. Hamadei cannot be set free as part of a hostage deal.

I urge adoption of the resolution to let West Germany know that any German failure to cooperate with the United States on the Hamadei case is a grave mistake.

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

Mr. Speaker, I simply want to add that the cooperation on this resolution has been excellent, and I am very pleased to remind my colleagues that the concepts of this resolution were thoroughly approved by our own Government so that the United States is speaking in a unified voice with one of our strongest allies to say that we understand and appreciate that our interest in wanting to prosecute this individual and provide prosecution by the U.S. Government has been reflected by our very strong position in this resolution. I am pleased to note that it has total bipartisan support, including the support of the Executive.

So I close these remarks by commending the gentleman from Maryland [Mr. DYSON] for initiating this effort and giving us an opportunity to speak on this subject with a unified voice.

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

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to join my colleagues on the Foreign Affairs Committee in rising in support of House Concurrent Resolution 94, which expresses the sense of the House with respect to the Hamadei case.

As Members of this House know, more than 6 months ago West German authorities arrested Mohammed Hamadei on charges of carrying explosives on an airliner. It became apparent that he was the person suspected of having participated in the TWA 847 hijacking and the murder of Navy diver Robert Stethem, as charged in

an indictment filed in the U.S. District Court for the District of Columbia.

When Hamadei was arrested, the United States requested his extradition on a variety of charges; and the Federal Republic of Germany has only recently told us that he will be tried on murder and hijacking charges in Germany, with the full weight of German law applied, and with no exchanges or mitigation of sentence. It should be noted that Hamadei will be tried under a statute which calls for a mandatory sentence of life imprisonment.

Mr. Speaker, it is regrettable that the German Government felt it necessary not to extradite Hamadei to the United States, although it is the pressures brought to bear on it by the relatives of hostages taken in Lebanon are readily understandable. I fully expect that the German Government will uphold the undertakings made at its Cabinet level to the United States; for not to do so would immeasurably discredit the Federal Republic of Germany and its legal system.

Mr. Speaker, the gentleman from Maryland [Mr. DYSON], the sponsor of the legislation, and the late Robert Stethem's Representative, is to be commended for his efforts in guiding this measure to the floor at this time and I urge my colleagues to fully support this measure.

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

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the Federal Republic of Germany act expeditiously to carry out a vigorous and complete prosecution of all possible charges against Mohammed Hamadei, including especially those arising from the hijacking of TransWorld Airlines flight 847 and the murder of U.S. Navy diver Robert Stethem."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. 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. 2689, the Arms Control and Disarmanent Agency Act authorization, and also on House Concurrent Resolution 94, the concurrent resolution just agreed to.

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

There was no objection.

REGARDING THE PROMOTION OF DEMOCRACY AND SECURITY IN KOREA

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the conconcurrent resolution (H. Con. Res. 141) regarding the promotion of democracy and security in the Republic of Korea, as amended,

The Clerk read as follows:

H. CON. RES. 141

Whereas the American people have a deep commitment to the security of the Republic of Korea;

Whereas the United States has demonstrated its commitment to the defense of the people of the Republic of Korea by our sacrifices during the Korean war, by our ongoing defense treaty relationship (including the stationing of 40,000 United States troops in the Republic of Korea), and by our provision of more than $12 billion in economic and military assistance since 1953;

Whereas the Democratic People's Republic of Korea (hereafter in this resolution referred to as "North Korea") has demonstrated unrelenting hostility towards its neighboring country, the Republic of Korea, including the forward deployment of large numbers of troops of offensive formations near the demilitarized zone separating the two countries;

Whereas North Korea is a one-party Communist dictatorship, in which there is a comprehensive denial of fundamental human rights, including freedom of speech, freedom of assembly, freedom of the press, freedom of religion, and freedom of the people to select their political leaders;

Whereas the United States has a vital interest in preserving peace on the Korean peninsula and in preventing an invasion of the Republic of Korea by North Korea;

Whereas the security of the Republic of Korea is best ensured by deterring an attack by the forces of North Korea;

Whereas one element of deterrence is the internal stability of the Republic of Korea, a stability that can best be assured by government respect for internationally recognized human rights and by the establishment of democratic institutions and political processes that reflect the popular will and are broadly commensurate with the remarkable strides in economic develoment and educational progress that the Republic of Korea has made;

Whereas the shared interests of the United States and the Republic of Korea in securing democracy and human rights in the Republic of Korea would best be served by the peaceful establishment of genuine democratic institutions;

Whereas the Government of the Republic of Korea places restrictions on the fundamental rights of freedom of speech and freedom of the press, as well as the right of individuals to engage in political activity, and has resorted to the incarceration and, in some cases, the torture of its political opponents;

Whereas internationally recognized human rights standards, as enunciated in such instruments as the Universal Declaration of Human Rights, include the rights to freedom of expression, peaceful assembly, and association;

Whereas President Chun has pledged to take the historic step of stepping down at the end of his term in February 1988, thereby permitting the first peaceful and constitutionally legitimate transfer of power in the history of the Republic of Korea;

Whereas a peaceful, democratic transition of governmental power is an important first step toward genuine democracy for the Republic of Korea;

Whereas this transfer of power is scheduled to occur at a time when international attention will be focused on the Korean Peninsula because of the 1988 Summer Olympics to be held in Seoul;

Whereas on April 13, 1987, President Chun announced that the discussions on constitutional reform would be suspended until after the Summer Olympics in September 1988 and that elections will be held under the existing electoral system, which is widely perceived in Korea as being undemocratic and susceptible to manipulation by the Government;

Whereas President Chun has himself acknowledged that there is a need for some reforms prior to the forthcoming election, including the establishment of local autonomy and reform of the press law;

Whereas large numbers of citizens of the Republic of Korea have expressed dissatisfaction with the severe limits imposed by the government on freedom of expression and other freedoms essential for a democratic political process and deeply desire the establishment of a genuine democracy in their country;

Whereas Korean opposition leaders have publicly denounced the use of violence in their quest for democratization;

Whereas the necessary condition for achievement of a genuine democracy is an electoral system designed to give the people of the Republic of Korea confidence that the outcome of the elections reflect their will;

Whereas an agreement between the government and the opposition is the best way to achieve the kind of national consensus necessary to facilitate the establishment of an enduring, democratic political system in the Republic of Korea;

Whereas the prospects for reaching a consensus between the government and the opposition on the establishment of a genuinely democratic system have been significantly impeded by the lack of trust which has precluded compromise between the parties; and

Whereas the bipartisan support in the United States for democratization in the Republic of Korea should not be interpreted as an endorsement of any political party or opposition group: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. UNITED STATES COMMITMENT TO SECURITY AND DEMOCRACY ON THE KOREAN PENINSULA.

The Congress—

(1) reaffirms the commitment of the American people to the security of the Republic of Korea and the development of genuine democracy for the Korean people;

(2) believes the North Korean Government should cease its clandestine and reckless attempts to subvert the Republic of Korea;

(3) believes the North Korean Government should agree to measures that will reduce tensions on the Korean peninsula, including a more cooperative approach to the dialog between the North and South,

the genuine demilitarization of the Demilitarized Zone, the mutual and equitable reduction of military forces, family visitation and family reunification, and trade;

(4) believes the North Korean Government should take steps to reduce its international isolation by favorably considering the cross recognition of the two Korean Governments and dual membership in the United Nations and by permitting human rights monitoring groups to function within the country; and

(5) believes the North Korean Government should take steps to cease its systematic abuse of fundamental human and political rights, its deprivation of individual freedom, its use of torture, and its detention of political prisoners.

SEC. 2. DISCUSSIONS ON POLITICAL FUTURE OF THE REPUBLIC OF KOREA.

The Congress—

(1) regrets the decision announced by President Chun to suspend the discussions on constitutional reform and to hold elections under the existing electoral system;

(2) calls upon both the government and the opposition to enter into a good-faith dialogue, as soon as possible, on the political future of the Republic of Korea;

(3) believes that one of the principal objectives of a dialogue between the government and the opposition should be the institution of an electoral system in the Republic of Korea which ensures that the results of an election reflect the will of the Korean people; and

(4) calls upon all elements in the Republic of Korea to renounce the use of violence for political purposes.

SEC. 3. STEPS TO GENERATE TRUST AND MOVE TOWARD DEMOCRACY IN THE REPUBLIC OF KOREA.

(a) STEPS TOWARD DEMOCRATIZATION.—It is the sense of the Congress that the Government of the Republic of Korea should take concrete and meaningful steps toward democratization, while simultaneously moving to establish a climate of trust which would facilitate the establishment of a meaningful dialogue with the opposition. Such steps should include—

(1) instituting freedom of the press (including television and radio), freedom of assembly, and freedom of expression;

(2) ensuring freedom for political parties to organize and to participate fully in the political process;

(3) establishing a genuinely independent judiciary, respecting due process of law, and taking effective steps to end the use of torture (including prosecuting those individuals charged with committing torture);

(4) releasing all prisoners of conscience and restoring full political and civil rights for all citizens of the Republic of Korea; and

(5) taking steps to "civilianize" politics in the Republic of Korea, so that the government has the benefit of the full range of the talents and resources of the Korean people.

(b) RECENT PROPOSALS FOR POLITICAL REFORM.—The Congress welcomes the proposals made by Democratic Justice Party Chairman Roh Tae Woo for political reforms in Korea, including direct presidential elections, the release of prisoners of conscience, and the restoration of their political rights. The Congress hopes that these proposals will facilitate a genuine dialogue leading to a consensus among the Korean people on the political future of their country.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. 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 Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 141, concerning the promotion of democracy and security in the Republic of Korea. This resolution was considered by the Committee on Foreign Affairs last week and received overwhelming bipartisan support. I am confident that it will receive equally broad support today.

The dramatic events of the last few weeks in South Korea demonstrate vividly the Korean people's deeply held aspirations for democracy and greater freedom. We need to convey clear and consistent support for democratization in Korea. This resolution—which is fully supported by the administration—does just that. It addresses the underlying causes for the present turmoil in Korea and calls upon the Chun government to take steps to ease the present tensions and establish a more conciliatory climate.

We are all pleased that last week President Chun and opposition leader Kim Young Sam met for the first time and that the other leading opposition leader, Kim Dae Jung, was released from 11 weeks of house arrest. We are hopeful that Mr. Kim's release will be followed by the restoration of his full political rights and the release from prison of all political prisoners. We are also hopeful that a genuine dialog between the ruling party and the opposition will be established and result in agreement on an electoral system that will truly represent the will of the Korean people.

Today's announcement of the ruling party's recommendation to President Chun that direct presidental elections be held is a significant and welcome development. The party chairman, Roh Tae Woo, also recommended that the political rights of Kim Dae Jung be restored, political prisoners be released, and restrictions on freedom of the press be eased. If President Chun accepts these recommendations—which have been long standing demands of the opposition—the Korean people will have the opportunity to determine freely and peacefully their own political future. We are greatly pleased by this announcement, for only a democratically elected and representative government, one that is respectful of the human rights of all Koreans, can ensure long-term stability and prosperity in South Korea.

Mr. Speaker, I would like to commend the original sponsor of the resolution, Mr. FEIGHAN, for his diligence in promoting democratic reform and respect for human rights in Korea and for working closely with the subcommittee chairmen and the ranking minority members to craft a resolution that could garner such broad support.

I also commend the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, and the ranking minority member, Mr. SOLOMON, and the chairman and ranking minority member of the Subcommittee on Asia and Pacific Affairs, Mr. SOLARZ and Mr. LEACH, for their leadership and the excellent bipartisan cooperation that has been exhibited on this important resolution. I urge its unanimous adoption.

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Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wanted to thank the gentleman from Florida [Mr. FASCELL], the very distinguished chairman of the Committee on Foreign Affairs, for the gentleman's leadership in bringing this resolution to the floor.

I also want to pay tribute to the gentleman from Ohio [Mr. FEIGHAN], our very good friend who had originally introduced this resolution some months ago.

I should also take note of the gentlemen on the other side of the aisle who worked very closely with us in redrafting this resolution to faithfully reflect the concerns of Members on both sides of the aisle.

I have in mind in particular the gentleman from New York [Mr. SOLOMON], who served with great distinction over three decades ago in a conflict on the Korean peninsula, and who has taken a very special interest in the problems of that country ever since.

I should also mention the gentleman from California [Mr. LAGOMARSINO], who also played a helpful role in shaping the text of this resolution, and of course, the gentleman from Michigan [Mr. BROOMFIELD], the very distinguished ranking minority member on the Committee on Foreign Affairs.

This resolution, House Concurrent Resolution 141, reaffirms the commitment of the United States to the security of the Republic of Korea.

At the same time, it also calls upon the government and the democratic

opposition in South Korea to enter into a dialog in a spirit of good faith, in an effort to resolve the problems that currently confront that country.

Most importantly of all, the resolution affirms the very strong sense of the House of Representatives, and of the Congress of the United States, that this is the time in the history of the Republic of Korea for a transition from dictatorship to democracy.

Over the course of the last 25 years, South Korea has experienced what can only be characterized as a veritable economic miracle.

During that period of time the per capita income of the average Korean has gone from $100 to over $2,000 a year.

In the last year South Korea experienced a 12½ percent real growth. From an economic point of view, South Korea has been the envy of developing countries all over the world. It is a nation which enjoys universal literacy, that has more college students per capita than any nation in the world other than the United States.

Yet precisely because of this enormous economic and educational growth, and the emergence of a large middle class, the people of South Korea want the benefits of full freedom. And this is why over the course of the last few weeks, tens of thousands of Koreans, led by students who are considered the conscience of the country, but also supported by the middle class, have called upon their government to permit the establishment of genuine democracy.

This resolution calls for the establishment of freedom of the press, for the release of all political prisoners, for the cessation of torture of detainees, for the creation of a truly independent judiciary, and for the establishment of a political system in South Korea which will reflect the will and wishes of the Korean people.

I think that all of the Members recognize that South Korea is a country in which the United States has very significant strategic interests. Forty thousand American troops stand watch just south of the demilitarized zone as a tangible manifestation of our historical commitment to the defense and security of South Korea.

We have a mutual security treaty with South Korea. Should South Koreans once again be the victims of aggression, if there were another war on the Korean peninsula, our forces would inevitably, instantaneously be involved.

As a consequence, we have a stake in the political stability of South Korea. Just north of that country, North Korea has 750,000 well-armed and well-trained troops deployed just north of the demilitarized zone—troops that could, if there should be widespread instability in South Korea, launch another war against the South in an effort to reunify the Korean Peninsula.

The dictator of North Korea, Kim Il-sung has made no secret of his ambition to reunify the Korean Peninsula under the control of the Communists.

It is by no means inconceivable that he might decide that the time has come to make his move. We have a great stake in the political stability of South Korea, but this resolution expresses the view that at this point in time in the history of South Korea, the way to establish political stability is not through a continuation of repression, but through the establishment of democracy.

I am pleased to say that during the course of the last few weeks, the administration has spoken in favor of democracy in that country, endorsed the concept of dialog, and sent a special emissary there to meet with the leaders of the government and also with the leaders of the opposition. During that period of time, I am also pleased to say that the administration has enjoyed the strong support of the Congress. I think that we are witnessing in Korea today a classic example of how our country is always most effective abroad when we are unified at home.

In the last 24 hours, the chairman of the ruling Democratic Justice Party, Mr. Roh Tae Woo, in an historic announcement, called for direct presidential elections and the release of political prisoners, as a way of bringing about a dialog with the opposition and a new national consensus in his country.

I want to point out to the Members that the resolution before the House today has a section which welcomes the proposals by Chairman Roh and expresses the hope that they will in fact serve as a basis and as a vehicle for establishing a genuine national consensus in South Korea which can lay the groundwork for an enduring political stability in that country and for continued economic growth and prosperity.

Let me also say that thanks in particular to the efforts of our very good friend, the gentleman from New York [Mr. SOLOMON], this resolution includes strong language pointing to the absence of, and an abuse of human rights in North Korea, and also urges the Government of North Korea to take steps to defuse tensions on the Korean Peninsula.

So I would say in conclusion, Mr. Speaker, that this resolution, which was adopted by the Foreign Affairs Committee by a vote of 26 to nothing, and which is now before the House, gives us an opportunity to send a message and a signal, first to the government of South Korea, and second to the people of South Korea, that the United States—the administration and the Congress, conservatives and liberals, Republicans and Democrats—is united in the view that what that country needs is the establishment of genuine democracy.

We are on the verge of an historic transition in South Korea from dictatorship to democracy. It is due in my judgment, first and foremost, to the courage of the Korean people, who have taken seriously the most fundamental values upon which our country was founded over two centuries ago.

It is also a tribute to the courageous leadership of opposition leaders, like Kim Dae-Jung and Kim Young Sam, who for over a decade have held aloof the torch of liberty. It is a tribute to government leaders, like Roh Tae Woo, who have the statesmanship and vision to recognize that with the future of their nation hanging in the balance, the best way to save it is to move toward democracy. And it is due, finally, to the fact that here in the United States on this critical and potentially controversial issue, we are once again united.

Let this be a precedent and an example that we can extend to other areas of the world where we can join hands in speaking up for our fundamental interests abroad, based on a recognition that the best way to protect our strategic interests is to promote our political values.

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

Mr. BROOMFIELD. Mr. Speaker, I would like to make two requests.

First of all, following my short statement, I would like to yield the balance of my time for management to the gentleman from Iowa [Mr. LEACH], who is the ranking minority member on the Subcommittee for the Far East.

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

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, I would also like to say at the outset that I compliment the gentleman from New York [Mr. SOLARZ] for his excellent statement on this concurrent resolution, which was approved unanimously by our Foreign Affairs Committee.

Mr. Speaker, the minority supports passage of House Concurrent Resolution 141.

When I first arrived in Congress in January 1957, the memory of the Korean war was fresh in the minds of the American people.

The United States stood tall against communism and fought for the freedom of South Korea.

The resolution before us reaffirms the historical American commitment to South Korea's freedom.

We could never accept the loss of freedom for the people of South

Korea, for which our soldiers fought a generation ago.

After the war, South Korea has built a strong economy, which is the envy of the Pacific basin and most of the world.

We are confident that South Korea will show the same strength of commitment to its vibrant democracy that it has shown to its strong economy.

The statements and actions of the leadership of the ruling Democratic Justice Party in the past few days are very encouraging, and may represent a breakthrough necessary to advance democrary in South Korea.

Party Chairman Roh's offer to move to direct Presidential elections is a positive and hopeful step. I join the administration in urging both sides to continue the discussion in good faith to move the democratic process forward.

Mr. Speaker, I urge adoption of the resolution.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. LEACH of Iowa. Mr. Speaker, I will be very brief.

I would like to stress four points. First, the administration and Congress are in philosophical lockstep on this issue. Unlike many foreign affairs debates that have been in this forum in recent weeks and months, Congress and the administration, Republicans, Democrats, conservatives, and liberals, have a very similar perspective.

The views that are reflected in this resolution have been echoed by administration spokesmen in the Pentagon as well as in the State Department.

The second point is that the American commitment to the security of South Korea is not in doubt. There is a very profound understanding in this body and in this country of the challenge and the contrast of North Korea. Thousands of Americans, like our good friend, the gentleman from New York [Mr. SOLOMON], fought in a war on that peninsula and no one in this body wants to see the sacrifices that this country and the South Koreans themselves sustained go in vain.

The third point is, and it has been stressed I think very wisely by the gentleman from New York [Mr. SOLARZ], that even as we have considered this legislation in the committee structure and are bringing it to the floor today, events in South Korea are developing. The news this morning that the chairman of the ruling party has called for direct elections and for the release of political prisoners is a helpful and a very hopeful sign.

In conclusion, Mr. Speaker, this resolution walks a very careful line between recognizing that it is up to the Koreans to solve their own problems in a Korean way and identifying the United States of America through this particular representative body with the democratic aspirations of a people that we have a very close and a very long and very warm relationship with.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. FEIGHAN], who is the original sponsor of the resolution.

Mr. FEIGHAN. Mr. Speaker, let me begin by thanking and commending the chairman of the Foreign Affairs Committee for bringing this resolution to the floor as expeditiously as he has, and particularly I want to thank the chairman of the Asian Affairs Subcommittee, the gentleman from New York [Mr. SOLARZ], who has done a remarkable job in fashioning the resolution before us today that I think is delivering a very clear and very important message from the U.S. Congress.

I thank as well the gentleman from Iowa [Mr. LEACH], as well as the ranking minority member of the Human Rights Subcommittee, the gentleman from New York [Mr. SOLOMON], for their assistance in this legislation.

Mr. Speaker, those of us who joined opposition leader Kim Dae-Jung in his flight home to South Korea a little more than 2 years ago have not been surprised that the authoritarian practices of Chun Doo-Hwan have precipitated the widespread outpouring of protest in South Korea we have seen over the past 3 weeks. Nor have we been surprised by the wavering, inconsistent signals being sent by the Reagan administration to the Chun government—sometimes nudging South Korea in the direction of democracy, sometimes not.

Today, there is a sense of great optimism in the air about the chances for democracy in South Korea. South Korea's ruling party chairman, Roh Tae Woo, has announced sweeping concessions to the South Korean people—including promises to restore Kim Dae-Jung's political rights and for direct presidential elections. This is very good news—to be supported and encouraged.

Although I want to stress that there may be cause for optimism, it is still too early for celebration. We must take care not to turn a blind eye to the past abuses and shortcomings of the Chung dictatorship over the past 7 years.

We must remember that this is the Government that has placed its leading dissident, Kim Dae-Jung, under house arrest over 50 times in the past 2 years. This is the Government which has jailed thousands of students, laborers, and opposition leaders without regard to due process of law—stripped them, beat them, kicked them, used electric shock on them—in order to force confessions. This is the Government which murdered a university student last January while questioning him—not even about his own political activities, but about the activities of a friend. This is the Government which last April decided to forbid discussion of changing the current electoral system, so that it could easily place its hand-picked successor into power at the end of this year.

It appears, however, that President Chun may, at last, have heard his people's cries for democracy. I do not personally know Roh Tae Woo, but I am certain that he is an honorable man who intends to see that these concessions are implemented. But concessions in the past have been elusive at best. We must remember the outcome of the three concessions that President Chun supposedly made only last week. President Chun had his first face-to-face meeting with opposition leader Kim Young-Sam, but by the end of last week, Chun's police had placed Kim Young-Sam under arrest. Last week, President Chun agreed to free Kim Dae-Jung from his 11-week-old house arrest, but the release lasted only for 1 day and was then slammed back down. It was also reported last week that President Chun would release 300 demonstrators arrested during the previous 2 weeks of demonstrations—but instead he swept more than 3,000 demonstrators off their streets and into their jails.

It seems that the Reagan administration also may, at least, have heard the South Korean people's cries for support as well. Although the administration has been a solid supporter of Chun Doo-Hwan in the past, recently it has begun to press Chun toward democracy. Last week, Ambassador Lilley met with Kim Young-Sam and Gaston Sigur met with Kim Dae-Jung. In addition, the State Department has endorsed this piece of legislation. Let us hope that these efforts on behalf of the administration have not come too late and that they will be continued.

In passing House Concurrent Resolution 141, we will be calling for President Chun to follow through on many of the steps announced by Mr. ROH this morning. We will be calling for an electoral system that the Chun government cannot manipulate. We will be calling for the release of political prisoners and the restoration of their rights. We will be calling for freedom of the press, of expression, and of assembly—making clear that South Korean citizens who call for democracy should not be gassed, jailed, or beaten and that South Korean newspapers should be able to publish their news free from censorship. We will be calling for President Chun to distance the South Korean military from South Korean politics, making clear that another military coup or the imposition of martial law are not acceptable. And we will be calling for an end to torture.

The United States has a clear and simple choice in South Korea: to support democracy or to support dictator-

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ship. The South Korean people have been crying out for American support of their struggle for democracy. The United States must come down squarely—without hesitation—on the side of democracy. The very security of South Korea depends upon the its becoming a true democracy. We must show President Chun and the people of South Korea that the American people and their elected officials care about human rights as well as our security interests. We must show the South Korean people that we support their struggle for democracy. I hope that my colleagues on both sides of the aisle will support House Concurrent Resolution 141 today and will continue to support the South Korean people in their determined struggle for democracy throughout this critical year.

□ 1455

Mr. LEACH of Iowa. Mr. Chairman, first let me compliment the gentleman from Ohio [Mr. FEIGHAN], whose leadership in this issue has been so impressive.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], a distinguished Korean war veteran and the ranking minority member of the Subcommittee on Human Rights and International Organizations.

Mr. SOLOMON. I thank the gentleman for yielding time to me.

Mr. Speaker, at the outset, in addition to all of the other Members who have been committed, like the gentleman from Iowa [Mr. LEACH] and our good chairman and our good ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from New York [Mr. SOLARZ], we would like also to give great credit to my counterpart, the chairman of the Human Rights Subcommittee, the gentleman from Pennsylvania, [Mr. GUS YATRON]. I see him in the well now. I was looking for him. Without his efforts I do not think that we could have crafted the resolution that we have here today.

Mr. Speaker, let me also say that Mr. SOLARZ, my good friend, stole my speech. Again, we could change a few names, and I could have given the same. I commend him for his remarks and for the effort that has gone into this resolution.

Second, let me just break this unanimity of great friendship that we have here for just a moment and criticize a little bit the previous speaker in the well, who brought up a lot of old issues when we really are trying to put together a unanimous support for this resolution, and I think that we have it.

But, Mr. Speaker, we should give credit to the administration for the way in which they have diplomatically handled this issue. They have worked through diplomatic channels and have I think brought about a resolve to a very, very serious problem that exists.

Mr. Speaker, at this point I would like to make several important observations about this resolution.

First, given the new realities of the political situation in the Republic of Korea, as announced yesterday in a dramatic and significant address by Roh Tae Woo, this resolution now takes the form of a congratulatory message. The political leaders in South Korea, Government and opposition alike, will soon be sitting down to discuss the very issues raised in this resolution. We wish them well as they begin their talks—and we express our hope and confidence that the outcome of their talks will be successful.

Second, it is very significant that this resolution takes full cognizance of North Korea and the massive threat to the security of the ROK that the north poses. Whatever the shortcomings of the South Korean political system may be, they pale in comparison with those in the north. Moreover, this resolution reaffirms the fidelity of the United States to our security commitments with the ROK—security commitments rooted in a mutual defense treaty in which the United States pledges to continue to stand with South Korea against any and all foreign invaders: North Koreans, the Soviets, the Chinese Communists, whomever.

The Republic of Korea has been one of our strongest and closest allies. Last week marked the 37th anniversary of the North Korean attack that tested the willingness of the United States and our other allies to make good the policy of containing Communist expansion. Together we stood with the South Koreans to meet that challenge. Who knows how the subsequent history of our world would have been different had we not done so? In fighting side by side with the South Koreans to save their liberties, they were helping us preserve our liberties.

Another observation that needs to be made concerns the role of President Chun and the economic progress South Korea has made under his leadership. He has presided over the greatest period of sustained economic progress that the ROK has ever seen. Few, if any countries, have ever seen such phenomenal progress in so short a time. It is a measure of that growth and the stature South Korea has achieved as a nation that Seoul was selected to host the 1988 Olympics.

And as this resolution makes note, President Chun has made a vital contribution to the political life of South Korea by promoting the concept of a constitutional transfer of executive authority. In any other developing country, a head of state would be condemning himself to an intolerable lameduck status by announcing, as President Chun did, when he would be stepping down from office. To even think in terms of such limits on personal power is unthinkable in most countries.

Finally, Mr. Speaker, a word about this weekend's events. I believe that Roh Tae Woo, as leader of the ruling party, is to be commended for breaking the logjam in Korean politics. His leadership, leadership that includes a willingness to renounce personal ambitions, has provided the breakthrough we all have been hoping for. The impasse could only be broken when someone—from either side—was willing to step back and give moderation a chance. I trust that the opposition will respond in kind, and the initial indications have been encouraging.

Mr. Speaker, I hope that these comments will enable the Members to place this resolution in the proper perspective, particularly in view of the events this weekend.

□ 1500

Mr. FASCELL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Pennsylvania [Mr. YATRON], the chairman of the Subcommittee on Human Rights and International Operations.

Mr. YATRON. Mr. Speaker, I first want to commend the sponsor of House Concurrent Resolution 141, Mr. FEIGHAN, for not only taking the lead on this initiative but for his unwavering commitment to human rights and democracy in Korea.

Needless to say, the chairman of the Asian and Pacific Affairs Subcommittee, Mr. SOLARZ, has been a major catalyst in crafting and expediting this resolution. With the exception of some past and present dictators, his work in behalf of human rights is always welcomed. I would also note the valuable contributions of Mr. LEACH and Mr. SOLOMON with respect to this resolution as well as their indepth understanding of United States policy interests in Korea.

Mr. Speaker, House Concurrent Resolution 141 is a bipartisan expression of United States support for democracy and security in the Republic of Korea. This resolution is based on thorough hearings held by the two subcommittees in May as well as extensive consultations with the administration and principle members from both sides of the aisle. It is very important to note that this resolution is supported by the administration. In fact, this resolution enhances the effectiveness of U.S. policy.

Mr. Speaker, this resolution does not endorse any political party, opposition group, or platform. And it does not dictate to Korea how it should run its Government.

This resolution in a bipartisan and diplomatic manner reaffirms our commitment to the security of the Repub-

lic of Korea. It calls upon the Government to resolve its differences with the opposition through good-faith dialog and calls for steps to be taken which will establish the framework for democracy and free elections in Korea.

Mr. Speaker, when I last visited Seoul I was once again impressed by the respect that the Korean people have for the United States and our adherence to democratic values.

But I was dismayed in the position that the Government took with respect to democracy for their own country. The view of the Government was that the realization of democracy and free elections in the south would be exploited by North Korean subversion. Nothing could be further from the truth. In fact, coupled with our significant security commitment to the Republic of Korea, it is very clear that the best defense against communism is the political stability that results from democracy. The present regime is neither democratic nor fully stable.

Mr. Speaker, South Korea's ruling party's recommendations for direct Presidential elections and other political reforms are a dramatic and welcomed development for the forces of democracy.

While it is essential that we send a signal of encouragement to the Korean Government regarding these recommendations, we need to keep in mind that they are only recommendations. President Chun has not yet formally accepted this reform package. At this stage in South Korea's fragile political development President Chun is at the crossroads. He can opt for the path of democracy in which case his place in history will be secured or he can resist change thereby inviting greater political instability and endangering the security of his country.

Once again, this resolution does have bipartisan support and I urge my colleagues to support it.

Mr. LEACH of Iowa. Mr. Speaker, may I inquire how much time the minority has remaining?

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Iowa [Mr. LEACH] has 11 minutes remaining.

Mr. LEACH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I very strongly support House Concurrent Resolution 141 and the decision to consider today. In light of the recent violent events in Korea, it is most important for the U.S. Congress to join the administration in signalling our commitment to democracy and security in the Republic of Korea. As you know, those two key principles, democracy and security, are very closely linked together. Without full democracy and freedom, Korea's internal situation will destabilize, thereby decreasing security and deterrence.

I am very encouraged by the recent actions taken by the leader of South Korea's ruling party, Mr. Roh Tae Woo. In a very positive move to reduce tensions and redress the inequalities in the Korean political system, Mr. Roh recommends that the Government agree to the opposition's longstanding demand for direct elections. Roh also recommends the restoration of political rights for opposition leader Kim Dae Jong, thereby allowing him to legally run for President; the release of many political prisoners; the easing of press restrictions; and cooperation with the opposition to further democratize the Presidential election law and make it freer.

I am further encouraged by the recommendation that this new system be implemented before President Chun's term ends, allowing the next President to be elected under this new system welcomed by the opposition. These important steps clearly signal that the South Korean leaders are serious about democracy and correcting the present political problems.

These recent actions by Chun's party and the recommendations contained in this resolution provide the means to achieve a peaceful, just end to this latest crisis and will stabilize the internal situation. The Korean people and we must not forget that the Communists just north of the DMZ are ready and willing to take full advantage of the problems in the south. In light of the recent, massive arms build up in the north and its closer relationship with the Soviets exemplified by the new landing and overflight rights granted to the Soviets, it is paramount that the crisis in the south soon be resolved in such a way that freedom, democracy, human rights, and deterrence come out as the big winners. I also commend my colleague Congressman JERRY SOLOMON for including a short description of the disgraceful human rights and undemocratic record of the north, lest we ignore that appalling situation when focusing our attention on the southern half of the peninsula.

Mr. Speaker, like the administration, and I strongly commend the administration for the careful, responsible way it has handled this important and sensitive issue—I support this important signal from Congress and urge the rest of my colleagues to do the same.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of this well-crafted resolution which I believe sends the right, measured, signal to the South Korean Government in its troubled times.

When this measure was considered in full committee last week, I noted that "the Korean Government has exhibited, if not a great flexibility, a willingness to reverse course and enter into discussions with its political adversaries." Over the weekend we were enormously pleased to learn that the Korean Government has reached an accommodation with the opposition which hopefully will reopen the dialog with the opposition and hopefully will result in an end to Korean censorship, the freeing of political prisoners, and, most importantly, direct elections for the Presidency.

The Korean Government's willingness to reach this accommodation is a true sign of its maturity as a democracy and its wisdom; as these steps are carried out they will enormously increase the already high regard in which the people and Government of Korea are held by the people of the United States.

I think that it is appropriate to point out the efforts the administration has made to promote reconciliation. The work of the Assistant Secretary of State, Gaston Sigur, who met with one of the chief government critics, Kim Dae Jung, before his house arrest was lifted, is certainly to be commended.

Accordingly, I invite my colleagues to support this resolution.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I would ask for a clarification. I have here several resolutions. Could someone explain the parliamentary procedure that took place in the beginning, I think I might have missed it, whereby there are I think three amendments added to this resolution, and if so, could someone explain the last amendment to the resolution?

The SPEAKER pro tempore. The Chair would state that the distinguished chairman of the Foreign Affairs Committee in his motion moved to suspend the rules and pass the bill with amendments that are pending at the desk.

Mr. SOLOMON. Mr. Speaker, I have no objection, but I think the House ought to know.

Mr. SOLARZ. If the gentleman will yield, the resolution now before us includes the text of the resolution as it was reported out by the Foreign Affairs Committee, which includes the amendments proposed by the gentleman from New York together with whatever amendment which can be found on the last page of the resolution, on page 8, entitled "Recent Proposals for Political Reform" which embodies the language welcoming the proposals made by Mr. Roh.

So the gentleman from New York and our colleagues should know that

this resolution includes his amendments on North Korea, together with the language on the recent proposals by Mr. Roh calling for direct Presidential elections.

The SPEAKER pro tempore. The Chair would state that the gentleman from Iowa [Mr. LEACH] is the only one that has time remaining.

Mr. LEACH of Iowa. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. LEWIS], a member of the Republican leadership.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise to say that it is most important that this resolution go forward with broad bipartisan support. I want to express my appreciation to the gentleman from Florida [Mr. FASCELL], chairman of the committee, and the other leaders on both sides of the aisle of this committee for bringing the resolution to us.

It seems to me that it is very clear that the United States has learned much about its responsibility to lead in the world. It does go without saying that a great power such as this country should not and cannot impose its will upon other sovereign nations.

Having said that, it seems to me that there is a confluence of fortuitous developments that causes our voice to have a significant impact in this case in South Korea.

There is no question that we have learned much about the role we should play in supporting freedom.

The developments in the Philippines said a lot to all of us, and in turn has helped lead to this bipartisan support for encouraging freedom in South Korea. President Chun's departure in the near future, along with recent statements by Roh Tae Woo are very significant additives to the profile for progressive and positive change.

The reality that the Olympic games loom somewhat out there in the distance has an impact upon this process.

All said, let us recognize that those of us who believe in democracy, who believe in freedom in the world, should be willing to come together and be heard on behalf of freedom. We should encourage such developments, and I am most pleased to add my voice to that effort on the part of the Congress today.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude with a very brief observation. Now and again we have accentuated the divisions between the Congress and the Executive in foreign policy. This is a classic case in which the Executive has led extraordinarily well.

When we look at Asian affairs, both in the Pentagon and in the State Department, particularly at the Assistant Secretary level with people like Mr. Sigur, I think it should be stressed that the administration does have the confidence of Congress. I raise that just because from time to time we accentuate so many differences.

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

Mr. LEACH of Iowa. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, along with those thoughts I would just like to, for all of those Members that might be listening back in their offices, say that there is unanimity of support for this resolution, and I hope that everyone coming to the floor that may not have participated in the debate will be able to support it to show both our support for the Korean Government and for urging them to move to a democracy as we all want them to do.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman from New York.

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 Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Conference Resolution 141, as amended.

The question was taken.

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

□ 1515

VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 50) concerning the encouragement and support for international negotiations, pursuant to section 156 of the Clean Air Act, by the President to develop a protocol to the Vienna Convention for the Protection of the Ozone Layer setting forth standards and regulations to protect the stratosphere from the adverse effects of chlorofluorocarbons.

The Clerk read as follows:

H. CON. RES. 50

Whereas although the stratospheric ozone layer is an exceedingly valuable resource for the present and future population of the world, that layer has been, is being, and will continue to be, adversely affected or depleted by the long-lived chlorine molecules which stem from the worldwide release of chlorofluorocarbons into the atmosphere;

Whereas this stratospheric ozone layer depletion, by permitting greater quantities of harmful ultraviolet radiation to reach the Earth surface, will pose significant (even if currently difficult to quantify fully) unacceptable risks on human health and the environment throughout the world;

Whereas there is an urgent need to foster and encourage the development of safe, effective, and nontoxic substitutes in a reasonable time for fully halogenated chlorofluorocarbons used in aerosols, refrigeration, air conditioning, rigid foam insulation, flexible upholstery foam, fire extinguishers, cleaning solvents, and other purposes and to expand opportunities for the recovery and recycling of such ozone depleting chemicals;

Whereas the United States and other countries have already taken formal precautionary measures for reducing emissions of chlorofluorocarbons by imposing a unilateral ban on the use of chlorofluorocarbons as aerosol propellants, but believes that international action is urgently needed;

Whereas section 156 of the Clean Air Act directs the President to enter into international agreements to develop standards and regulations which protect the stratosphere;

Whereas the Vienna Convention for the Protection of the Ozone Layer, signed in March 1985 under the auspices of the United Nations Environment Program and ratified, consistent with such section 156 of the Clean Air Act, by the United States in August 1986, was an important first international step in protecting the stratospheric ozone layer;

Whereas the United States is now engaged in international negotiations under the auspices of the United Nations Environment Progam on a protocol to the convention which would provide for global regulatory controls on ozone-depleting chemicals;

Whereas any international agreement negotiated by the United States must accomplish two important goals—the protection of the public health and the environment and the protection of American jobs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress supports the President in seeking appropriate global measures, pursuant to section 156 of the Clean Air Act, to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons that can significantly deplete the ozone layer through the development and adoption of a protocol to the Vienna Convention for the Protection of the Ozone Layer, signed in March 1985.

(2) The Congress further urges the President to negotiate as part of such protocol an immediate reduction in the use of chlorofluorocarbons in the European Community and in the other nations.

(3) The Congress further urges the President to negotiate as part of such protocol, as expeditiously as practicable, a worldwide program for the development of safe, effective, and nontoxic nonozone depleting chemicals and for the elimination, in a reasonable time, of fully halogenated chlorofluorocarbons that may deplete the ozone layer.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the rule, a second is not required on this motion.

The gentlemen from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

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

There was no objection.

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

Mr. WAXMAN. Mr. Speaker, today, I am pleased to bring to the floor, House Concurrent Resolution 50, a resolution in support of a strong U.S. position in international negotiations for the protection of the Earth's ozone layer. I commend Congressman DINGELL and Congressman LENT for authoring this important resolution.

Six months ago a resolution such as this would have seemed unnecessary. The United States had adopted a strong stance at international meetings on protection of the ozone layer, calling for an immediate freeze in global CFC production at 1986 levels and a dramatic phasedown of up to 95 percent.

But support for ozone protection has been eroded within the Reagan administration in a campaign by the White House Domestic Policy Council that culminated in May with Interior Secretary Donald Hodel reportedly calling for the United States to abandon ozone protection and rely instead on hats, sunglasses, and sunscreen lotions.

It is true that in a recent letter Secretary Hodel claims that he was misquoted, and it was all a misunderstanding. I have to say that I am not very reassured by the direct quote attributed to Mr. Hodel in the May 29 Wall Street Journal where his comment on the health threat of ozone depletion was: "People who don't stand out in the Sun—it doesn't effect them."

Mr. Hodel might be surprised to learn that most of us want to live on a planet where it is safe to go outside.

Nevertheless, I am encouraged to hear Mr. Hodel distancing himself from this indefensible position. But, this does not mean that we can relax with the understanding that a strong sensible policy for protection of the ozone layer is secure in this administration.

Regardless of whether Secretary Hodel was misquoted, there is no doubt that strong forces within the administration have opposed a responsible ozone protection policy on the basis of the absurd point of view attributed to the Interior Secretary.

In essence, the argument is that people get skin cancer because of voluntary exposure to the Sun and should be responsible for protecting themselves from the increased ultraviolet radiation accompanying ozone depletion.

To show both that this view is held by senior officials within the administration, and that there are fundamental flaws to this line of reasoning, I would like to read some passages from an April 6 letter written by Professor Margaret Kripke of the University of Texas, who is chairman of the EPA Science Advisory Board's Subcommittee on Stratospheric Ozone. Dr. Kripke addressed this letter to a senior OMB official, Dr. David Gibbons, after a briefing she provided for him and other Administration officials active in the Domestic Policy Council's effort to undermine the U.S. position on ozone protection.

Dr. Kripke makes the following points:

> I am troubled by the point of view that you related indicating that skin cancer is a self-inflicted disease, and therefore, we need not protect people against increased (ultraviolet) radiation because they should be responsible for protecting themselves.
>
> The majority of the skin cancer patients we see cannot be characterized as belonging to the leisure or sun-worshipping sets. Most of our patients with skin cancer are farmers, rancher, oil field workers, and people who work on off-shore oil rigs. I feel that I am doing our patients a great disservice (if I leave) uncontested the impression that skin cancer is a problem limited to suntan seekers.

It seems to me that the excerpts form this letter, attest to both the existence of the sunglasses and hats mentality within the administration, and the foolhardiness of that approach.

EPA has predicted that ozone depletion will result in millions of cases of skin cancer, eye cataracts, immune system suppression and other serious health and environmental effects. The hats and sunglasses response would do nothing to address the many serious, perhaps even disasterous, environmental effects, like a major disruption in the oceans' food chain. With regard to human health I point to Dr. Kripke's knowing criticisms of this callous formula.

We will have only one chance to protect the fragile ozone layer which shields our planet from dangerous ultraviolet radition. We must do all that we can to see that we get a worthwhile result from the years of delicate international negotiatons for ozone protection.

And, if an acceptable multilateral accord cannot be reached, we must not let the effort for protection of the ozone layer die because of the positions of a few irresponsible nations. This is not the legacy that the American people wish to leave for the Earth's future generations.

If some countries will not go along, the United States should proceed with like minded countries with a program such as that provided for in H.R. 2036. Introduced by Mr. BATES, this bill tracks the former official administration position on ozone protection calling for a 95-percent reduction in CFC's.

Our action today will send a strong siginal to the President that the Congress will not stand by while the administration abandons the Earth's ozone layer. Once again, I commend Congressman DINGELL and LENT for their sponsorship of this resolution, and I urge my colleagues to support this measure and let the White House known that hats and sunglasses are no solution to this serious environmental problem.

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

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

Mr. Speaker, protection of the stratospheric ozone layer will be one of the most important environmental issues addressed by this Congress. Scientists now predict that the continued depletion of the outer ozone layer could cause as many as 800,000 additional deaths from skin cancer and over 1 million cataracts over the next century. It could also have impacts more difficult to quantify, such as suppression of the body's immune system, as well as damage to crops, marine biology, and wildlife.

At this very moment, Mr. Speaker, administration officials are meeting in Brussels to flesh out important details on a draft international protocol to protect the stratospheric ozone layer. A diplomatic meeting in Montreal this September has been scheduled for the signing of this protocol. House Concurrent Resolution 50 provides our support and encouragement to the administration as it negotiates this important international agreement. At this time I would like to ask permission to insert in the RECORD a "Dear Colleague" on the resolution from Congressman JOHN DINGELL, chairman of the Energy and Commerce Committee, and Congressman NORMAN LENT, ranking minority member of the committee.

The need for this agreement, Mr. Speaker, is evident in the very nature of the stratospheric ozone problem. Ozone depletion is a global problem resulting from the emissions of ozone depleting chemicals throughout the world. Action by any one country alone, such as the United States, will not necessarily ensure the protection of the outer stratospheric ozone layer.

Unilateral action by the United States would, however, be harmful to American industry in international trade. Instead of protecting American jobs, we would be placing our export industries at a serious economic disadvantage in competing for foreign export markets. Instead of ensuring a

meaningful freeze on stratospheric ozone-depleting chemicals, we would be encouraging CFC-producing industries to relocate to countries without CFC controls.

Mr. Speaker, not only must we have this agreement, we must express to the administration the need to ensure the broadest possible participation in the agreement. In 1978, when we banned CFC-containing aerosols, only eight smaller-producing countries followed suit. This is, obviously, not a formula for success. Too many countries have remained ominously silent during recent negotiations in Vienna and Geneva. If we are going to be truly successful in protecting stratospheric ozone, we must, as our first step, ensure the greatest international participation. This may translate to a more moderate first step than many would like. Our first goal must be to achieve a worldwide consensus that there is a problem and that we must unite and act together to solve it.

The signing of a draft protocol is now less than 3 months away. These intervening months will be a critical period for the resolution of this issue. I hope this resolution will give the rest of the world confidence that the United States stands solidly behind its commitment to protect the outer ozone layer through international action.

At his point in the RECORD I include the following letter:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 19, 1987.

DEAR COLLEAGUE: Today, we introduced H. Con. Res. 50 providing encouragement and support for the efforts of the President in negotiating under the auspices of the United Nations Environment Program an international protocol for global controls to protect the stratospheric ozone from the adverse effects of chlorofluorocarbons. The protocol is a natural compliment to the Vienna Convention for the Protection of the Ozone Layer signed in March 1985 and ratified by the United States in August 1986.

Protocol negotiations began in Geneva, Switzerland last December. They will be continued in Vienna, Austria next week. A global protocol is needed. It is supported by industry and the environmental community.

The resolution stresses the importance of preserving the ozone layer and the need to develop safe, effective, and nontoxic substitutes in a reasonable time for fully halogenated chlorofluorocarbons. These substances are now used in many U.S. industries, including the communications, home building, fire prevention, computer, air conditioning, motor vehicle, and refrigeration industries. It encourages recovery and recycling of chlorofluorocarbons which would be just as effective as elimination of CFCs in favor of substitutes. It points out the U.S. has unilaterally banned the use of these substances in aerosol propellants, but European and other countries have not followed our lead.

We do not favor unilateral action by the U.S. (either administrative or legislative), because this is a worldwide environmental problem, not just a U.S. problem and because Russia, the European Community Countries, and Japan produce, use, and export more CFCs than the U.S. and they export products utilizing CFCs. Unilateral action would disadvantage the U.S. economically, and not achieve the worldwide control needed environmentally. With patience and perseverance, the U.S., Canada, the Nordic countries, and other nations, plus strong public support, should succeed in adopting a protocol during the 100th Congress.

The resolution stresses two important goals: The protection of the public health and the environment and the protection of American jobs.

We hope you can support it by adding your name to H. Con. Res. 50. If you want to cosponsor it, please call either Mr. Mike Mason (6-3718) or Ms. Charley Witkins (5-2927).

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.
NORMAN E. LENT,
Ranking Minority Member,
Committee on Energy and Commerce.

Mr. Speaker, I further would like to comment since the subject was brought up with regard to a letter or comments made by Secretary Hodel because Secretary Hodel has corresponded with the Congress and this committee and I would like to quote what he has said to clarify his remarks. Now this is a direct quote:

I have not suggested and do not believe that the complex issues concerning effects of stratospheric ozone depletion should be or could be solved by some simplistic approach such as sunglasses, hats and lotions.

In essence, the basic issue is whether the President merely will be presented with a proposal which simply authorizes negotiating "the best possible" international agreement on the subject, or whether he should have the opportunity to establish for our negotiators meaningful guidelines which indicate such things as how many countries must sign, what percenage of global CFC production and/or use must come under the agreement, which chemicals must be included, and the like in order for an agreement to be acceptable to the United States. Certainly, unilateral action by the United States would do little to address the problem and would be to our disadvantage.

Mr. DINGELL. Mr. Speaker, I rise today in support of House Concurrent Resolution 50 which I introduced along with my distinguished colleague, Congressman NORM LENT. The resolution enjoys the support of 47 cosponsors, including the able Member from New Mexico, Congressman BILL RICHARDSON, who is a leader in the effort to prevent the depletion of the ozone layer. I greatly cherish his important support.

At this point, I insert a "Dear Colleague" which explains the purpose of the resolution and some of its provisions:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 19, 1987.

DEAR COLLEAGUE: Today, we introduced H. Con. Res. 50 providing encouragement and support for the efforts of the President in negotiating under the auspices of the United Nations Environment Program an international protocol for global controls to protect the stratospheric ozone from the adverse effects of chlorofluorocarbons. The protocol is a natural compliment to the Vienna Convention for the Protection of the Ozone Layer signed in March 1985 and ratified by the United States in August 1986.

Protocol negotiations began in Geneva, Switzerland last December. They will be continued in Vienna, Austria next week. A global protocol is needed. It is supported by industry and the environmental community.

The resolution stresses the importance of preserving the ozone layer and the need to develop safe, effective, and nontoxic substitutes in a reasonable time for fully halogenated chlorofluorocarbons. These substances are now used in many U.S. industries, including the communications, home building, fire prevention, computer, air conditioning, motor vehicle, and refrigeration industries. It encourages recovery and recycling the chlorofluorocarbons which would be just as effective as elimination of CFC's in favor of substitutes. It points out that the U.S. has unilaterally banned the use of these substances in aerosol propellants, but European and other countries have not followed our lead.

We do not favor unilateral action by the U.S. (either administrative or legislative), because this is a worldwide environmental problem, not just a U.S. problem and because Russia, the European Community Countries, and Japan produce, use, and export more CFC's than the U.S. and they export products utilizing CFC's. Unilateral action would disadvantage the U.S economically, and not achieve the worldwide control needed environmentally. With patience and perseverance, the U.S., Canada, the Nordic countries, and other nations, plus strong public support, should succeed in adopting a protocol during the 100th Congress.

The resolution stresses two important goals: The protection of the public health and the environment and the protection of American jobs.

We hope you can support it by adding your name to H. Con. Res. 50. If you want to cosponsor it, please call either Mr. Mike Mason (6-3718) or Ms. Charley Watkins (5-2927).

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.
NORMAN F. LENT,
Ranking Minority Member,
Committee on Energy and Commerce.

Mr. Speaker, House Concurrent Resolution 50 was reported unanimously by our committee and thereafter I entered into an exchange of correspondence with the Committee on Foreign Affairs which shared jurisdiction over the resolution. The exchange is printed in our committee's report on the resolution (see H. Rept. 100-176, pt. 1, pp. 3-5). I particularly appreciate the cooperation we received from that committee.

I also want to commend Subcommittee Chairman WAXMAN for guiding this resolution through the committee and the floor today.

Mr. Speaker, many in the administration and elsewhere believe that the world's ozone layer is threatened with depletion. The extent of the problem, the reasons for it, and the causes of the potential depletion are not fully understood. But there is sufficient scientific information available to warrant concern and the

taking of precautions. But it is a global concern, not just one for the United States.

The following is a discussion of the scientific issues by a U.N. scientific working group:

AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS FOR THE PREPARATION OF A PROTOCOL ON CHLOROFLUOROCARBONS TO THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER (VIENNA GROUP), THIRD SESSION GENEVA, 27-30 APRIL 1987

CONCLUSIONS OF THE SCIENTIFIC WORKING GROUP

1. Both the total column content and the vertical, latitudinal, and seasonal distribution of atmospheric ozone respond to the total chlorine and total bromine loadings of the stratosphere.

2. Factors governing the relative efficiency of the compounds to deplete ozone are recognized to be:

(1) Rate of release of the compound into the atmosphere;

(2) Rate of removal of the compound in the troposphere and its persistence in the stratosphere;

(3) Efficiency of the compound in destroying ozone in the stratosphere.

Combining factors (2) and (3) results in a quantity known as the Ozone Depleting Potential (ODP).

3. There are four classes of ozone-depleting substances. Table I lists the specific chemicals included in each class, recommended values for the ozone-depleting potential of each chemical, and their approximate 1985 global production rates. Group (a) contains fully halogenated chlorine compounds with an ODP value near unity; group (b) consists of fully halogenated bromine compounds with an ODP value greater than unity; group (c) contains partially halogenated chlorine compounds with ODP values substantially less than unity that were in widespread commercial use in 1985; group (d) contains partially halogenated compounds not produced in commercial quantities in 1985 but which have potentially large applications in the future as substitutes for group (a) because they have ODP values significantly less than unity.

TABLE I

Group	Chemical	Recommended ODP	Approximate 1985 global production rates [1] (million kg/yr)
(a)	CFC-11	1.0	340
	CFC-12	1.0	440
	CFC-113 [2]	.8	160
	CFC-114 [3]	1.0	(4)
	CFC-115 [3]	.6	(4)
(b)	Halon-1301 [3]	10	10
	Halon-1211 [3]	3	10
(c)	CFC-22 [2]	.05	210
	Methyl Chloroform	.1	550
(d)	CFC-123 [3]	<.05	0
	CFC-132 [3]	<.05	0
	CFC-134a	0	0

[1] Approximate global production rates include estimates of production for the CMA-reporting companies [for CFC-11 and 12 only], the USSR, and some developing countries. Note that total production of each compound is not emitted in the year of production.

[2] Some chemicals, notably CFC-22 and to a lesser extent CFC-113, are also used as chemical intermediates. Therefore, not all of these chemicals produced are released to the atmosphere.

[3] ODP values are preliminary estimates subject to further scientific review.

[4] Very low.

4. Inspection of Table I, in agreement with the priorities established in Vienna at the Second Session of the Vienna Group, 23-27 February 1987, shows that at present CFCs 11 and 12 combined are the largest contributors to the predicted depletion of ozone (i.e.~70%). This Table also indicates that current production of CFC-113 contributes about 12% to the predicted depletion of ozone. It is clear that a protocol which allowed substitution of CFCs 11 and 12 by other fully halogenated CFCs, e.g. CFC-114 or CFC-115, would not protect ozone due to the large ODP values and long lifetimes of these substances. Although at current levels of production, a percentage reduction of CFC-11 and CFC-12 will reduce the risk of ozone depletion more than an equivalent percentage reduction in the production of other compounds listed in Table I, the high growth rates in production of these other compounds will be a source of concern if these growth rates continue over long periods of time. Therefore, from a scientific perspective, the Protocol should consider all of the fully halogenated chemicals which are very long-lived, as a group for the purpose of regulation.

5. Chemical compounds that have low ODP values, such as those in class (d) of paragraph 3 and CFC-22, have significant value as substitutes. A special case is CFC-115 which is used in CFC-502 as an azeotropic mixture with CFC-22. CFC-502 has an ODP value of 0.3.

6. The ODP values for Halons 1211 and 1301, CFC-114, and CFC-115 are not as well established as the values for the other chemical compounds in Table 1. Hence, the recommended ODP values for these chemical compounds should be considered provisional. The Scientific Working Group requests that UNEP arrange expeditiously for improved calculations of these ODP values. In addition, UNEP should quantify the ODP values of alternative CFC formulations for judging their acceptability.

7. The ODP values for the Halons pose a special case because they depend synergistically upon the stratospheric chlorine abundance. The values recommended in Table 1 are based on estimated 1987 abundances of stratospheric chlorine (~2.5 ppbv). Higher stratospheric chlorine abundance would result in higher values for the ODP values of Halons 1211 and 1301.

8. An additional atmospheric property of the CFCs is their potential to contribute to the greenhouse warming. The Scientific Working Group requests that UNEP quantify this property as a guide for judging the acceptability of alternative CFC formulations. For example, CFC-22 not only has a low ODP value relative to that of CFC-11 and CFC-12, but also has a limited greenhouse effect. In contrast, the greenhouse potential of CFC-115 is greater than that of CFC-11 and CFC-12.

9. The Scientific Working Group underscores not only the importance of considering predicted total column ozone changes in selecting a control strategy, but also the changes in the vertical and latitudinal distribution of ozone. Current theory predicts that even when there are only small changes in column ozone, there is still significant change in the vertical distribution of ozone, which would modify the atmospheric temperature profile. Similarly, while a calculated global average of ozone depletion is a useful guide for policy considerations, analyses with two-dimensional models indicate that column ozone depletions greater than the global average will occur at high latitudes and that smaller rates of depletion will occur close to the equator. These analyses also suggest significant seasonal changes in levels of depletion.

10. The Scientific Working Group reviewed the UNEP Report of the *Ad Hoc* Meeting to Compare Model Assessments of the Ozone Layer held in Würzburg, FRG, on 9-10 April 1987. In general, the Scientific Working Group endorsed the conclusions of that report. During the discussion of the appropriateness of the CFC scenarios used at the Wurzburg meeting, a represenative of the US EPA described the rationale for the choices. In addition, the US EPA representative stated that, in his opinion, the future growth rates of the Halons and the growth rates of all chemicals in the developing countries were probably underestimated. Representatives of the European CFC Industry questioned both the projected growth rates and the fraction of current production consumed in developing countries. The predicted ozone response to CFC's is sensitive to the scenario assumptions adopted for carbon dioxide, methane, and nitrous oxide. Those adopted at the Wurzburg meeting are simply the current rates of growth of these gases. If the growth rates of CH_4 or CO_2 are lower than assumed the predicted depletion of total ozone by CFCs would be greater. On the other hand, if the growth rates of CH_4 or CO_2 are higher than assumed, the predicted depletion of total ozone by CFCs would be lower. In all of the scenarios examined at this meeting, including a true global freeze of the emissions of all chlorine and bromine containing chemicals, all models examined predicted a depletion of at least 1 percent in global column ozone.

11. The recommendations made by the Scientific Working Group at the Second Session of the Vienna Group were endorsed, principally the need for continued scientific research, long-term measurements, and major scientific assessments every four years. The Vienna Convention provides a mechanism for initiating interim reviews as dictated by major changes in scientific knowledge. The most recent major review was published by WMO and UNEP in early 1986. Therefore, the Scientific Working Group recommends that the next major scientific review be published in early 1990.

Mr. Speaker, late last year the United States and other nations convened, under the auspices of the United Nations, to develop a protocol to the International Convention ratified by the United States last year. Those negotiations are continuing today in Brussels and, hopefully, will be completed next September with a fiscal protocol that all nations will approve.

At this point, I insert my remarks before the Subcommittee on Health and the Environment and my correspondence with the administration and others about this protocol and the negotiations:

STATEMENT OF HON. JOHN D. DINGELL, CHAIRMAN, ENERGY AND COMMERCE COMMITTEE AT THE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT MARKUP OF HOUSE CONCURRENT RESOLUTION 50, JUNE 4, 1987

Mr. Chairman, I commend you for scheduling this markup today on House Concurrent Resolution 50 which Congressman NORM LENT and I introduced on February 19. The resolution has more than forty cosponsors, including many from the full Committee and this Subcommittee.

The markup is timely because the United States and other nations are in a crucial stage of negotiations under the auspices of the United Nations Environment Program aiming for the finalization and signing of an international protocol to the Vienna Convention for the Protection of the Ozone

Layer. That Convention was signed in March 1985 and last August it was ratified by the United States. A new round of talks among some key countries will occur this month in Brussels. As we all know, the President's Domestic Policy Council is considering a series of draft protocol documents developed in April at Geneva and options for this next round.

Both Congressman Lent and I have long advocated such a global protocol and opposed unilateral action. Indeed, when we introduced H. Con. Res. 50, we wrote to our colleagues as follows:

"We do not favor unilateral action by the U.S. (either administrative or legislative), because this is a worldwide environmental problem, not just a U.S. problem and because Russia, the European Community Countries, and Japan produce, use, and export more CFCs than the U.S. and they export products utilizing CFCs. Unilateral action would disadvantage the U.S. economically, and not achieve the worldwide control needed environmentally. With patience and perseverance, the U.S., Canada, the Nordic countries, and other nations, plus strong public support, should succeed in adopting a protocol during the 100th Congress."

Thus, you can imagine that I was disturbed about media reports last week that the Secretary of the Interior was suggesting alternatives to the protocol or, at a minimum, deferring its finalization in September. I thought that idea would be detrimental to the Lent-Dingell view shared by many of our colleagues and I told him so in the letter attached to my statement. A letter to Administrator Thomas about the Geneva documents and U.S. options is also attached. I was also delighted when you, Mr. Chairman, talked to me on Monday about scheduling this markup.

A global protocol is needed. Such a protocol has industry and environmental support. Chlorine based chlorofluorocarbons (CFCs) threaten to deplete the world's ozone layer, according to some leading scientists. Such depletion could have significant adverse health and environmental consequences. There are models predicting increased cancers and cataracts projected over 100 years with such depletion. I understand that the modeling has an uncertainty estimation of 20 percent and we should be cautious, as observed by Dr. Margaret Kripke of the University of Texas System Cancer Center in a recent letter to me, that we not scare people with these uncertain predictions. But the predictions are of concern and they provide us with a warning that should be heeded.

H. Con. Res. 50 and my letters to the Administration stress two important protocol goals: The protection of the public health and the environment and the protection of American industries, particularly user industries, and jobs.

In 1978, the U.S. unilaterally banned the use of CFCs as nonessential aerosol propellants. That effort, according to the Environmental Protection Agency, "achieved the greatest reduction in CFC use." Canada and several other nations with little or no CFC production followed our lead. But 70 percent of the CFC production originates in other countries, such as Japan, Russia, and European Economic Community countries. It is a worldwide problem, not a problem of a few nations or the U.S. alone.

Many of these nations, like Japan, have not even joined the basic 1985 Convention. CFC-113, which is used as a solvent and is heavily used in the electronics industry, is a growth product in Japan. But that nation, in the negotiations, has been dragging its feet in supporting any protocol, let alone one that would curb the use of CFC-113. Incidentally, the Committee and Subcommittee staff, majority and minority, have closely followed the negotiations in Geneva and Vienna as U.S. government official observers.

To begin bargaining, last December the U.S. offered a draft protocol calling for a 95 percent reduction of CFCs with no time frame specified, although some suggest it would be 10-15 years. It is on the table, but few nations have supported it. Instead, a much less ambitious protocol is being considered. But even that does not enjoy more than unofficial, general support among the leading nations.

H. Con. Res. 50 calls for a protocol that gains the broadest support from all nations, not just the U.S., Canada, Norway, Sweden, Finland, and a few others. That support should include the developing countries like South Korea, Malaysia, Brazil, Argentina, Kenya, Nigeria, and Egypt, without granting them undue concessions for a limited time.

The resolution calls for an immediate reduction in the use of CFCs which translates into a freeze by the end of this decade at 1986 levels of production and imports. I believe that this alone will cause some shift toward substitutes and an increase in recovery and recycling. It will also undoubtedly increase costs to consumers of products using or containing CFCs.

The resolution calls for the development of safe, effective, and nontoxic-nonozone depleting substitutes. This is important because current CFCs are considered nontoxic, nonflammable, very stable, and effective. Their fault lies in their ozone-depleting potential. Clearly, we do not want to resolve this fault and create new problems from a safety, environmental, or other viewpoint with new substitutes. This should not, however, be construed by the producer or user industries as a signal to go slow. Clearly, these industries have a duty to develop such substitutes without delay.

The resolution calls for the elimination of fully halogenated CFCs that may deplete the ozone layer within a reasonable, but unspecified, time. As we noted in introducing the resolution, included in the word "elimination" is the idea of recycling and recovery, because substitutes for some CFCs are not even a gleam in any manufacturer's or user's eye. For example, I do not hear talk of a substitute for CFC-113.

Important to all of this is a periodic assessment of the science, the technology, and the environment on a worldwide basis. Such assessments should consider the results of a freeze and reduction steps not only in the case of developed countries, but also in the case of developing countries. Experience may show that further reductions are not needed or that the proper substitutes do not yet exist. In short, the resolution provides needed flexibility.

The Lent-Dingell objective is to encourage and support protocol negotiations and finalization, which includes adequate trade provisions, that protect the world health and environment, American jobs and the U.S. industries that provide those jobs. Adoption of this resolution today should bolster that effort in the Administration and at Brussels and Montreal. I urge its adoption.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 1, 1987.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: Enclosed for your information is a letter I have sent to Secretary Hodel concerning recent remarks attributed to him by the Washington Post relative to the stratospheric ozone issue and the related international protocol.

As noted in that letter, I have not received a reply to my letters of March 4 and 13, 1987. Those replies are long overdue. Before the last meeting in Geneva, your staff said the replies were at the Office of Management and Budget. That was in April. It is now June. I request that they be provided within 10 days after receipt of this letter.

As I indicated to Secretary Hodel, I continue to believe that an international protocol is essential and that its development and finalization should not be delayed by the Administration at the Secretary's suggestion or at the suggestion of some in the Senate.

As I indicated in my prior unanswered letters, I continue to question the basis for the U.S. proposal for a 95 percent reduction of CFCs at some unspecified time. However, I agree that it is our basic negotiating position and I do not object to your strategy and that of Ambassador Benedick of not disavowing it at this time. Nevertheless, as the enclosed "Report of the Ad Hoc Sub-Working Group on Control Measures" shows, the U.S. position was really not "on the table" in the last Geneva meeting.

That report outlines a proposal presented by the Executive Director of the United Nations Environmental Program, Dr. Mostafa K. Tolba. But the delegations made it clear on April 30 that the "control proposals in the current draft" of article II of the draft protocol were those of Dr. Tolba and not the delegations.

Indeed, as to the substance to be included in the agreement, Dr. Tolba's report shows there still is no true consensus. The report states:

"Dr. Tolba noted the new areas of agreement reached which included [a *general* (as added by Japan)] consensus on the need to freeze CFCs 11, 12, and 113 and also, should scientific evidence confirm the need, to include *possibly* CFCs 114 and should scientific evidence confirm the need also CFCs 115 to be included in the list of potential ozone depleting substances to be regulated." (Italics supplied.)

As to the Halons, they are still in legal limbo as to whether the Convention intended to consider bromine containing substances in addition to chlorine containing substances.

As the Washington Post editorial of May 15 states, "a lot of bargaining remains ahead."

As I understand it, you, Ambassador Benedick, and the Domestic Policy Council (DPC) are reviewing the latest Geneva proposals in preparation for a smaller meeting later this month in Brussels headed by Dr. Tolba. As to the DPC deliberations, I make the following comments:

First, I cannot reiterate too strongly the need for an international protocol as soon as possible that protects *both* (a) worldwide public health and the environment and (b) American industry (especially U.S. user industries) and American jobs. Congressman Lent (the Ranking Republican on our Committee) and I have indicated that we do not support unilateral legislation jointly re-

ferred to in our Committee and three other House Committees because it is inconsistent with objectives (a) and (b). The threat of enactment of such legislation is not real in the House, unless of course, the Administration were to abandon the protocol effort you and Ambassador Benedick lead.

The protocol must cover all CFCs listed by the U.S. in the November 1986 draft and, hopefully, the Halons.

Second, the protocol must be structured to attract the widest group of countries as possible in order to carry out objectives (a) and (b) above. A protocol that counts Norway, Sweden, Canada, Denmark, Finland, the U.S., and some other countries as signatories, but does not include Japan, Russia, and the European Community countries is really not going to carry out objectives (a) and (b). None of those countries have shown support for the U.S. draft protocol of last November.

Some, like Japan, have not adopted the basic Conventions, although the Japanese delegation in Geneva indicated that Japan will consider the protocol and Convention together.

Third, the protocol *must* attract as signatories the developing (or so-called "low consuming") countries without granting them undue special exceptions or exemptions. Until the last meeting, the participation by these countries was not great either in numbers or in discussion. At the last Geneva meeting, our staff reports that several of these countries became more vocal and were seeking *concessions* that I believe may *not* necessarily be sound or acceptable to the U.S. in meeting objectives (a) and (b) above. It is essential that many of those countries *participate* (noting that some, like South Korea, Brazil, and Egypt, are not small), but I am concerned that too little attention has been paid by the U.S. to their demands. Their proposal (which expands on a Canadian proposal for these countries), as I understand it, is as follows:

Article on the special situation of low consuming countries

1. States signing the protocol whose per capita consumption in (1986) was less than (0.1 kg/capita/yr) (0.20 kg/capita/yr) will be exempt from controls for a period of (5) (10) yrs after the coming into force of this Protocol.

2. Following the (5) (10) yrs exemption period, those countries exempted by paragraph 1 will be subject to controls in a manner parallel to other members of the Protocol.

3. Protocol members will make all possible efforts to assist those countries exempted to make expeditious use of environmentally safe alternative chemicals and technologies.

I, at least, want to know the impact of these and related provisions on objectives (a) and (b).

Fourth, the timing of various control measures is extremely important to the achievement of objectives (a) and (b). Dr. Tolba reported that there was "agreement" of an "undertaking of regular review of the control measures in 1990 and every four years thereafter based on scientific, technical, economic and environmental assessment, each to be carried [out] one year in advance of the respective review."

These assessments are welcome and essential. However, to be effective there must be sufficient time between actions to evaluate the results or effects of those actions, particularly in the case of the economic and technical assessments. Even in the case of the science and environment, changed data may be sparse in a short period. I question whether the time (now being considered) between signing, a freeze, and each further reduction is adequate for these assessments. *Remember objectives (a) and (b) above.* Many actions or combinations of actions by industry worldwide *may* achieve the environmental objectives (based on sound science) without ever going to the ultimate elimination of all or some substances, or even a 95 or 50 percent reduction thereof. Most importantly, it is important that the substitutes are safe, non-toxic, technologically workable and will not cause a new environmental problem.

In my view, the timing set forth in the attached "Article II: Control Measures" does not work or appear to meet the above objectives (a) and (b).

I also question whether the panel should be composed only of "scientific experts" since the review mandate covers more than science.

Fifth, the protocol should provide, as a minimum, a freeze on combined annual production and imports based on *1986* levels. I understand that this is proposed to occur within two years after the protocol comes into effect which, of course, cannot occur until the basic Convention also comes into effect. Whether the time is two years or a lesser time, I have no great concern except to observe that some time will be needed in the U.S. and elsewhere to establish implementation controls.

Sixth, the proposed protocol being considered also calls for a reduction of 20 percent from the freeze level within "[4] years after entry into force" of the protocol which is effectively [2] years after the freeze starts.

As to the time, I refer you to my remarks under "Fourth." This is a clear example of a timing problem. Will the assessment panel meet one year before this step and will it have sufficient experience and results from the freeze to provide sound advice?

As to the 20 percent reduction, I am not opposed. I do, however, have concerns about the impact of that reduction that might be lessened if I had the responses to my letters. The May 13 testimony of EPA's Director of the Office of Program Development, Ms. Eileen Claussen, indicates some uncertainties about such reductions. She testified that EPA has a "preliminary analysis of the costs and benefits of possible measures." I underscore the words "preliminary" and "possible." EPA has not sought (through the Federal Register or otherwise) public comment thereon or even released all the underlying data and contractor studies. (See the enclosed letter from DuPont to EPA urging that EPA "seek adequate review by representatives" of the market segments.) The testimony summarizes the "Initial Results" (which abounds with qualifiers) as follows:

"Based on this extensive analysis of the current uses of CFCs, we believe that substantial low cost reductions are available using currently available technologies. While our data are not conclusive, and some of the reductions *might not be realized*, our initial analyses suggest that reductions up to 30 percent of current use *might* be possible without chemical substances and at a cost of about 0.15 dollars per kilogram. Let me emphasize that these reductions *do not* assume that new technologies or new chemical substitutes become immediately available." (Italics supplied.)

Ms. Claussen also said that EPA convened a panel to "explore questions of technical and economic feasibility as well as safety of new compounds that are less harmful to stratospheric ozone." Before quoting her statement of the panel's findings, I must ask the meaning of the words "less harmful." They imply some harm, but not as great as the present CFCs. That is not reassuring or comforting. Parenthetically, I observe that attached to Ms. Claussen's statement are tables that appear to show that control options for, among many others, "Dry Cleaning" establishments using CFCs are: "Replace seals," "Carbon absorption," "Aqueous cleaning," "Perchlorethylene," and "Methyl Chloroform." In the case of Perchloroethylene, I observe that I wrote to you on April 23 enclosing a letter from the Michigan Institute of Laundering and Dry Cleaning, Inc., which states that "perc" is a solvent used in "almost 90% of the plants operating in Michigan and there are almost 1,400 licensed plants in our state." The Institute said that EPA's Cancer Assessment Group wants to establish perc as a category "B" or "probable" human carcinogen to be regulated under sections 111 or 112 the Clean Air Act. In Michigan, CFC 113 is not the preferred substance, but if perc is so classified the resulting controls might require these plants to go to an alternative, like CFC 113. If CFC 113 is unavailable for any reason (including cost), what is the substitute? Incidentally, dry cleaners are also targets for control of hydrocarbons in California and other ozone nonattainment areas. Is there coordination?

As to the panel's conclusions, Ms. Claussen states:

"The panel concluded that it is the absence of a market for higher priced chemicals—not technical or environmental barriers—that is slowing the commercialization of new, less harmful chemicals. *The panel stated that it felt that only worldwide governmental regulations could provide sufficient incentives to commercialize the new chemicals.* If regulation of the existing chemicals increased their price sufficiently, the panel projected that some of the new chemicals could be marketed within six years.

"The panel also concluded that the most promising new chemicals—CFC134a and CFC-123—can be produced using a variety of technologies that are available throughout the world. They rejected the possibility that a monopoly would develop and predicted that these new chemicals will be competitively produced and priced. *A representative from E.I. DuPont de Nemours & Co., Inc. stated that at full-scale commercialization, the company would offer CFC134a at a price between two dollars per pound and four dollars per pound. The price of CFC-12 is approximately 70 cents per pound.*

"Representatives from the automobile and refrigeration industries expressed a preference for a "drop-in" chemical such as CFC134a, even if it were priced several times higher than existing CFCs, because these chemicals are a small component of equipment cost and would require less changes in refrigeration equipment. However, representatives of the rigid foam insulation industry expressed *concern* that they could not afford major price increases for CFC-11. CFC-11 is priced at 60 cents per pound and its potential alternative, CFC-123, is estimated by DuPont to cost *$1.25 per pound to $2.50 per pound* once full-scale commercialization is achieved. The panel identified the most promising substitutes, the likely range of costs, and the time necessary for commercial production." (Italics supplied.)

The panel also uses the term "less harmful." Its conclusions do not appear to address the issue of at what level of control substitutes for any substance will begin to surface.

My concern is that with a freeze alone, CFC-113 use will likely continue to grow (albeit at a higher cost), while the "squeeze" will be on CFC-11 and CFC-12. It is not clear what impact (in terms of availability and costs) that will have on users of those substances, including service people who refill existing refrigeration or home and mobile air condition units.

I do not hear much talk of a substitute for CFC-113 which is also a growth substance in Japan.

In responding to my earlier letters, please provide copies of *all* EPA memoranda by any EPA office that discusses the impacts of a freeze and other reductions from the standpoint of encouraging substitutes.

Seventh, as to the proposal for a (30 percent) reduction within [6] [8] years after the entry into force of the protocol, my above comments about assessments and timing apply with even greater force, particularly since I do not know whether such a further reduction is needed, or its impacts, taking into consideration objectives (a) and (b) above. At this time (and without your replies to my earlier letters), I cannot indicate support for this further reduction or, for that matter, opposition. I am skeptical for now.

I strongly disagree, however, with the idea that it should go into effect automatically unless a (majority) or (two-thirds majority) of the parties to the protocol decided against such effectiveness. My staff has suggested an alternative approach for your consideration:

Step 1—This reduction must (after the full assessment review) be voted upon at the established time and place after entry into force of the protocol by a (majority) (two-thirds majority) vote of the parties. If a vote is taken and it is not affirmatively approved by such vote, it is not adopted.

Step 2—If the parties do not meet or vote as required by Step 1, then not later than three years thereafter the reduction will take place, unless a (majority) (two-thirds majority) of the parties vote not to impose the reduction.

Eighth, as I have indicated before, one of the most important and essential elements of a protocol that meets objectives (a) and (b) above is the article on trade and the related provision on the reduction formula. The two documents developed at the last Geneva meeting are enclosed. They differ significantly from the U.S. drafts and there are many blanks and bracketed provisons which cause many uncertainties. Each contains exceptions (all of which are bracketed) for lesser developed nations that concern me greatly. The only sure success at Geneva in this area is the general assurance that the trade provisions are not believed inconsistent with GATT.

Due to the large remaining uncertainties, it is not now possible to evaluate these provisions. I expect the U.S. Trade Representative and the Secretary of Commerce to take the lead on these provisions at the DPC, in Brussels, and in Montreal. I also request that they be part of the briefing requested below. I stress that my support for the final protocol may ultimately hinge on the adequacy of these provisions.

Before closing, I commend you for your efforts and those of Ambassador Benedict and the others on the Administration team at Geneva. I urge success, but I am concerned that there is little time to achieve it. As to the Brussels meeting in late June, I understand that Dr. Tolba wants it small. While I do not think he should dictate the size of delegations. I do not insist on observers from my Committee attending that meeting *if* no other congressional and nongovernmental observers are *also* not included, and *if* a briefing is provided by the U.S. delegation to our Committee observers *immediately* before *and* following the return from Brussels.

Also enclosed is a May 25 article from the *Washington Post* entitled "New Theory for Polar 'Ozone Hole'." I request that the Administration's scientific experts, particularly the National Oceanic and Atmospheric Administration, discuss the impact of this theory, its status, and the extent of agreement or disagreement, as well as other theories and the status of the science.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 1, 1987.

Hon. DONALD P. HODEL,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: I was pleased to see the May 30, 1987 edition of the Washington Post quoting an unnamed White House official as discounting the "seriousness" of a suggestion reported by the Post on May 29 (which was attributable to you) of a public relations program calling for "personal protection" against possible increases in ultraviolet radiation, including the "wide use of hats, sunglasses, and sun-screening lotions." I understand you suggested this program as an alternative to pursuing, at this time, an international protocol, because you did not want the President to be "boxed into a position of having no option to choose from other than regulation."

I consider such as alternative to be detrimental to resolving a serious problem. It causes unwelcome ridicule and it could harm efforts (which I strongly support as indicated by my introduction with the Ranking Republican of this Committee, Congressman Norman Lent, of H. Con. Res. 50) to negotiate and finalize by next fall an international protocol on stratospheric ozone. I might add that I thought suggestions by some legislators (at recent Senate hearings on the progress of the negotiations) that the U.S. seek to defer the signing of the protocol until the results of the next scientific expedition late this summer to the South Pole are available (possibly late in the fall) to be equally harmful to this important effort. In both instances, Administrator Thomas properly responded that the Administration should continue on course toward a final protocol in Montreal, Canada next September. I commend him for what I consider the proper view, but I observe that little time is left.

As to the details of the protocol, that is properly a matter of concern to all as noted in my enclosed letter to Administrator Thomas and in my earlier letters of March 4, 6, 13, and April 23 to the Administration—none of which have yet been answered. The Post article of May 29 also quotes Ambassador Benedick as stating that his "negotiation position was authorized last November" and it is hard for him to "imagine that people weren't aware of it." He knows, as I pointed out in my letter of March 13 to Mr. Thomas (copy to you), that the "November position" was authorized by low-level officials in the Administration (outside of EPA and the State Department), that the technical support for that position was lacking, and that the February trade proposal did not receive any such authorization. If the position was "discussed before the Domestic Policy Council last summer," he never informed our Committee of that discussion when we held hearings in March.

Nevertheless, all agencies have been fully aware of the negotiations since March at the latest. Looking to alternatives or seeking to delay the June or September negotiations in order for the White House Science Advisor, the Interior Department and others to gain more information is not sound from any standpoint.

Clearly, the science is still uncertain. Much still needs to be learned. A skin cancer scare should not be and is not the driving force for a protocol. Indeed, Dr. Margaret L. Kripke of the University of Texas System Cancer Center who is Chairman of EPA's Science Advisory Board's Subcommittee on Stratospheric Ozone discussed this issue in correspondence with me which I provided to your staff. She said:

"Before responding to your specific questions, I would like to comment on a statement you made in your letter on page 2. Speaking of the increasing incidence of skin cancer, you state '. . . it is not clear that the ozone layer is the sole or primary cause.' I would take that statement further and say that there is at present no evidence that a decrease in the ozone layer is responsible for the recent increase in the incidence of skin cancers. There have been several erroneous statements in the press recently, linking the increases in skin cancer to ozone depletion. It is important to note that basal and squamous cell cancers (common skin cancers) develop over a period of decades, and even if the Nimbus-7 measurements prove to be correct, these decreases in global ozone are too recent to account for the rising incidence of skin cancer over the past twenty years. The implication in the editorial by Kopf et al, that increased UV radiation has resulted from decreased stratospheric ozone has no scientific basis at the present time (page 3 of your letter)."

Incidentally, she also wrote to the Office of Management and Budget. I strongly suggest that you and the White House Science Advisor read her letter which is enclosed for your convenience.

Despite this, I believe there is a sufficient scientific consensus (as evidenced by the United Nations negotiations, the enclosed "Conclusions of the Scientific Working Group" and other documents) to warrant a protocol to the existing Convention which the U.S. signed. Although the predictions of possible cancers from ozone layer decrease are for the distant future (which leaves some considerable uncertainty), they cannot be ignored or downplayed. We cannot afford to delay. We need to be cautious.

I share with the Washington Post editoral of May 15, 1987, the belief that a "lot of bargaining remains ahead," but an "enormously important achievement now seems to be within the Administration's grasp, and no one should be allowed to spoil it." The details are clearly not resolved, as are the question of adequate participation by producer and non-producing countries, like Russia, Japan, the European Community countries, and many of the developing nations. Your input within the Administration in the "bargaining" and in later implement-

ing regulations can, undoubtedly, be helpful and constructive. But your comments of a few days ago were not. They only encourage some to press for legislating unilaterially when such legislation does not appear to have much support, particularly in the House, and will not resolve the worldwide problem. Again, I urge an international protocol, hopefully in September, and urge you to abandon alternatives and to work toward that end.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

THE UNIVERSITY OF TEXAS
SYSTEM CANCER CENTER,
Houston, TX, April 6, 1987.

Dr. DAVID GIBBONS,
Deputy Associate Director for Natural Resources, Office of Management and Budget, Washington, DC.

DEAR DR. GIBBONS: It was a pleasure to meet you last Friday and to have an opportunity to discuss some of the issues relating to the potential effects of increased ultraviolet radiation. I found the meeting quite interesting because it gave me an added perspective on the complexities surrounding this topic. I also ended up with a great deal of respect for your incisiveness and ability to focus on the essential issues in the midst of a deluge of information. For this reason, I am troubled by the point of view you related indicating that skin cancer is a self-inflicted disease, and therefore, we need not protect people against increased UVB radiation because they should be responsible for protecting themselves.

I have thought about this issue a great deal in the past few days, and I feel that my response to this portion of the discussion was quite inadequate, considering the serious implications of this perception. I must admit, that coming from a cancer hospital and research institute, I was caught unprepared for this line of reasoning. I suppose this is because we are inevitably faced with the responsibility of dealing with the results of increased UVB exposure, regardless of its cause, and we do not have the option of ignoring people whose cancers are self-inflicted.

Whether the attitude you expressed is your personal view or merely one that has been expressed publicly by others, I think it deserves to be addressed in a more substantive manner than I was able to do last Friday. Therefore, I would like to try and pinpoint the reasons for my discomfiture with this analysis of the situation.

First, the majority of the skin cancer patients we see at the M.D. Anderson Hospital and Tumor Institute cannot be characterized as belonging to the leisure or sun-worshiping sets. Most of our patients with skin cancer are farmers, ranchers, oil field workers, and people who work on off-shore oil rigs. It is true that we see the more serious cases of skin cancer because we treat many people who have failed to be cured by surgery. However, I feel that I am doing our patients a great disservice by leaving uncontested the impression that skin cancer is a problem limited to the suntan seekers. This is clearly not the case; however, I am unaware of any recent study that attempts to characterize the skin cancer population as to what proportion of cases might have resulted from voluntary or recreational sunlight exposure.

Second, if we take the cold, economic point of view, skin cancer has an economic impact regardless of how it is acquired. It costs us in loss of human productivity and in medical expenses, irrespective of whether it is self-inflicted or inadvertently acquired.

Third, part of the increased exposure of our population to UVB results from the demographic trend of people moving southward. This was viewed as being purely voluntary in our discussion last Friday and attributed to people retiring in the South because of the pleasant climate. It is important to realize that this is not the only reason for the demographic shift in population, and it may not even be the major reason. My impression is that the southward movement also resulted from a depressed economic situation in the manufacturing centers of the northeastern United States in the 1970's, and that the migration was augmented by the high price of heating fuel during a few very cold winters. If these impressions are correct, the view that people are moving southward voluntarily because they want to enjoy the sunshine is not a fair assessment of the situation. Many people have moved because of economic necessity, rather than because they want to play golf year round.

Finally, there is a scientific issue that needs to be addressed. We are assuming that the increase in the incidence of skin cancers over the past few decades is due to a voluntary increase in exposure to UVB radiation. This increase is clearly not due to measurable reductions in ozone concentrations, and therefore is generally attributed to voluntary changes in behavior that lead to more sunlight exposure, e.g., clothing styles, tanning, recreational activities. Although this is the simplest explanation and quite logical, it is not an explanation based on scientific evidence, nor is it the only possible explanation. Consider, for example, the hypothesis that some other agent that is increasing in our environment increases the susceptibility of the skin to UVB-induced cancers. For example, suppose some bath soaps contain ingredients that remove dead skin, thereby permitting the penetration of more UVB. The increasing emphasis on personal hygiene and resulting increase in bathing practices could also account for the increasing incidence of skin cancer, without invoking a voluntary increase in exposure to UVB radiation. Thus, there is possibility that voluntary behavioral changes are not the only cause of the increasing incidence of the common skin cancers, and other explanations need to be considered before condemning people for having "self-inflicted" skin cancers. This is an unproven assumption that may be incorrect. Furthermore, with malignant melanoma, we do not know whether increased exposure to UVB radiation in adult life can increase the risk of this more serious form of skin cancer. Recent evidence suggests that sunlight exposure during early childhood may be determining factor in the relationship between UVB exposure and malignant melanoma.

I regret that I was unable to marshall these arguments on the spot last week, which would have given the audience an opportunity to respond. However, I think that these arguments are important, and I hope you will consider them, nonetheless. If you wish additional discussion or clarification of these or any related issues, please do not hesitate to call on me.

Sincerely,

MARGARET L. KRIPKE,
Ph.D.

THE SECRETARY OF THE INTERIOR,
Washington, June 8, 1987.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As the Energy and Commerce Committee takes action on H. Con. Res. 50, concerning international negotiations on protection of stratospheric ozone, I wanted the Committee to be aware that recent statements in the press regarding my position on this subject are totally false. I never have suggested that wearing sunglasses and hats is an alternative to regulating the use of CFC's and Halons. While I indeed have serious reservations about the proposed international protocol, it is only because I am concerned about its effectiveness, not about the need for one.

Enclosed is a copy of my recent letter to Senator Timothy Wirth, that he entered into the Congressional Record last Friday, which clarifies my thinking on this important public policy issue.

Sincerely,

DONALD PAUL HODEL.

THE SECRETARY OF THE INTERIOR,
Washington, June 4, 1987.

Hon. TIMOTHY E. WIRTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR WIRTH: Thank you for inquiring about my position regarding chlorofluorocarbons (CFCs) and stratospheric ozone, and thank you very much for questioning whether statements attributed to me in press reports were true. They were not.

I have not suggested and do not believe that the complex issues concerning effects of stratospheric ozone depletion should be or could be solved by some simplistic approach such as sunglasses, hats and lotions.

In essence, the basic issue is whether the President merely will be presented with a proposal which simply authorizes negotiating "the best possible" international agreement on the subject, or whether he should have the opportunity to establish for our negotiators meaningful guidelines which indicate such things as how many countries must sign, what percentage of global CFC production and/or use must come under the agreement, which chemicals must be included, and the like in order for an agreement to be acceptable to the United States. Certainly, unilateral action by the United States would do little to address the problem and would be to our disadvantage.

This issue currently is before the President's Domestic Policy Council (DPC). Let me elaborate on some of its aspects.

The purpose of DPC consideration is to be sure that, upon the considered advice of his entire Cabinet, the President, rather than just one or two agencies or departments, is afforded the opportunity to pass judgment of the position to be taken by the United States Government during international negotiations concerning possible limitations on global production and use of CFCs and similar chemicals. This is a complex issue of potentially great significance to the American people, their health, their lifestyle, their environment and their economy. It is the DPC's responsibility to subject available scientific information to thoughtful review and to present to the President an array of responsible options concerning the negotiating position of our government.

Contrary to certain press reports, I have not yet decided for myself what options are

worthy of consideration by the President, much less what the preferred option should be. Data and analysis on the multi-faceted aspects of the issue still are being developed on an inter-agency staff basis for DPC consideration. Once such information is available, the DPC members, including myself, will be in a position to reflect on a preferred array of options and then discuss our views with the President.

I am quite disturbed by those who carelessly or deliberately provided the misinformation concerning my views which resulted in the erroneous press reports regarding this matter. The potential impact of CFCs and similar chemicals upon stratospheric ozone and the potential consequences of such impacts, and of possible measures to avoid or mitigate such impacts, upon the lives of millions of Americans, not to mention other countries' citizens, are very serious issues which deserve thoughtful evaluation at the highest levels of our government. The manner in which the matter has been characterized by those, who, it appears, are determined to confine the President's options to those only of their crafting, has the unfortunate tendency to trivialize legitimate concerns and to inhibit informed analysis and policy making.

I believe the threshold question to be dealt with is: what is our objective? Are we attempting to deal with a potentially serious health problem, or is the proposed strategy of limiting production and use of CFCs also aimed at other types of potential problems? The essential thrust of the answer so far has been that our primary concern is potential adverse impact on people's health, specifically, skin cancer. Once that threshold question is finally resolved, we must tackle the who, what, when and how questions.

First, if the scientific theories are accurate, then the problem is one that we as a Nation must seek to solve through international cooperation. We must convince a substantial portion of the rest of the world that this is a problem which must be dealt with and solved on a global basis. A negotiating objective of obtaining agreement from "as many nations as possible" could be meaningless if, in our zeal to reach an agreement, we enter a pact which, for example, does not bind those nations which now and prospectively are likely to be significant producers and/or users of CFCs and similar chemicals. My information is that, at the last set of international negotiations in Geneva, which were conducted under the auspices of the United Nations Environment Program (UNEP), less than one-third of the United Nations member countries were represented, and several emerging industrial nations, such as South Korea, Taiwan, the People's Republic of China, India, Singapore, and Pakistan, were not present. The Soviet Union was the only Eastern Bloc nation present. In my view, it would be foolhardy for the United States to limit domestic production and use of CFCs, only to be confronted with global ozone depletion caused by other nations' continuing to enjoy unfettered CFC production and use.

It should be noted that United States leadership on this issue has brought increasing support from other countries, but the President should be given the opportunity to consider to what extent that leadership might cease to be effective if the United States alone, or in concert with only relatively few other producing and consuming countries, entered into a CFC limitation program. The President should be able to consider what constitutes sufficient, assured participation by other nations before any agreement receives our government's approval.

Secondly, we must have a well-thought-out proposal which, while designed to protect American interests, will gain acceptance by other countries, with de minimis exceptions, if any. No longer can the United States merely make assertions and arm-twist the world community into agreement and compliance. Our facts, data, and analysis must be credible, so that our arguments will be convincing. We should base our proposals on a realistic understanding of when CFC substitutes will be available in commercial quantities, the cost of our society to adapt to them, and whether they will be safe from a health and environmental standpoint.

If the theories which underlie our concerns about CFCs are accurate, then the burden is on those who would not insist on all chlorine-emitting CFCs, as distinguished from just a few, being subjected to international limitations. You will note from the enclosed copy of the "Chairman's Text," which emerged from the Geneva negotiations, that only three CFCs were agreed upon, two (indicated by parentheses) were discussed but not agreed upon, and halons (believed to be powerful emitters of ozone-depletion chlorine) were not included at all. I am advised that it is unclear whether Japan will agree to limitations on CFC 113, which is used as an effective cleansing agent for computer chips.

It is important to determine whether and to what extent an international agreement in some way will give "credit" to the United States for its 1978 unilateral ban on "non-essential aerosol sprays containing CFCs. Since, as mentioned above, substantially all the countries of the world, developed and developing should be bound by the agreement, the President has to determine whether to accept the suggestions of some that developing countries be excused from the same level of restrictions as are being proposed for the United States.

Certainly, any international agreement should assure that compliance by each signatory is mutual and verifiable. We also need to know whether this Nation, which is committed to the concept of free international trade, will support, as has been suggested by some, trade sanctions against countries which do not adhere to the obligations imposed by an international agreement.

Thirdly, we must have an acceptable mechanism for future decisionmaking. No plan should be put forward which, regardless of good intentions today, in effect precludes basing the international regulatory actions of the future on serious scientific review. To create today regulatory "targets" which are to obtain five to twelve years from now, based on the modelling of today which admittedly is plagued by uncertainties and which certainly will change after the proposed "freeze" has been in effect for two years, is highly questionable policy. It seems logical to me that there should be adequate time between the proposed "freeze" and the scientific review contemplated by the "Chairman's Text" to enable signatories to ascertain and to evaluate new scientific, technological and medical information before the decision is made to move forward to the next targeted reduction; otherwise, the "scientific review" could be meaningless.

Moreover, any international agreement which provides for future regulatory decisions by vote of signatories should be designed so as not to leave the United States wholly subject to the voting power of other nations whose economic and political objectives may be entirely inconsistent with our own. Before we agree to an international protocol, perhaps it would make sense to have a pretty good idea as to how the domestic regulatory mechanism would allocate among U.S. producers and users of CFCs and similar chemicals the burden of contributing to internationally agreed-upon "freezes" or reductions in their production and use.

The foregoing are but some of the major facets of this complex issue. Neither the Domestic Policy Council nor the President has had an opportunity to address them, notwithstanding the fact that there is divergence of opinion among interested departments and agencies as to the nature and scope of an agreement that will be in the best interests of the people of the United States. Yet, it is reported that those involved in the negotiating process already have scheduled signing of the international agreement at a planned September meeting in Montreal. The President should not be presented with a fait accompli. The Nation and he deserve better.

I believe that, with well-documented information, a scientifically based review process and creative thinking, this issue can be dealt with by the world community in a rational way for the good of all.

Thank you for the opportunity to respond to your interest.

Sincerely,

DONALD PAUL HODEL.

AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS FOR THE PREPARATION OF A PROTOCOL ON CHLOROFLUOROCARBONS TO THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER (VIENNA GROUP), THIRD SESSION, GENEVA, APRIL 27-30, 1987

(Text prepared by a small sub-working group of head of delegations)

ARTICLE II: CONTROL MEASURES

1. Each party, under the jurisdiction of which CFC 12, CFC 113, (CFC 114, CFC 115) are produced shall ensure that within (2) years after the entry into force of this Protocol the (combined annual production and imports) (combined adjusted annual production) of these substances do not exceed their 1986 level.

2. Each party, under the jurisdiction of which substances referred to in paragraph 1 are not produced at the time of the entry into force of this Protocol, shall ensure that within (2) years from the entry into force of this Protocol, (its combined annual production and imports) (its combined adjusted annual production) do not exceed the levels of imports in 1986.

3. Each party shall ensure, that within (4) years after the entry into force of this Protocol levels of substances referred to in paragraph 1 attained in accordance with paragraphs 1 and 2 will be reduced by 20 per-cent.

4. Each party shall ensure that within (6) (a), (8) (b) years after the entry into force of this Protocol, the 1986 levels of substances referred to in paragraphs 1 and 2 will be further reduced (by 30 per cent), (a) (if the majority of the parties so decide, (b) (unless parties by a two-third majority otherwise decide), in the light of assessments referred to in Article III, such decision should be taken not later than (2) (4) years after entry into force.

5. Parties shall decide by (two-third majority) (a majority vote) whether substances should be added to or removed from the reduction schedule; whether further reductions of 1986 levels should be undertaken (with the objective of eventual elimination of these substances).

These decisions shall be based on the assessments referred to in Article III.

NOTE

A second paragraph reading as followings has to be added to Article III. Beginning 1990, and every four years thereafter, the parties shall review the control measures provided for in Article II. At least one year before each of these reviews, the parties shall convene a panel of scientific experts, with composition and terms of reference determined by the parties, to review advances in scientific understanding of modification of the ozone layer, and the potential health, environmental and climatic effects of such modification.

OPENING STATEMENT BY HON. JOHN D. DINGELL, CHAIRMAN, COMMITTEE ON ENERGY AND COMMERCE AT HEARING BY SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT ON STRATOSPHERIC OZONE PROTECTION, MARCH 9, 1987

Mr. Chairman, once again I commend you for scheduling a timely hearing concerning a matter of utmost international concern, namely, stratospheric ozone protection.

In a March 2 letter, the Environmental Protection Agency (EPA) said that while scientific "uncertainties remain," the current evidence supports the 1974 theory that chlorofluro-carbons (CFCs) "have the potential to decrease stratospheric ozone."

In 1978, the U.S. unilaterally banned the use of CFCs as nonessential aerosol propellents. That effort, according to EPA, "achieved the greatest reduction in CFC use." Canada and several other nations with little or no CFC production followed our lead. But seventy percent of the CFC production originates in other countries, such as Japan, Russia, and the European Economic Community countries. It is a worldwide problem, not a problem of the U.S. alone, or of a few nations.

Congress recognized the importance of addressing this problem in enacting Part B of the Clean Air Act. That Part directs the President to negotiate international agreements for "standards and regulations" to protect the stratosphere. It also provides that in the case of rulemaking, EPA shall take into account the feasibility and the costs of achieving control.

In 1985, the Vienna Convention for the Protection of the Ozone Layer was concluded. But only 29 nations signed it and only a handful have ratified or accepted it as of last December.

Nonetheless, late last year, international negotiations were started for an implementing protocol. A second round ended last month in Vienna, Austria and a third round is scheduled in late April. The negotiations have shown slow progress, which is not unexpected given the complexities and uncertainties, as to those uncertainties, EPA, in its March 2 letter, said:

". . . This issue is unique in at least two important respects. *First*, even though current models do not suggest ozone depletion is likely in the near term, *because of their long atmospheric lifetimes*, if CFCs and Halons are allowed to increase, such depletion, and resulting increases in skin cancers, appears likely. *Second*, if ozone depletion occurs before we take action, the levels of depletion would continue to increase for a decade or more, even if we were able to dramatically reduce CFC consumption.

"Thus, while we agree with the CFC Alliance that no imminent harm is likely, this does not mean that near-term action isn't required. In fact, the CFC Alliance has recently stated their support for global action limiting CFC use. While views may differ on the timing and stringency of action, a growing consensus exists that, at a minimum, some limits should be placed on future CFC use."

On January 2, 1987, I wrote Secretary Shultz and Administrator Thomas about these negotiations and indicated my support. On February 19, Congressman Lent and I introduced H.Con. Res. 50 stressing that support, while expressly opposing unilateral action by the U.S., either administratively or legislatively. Already, more than a dozen of our colleagues have joined us cosponsors.

My support for a protocol, however, is not without limits. Indeed, I am deeply concerned that our chief negotiator, Ambassador Richard Benedick, and his EPA staff support, are negotiating almost on a "seat-of-the-pants" basis. I am concerned that they lack adequate technical and policy support within the Administration and that they may be trying to bow too far toward those seeking very stringent reductions *now*.

CFCs are manufactured by only a few firms worldwide. In the U.S., there are five: Dupont, Allied Chemical, Kaiser Aluminum & Chemical, Penwalt, and Racon, Inc. But there are thousands of user firms. CFCs are used as insulation for energy conservation purposes in buildings and applicances, and in industrial equipment, transportation, and refrigeration equipment. They are used in the air conditioning of homes and autos, for retail food refrigeration, in hospitals, by frozen food manufacturers, in electronics, for foam for furniture and carpet underlay, for metal cleaning, and in fire extinguishers. I understand that even the military relies heavily on Halons which are also part of these negotiations. I question whether many of these users are aware of these negotiations, let alone the U.S. proposals for CFC/Halon reductions.

Last January I asked EPA and the State Department for the analysis supporting the November 25 U.S. draft protocol offered in Geneva. The U.S. was calling for significant CFC reductions. I wanted to know the impact on users.

No analysis was provided with the March 2 reply. Apparently, it does not exist. Instead, they said studies have been "initiated" at EPA that should "provide a better quantitative basis for estimating costs, time frame, and potential reductions." When completed, they will be able to provide "more than an illustration of the quantity and timetable for phased reductions."

Only a few days ago in Vienna, Ambassador Benedick apparently did not object to a draft bracketed protocol calling for a reduction in CFCs of a range of 10-50 percent in an unspecified number of years. I want to learn today about the basis for his support of this reduction range. Again, I ask what will be the impact on the U.S. user industries and American jobs? Are the reductions feasible? What are the costs to the users? What is the timeframe? When will safe, non-toxic substitutes be available?

In the area of trade, the U.S. offered a trade proposal last month which has many good features. But I understand it was developed, with no input or review by U.S. Trade Representative Yeutter or Secretary Baldrige. Indeed, I understand neither of these trade experts have concerned themselves with these matters. That is troublesome, particularly when one realizes that many countries may not sign the Convention agreement or this protocol. Under the U.S. trade proposal, we would have to ban or restrict imports of their products containing CFCs.

These countries could be Taiwan or South Korea with which we have considerable trade. Is the Administration, for example, ready to ban the South Korean-made Hyundai cars containing CFCs, given that nation's strategic importance to Southeast Asia? From a parochial standpoint. I might welcome such a ban. But is that realistic? We need to explore these trade matters today, as well as the impact of a Halon reduction on our defense needs.

As H. Con. Res. 50 states:

The U.S. must accomplish *two* important goals in these negotiations—the protection of the public health and the environment and the protection of American jobs.

I want to be satisfied that *both* goals are met. Thank you Mr. Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 23, 1987.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, Washington, DC.

DEAR HENRY: I am sure you recall the testimony of Dr. Darrel Rigel at the March 9, 1987 hearing of the Subcommittee on Health and the Environment on the stratospheric ozone. While I was unable to be present during that testimony, I did have an opportunity to review it later and, as a result, had a number of concerns about his statements and the documents he provided to the Subcommittee.

Enclosed is a letter (with attachments) that I sent to the Science Advisory Board at the Environmental Protection Agency (EPA) about Dr. Rigel's testimony. Also enclosed is a reply by Dr. Margaret L. Kripke of the University of Texas System Cancer Center which I am sure you will find quite enlightening and helpful. Dr. Kripke is Chairman of the SAB's Subcommittee on Stratospheric Ozone. In particular, I call your attention to Dr. Kripke's first reply which states:

"Before responding to your specific questions, I would like to comment on a statement you made in your letter on page 2. Speaking of the increasing incidence of skin cancer, you state '. . . it is not clear that the ozone layer is the sole or primary cause.' I would take that statement further and say that there is at present no evidence that a decrease in the ozone layer is responsible for the recent increase in the incidence of skin cancers. There have been several erroneous statements in the press recently, linking the increases in skin cancer to ozone depletion. It is important to note that basal and squamous cell cancers (common skin cancers) develop over a period of decades, and even if the Nimbus-7 measurements prove to be correct, these decreases in global ozone are too recent to acccount for the rising incidence of skin cancer over the past twenty years. The implication in the editorial by Kopf et al, that increased UV radiation has resulted from decreased stratospheric ozone has no scientific basis at the present time (page 3 of your letter)."

Also enclosed is a copy of a letter that she sent to an official at the Office of Manage-

ment and Budget. I call your attention to page 3 of that letter in which she states:

"Finally, there is a scientific issue that needs to be addressed. We are assuming that the increase in the incidence of skin cancers over the past few decades is due to a voluntary increase in exposure to UVB radiation. This increase is clearly not due to measurable reductions in ozone concentrations, and therefore is generally attributed to voluntary changes in behavior that lead to more sunlight exposure, e.g., clothing styles, tanning, recreational activities. Although this is the simplest explanation and quite logical, it is not an explanation based on scientific evidence, nor is it the only possible explanation. Consider, for example, the hypothesis that some other agent that is increasing in our environment increases the susceptibility of the skin to UVB-induced cancers. For example, suppose some bath soaps contain ingredients that remove dead skin, thereby permitting the penetration of more UVB. The increasing emphasis on personal hygiene and resulting increase in bathing practices could also account for the increasing incidence of skin cancer, without invoking a voluntary increase in exposure UVB radiation. Thus, there is a possibility that voluntary behavioral changes are not the only cause of the increasing incidence of the common skin cancers, and other explanations need to be considered before condemning people for having "self-inflicted" skin cancers. This is an unproven assumption that may be incorrect. Furthermore, with malignant melanoma, we do not know whether increased exposure to UVB radiation in adult life can increase the risk of this more serious form of skin cancer. Recent evidence suggests that sunlight exposure during early childhood may be the determining factor in the relationship between UVB exposure and malignant melanoma."

Additionally, I enclose a copy of Dr. Kripke's Subcommittee report of March 23.

Also, enclosed is a copy of a letter from the Defense Department that is also helpful.

I request that all of these documents be included in the printed record of the Subcommittee's hearing. I am also providing a copy thereof to all Committee Members and to Administrator Thomas and Ambassador Benedick.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 18, 1987.

Hon. MORTON LIPPMANN,
Chairman, CASAC, Science Advisory Board, Environmental Protection Agency, Washington, DC.

DEAR DR. LIPPMANN: Earlier this year I wrote to the Environmental Protection Agency (EPA) concerning various issues relative to stratospheric ozone protection, including the status of the relevant health issues. In its March 2, 1987 reply, EPA said it had drafted a five-volume assessment of the risks of stratospheric modification and that the Science Advisory Board (SAB) had conducted a "preliminary review."

I request the results of that review and an indication of when a final review document will be available.

One of the health areas of particular concern to me is the cancer threat. The EPA letter included the following comments about this issue:

"Preliminary data from Nimbus-7 suggest that a significant decrease in global ozone levels may have occurred during the past several years. These data have not yet been published, and the data require additional review and verification. If verified, further analysis would be required to determine if chlorine is responsible for the reported decrease in ozone levels or whether the decrease reflects short-term natural variations.

"Decreases in total column ozone would increase the penetration of biologically damaging Ultraviolet-B (UV-B) radiation (i.e., 290-320 namometers) and, thus, the amount reaching the earth's surface.

"Laboratory and epidemiologic studies have linked exposure to UV-B radiation and development of squamous cell and basal cell skin cancers. While uncertainty exists concerning the appropriate action spectrum (i.e., the relative biological effectiveness of different wavelengths of light) and the best measure of exposure, a range of estimates was developed linking possible future ozone depletion with increased incidence of these skin cancers (these cancers are also referred to as nonmelanoma skin cancers).

"Studies predict that for every 1 percent increase in UV-B radiation (which corresponds to less than a 1 percent decrease in ozone), nonmelanoma skin cancer cases will increase on the order of 1 to 3 percent. The mortality rate for these forms of cancer has been estimated at 1 percent or less of total cases.

"The relationship between cutanous malignant melanoma and UV-B radiation is a complex one. Different historical forms exist, and laboratory experiments have not succeeded in transforming melanocytes with UV-B radiation. However, recent studies suggest that UV-B radiation plays an important role in causing melanoma. Uncertainties in action spectrum, dose measurement, and other factors necessitate the use of a range of dose-response estimates. Considering such uncertainties, recent studies predict that for each 1 percent change in UV-B, the incidence of melanoma could increase by slightly less than 1 percent."

A few days ago the Subcommittee on Health and the Environment received testimony from Dr. Darrel Rigel who is a physician and cancer researcher at New York University Medical Center. Enclosed is a copy of his statement and attachment, as well as the transcript pages of the hearing where he entered into colloquy. I am concerned that his testimony suggests a more serious problem than that expressed by EPA, although it is not clear that the ozone layer is the sole or primary cause. I am also concerned that Congress, through such testimony, does not inadvertently scare people.

For example, Dr. Rigel states that the "rate of skin cancer in the U.S. is increasing at a near epidemic pace and that the rate of malignant melanoma is increasing faster than any other cancer in the U.S. except for lung cancer in women." Enclosed with his statement is a 1982 editorial which states that the "reason for this rapid rise in the incidence and death rate of malignant melanoma in our country is presently unknown." The article lists "several factors" that "may be involved." The third factor, which the article calls "more speculative" is the "fact that people in the United States are exposed to an ever-increasing array of carcinogens in their environment." One of his examples of this speculation is "increased ultraviolet radiation due to decreased stratospheric ozone."

I request that you review Dr. Rigel's remarks and indicate where, if at all, he appears to disagree with, or go beyond, the EPA findings as provided to the SAB and the SAB review results. Please identify those areas and indicate whether or not in each instance the SAB agrees or disagrees with Dr. Rigel or EPA.

Please also explain whether or not you believe, based on the best information available to the SAB, skin cancer in the U.S. is "increasing at a near epidemic pace." Please explain the base-line for this statement and indicate the various factors causing this increase.

Dr. Rigel included with his testimony a December 9, 1986 news release of the American Academy of Dermatology. That release states:

"But melanoma is not the only form of skin cancer to pose a threat to the health of the American people. Other carcinomas, basal cell and squamous cell, are also on the rise. The American Cancer Society has estimated that upward of 450,000 Americans may suffer a skin cancer in any year. Other sources contend that this is much too conservative a figure.

"The approximately 1,000 Academy members who volunteered their time in the 1986 campaign found 3,049 basal cell carcinomas, 398 squamous cell carcinomas and 10,336 other sun-caused lesions.

Dermatologists attribute this increase in skin cancer to the American attitude that the bronzed look is a healthy, attractive look. Increased *leisure time and affluence* all encourage summer and winter vacations with sometimes inevitable sunburns. *And it is over-exposure to the sun which is a prime cause of skin cancer. The best defense against skin cancer requires only some simple precautions such as using suncreen lotions with a Sun Protection Factor of 15 and minimizing skin exposure during peak sun hours."* (italic supplied)

I do not understand from the Academy's statement that it is urging or condemning sunbathing which is certainly an attraction at such tourist areas as those in California, Arizona, Florida, South Carolina, Virginia, Maryland and Massachusetts. The Academy is warning, I assume, that over-exposure could be dangerous and wisely urges precautions.

1. Please explain to what extent this radiation exposure problem is a greater threat in some countries (or even in some parts of the United States) or to some races of people than others.

2. Please explain what information is known (or not known) as to the relative contribution of UV-B radiation (or UV-A) to the cancer-causing effects of exposure to sunlight.

3. Please explain the extent of information available to suggest that the increase in skin cancer (i.e., either melanoma or nonmelanoma, or both) is due to increased or over-exposure (deliberate or inadvertent) to: (a) sunlight, (b) UV-B radiation, or (c) both.

4. Please explain the extent of information about the effectiveness of "sunscreen lotions" mentioned by the Academy against melanoma and non-melanoma cancers and against the specific effects of UV-B radiation. Do they block out sunlight and UV-B fully or partially?

I also welcome any other comments you may wish to make and I hope that you will feel free to discuss these matters with the Academy and Dr. Rigel as you deem appropriate.

I request your reply to the above matters by April 10, 1987.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

THE UNIVERSITY OF TEXAS SYSTEM
CANCER CENTER, M.D. ANDERSON
HOSPITAL AND TUMOR INSTITUTE,
Houston, TX, April 7, 1987.

Hon. JOHN DINGELL,
Chairman, U.S. House of Representatives, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: I am responding to your letter of March 18, 1987, that was addressed in error to Dr. Morton Lippmann. In this letter you requested a copy of the review of the EPA's Risk Assessment Document on Stratospheric Modification prepared by the Stratospheric Ozone Subcommittee of the EPA's Science Advisory Board. My subcommittee's report was submitted to the EPA on March 23, 1987, and a copy was forwarded to Mr. David Finnegan on March 26.

The questions your raise concerning UV radiation and skin cancer are extremely important ones, and I have tried to respond to each point in your letter in order on the accompanying pages. In addition, I have enclosed a copy of a letter to Dr. David Gibbons pertaining to a point you raised concerning the causes underlying the recent increases in skin cancer incidence. The American Academy of Dermatology has emphasized the role of voluntary increases in sunlight exposure as contributing to the increasing incidence of skin cancers, in an attempt to enhance public awareness of the dangers of excessive sunlight exposure and to encourage prevention of skin cancer. Unfortunately, this point has been seized upon by some groups as indicating that skin cancer, being a "self-inflicted" condition, need not be given serious attention in the context of ozone depletion. For the reasons detailed in my letter to Dr. Gibbons, I find this a dangerous and unacceptable line of reasoning, and I wanted you to be aware of this attitude and of my reaction to it.

If I can be of any further assistance to you or your committee on this important issue or other issues relevant to the potential affects of ozone depletion, please feel free to contact me.

Sincerely,

MARGARET L. KRIPKE, Ph.D.,
Chairman, EPA Science Advisory Board, Subcommittee on Stratospheric Ozone.

[Response: Letter to Dr. Morton Lippmann]

MARCH 18, 1987.

1. Is a decrease in ozone responsible for the increasing incidence of skin cancer?

Before responding to your specific questions, I would like to comment on a statement you made in your letter on page 2. Speaking of the increasing incidence of skin cancer, you state ". . . it is not clear that the ozone layer is the sole or primary cause." I would take that statement further and say that there is at present no evidence that a decrease in the ozone layer is responsible for the recent increase in the incidence of skin cancers. There have been several erroneous statements in the press recently, linking the increases in skin cancer to ozone depletion. It is important to note that basal and squamous cell cancers (common skin cancers) develop over a period of decades, and even if the Nimbus-7 measurements prove to be correct, these decreases in global ozone are too recent to account for the rising incidence of skin cancer over the past twenty years. The implication in the editorial by Kopf et al, that increased UV radiation has resulted from decreased stratospheric ozone has no scientific basis at the present time (page 3 of your letter).

2. Testimony of Dr. Darrell S. Rigel.

Concerning Dr. Rigel's testimony, both the EPA Risk Assessment and the SAB subcommittee agree that there is increasing evidence linking melanoma and UVB radiation (p. 73, lines 1674-1684). The 1,000% increase in melanoma mentioned on p. 74 (lines 1685-1702) is probably reasonable, but this is a rather dramatic way of representing an increase from 1 case per 100,000 people per year to 10 cases per 100,000 people per year. Whether the EPA's estimates of the increases in skin cancer are too low or not (p. 74, lines 1688-1702) depends on the rate of increase in CFC emissions world wide, which is very difficult to predict.

On page 75, line 1711, Dr. Rigel states that there will be a "rapid" increase in skin cancer. I believe this term is a bit misleading in the context of ozone depletion. We are looking at a period of several decades before decreases in ozone concentration could be detected with a high degree of certainty, and another 40 year latency period before the increase in UBV would manifest itself in a higher incidence of skin cancers. I would not consider this rapid in the context of human diseases, although the term clearly is a relative one.

On page 76, line 1766, Dr. Rigel implies that given sufficient exposure to UV radiation, everyone in this country would develop skin cancer. Neither the Risk Assessment Document nor the SAB Subcommittee agrees with this conclusion. Dr. Rigel has neglected to take into account in his calculation the fact that Americans are not all equally susceptible to the development of sunlight-associated skin cancers, and that darkly pigmented persons are quite resistant. Further, in lines 1775-1780, Dr. Rigel implies that the increases in skin cancer are occurring world wide. Although this is well documented in Australia (not Austria, as written on line 1778), it must be pointed out that sunlight-associated skin cancers are largely restricted to light-skinned Caucasians, and that other ethnic groups are not at the same risk. Clearly, this is an important point to consider in attempting to reach an international agreement on limiting CFC production.

Concerning Dr. Rigel's written comments, there are no points on which he disagrees with the Risk Assessment Document or the SAB Subcommittee.

3. Is skin cancer an epidemic?

Your question as to whether skin cancer in the U.S. is "increasing at a near epidemic pace" is a difficult one. It is certainly true that both the common skin cancers and melanomas have been increasing rapidly for several decades. The Risk Assessment Document indicates that common skin cancers increased by 15 to 20% during the 6-year period from 1971-1977. However, data on the incidence of these skin cancers is very limited, due to the fact that these cancers are not included in most cancer registries. For melanoma, the incidence data are much more extensive, and it is clear that there has been a dramatic increase in this disease, beginning around the turn of the century. Whether or not it is appropriate to refer to these increases as an epidemic is a matter of opinion. According to Webster's Dictionary, an epidemic is a condition that is "excessively prevalent" in a population. A more illuminating definition was provided by Kenneth Maxcy, an infectious disease epidemiologist, who stated that the term epidemic is more commonly used to designate a sudden or unusual disturbance in the incidence of a disease. He continues,

"How great the increase in incidence must be before it is regarded as an epidemic is a matter of judgement and is influenced by psychological attitudes. The greater the fear of a disease and the more unusual its occurrence in a community, the smaller the increase need be to justify the use of this decriptive term." [1]

My personal view is that the term is somewhat alarmist and conjures up pictures of bubonic plague, and is best left for describing infectious diseases. However, as Dr. Maxcy stated, it is really a matter of opinion as to what constitutes an epidemic.

4. To what exent is UVB exposure a greater threat in some countries or regions of the United States?

As your question implies, not all individuals are equally susceptible to skin cancer induction by UV radiation. For the common skin cancers, lightskinned Caucasians are at a much higher risk than other ethnic groups. The more pigment present in the skin, the less susceptible the individual is to UV-induced skin cancers. This correlation also holds for malignant melanoma, but it is not quite as striking as for the common skin cancers. The second factor determining geographical differences in the incidence of skin cancer is the amount of UVB radiation that reaches the earth's surface. Therefore, the incidence of both melanoma and common skin cancers is highest in Australia, where there is a highly susceptible population living in an area of high sunlight exposure. However, Australian Aborigines rarely develop skin cancers because of their dark pigmentation. In the United States, skin cancer incidence tends to be highest in the southern states, but this trend is perturbed slightly by the non-uniform distribution of ethnic groups throughout the country and by differences in individual habits of sun exposure.

5. What is the relative contribution of UVB (or UVA) radiation to the cancer-causing effects of sunlight?

It is generally accepted that wavelengths in the UVB region of the solar spectrum are the most active in inducing skin cancers. This conclusion is based on several different lines of evidence, including the results from animal studies, human epidemiology, studies with mammalian cells in culture, and a genetic disease, xeroderma pigmentosum, characterized by an inability of the cells to repair UVB-induced DNA damage and an extremely high incidence of sunlight-related skin cancers, including melanoma. UVA radiation has been shown to cause squamous cell cancers of the skin in some strains of mice, but very high doses are required, relative to the doses of UVB that produce such cancers. There is no known cancer-inducing effect of visible light. In the context of ozone depletion, it is the change in UVB radiation that is important. This is because ozone has very little shielding effect on UVA or visible light; only the UVB rays are strongly absorbed by ozone. Thus, depletion of ozone will have a much greater effect on

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[1] Maxcy, K. In, "Bacterial and Mycotic Infections of Man", pp. 727-747, R. Dubos, ed., J. B. Lippincott Company, 1958.

the penetration of UVB rays than on UVA and visible wavelengths.

6. What is causing the increases in skin cancer incidence?

It is generally assumed that increases in exposure to the UVB rays in sunlight are responsible, at least in part, for the increasing incidence of the common skin cancers. Many people have speculated that this is also true for melanoma, though this is less certain than for the common skin cancers. Although this is the most logical explanation based on what we know about the causes of these skin cancers, there is little direct scientific evidence supporting this speculation. It is possible that other, as yet unidentified, agents are also increasing in our environment that increase one's susceptibility to sunlight-induced skin cancer. An interesting case in point is a report that papilloma viruses have been isolated from skin cancers that occur on sun-exposed body sites in immunosuppressed patients, who have a very high incidence of skin cancer. This result raises the possibility that there may be agents other than UV radiation present in our environment that can increase the incidence of UV-associated skin cancers. To my knowledge, the extent to which other environmental agents could be responsible for the increasing incidence of skin cancers has not been determined. There is presently no way of determining whether the increase in skin cancers has resulted from deliberate suntanning activity.

7. What is the effect of sunscreen lotions?

Sunscreen lotions contain one or more chemical agents that absorb UVB radiation and prevent the absorbed rays from damaging the skin. Some of the chemicals used also absorb UVA radiation, although the activity is mainly directed at the UVB rays. Not all UVB rays are equally absorbed by these chemcials, and some of the rays get through to the skin, even under conditions of optimal use. Thus, protection is only partial. The number on the sunscreen tells you how long you can stay out in the sun before you get a sunburn. For example, if you generally burn after 10 minutes in full sunlight, an SPF 15 sunscreen permits you to stay out 15 times as long (150 minutes) before you develop the same sunburn. Although these sunscreens are highly effective in preventing sunburn and degenerative changes in the skin, they have not yet been shown to prevent skin cancer of any kind in humans.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 2, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR SECRETARY SHULTZ AND ADMINISTRATOR THOMAS: I commend your agencies and representatives for their effective efforts last month in Geneva, Switzerland, to obtain a protocol to the Ozone Layer Convention of 1985 which would apply world wide. I believe a protocol is the right approach. I understand it is also supported by industry and enviromentalists in the United States, although I note that the European CFC Producers in an October 1986 statement are not as supportive of a protocol as the U.S. industry. I am disappointed to learn that a number of countries were not represented at Geneva and that some Nations, like the European Economic Community and Japan, are less supportive of the protocol approach. Hopefully, with patience and education, these countries will also agree to a meaningful protocol that includes adequate trade provisions, particularly in light of the recently announced trade deficit of $19.1 billion for November 1986.

There are, however, several matters that concern me regarding this effort that are discussed in the attached "Enclosure." I request your reply by February 13, 1987. I am sending a copy of this letter and enclosure to the Defense Department (DOD), the Department of Energy (DOE), and the National Oceanic and Atmospheric Administration (NOAA) which also are concerned with these matters and asking them by this letter to cooperate with your agencies in preparing a response.

I am also in receipt of Assistant Secretary of State J. Edward Fox's December 23 reply to my letters concerning the participation of the Committee staff as observers to the Geneva negotiations and in all meetings of the U.S. delegation. I appreciate Mr. Fox's comment that the U.S. delegation undertook to "consult closely and continuously with observers as the discussions proceed and the U.S. position evolves." I applaud that and request that it continue. However, on at least two occasions, one here in Washington, D. C. and one in Geneva, the Congressional staff observers were excluded from delegation meetings. That was not consistent with my request. Subsequent to the second occasion, the head of the U.S. delegation, Mr. Richard Benedick, did seek to avoid such further instances. Thus, I presume that the matter has been resolved in favor of opening all such future meetings to our staff.

Please keep our Committee apprised of all matters relating to the development of this protocol in a timely fashion.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE ENCLOSURE FOR THE DEPARTMENT OF STATE AND ENVIRONMENTAL PROTECTION AGENCY

(Re: Ozone Layer Protocol and Related Matters)

JANUARY 2, 1987.

1. Please provide a table showing all CFC producing countries, the estimated annual production, and the annual exports by such countries of that production. Please include in the table the identity of each firm producing (by country) the CFCs and, if known, the specific CFCs being produced. Please also indicate which producing and nonproducing countries do not ban the use of aerosols.

2.(a) Please provide a reasonably comprehensive statement of the status of the scientific understanding available today about the risks to human health and the environment, particularly the stratospheric ozone, from continued or expanded global emissions of fully-halogenoted alkanes, including a discussion of the life of the compounds. Please identify the relevant compounds and the problems they offer.

(b) The U.S. statement of November 5, 1986 expressing the "U.S. Views" for a protocol said:

"Considerable evidence exists, both in theory and from models, linking these chemicals to depletion of ozone. However, remaining scientific uncertainties prevent any conclusive statement concerning safe levels of emissions."

In replying to (a) above, please summarize that "evidence" and the "uncertainties" and explain the status of efforts worldwide and in the U.S. to resolve the uncertainties.

(c) In its policy statement of September 16, 1986, the Alliance for Responsible CFC Policy said:

"Based on the theory, current scientific understanding, and reasonable assumptions about future emissions of substances that may modify the ozone layer, no significant modification of the ozone layer is expected during the next few decades, therefore, there is no imminent threat to human health and the environment from current CFC use or emission."

A reading of a more recent research report by the World Resources Institute seems to take a different view, while recognizing that the "urgency of the issue has fluctuated widely." What are your views on this issue of imminent threat and urgency, taking into consideration the long atmosphere lifetimes of the compounds? Do you agree with the Alliance?

(d) The December 5, 1986 edition of The Christian Science Monitor indicates that some scientists, such as one from Cornell and two from NASA, have questioned some conclusions, including a recent EPA study. One observes that "chemical process can't explain all the facts" such as "seasonal ozone redistribution." The other challenges a recent EPA study on the "rise in skin cancer rates" if CFCs are not curbed. Please comment on those challenges and indicate their significance. Was the EPA study released prior to peer review as the Cornell scientist states? If yes, please explain why. What is the status of the study?

3. Enclosed is a document prepared, but not used and thus I understand it has no official standing, by scientific advisors at Geneva. Nevertheless, it appears helpful. Please review it and if you desire, provide a revised version or make comments on it where you think they are warranted for any reason.

4. The U.S. "Views" of last November called for a "prudent protocol" which, as a "first step," should require a "near-term freeze on the emissions of all fully-halogenated alkanes (i.e., CFR 11, 12, 113, and Halon 1211 and 1301) at or near current levels." Such levels are established in the draft protocol as those that do "not exceed" each Party's "1986 level."

(a) Please explain why the above CFCs were included in the freeze and indicate the current uses and user industries of each. The enclosed paper also lists CFC 22 as a substance meeting the criteria for potential impact on the ozone. Why is that substance and CFC 114 not on the U.S. list?

(b) What is the Defense Department's view on including the Halons in the protocol? Why should they be included?

(c) Please explain the term "emissions" and explain how the U.S. expects it would be applied meaningfully in the U.S. and in other countries, particularly in nonproducing countries. The Novermber 25 draft U.S. protocol refers to annual "bulk" exports and imports. Please explain how this term works in the case of motor vehicles with air-conditioners imported to the U.S. from such countries as Sweden, Japan, and West Germany? Would they be counted by the U.S. or these other Nations?

(d) As noted in the Geneva meeting, "no country disputed need to control CFC 11 and 12, and many want to include 113 (Japan opposed)." To what extent is Japan a producer of CFC 113 and is that production now on line? Why is Japan opposed to a protocol that covers CFC 113? Is Japan

phasing out other solvents in favor of CFC 113 and going to tighten systems? Is that occurring in the U.S.?

(e) Will the U.S. proposed freeze at 1986 production, not capacity, levels allow some countries without a ban on aerosols to have an advantage over other countries, like the U.S. which has a ban? With such a freeze, could those countries later adopt an aerosol ban and increase production of other CFCs, like 113, and still be within the freeze? If yes, please explain why that approach is sound from health and environment, trade and competition standpoints.

5. The European CFC producers' October 1986 statement indicate that as a "first step" a protocol "might include" a "global limit to the production of CFCs 11 and 12." As the State Department's telegram points out, the European Communities offered a proposal to freeze CFCs 11 and 12 at 1986 production, not capacity, levels. The Alliance's policy statement indicates that it "supports international resolution of the issue" without saying what substances should be covered or what limits should be established, although the related press release calls for a global limit on the future rate of growth of full halogenated CFC production capacity which leaves a great deal of "wiggle-room" I believe. Would the U.S. agree to a protocol that only places limits on CFC 11 and 12 at current production levels and relies on future actions to provide for more limits and substances in order to have some agreement?

6. The November 5, 1986 U.S. Views also calls for a "long-term schedule phase-out of emissions of these chemicals." The "phase-out" would have such "characteristics" as to:

(d) provide adequate time for shifting away from ozone-depleting chemicals to avoid social and economic disruption, while at the same time give a strong incentive for the rapid development and employment of emission controls, recycling, and benign substitute chemicals (i.e., a technology-forcing approach);

(e) take into full consideration scientific uncertainties and promote future improvements in understanding by instituting a requirement for reassessing the goal and timing of emission limits if changes in science suggest such action is warranted;

(f) address all fully-halogenated alkanes, so that the principal anthopogenic sources of atmosphere chlorine and bromine are included;

(g) allow flexibility for industrial planning by allowing trade-offs among these chemicals based on their relative ozone-depleting effects;

(h) allow flexibility for limited continued use of those chemicals which are of highest social value and for which no substitutes presently exist; and

(i) create incentives to participate in the protocol by regulating relevant trade between parties and non-parties.

The draft protocol of November 25, 1986 calls for global reductions of 20, 50, and 95 percent from the 1986 levels over an unspecified period following the effective date of the protocol which could be several years after its adoption. I understand that these percentages (which depending on the reasonableness of the related timeframes) are suggestions by the U.S. and not firm. On the other hand, the World Resources Institute press release of November 30, 1986 states that CFC emissions "could be reduced by one third in the U.S. and worldwide by using 'safe' CFCs, banning aerosols, and recycling CFCs."

A December 4, 1986 contract report to EPA on CFC substitutes which "has not been peer reviewed" discusses the new substitutes being considered today. Some of that discussion follows:

MOBILE AIR CONDITIONING

FC-134a appears to be a good candidate for substitution of CFC-12 as the refrigerant in mobile air conditioning, *providing that further toxicity studies do not show negative results. Other possible problems are oil compatability and time for implementation.*

CFC-22 may be used as a mobile air conditioning refrigerant. *However, a 60 percent higher operating pressure would require significant redesign and retooling of the currently used air conditioning systems. A major problem is the difficulty in containing CFC-2.* With present materials, permeation is about five times greater than CFC-12. *Without substantial reduction of permeation, refrigerant losses would require annual recharging for every vehicle, and excessive CFC-22 emissions would reduce some of the progress made toward reducing stratospheric ozone depleting emissions.*

CFC-114 (currently produced in small quantities) also may be used as a substitute mobile air conditioning refrigerant. Permeation would be reduced for this low pressure system. *However, CFC-114 still has a significant ozone depletion factor.* Compared to current CFC-12 systems, emissions of ozone depleting substances would be reduced by 60 percent after implementation of CFC-114. *However, complete redesign and retooling must be made for this low pressure refrigerant.* Alternatively, low vapor pressure hydrocarbons with zero ozone depletion factor could be used in this system, if the problem of flammability of hydrocarbons were resolved.

* * * * *

HOME APPLIANCES

CFC-502 may be a good candidate for substitution of CFC-12 in home appliances. It has been used satisfactorily in both low and medium temperature retail food store refrigeration systems. *However, redesign for higher pressures, including a compressor much smaller than food store applications, would be necessary.* CFC-22 also has been used satisfactorily in medium temperature retail food store applications.

The CFC-22/CFC-142b mixture may be a very good candidate for substitution of CFC-12 in refrigerator/freezers. The addition of CFC-142b lowers the operating pressure required for pure CFC-22 and increases oil solubility in the refrigerant.

FC-134a also may be a good candidate for substitution of CFC-12 if it becomes commercially available. *Also, development work must overcome the problem with electrodeposition of copper.* FC-134a causes electrodeposition of copper and copper salts from the motor windings on the internal surfaces of the expansion capillary and on the bearings of the motor and compressor.

* * * * *

Thus, there are more potential candidates for refrigerants for home appliances than for mobile air conditioning. However, additional development work specific to this application is necessary to insure that any given substitute with indeed be acceptable.

FLEXIBLE FOAM BLOWING AGENTS

From a technical and safety standpoint, CFC-123 appears to be a good substitute CFC blowing agent for flexible polyurethane foams. *The major impediment to its implementation is its cost and availability.* These factors are not yet well-defined. Economic evaluations are hindered until a practical commercial process for CFC-123 is developed.

CFC-133a has *less potential* that CFC-123 as a flexible foam blowing agent, due to its recognized toxicity and uncertainty regarding compatibility with differing feed formulations.

In comparison with CFC-123, there is much *greater uncertainty* associated with CFC-141b application as a substitute blowing agent. Questions regarding inplant safety hazards and solvent affinity toward the foam product cannot be adequately resolved with presently available information.

RIGID POLYURETHANE FOAM BLOWING AGENTS

An attractive alternative CFC to CFC-11 as a rigid urethane blowing agent may be CFC-123. The processing and product characteristics of this alternative closely resemble those of CFC-11, yet the estimated ozone depletion factor of CFC-123 is 91 percent lower than that of CFC-11. *The main trade-off with using CFC-123 is production of foams which have a lower insulating efficiency.* The other alternatives, CFC-141b and CFC-133a, may not be suitable blowing agents because of their *toxicity* and their strong solvent action. An additional drawback to CFC-133a is its low boiling point which could *compromise foam quality.*

* * * * *

SOLVENT APPLICATIONS

Both CFC-123 and CFC-132b appear to be very good substitutes in several applications for CFC-113 to reduce stratospheric ozone depletion. *However, it is not certain that they would be acceptable in all or most applications.* Since the ozone depletion potentials are only one third less than methyl chloroform and the projected costs are relatively high, both CFC-123 and CFC-132b currently appear to be *high-cost substitutes* for reducing stratospheric chlorine from methyl chloroform emissions.

As to costs of the potential substitutes, the draft report states:

"The inexpensive source of chlorocharbons and hydrogen fluoride allows the very inexpensive manufacture of current commercial CFCs via the Swarts reactions. Common CFCs are priced in the range of $1.50 to $2.00 per kilogram. It *would be very difficult to produce the newer CFCs with a specific structure at competitive prices.* Bulk prices for newer CFC when fully commercialized are expected to be in the range of $2.55 to $10.20 per kilogram, although CFC-124 may be as high as $15.00 per kilogram (see Section 8)."

The draft report and the U.S protocol do not appear to address another concern about how the *user* industry and the small business service industry, *and the small business service industry,* particularly in case of home and commercial refrigeration/air conditioners and motor vehicle air conditioners, will be able to continue to service those systems over their lifetime, once reductions begin. Those vehicles and units were built and installed with CFCs now being considered for global reduction. Some require recharging, although the draft report says that is "very infrequent" for home appliances which, may or may not include home central air conditioners which often do require recharging. It is not clear that the substitutes would be compatible or suitable for existing installed systems, par-

ticularly mobile systems. Many such systems have long lifetimes.

(a) Please explain to what extent you disagree or agree with the above comments about the availability of substitutes. What analysis was made by the U.S. of the availability of substitutes and their costs within the timeframes and percentages contemplated in the November 25 draft? Do the proposed reductions suggested in the draft consider the availability of present CFCs for existing units?

(b) Is there any reason to believe that producers in other countries with existing patents will develop substitutes sooner than U.S. firms? I note that the draft report states that the "patents are based upon laboratory scale results, and do not imply that each process could be commercialized on a large scale." In the case of CFCs-123, 124, 132b, 133a, 134a and 141b, the draft report states that "development work at DuPont has been stopped." My undertanding is that DuPont is not the only U.S. firm trying to develop substitutes. What is the status of this effort by any firm? To what extent do these substitutes present possible problems for the user industries, such as safety and fuel economy problems, for the motor vehicle industry? Are those problems being examined by the applicable agencies?

(c) I note that a Wall Street Journal article of December 2, 1986 states that "U.S. chemical producers clearly aren't rushing to develop substitutes" and DuPont is not planning "heavy spending" on CFC 134a "until regulatory action or consumer demand justify it." The World Resources Institute states that without a "stiff tax, chemical companies may be unwilling to invest" in substitutes. I presume this would be a U.S. tax only. How will the U.S. draft protocol encourage on a global basis acceptable and reasonable substitutes for the user industries? Do you agree that a tax is needed?

(d) World Resources urges "short-term reductions of one third" to promote substitutes and a total phase out in "perhaps a decade." The Natural Resource Defense Counsel seeks 30% reduction by the end of 1988, 85% by 1992, and a phaseout in ten years. The draft EPA report does not appear to support such short timeframes. It states:

"In the absence of future regulations, the newer CFCs do not appear cost effective compared to current CFCs. Up to five years of additional development work may still be required, depending on remaining process problems. Thus, it is anticipated that commercialization of new CFC chemicals would require about four to 10 years, depending on the status of current process development work, the remaining process problems, and the strength of the driving forces to proceed."

Lead time and technology problems, if any, including safety, for the user industries to adopt to such substitutes is not discussed in the U.S. Views.

What are your views on the time required to develop suitable substitutes and for the user industries to be able to adopt them (a) after a protocol is developed and (b) after the protocol is effective? What is the justification for a "technology-forcing approach" in this case and what is the implication of that approach for the user industries? What is the likelihood that a protocol will reflect the recommendations of the World Resource Institute or the NRDC?

(e) To what extent is recycling and the use of closed systems, especially in the case of solvents, expected to result in considerable reductions? To what extent are these used by the CFC 113 users in this country?

(f) During discussions of the draft protocol with observers present, Mr. Benedick explained that the draft protocol provides for adjustments in the stringency, timing, and scope of the control measures if the substitutes are not developed and/or the users cannot accommodate the substitutes within the time set in the protocol. However, our staff pointed out that the draft (Article IV: 3) allows such adjustments only in "light of scientific review." Mr. Benedick agreed that the draft needed revision to reflect his statements. Please make that revision.

7. The December 2 Wall Street Journal article states that an "estimated 70% of the world's CFC use occurs outside the U.S." and greater demand is "projected in future years" by developing nations. The article states that "EPA is also under a court-ordered May deadline to decide on added CFC regulations." Please provide a copy of that order. What is the status of that decision effort in light of the on-going United Nations negotiations and the above estimates? How will CFC regulations in the U.S. significantly impact the global picture of emissions? What will be the impact on U.S. industries competing with other nations with no corresponding regulations? Would the regulations, if any, be issued under section 157 of the Clean Air Act? What substances will be considered for regulation?

8. Please describe the Soviet and Nordic proposals and explain any concerns about them. What is being done to encourage more nations to participate in the next negotiations? Please describe your efforts to further examine the trade issues concerning CFCs. What are those issues?

9. I am in receipt of a November 26, 1986 release by the Department of Energy (DOE) of a December seminar to describe DOE's "state-of-the-art reports on carbon dioxide research and the greenhouse effect." Senator Chafee, in recent Senate hearings, said ozone "depletion and the greenhouse effect can no longer be treated solely as important scientific questions." The World Resource Institute is also concerned about the greenhouse problem. What is the science today regarding the greenhouse effect and what is the status of the research? What is the relationship of this to the ozone issue? What is being done about this problem in the U.S. and worldwide? If the problem relates to the burning of fossil fuels in the U.S. and elsewhere, what are the alternatives since halting such burning by our factories, homes, and utilities does not appear likely?

I am also providing a copy of this letter to the World Resources Institute, the NRDC, and the Alliance. I welcome their comments on the matters discussed herein. In the case of the Alliance, I urge that the Alliance provide copies thereof to its members and encourage all the members, but particularly the users of CFCs, to submit comments on these matters directly to the Committee within the next 60 days with specific attention to the quality, trade, energy, technological, competitive, safety, economic, and other problems users may identify with the development of substitutes and the lead times required for users and the need for incentives of any kind to stimulate the development of substitutes and/or recycling or other measures to prevent or greatly reduce emissions.

SCIENTIFIC ADVICE REGARDING COMPOUNDS TO BE INCLUDED IN THE PROTOCOL

I. DEFINITIONS

Suggest that compounds be listed by individual chemical formula rather than generic labels in order to avoid any ambiguity in scope of chemicals to be included in the protocol.

For example, there should then be no confusion as to whether CF2BrC1 (i.e., Halon 1211) is a fully halogenated chlorofluorocarbon.

II. CRITERIA FOR CONSIDERATION OF PRIORITY ORDER OF COMPOUNDS THAT HAVE THE POTENTIAL OF DESTROYING STRATOSPHERIC OZONE

1. Rate of release of the compound into the atmosphere.

2. Fraction of the compound released at ground level that reaches the stratosphere.

3. Efficiency of the compound to destroy ozone once in the stratosphere.

III. PRELIMINARY CONCLUSIONS

Based on our knowledge of the three factors above, the compounds that deserve consideration for inclusion in the protocol are in the following approximate order of importance:

First priority: CFC13 (11), CF2C12 (12), and C2F3C13 (113).

Reason:

High emission rates;

High fraction reaching the stratosphere;

High efficiency to destroy ozone.

Second priority: CF3Br (1301) and CF2C1Br (1211).

Reason:

Low current emission rates but with potential for rapid growth;

High fraction reaching the stratosphere (unity or close to unity);

Very high efficiency to destroy ozone (bromine is about a factor of ten more efficient than chlorine per atom).

Third priority: CF2C1H (22) and CH3CC13 (methyl chloroform).

Reason:

Even with significant emission rates, only a small fraction (1/5-1/20) of the ground-level release reaches the stratosphere (removal in the troposphere due to the hydrogen content of the compound);

Medorately high efficiency to destroy ozone once in the stratosphere.

The details are given in Table I and II

TABLE I.—SIMPLE APPROXIMATE CALCULATION OF IMPACT OF COMPOUNDS ON OZONE USING THREE CRITERIA OUTLINED

Categories	Compound	Emissions [1]	Fraction Reaching Stratosphere	Efficiency # Atoms	Efficiency E	Total
I	CFC13 (11)	300	1	3	1	900
	CF2C12 (12)	400	1	2	1	800
	C2F3C12 (113)	150	1	3	1	450
II	CF3Br (1301)	[2] 1-10	1	1	10	10-100

TABLE I.—SIMPLE APPROXIMATE CALCULATION OF IMPACT OF COMPOUNDS ON OZONE USING THREE CRITERIA OUTLINED—Continued

Categories	Compound	Emissions [1]	Fraction Reaching Stratosphere	Efficiency # Atoms	Efficiency E	Total
	CF2C1Br (1211)	[2] 1–10	~0.5	1	10	5–50
III	CF2C1H (22)	[3] 50–200	0.2	1	1	10–40
	CH3CC13	500	0.1	3	1	150

[1] Millions of kilograms—annual global production.
[2] Estimated range of current production.
[3] Science team guess.

TABLE II.—ESTIMATES OF ATMOSPHERIC LIFETIMES

		Years
I	CFC13 (11)	75
	CF2C12 (12)	110
	C2F3C13 (113)	90
II	CF3Br (1301)	110
	CF2C1Br (1211)	25
III	CF2C1H (22)	20
	CH3CC13	6

ADDITIONAL COMMENTS

(a) Any source of chlorine or bromine to the stratosphere is thought to eventually lead to some ozone depletion.

(b) If the release of compounds such as CFC13 or CF2C12 do cause ozone to be depleted significantly, then the full recovery of the atmospheric system after complete termination of emissions will take many decades or centuries due to the long atmospheric lifetimes of these compounds. However, in contrast, once releases of CH3CC13 or CF2C1H are terminated, the recovery is much quicker (e.g., decades) due to the shorter atmospheric lifetimes.

(c) CC14 was not explicitly considered since our understanding of the emission rates is inadequate—most is not released to the atmosphere but rather is used to produce F11 and F12.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 2, 1987.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter dated January 2, 1987 on stratospheric ozone. EPA received your questions on January 13. I appreciate your interest in the issue of stratospheric ozone protection and enclose our response to your questions. This response incorporates comments by the Department of State, the Department of Energy, the Department of Defense, the Department of Commerce and the Council on Environmental Quality.

Sincerely,

LEE M. THOMAS.

QUESTIONS AND ANSWERS

Question 1: Please provide a table showing all CFC-producing countries, the estimated annual production, and the annual exports by such countries of that production. Please include in the table the identity of each firm producing the CFCs (by country) and, if known, the specific CFCs being produced. Please also indicate which producing and nonproducing countries do not ban the use of aerosols.

Response: There is no single comprehensive source from which to respond to your question. The major sources of information are described below and are followed by tables summarizing the available data.

CMA data. The most complete data on production of CFC-11 and CFC-12 are reported annually by the Fluorocarbon Program Panel of the Chemical Manufacturers Association (CMA). These production data are reported to the CMA by 21 companies in North America, South America, Western Europe, Japan, Australia, Africa, and India. No estimates are included for the USSR, Eastern European countries, and the People's Republic of China. A copy of the latest CMA data is attached (following the tables presented in response to Question 1).

The CMA data are only for CFC-11 and CFC-12. Annual data are reported for 1931 to the present. They are separated by the end-use categories of (1) hermetically sealed refrigeration; (2) non-hermetically sealed refrigeration; (3) blowing agents for closed cell foam; (4) open cell foams, aerosol propellants, and all other uses. For the years 1976 to the present, this last category is subdivided into (a) open cell foams; (b) aerosol propellants; and (c) other uses. Estimates of CFC emissions are calculated with release algorithms for each end use.

USITC data. The United States International Trade Commission (USITC) reports monthly and annual U.S. production and sales of CFC-11, CFC-12, and CFC-22.

UNEP-sponsored data collection. The United Nations Environment Programme (UNEP) has solicited CFC production data from all nations in anticipation of its information gathering mandate under the Vienna Convention for Protection of the Ozone Layer. Many countries formally presented their data in papers at a UNEP workshop on CFC demand and control technologies that was held in Rome, Italy, in May 1986.

Other sources. Based on reviews of the trade literature and contracts with industry officials, researchers at the RAND Corporation and other organizations have prepared estimates of CFC production and release.

The following tables summaries information from all of these sources. Note that definitions vary as noted in footnotes and, for many nations information on exports and restrictions on aerosol use was not available.

CMA REPORTING COMPANIES

	1985 production (mill kg)
CFC-11	[a] 326.814
CFC-12	[a] 376.339

UNITED STATES

	1985 production (mill kg)
CFC-11	[a] 73.76
CFC-12	[a] 127.89
CFC-22	[a] 99.20
CFC-113	[b] 73.20

Imports of CFC-11 and CFC-12 in 1985: 7.08 (~95% CFC-11, 5% CFC-12)[c].

Exports of fluorinated hydrocarbons in 1985: 13.42 (~75-95% CFC-11 and CFC-12)[c]

Restrictions

Ban on CFCs as non-essential aerosol propellants implemented in 1978.

Producers

Allied Chemical Corporation (CFC-11, -12, -22, -113).

E.I. duPont de Nemours & Co., Inc. (CFC -11, -12, -22, -113.)

Kaiser Aluminum & Chemical Corp. (CFC-11, -12, -22).

Pennwalt Corp. (CFC-11, -12, -22).

Racon, Inc. (CFC-11, -12, -22).

EEC AND MEMBER NATIONS

	1984 sales (mill kg)	1984 exports out of EEC (mil kg)
CFC-11	[d] 126.4	[d] 48.5
CFC-12	[d] 91.3	[d] 55.0
CFC-113	[d] 32.5	[d] 12.9

To protect trade confidentiality, EEC member nations generally do not release national production data. EEC member nations are: Belgium, Denmark, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, and the United Kingdom. (The above table does not include estimates for Spain and Portugal which joined the EEC in 1986.)

Restrictions[f]

All EEC members: Capacity cap on CFC-11 and CFC-12 based on 1980 levels 30% cutback on aerosol use from 1976 level Voluntary engineering codes of practice.

Belgium: ban on non-essential aerosols.

Denmark: de facto ban on CFCs for aerosols and solvents.

Netherlands: aerosol warning label required.

Portugal: ban on CFC-11, -12 production; and import quota.

Producers[g]

France: Atochem, S.A.

Greece: Societe des Industries Chimiques du Nord de la Grece, S.A.

Italy: Montefluos S.p.A.

Netherlands: Akzo Chemie, B.V.; Du Pont de Nemours, N.V.

Spain: Hoescht Iberica; Ugimica S.A.; Kali-Chemie Iberia, SA.

United Kingdom: Imperial Chemical Industries PLC; I.S.C. Chemicals Ltd.; African Explosives & Chemicals Industries, Ltd.

West Germany: Hoescht AG; Kali-Chemie Aktiengesellschaft.

PRODUCERS IN OTHER NATIONS (With Reported Production Data)

AUSTRALIA

	1984 production (mil kg)
CFC-11	[j]6.0
CFC-12	[j]6.0
CFC-113	[j]1.0

Negligible imports and exports[j].

Restrictions

Voluntary aerosol reductions: 66% decrease from 1974.

Producers

Pacific Chemical Industries Pty. Ltd.
Australian Fluorine Chemical Pty., Ltd.

BRAZIL

	1984 production (mil kg)
CFC-11	[f]4.7
CFC-12	[f]12.3

1983 Imports of all CFCs: 0.065[f].
1983 Exports of all CFCs: 57.8[f].

Restriction

Capacity cap.

Producers

Du Pont do Brasil S.A.
Hoeschst do Brasil Quimica e Farmaceutica S.A.

CHINA

Production of all CFCs: 18.0.

JAPAN

	1985 production (mil kg)	1985 exports (mil kg)
CFC-11	[n]27.8	[n]2.7
CFC-12	[n]34.7	[n]2.3
CFC-113	[b]35.0	

Producers

Asahi Glass Co., Ltd.
Daikin Kogyo Co., Ltd.
Du Pont Mitsui Fluorochemicals Co., Ltd.
Showa Denko, K.K.

Restrictions

Voluntary reductions in aerosol use and production capacity cap on CFC-11 and -12.

ARGENTINA

Producers

Ducilio S.A. (DuPont).

CANADA

	1984 consumption (mill kg)
CFC-11 and CFC-12	[i]14.0
CFC-113	[i]2.0

Restrictions

Aerosol ban.

Producers

Allied Chemical Inc.
Du Pont Canada, Inc.

INDIA

Producers

Navin Fluorine Industries.

MEXICO

	1983 consumption (mill kg)	1983 imports (mill kg)
All CFCs	[p]5.2	
CFC-11		[p]0.003
CFC-12		[p]0.038
CFC-22		[p]0.0048

Producers

Quimobasicos, S.A.
Halocarburos, S.A.

U.S.S.R.

Current production capacity of CFC-11 and CFC-12: 60.0.

VENEZUELA

Producers

Produven.

NONPRODUCING COUNTRIES (RESPONSE TO UNEP DATA REQUEST)

Austria: non-producer; net use of all CFCs: 5.2[m].

Cyprus: non-producer; net use of all CFCs: 0.5[f].

Egypt: non-producer; net use of all CFCs: (1985): 2.9[f].

Honduras: non-producer; net use of all CFCs: >0.159.[f].

Kuwait: non-producer; net use of all CFCs: 1.0[o].

Liberia: non-producer.

Malaysia: non-producer; use of CFC-11, CFC-12, and CFC-22: 1.4[k]; Use of CFC-113: 0.4 to 0.5[k].

Monaco: non-producer.

Norway: non-producer; 1984 use of CFC-11: 0.37[h]; 1984 use of CFC-12: 0.36[h]; 1984 use of CFC-113: 0.18[h]; restrictions: aerosol ban.

Saudi Arabia: non-producer; 1983 use of all hydrogenated hydrocarbons: 4.3[f].

Sweden: non-producer; 1984 use of CFC-11: 1.57[h]; 1984 use of CFC-12: 2.04[h]; 1984 use of CFC-113: 0.64[h]; restrictions: aerosol ban.

Switzerland: non-producer.

Thailand: non-producer; net use of all CFCs: ~2.0[f].

Turkey: non-producer.

NOTES

[a]United States International Trade Commission (1986), "Preliminary Report on U.S. Production of Selected Synthetic Organic Chemicals (Including Synthetic Plastics and Resin Materials) July thru September, October thru December, and Cumulative Totals 1985," USITC, Washington, DC, February 20, 1986.

[b]Hammitt, J.K., K.A. Wolf, W.E. Mooz, T.H. Quinn, and A. Bamezai (1986), *Product Uses and Market Trends for Potential Ozone-Depleting Substances, 1985-2000*, R-3386-EPA, The RAND Corporation, Santa Monica, CA.

[c]Miles, C.M., and R.M. Whitfield (1986), "Reply to the RAND Corporation's Response to DRI's Review of RAND's Working Draft, 'Projected Use, Emissions, and Banks of Potential Ozone-Depleting Substances'," Data Resources, Inc., presented at U.S. Environmental Protection Agency, "Protecting the Ozone Layer: Workshop on Demand and Control Technologies," Washington, DC, March 6-7, 1986.

[d]Bevington, C.F.P. (1986), *Projections of Production Capacity, Production and Use of CFCs in the Context of EEC Regulations*, prepared by Metra Consulting Group, Ltd., for the EEC and submitted for Topic 2 of UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[e]Bevington (see note d). Includes CFC-113 and CFC-114 (~85% CFC-113; 15% CFC-114).

[f]United Nations Environment Programme (1986), *Background Factual Papers on Current Production Capacity, Use, Emissions, Trade and Current Regulation of CFCs Separately by Country and/or Region. Topic 1—Overview*, prepared for UNEP Workshop on Chlorofluorocarbons, Rome, Italy, May 1986.

[g]EEC producers are listed in Bevington, C.F.P. (1986), *Chlorofluorocarbons: Production, Use, Trade, and Current Regulations in the European Economic Community*, prepared by Metra Consulting Group, Ltd., for the EEC and submitted for Topic 3 of UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986. To protect trade confidentiality, national data are unavailable.

[h]Ostman, A., P. Bohm, and I. Kokeritz (1986), *Current Use of CFCs in Sweden and Norway*, prepared for the Swedish Environment Protection Board and submitted for Topic 1 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[i]Computed from data in Sheffield, A. (1986), *Canadian Overview of CFC Demand Projections to the Year 2005*, prepared by Environment Canada and submitted for Topic 2 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[j]Department of Arts, Heritage and Environment, Australia (1986), *Australian Submission to UNEP Workshop on Chlorofluorocarbons*, submitted for Topic 1 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[k]Department of Environment, Malaysia (1986), *County Report, Chlorofluorocarbon Chemicals in Malaysia*, submitted for Topic 1 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[l]Zhijia, W. (1986), *Country Paper for Topic 1*, prepared by the National Environmental Protection Agency of the People's Republic of China for Topic 1 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[m]Austria (1986), *Current Use of CFC's in Austria*, prepared by the Austrian Delegation for Topic 1 of the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[n]Kurosawa, K., and K. Imazeki (1986), *Draft Report of the Second Part of the Workshop on the Control of Chlorofluorocarbons*, UNEP/WG.148/3/L.1/Corr. 1, 11 September 1986.

[p]Perez, A.R.A. (1986), *National Panorama of Chlorofluorocarbons*, prepared by Secretaria de Desarrollo Urbano y Ecologia for the UNEP Chlorofluorocarbon Workshop, Rome, Italy, May 1986.

[q]Chemical Manufacturers Association (1986), *Production, Sales, and Calculated Release of CFC-11 and CFC-12 through 1985*, CMA, Washington, DC.

Question 2 (a) and (b): (a) Please provide a reasonably comprehensive statement of the status of the scientific understanding available today about the risks to human health and the environment, particularly the stratospheric ozone, from continued or expanded global emissions of fully-halogenated alkanes, including a discussion of the life of the compounds. Please identify the relevant compounds and the problems they pose.

(b) The U.S. statement of November 5, 1986, expressing the "U.S. Views" for a protocol said:

"Considerable evidence exists, both in theory and from models, linking these chemicals to depletion of ozone. However, remaining scientific uncertainties prevent any conclusive statement concerning safe levels of emissions."

In replying to (a), above, please summarize that "evidence" and the "uncertainties" and explain the status of efforts worldwide and in the U.S. to resolve the uncertainties.

Response: EPA has recently drafted a five-volume assessment of the risks of stratospheric modification. The document, which has received preliminary review by the Agency's Science Advisory Board, represents a synopsis of current understanding of how atmospheric composition may change, the effects this change is likely to have on ozone abundance and its vertical distribution, and the impacts of these changes in ozone on skin cancer, cataracts, suppression of the immune system, materials, plants, and aquatic systems. It also examines relat-

*The apparent discrepency between producers and exports appears in the primary data supplied by Brazil to UNEP.

ed changes in climate and the potential impacts of climate change on sea level rise, agriculture, human health, water resources, and forests. Included in the assessment is a review of the recent discovery of substantial seasonal losses of ozone over Antarctica and the fact that the causes of this phenomenon have not yet been determined. Despite significant improvement in our understanding of these issues, substantial uncertainties remain. This risk assessment identifies and discusses these uncertainties and, where possible, estimates quantitatively their potential significance. The summary findings are attached.

SUMMARY FINDINGS OF "AN ASSESSMENT OF THE RISKS OF STRATOSPHERIC MODIFICATION" [1]

1. Considerable research has taken place since 1974 when the theory linking chlorine from chlorofluorocarbons (CFCs) and depletion of ozone was first developed. While uncertainties remain, the evidence to date continues to support the original theory that CFCs have the potential to decrease stratospheric ozone.

2. Atmospheric measurements show that the chemical composition of the atmosphere—including gases that affect ozone—has been changing. Recently measured annual rates of growth in global atmospheric concentrations of trace gases that influence ozone include: CFC-11: 5 percent; CFC-12: 5 percent; CFC-113: 10 percent; carbon tetrachloride: 1 percent; methyl chloroform: 7 percent; nitrous oxide: 0.2 percent; carbon monoxide: 1 to 2 percent: carbon dioxide: 0.5 percent; and methane: 1 percent. More limited measurements of Halon 1211 show recent annual increases of 23 percent in atmospheric concentrations.

3. CFCs, Halons, methyl chloroform, and carbon tetrachloride release chlorine or bromine into the stratosphere where they act as catalysts to deplete ozone. In contrast, carbon dioxide and methane either add to the total column of ozone or slow the rate of depletion. The effect of increases in nitrous oxide varies depending on the relative level of chlorine.

4. Future changes in emissions of these gases will significantly affect total column ozone. CFCs, methyl chloroform, carbon tetrachloride, and Halons are industrially produced. Emissions of methane, carbon dioxide and nitrous oxide occur from both human activity and the natural biosphere. Because all these gases (with the exception of methane and methyl chloroform) have atmospheric lifetimes of many decades to over a century, emissions today will influence ozone levels for a very long period of time.

5. In order to assess risks, scenarios of atmospheric change were evaluated using models. For CFCs, methyl chloroform, carbontetrachloride, and Halons, "what-if scenarios" were developed based on analyses of the demand for goods using these chemicals (e.g., refrigerators, computers, automobile air conditioners) and the historic relationship between economic activity and the use of these chemicals. To reflect the large uncertainties inherent in these scenarios, particularly with respect to technological innovation and the possibility that industry and consumers will voluntarily limit their future use of these chemicals due to concern about ozone depletion, a wide range of scenarios was examined. The scenarios range from a voluntary 80 percent phase-down in the use of CFCs by 2010 to an average annual growth in use of 5 percent per year from 1985 to 2050. For ozone-modifying gases other than CFCs, scenarios were based on recently measured trends, with uncertainties being evaluated by considering a range of future emissions and concentrations.

6. One- and two-dimensional atmospheric chemistry models were used to assess the potential effects of possible future changes in atmospheric concentrations of ozone-modifying gases on stratospheric ozone. These models attempt to replicate factors that influence the creation and destruction of ozone. While the models replicate many of the characteristics of the atmosphere accurately, they are inconsistent with measured values of other constituents, thus lowering our confidence in their ability to predict future ozone changes accurately.

7. Based on the results from these models, the cause of future changes in ozone will be highly dependent on future emissions of ozone-modifying gases. One-dimensional models project that if the use of CFCs remain constant and other trace gas concentrations continues to grow, total column ozone levels would at first decrease slightly and would subsequently increase. If the use of CFCs continue to grow at past rates and other gases also increase at recent rates, substantial total column ozone depletion would occur by the middle of the next century. If the use of CFCs stays at current levels and the growth in the concentrations of other trace gases decreases over time, depletion will also occur.

8. In all scenarios examined, substantial changes are expected in the vertical distribution of ozone. Ozone decreases are generally expected at higher altitudes in all scenarios in which CFC concentrations increase. Ozone increases are expected at lower altitudes in many scenarios examined due to increased concentrations of methane.

9. Two-dimensional (2-D) models provide information on possible changes in ozone by season and by latitude. Results form one 2-D model perdict global average depletion could be substantially higher than estimates from a one-dimensional (1-D) model for the same scenario. Moreover, the 2-D model suggests that ozone depletion substantially above the global average would occur at higher latitudes (above 40 degrees), and depletion in the spring would be greater than the annual average. Uncertainties in the representation of the transport of chemical species used in 2-D models introduce uncertainty in the estimate of the magnitude of the latitudinal gradient of ozone depletion, but all 2-D models project a significant gradient.

10. Measurements of ozone levels are another valuable tool for assessing the risks of ozone modification. Based on analysis of data from a global network of ground-based monitoring stations, ozone levels have decreased at mid-latitudes in the upper and lower stratosphere and increased in the troposphere. Total column ozone has remained more or less stable. These trends are roughly consistent with current 2-D model predictions.

11. Recent evidence indicates that since the late 1970s, substantial decreases in ozone have occurred over and near Antarctica during its springtime. These losses have been verified by different measurement techniques, and different theories have been suggested to explain the cause of the seasonal loss in ozone. Insufficient data exist to state whether chlorine and bromine are responsible for the observed depletion, or whether some other factor is the cause (e.g., dynamics or changes in solar flux that alters NOx). Furthermore, even if man-made chemicals are the cause of the phenomenon, stratospheric conditions surrounding Antarctica are different from the stratospheric conditions for the rest of the world, so that it cannot be assumed that similar depletion would occur elsewhere. Models did not predict the Antarctic depletion, however. Consequently, the change in Antarctica does indicate that ozone abundance is more sensitive (to yet unknown factors) than previously believed.

12. Preliminary data from Nimbus-7 suggest that a significant decrease in global ozone levels may have occurred during the past several years. These data have not yet been published, and the data require additional review and verification. If verified, further analysis would be required to determine if chlorine is responsible for the reported decrease in ozone levels or whether the decrease reflects short-term natural variations.

13. Decreases in total column ozone would increase the penetration of biologically damaging Ultraviolet-B (UV-B) radiation (i.e., 290-320 namometers) and, thus, the amount reach the earth's surface.

14. Laboratory and epidemiologic studies have linked exposure to UV-B radiation and development of squamous cell and basal cell skin cancers. While uncertainty exists concerning the appropriate action spectrum (i.e., the relative biological effectiveness of different wavelengths of light) and the best measure of exposure, a range of estimates was developed linking possible future ozone depletion with increased incidence of these skin cancers (these cancers are also referred to as nonmelanoma skin cancers.

15. Studies predict that for every 1 percent increase in UV-B radiation (which corresponds to less than a 1 percent decrease in ozone), nonmelanoma skin cancer cases will increase on the order of 1 to 3 percent. The mortality rate for these forms of cancer has been estimated at 1 percent or less of total cases.

16. The relationship between cutaneous malignant melanoma and UV-B radiation is a complex one. Different historical forms exist, and laboratory experiments have not succeeded in transforming melanocytes with UV-B radiation. However, recent studies suggest that UV-B radiation plays an important role in causing melanoma. Uncertainties in action spectrum, dose measurement, and other factors necessitates the use of a range of dose-response estimates. Considering such uncertainties, recent studies predict that for each 1 percent change in UV-B, the incidence of melanoma could increase by slightly less than 1 percent.

17. Studies have demonstrated that UV-B radiation can suppress the immune response system in animals and possibly in humans as well. While UV-B-induced immune suppression has been linked to chronic reinfection with herpes virus and leishmaniasis, its possible impact on other diseases has not been studied.

18. Increases in exposure to UV-B radiation are likely to increase the incidence of cataracts and could adversely affect the retina.

19. While studies generally show adverse impacts on plants from increased UV-B exposure, difficulties in experimental design, the limited number of species and cultivars tested, and the complex interactions between plants and their environments prevent firm conclusions from being made for

[1] January 1987 draft. This summary of findings will be further revised to reflect comments by the Science Advisory Board.

the purpose of quantifying risks. Field studies on soybeans suggest that yield reductions could occur in some cultivars of soybeans, while evidence from laboratory studies suggests two out of three cultivars are sensitive to UV-B.

20. Aquatic organisms, particularly phytoplankton, zooplankton, and the larvae of many fishes, appear to be susceptible to harm from increased exposure to UV-B radiation because they spend at least part of their time at or near surface waters. However, additional research is needed to better understand the ability of these organisms to mitigate adverse effects and any possible implications of changes in community composition as more susceptible organisms decrease in number. Finally, the implications of possible effects on the aquatic food chain require additional study.

21. Research has only recently been initiated into the effects of UV-B on the formation of troposheric ozone and the weathering of polymer materials. An initial chamber and model study shows that tropospheric ozone levels could increase, resulting in additional urban areas being in non-compliance with National Air Quality Standards. The increase in UV-B would also produce ozone peaks that would be reached earlier in the same day, exposing large populations to unhealthy levels. The same study also predicts substantial increase in hydrogen peroxide levels, an acid rain precursor. However, because only one study has been done, the results must be viewed with caution. Additional theoretical and empirical work will be needed to verify these projections. It also appears likely that the higher UV-B would cause accelerated weathering of polymers, necessitating polymer reformulation or the use of stabilizers in some products.

22. In addition to altering ozone levels, increases in trace gas concentrations are likely to produce changes in climate. While some of the trace gases discussed above deplete ozone, and others result in higher ozone levels, all are greenhouse gases that contribute to global warming. Based on a range of potential future rates of growth of greenhouse gases, current models estimate that by 2075 equilibrium global temperatures may increase by 2° to 11.5° C. The National Academy of Sciences has recommended that the range of uncertainty for these types of equilibrium estimates be set at plus and minus 50 percent.

23. Understanding of the possible health and environmental impacts of climate change is very limited. Studies predict that sea level could rise by 10-20 centimeters by 2025, and by 55-190 centimeters by 2075. Such increases could damage wetlands, erode coastlines, and increase damage from storms. Changes in hydrology, along with warmer temperatures, could affect forests and agriculture. In most situations, inadequate information exists to quantify the risks related to climate change.

24. To perform the computations necessary to evaluate the risks associated with stratospheric modification, an integrating model was developed to evaluate the joint implications of scenarios or estimates for: (1) potential future use of CFCs; (2) ozone change as a consequence of CFC use and emissions; (3) changes in UV-B radiation associated with ozone change; and (4) changes in skin cancer cases and cataracts associated with changes in UV-B radiation. The integrating model did not incorporate many potential impacts of stratospheric modification that could not be quantified.

25. A wide range of scenarios of potential CFC use and trace gas concentration growth was evaluated. Across this range of scenarios, ozone change by 2075 could vary from as high as over 50 percent ozone depletion to approximately 3 percent increased ozone abundance. This range of ozone change implies a change in the number of skin cancer cases among people alive today and born through 2075, ranging from an increase of over 200 million to a decrease on the order of 4.5 million. The overwhelming majority (over 95 percent) of the increases and decreases in skin cancer cases that are projected to occur under these scenarios would be basal cell and squamous cell cancers (i.e., nonmelanoma skin cancer). Mortality impacts are estimated to be on the order of 1.5-2.0 percent of the changes in total cases, and the estimated impacts are primarily associated with people born in the future. The statistical uncertainty of these estimates is on the order of plus and minus 50 percent. Additional uncertainties exist, some of which cannot be quantified. The greatest single uncertainty about future risks is driven by the rate at which CFC use grows or declines. This uncertainty is reflected in the assessment by examining a wide range of "what-if-scenarios" of future CFC use.

The potential effects of trace gases are presented in the following simplified table:

Compounds	Stratospheric ozone	Global temperature
Chlorofluorocarbons	Depletes	Increases.
Halons (bromine)	do	Do.
Methane (CH_4)	Counters depletion: Adds ozone (Troposphere).	Do.
Nitrous oxide (N_2O)	Counters depletion in high chlorine cases.	Do.
Carbon Dioxide (CO_2)	Adds ozone	Do.

(b) The Agency's draft risk assessment evaluates the usefulness and uncertainties of atmospheric models. The relevant section is follows:

Models of the atmosphere that incorporate current scientific understanding of chemistry and physics project significant changes in global ozone (total column and/or column organization) and increases in global tropospheric surface temperature if trace gas concentrations grow significantly. Uncertainties about magnitudes remain large.

Models that incorporate current scientific understanding are used as the primary tool to project the potential consequences of future changes in abundances of trace gases. These models can be partly tested by historically observed changes, and, in the case of climate, with paleoclimatic and extraterrestrial environments. While current models accurately represent some aspects of the atmosphere, they fail to replicate other characteristics. This section summarizes the currently available evidence on how changing atmospheric abundance could modify total column ozone, alter column distribution, and change global climate.

13. Both theory and models of stratospheric processes project that increases in chlorine and bromine will decrease ozone, while increases in carbon dioxide and methane will increase ozone or reduce depletion. The effect of nitrous oxide on ozone depends on complex interactions and is scenario specific. While considerable uncertainties exist about relative rates of future growth, if CFC use increases substantially above current levels, total column ozone depletion is likely.

13a. Photochemical theory continues to support the conclusion that chlorine, nitrogen, bromine, and hydrogen can catalytically destroy ozone in the stratosphere.

13b. One-dimensional models currently predict a 5-9 percent depletion for the steady-state concentrations of chlorine that would result from constant emission of CFCs at 1977 levels (and assuming no change in other gases). While useful for intercomparing models, these values cannot be used to assess the risks of depletion in an atmosphere because other gases affecting ozone levels are, in fact, also changing.

13c. One-dimensional (1-D) models predict average global column ozone will decrease for a scenario in which CFCs and other trace gases (i.e., CO_2, N_2O, and CH_4) continue to rise at approximately historically based rates. For a scenario in which the use of CFCs grows at 3 percent annually, these models project a depletion greater than 25 percent by 2075 if the other trace gases continue to grow at rates approximating their recent historical growth.

13d. In contrast, for a scenario in which CFC use remains constant but other trace gases continue to grow at historic rates, 1-D models indicate that ozone levels would first slightly decrease and then begin to increase over time.

13e. For the same scenario (i.e., no growth in emissions of depleting substances and growth of other substances at historic rates), several two-dimensional (2-D) models predict that ozone depletion will occur at higher latitudes (only one of these 2-D model calculations simulating this depletion includes CO_2 cooling, and none include changes in dynamics that such cooling is likely to cause). Two-dimensional models vary in their projections of latitudinal depletion gradients depending on whether they include the effects of CO_2 and how they treat transport and methane. Only a limited number of time-dependent 2-D simulations have been undertaken, and 2-D model intercomparison has not yet been completed.

13f. Two-dimensional (2-D) models predict greater average global depletion than 1-D models for the same trace gas scenarios. Two-dimensional models also project depletion higher than global averages at latitudes greater than 40°N or S, especially in the spring. These models predict less than the global average nearer the equator. The latitudinal projections of 2-D models are sensitive to the data and method used to parameterize transport. Differences in transport probably account for differences in latitudinal gradient of depletion between different 2-D models.

14. Current Theory and Models fail to reproduce accurately all observational measurements of the atmosphere and processes that influence stratospheric change.

14a. While reproducing many characteristics of the current atmosphere, current models fail to reproduce some measurement. For example, ozone levels at 40 kilometers are underestimated in current models. Other problems exist in the way these models replicate existing observations.

14b. While including representations of most atmospheric processes that influence stratospheric composition, current models fail to include all of those processes in a realistic manner. Transport processes in 2-D models, for example, are represented in a simplified manner based on inadequate data and incomplete understanding of the possible complications of movement in the atmosphere.

14c. The inability of models to reproduce accurately measurements of the abundance

of some species in the current atmosphere lowers our confidence in their ability to predict future changes. Because of these shortcomings, current models could be either over- or underpredicting future depletion.

15. Uncertainly analyses have been conducted that consider a range of possible values for certain chemical and physical inputs. These analyses indicate that for these uncertainties, depletion is likely to occur if the use of CFCs grows.

15a. Uncertainty analyses conducted with 1-D models predict depletion for a variety of CFC levels. These analyses indicate that when model results are screened to eliminate cases in which the modeled atmosphere conflicts with actual observations of the atmosphere, the probability of a depletion is symmetrical around the mean. The possibility that the best estimates of kinetics could change as a result of laboratory measurements is ever present. Such changes could raise or lower estimates of depletion. While not yet accepted by the NASA panel on kinetics, a preliminary study of one such reaction, $C_{10}+HO_2 \rightarrow 03+HC_1$ would, if correct, reduce depletion estimates. Similarly, a class of heterogenous reactions that could increase depletion estimates are currently omitted from models.

15b. Uncertainty analyses using different sets of kinetics and cross sections have not been tested in 2-D models. However, different 2-D models have used different approaches for transporting species. This provides a useful test of the sensitivity of model predictions to the uncertainty of the transport parameters. Models with different treatment of transport predict that depletion will increase with distance from the equator, though the magnitude differs between models.

15c. Some uncertainties have not been tested in current models (transport coefficients, for example). In addition, the possibility exists that missing or misrepresented factors or processes (for example, due to global warming) may exist and lead to a greater or lesser change in ozone than indicated by existing uncertainty analyses.

16. Ozone monitoring shows changes roughly consistent with model predictions. However, substantial measured seasonal reductions have occurred in Antarctica that are not consistent with model predictions.

16a. Measurements by Umkehr readings show 3 percent depletion at mid-latitudes in the upper atmosphere, while balloons show 1.3 percent depletion in the lower stratosphere and a 12 percent increase in the lower troposphere. Uncertainty exists about the accuracy of all of these observations. These results, however, are roughly consistent with the expectations generated by 1-D and 2-D models. The ground-based measurement system is limited at high latitudes and in the southern hemisphere.

16b. Recent data from Nimbus 7 appear to show a decrease in global ozone, especially at both poles. However, the decrease in the Arctic from 1978 to 1984 appears to have occurred only in the last two years of that time series. These data are preliminary and have not yet been thoroughly reviewed. Concern about calibration problems of the satellite makes determination of the magnitude of ozone change difficult. However, the latitudinal variations in ozone change seem to indicate that this phenomenon is occurring and that the readings are not just the result of instrument drift.

16c. If these decreases in global ozone levels are verified, a second issue that must be addressed is whether the changes can be attributed to man-made chemicals. Other possible explanations include natural variations caused by solar cycles or other processes. Until further analysis is performed to determine whether depletion is actually occurring, whether it is long term or cyclical, and whether it can be attributed to man-made chemicals, it is impossible to determine with any certainty the implications of these results. However, losses of even some part of the magnitude of the preliminary NIMBUS 7 data are not consistent with current model projections and would be a cause for concern.

16d. Measurements taken in the Antarctic during spring show that the gradual depletion that occurred in the mid-1970s over and near Antarctica has given way to a steep non-linear depletion from 1979 to 1985—the Antarctic "ozone hole." Not only has the ozone minimum decreased, but the ozone maximum outside Antarctica (between 50°S and 70°S) also appears to be declining. The average annual depletion of all areas south of 60°S has been estimated to be more than 6 percent since the mid-1970s.

16e. Current models did not predict this seasonal loss of ozone in Antarctica. Several hypotheses have been put forward to explain the loss, including chemical explanations in which the gases are of a man-made source (bromine and chlorine), chemical explanations in which natural sources cause the change (NO_x, solar cycle), or an explanation that claims the phenomenon is entirely due to a change in climate dynamics. Until more is understood about the cause of the ozone hole, it is impossible to determine whether the hole is a precursor of atmospheric behavior that will occur in other regions of the world and would therefore lead to modifications to current models. The Antarctic ozone declines, however, do show that the atmosphere is more sensitive to some set of factors (yet unknown) than previously thought.

17. Additional information for assessing risks could be obtained by improving two-dimensional models.

17a. More time-dependent simulations using 2-D models are needed to better understand the significance of uncertainties in trace gas projections.

17b. Radiative codes need to be added to 2-D models to reflect more accurately this potentially significant factor affecting the creation and destruction of ozone.

17c. Uncertainty analyses focusing on kinetics, cross sections, and transport should be undertaken.

17d. Greater efforts are needed by the scientific community to understand the range of possible changes from factors like heterogenous chemistry and dynamical change, rather than focusing primarily on best-case models. Model intercomparisons of a wider range of realistic time-dependent scenarios and uncertainties are needed.

Question 2(c):

In its policy statement on September 15, 1986, the Alliance for Responsible CFC Policy said:

"Based on the theory, current scientific understanding, and reasonable assumptions about future admissions of substances that may modify the ozone layer, no significant modification of the ozone layer is expected during the next few decades, therefore, there is no imminent threat to human health and the environment from current CFC use or emission."

A reading of a more recent research report by World Resources Institute seems to take a different view, while recognizing that the "urgency of the issue has fluctuated widely." What are your views on this issue of imminent threat and urgency, taking into consideration the long atmospheric lifetimes of the compounds? Do you agree with the Alliance?

Response:

Given the unique nature of the issue, we believe that international action in the near term is required to address this problem of stratospheric ozone protection. This issue is unique in at least two important respects. First, even though current models do not suggest ozone depletion is likely in the near term, because of their long atmospheric lifetimes, if CFCs and Halons are allowed to increase, such depletion, and resulting increases in skin cancers, appears likely. Second, if ozone depletion occurs before we take action, the levels of depletion would continue to increase for a decade or more, even if we were able to dramatically reduce CFC consumption.

Thus, while we agree with the CFC Alliance that no imminent harm is likely, this does not mean that near-term action isn't required. In fact, the CFC Alliance has recently stated their support for global action limiting CFC use. While views may differ on the timing and stringency of action, a growing consensus exists that, at a minimum, some limits should be placed on future CFC use.

Question 2(d):

The December 5, 1986, edition of The Christian Science Monitor indicates that some scientists (specifically, a scientist from Cornell and two others from NASA) have questioned some conclusions, including a recent EPA study. One observes that "chemical process can't explain all the facts," such as "seasonal ozone redistribution." The other challenges a recent EPA study on the "rise in skin cancer rates" if CFCs are not curbed. Please comment on those challenges and indicate their significance. Was the EPA study released prior to peer review as the Cornell scientist states? If yes, explain why. What is the status of the study?

Response:

The above-mentioned article discusses the Antarctic ozone hole and correctly states that we do not yet understand whether the seasonal losses are due to dynamic or chemical factors and whether such factors are unique to that region of the world. In the EPA risk assessment we have not assumed that the Antarctic phenomenon is due to CFCs. Instead, we base all estimates on current atmospheric models, which do not link CFCs to ozone depletion in Antarctica.

The risk assessment document was made available to the public for comment at the same time it was submitted to the Science Advisory Board (SAB) for its review. Prior to release, individual chapters had been extensively reviewed by experts in relevant fields. This process is commonly followed. Thus, the assertion by the Cornell scientist is incorrect. The SAB panel has generally accepted the revised executive summary of the document and is preparing its report to the EPA Administrator.

Question 3:

Enclosed is a document prepared, but not used, and thus I understand it has no official standing, by scientific advisors at Geneva. Nevertheless, it appears helpful. Please review it and if you desire, provide a revised version or make comments on it where you think they are warranted for any reasons.

Response:

The document is very useful and outlines well elements that should be taken into account in considering which compounds should be included in the protocol. However, we recommend the following revision to the scientific advisors memo:

Halon 1211 and Halon 1301 should be included in the First Priority because recent EPA analysis has revealed significantly higher emission rates than previously reported. Because Halon accounts for a significant portion of stratospheric ozone depletion, exclusion of these chemicals from regulation would mean that greater reductions of CFC-11, CFC-12, and CFC-113 would be necessary to achieve the same level of stratospheric ozone protection. Furthermore, emissions can be reduced from testing, training, accidental discharge, and leaks at reasonable cost, while their use in essential fire protection is continued.

Table 1, enclosed with your letter, "Simple *Approximate* Calculation of Impact of Compounds on Ozone Using Three Criteria Outlined" (emphasis theirs), is based on preliminary estimates of relative ozone depletion "efficiency," which are subject to revision and updating. In particular, the table appears to significantly overstate the ozone-depleting efficiency of Halon 1211 and to slightly understate the ozone-depleting efficiency of Halon 1301. Note also that there is considerable uncertainty about the actual global production of Halons 1211 and Halon 1301.

Question 4(a):

The "U.S. Views" of last November called for a "prudent protocol" which, as a "first step," should require a "near-term" freeze on the emissions of all fully halogenated alkanes (i.e., CFC-11, -12, -113, and Halon 1211 and 1301) "at or near current levels." Such levels are established in the draft protocol as those that do "not exceed" each Party's 1986 level." Please explain why the above CFCs were included in the freeze and indicate the current uses and user industries of each. The enclosed paper also lists CFC-22 as a substance meeting the criteria for potential impact on the ozone. Why are that substance and CFC-114 not on the U.S. list?

Response:

CFC-11, -12, and -113 are fully halogenated alkanes and therefore are very stable with long atmospheric lifetimes (50-110 years). They all have high potential to modify the stratospheric ozone. (CFC-11 is assigned a potential depletion factor of 1.00, as basis. The factors for CFC-12 and CFC-113 are 0.86 and 0.80, respectively.) CFC-22 is not fully halogenated, and most of it is decomposed in the lower atmosphere (troposphere). The potential depletion factor for CFC-22 is only 0.05 and is expected to have relatively little effect on the stratospheric ozone. It also can be used as a substitute for CFC-12 in several important use categories. Therefore, CFC-22 is excluded from the current U.S. list.

On the other hand, CFC-114 is fully halogenated and stable and could modify the stratospheric ozone (its potential depletion factor is not estimated but is expected to be less than those of CFC-11 and CFC-12). The 1985 production of CFC-114 is estimated at 9 thousand metric tons. The 1985 production of CFCs -11, -12, -22, and -113 is estimated at 96, 153, 116, and 68 thousand metric tons, respectively, and they account for over 90 percent of all the CFCs produced in the United States. Because of its limited production, CFC-114 was not included on the initial list. However, we have now decided to add CFC-114 to the U.S. list to preclude the possibility of expanded future use as a substitute for other CFCs.

Halons 1211 and 1301 are produced in relatively smaller quantities (2.7 and 5.4 metric tons, respectively). However, they are fully halogenated and very stable in the atmosphere. Due to their bromine content, the halons have much higher potential to deplete the stratospheric ozone than the CFCs. The potential depletion factors for Halons 1211 and 1301 are estimated to be approximately 2.5 and 11.5, respectively, compared with 1.00 for CFC-11.

The following table provides the current uses and user industries for the CFC/Halons.

USES AND USERS OF CFC/HALONS

CFC/Halon	Uses	Users (industries)
CFC-11	Foam-blowing agent	Rigid foam insulations for buildings, industrial equipment, transportation, and refrigeration equipment. Also foam for packing and furniture.
		Flexible foam for automobiles, furniture, carpet underlay, etc.
	Refrigerant	Industrial chillers.
	Aerosol propellant	Essential aerosol applications (certain uses by DOD, electronics industry and pesticidal uses).
CFC-12	Foam-blowing agent	Rigid polyurethane foam for building, refrigeration, and industrial insulation.
		Rigid polystyrene foam for stock food trays, egg cartons, and single service items (cups, fast food containers).
	Refrigerant	Automotive air conditioning.
		Auto air conditioning repair/service shops.
		Retail food refrigeration.
	Sterilant gas (ethylene oxide).	Hospitals.
	Carrier	Medical equipment manufacturers.
		Spices/pharmaceutical industries.
	Food-freezing agent	Frozen food (vegetables, certain seafood) manufacturers.
CFC-113	Solvent	Metal cleaning industries.
		Electronics industry.
		Limited dry cleaning (specialty material such as fur, leather).
Halon 1211	Fire extinguishing	Hand-held fire extinguisher for home, office uses.
		Portable fire extinguisher for industrial uses.
Hanlon 1301	Fire extinguishing	Stationary fire extinguishing systems for protecting computer facilities, archives (libraries, etc.) and military apparatus.

Question 4(b):

What is the Defense Department's view on including the Halons in the protocol? Why should they be included?

Response:

The EPA is aware of DOD's unique requirements with regard to the use of Halons for fire protection. The Agency will consider these special circumstances, including national security or unique operational readiness situations of the armed services when the various regulatory options are evaluated.

Most DOD CFC uses (i.e., refrigeration, solvents, foams, and sterilants) are not different from their civilian counterparts and can thus employ whatever emission control devices and/or product substitutes the civilian sector focuses on to stay within possible regulatory limits. If necessary, special consideration of vital military uses could be made where no viable control or substitutes could be employed (e.g., uses of CFCs as solvents to remove nerve agents or for critical aerospace or electronic production processes, etc.).

Halons may be one such special case. Halons are widely deployed within the military for fire protection in critical environments and around high value assets. The protection of personnel and equipment needed for operational readiness, computer and command and control facilities, and "one-of-a-kind" trainers are all essential for maintaining national security. However, EPA feels that DOD should make every attempt to reduce its emissions in the near term, and it may prove desirable to ultimately restrict the deployment of Halon-based extinguishing systems. In the near term DOD agencies could be encouraged to minimize unneeded full-system tests (and thus releases) of Halon-containing room fire-extinguishing systems, to limit "live" fire-fighting training exercises with Halon portable extinguishers when alternative methods are available, and to generally limit the unnecessary discharge of Halon fire-extinguishing agents to the atmosphere. DOD agencies could employ the prudent use of Halon agents to protect life, high-value electronic components, or to fight aircraft fires during the near term.

As part of DOD's long-term actions on this issue, each armed service could review their planned weapons and support systems and identify Halon uses that may be modified and/or substituted for as soon as possible. In addition, R&D and logistical support investigations should be undertaken to identify controls and/or product replacements that can be deployed in existing Halon-agent-based systems.

EPA has held informal working level discussions with most of the armed services and with DOD officials. A DOD-sponsored meeting of all the service representatives was held in mid-February. At these informal discussions and in the DOD-sponsored meeting, EPA representatives continued to state the above rationale on military uses of Halons and requested that the services support data collection and analysis in support of the national CFC policy.

Question 4(c):

Please explain the term "emissions" and explain how the U.S. expects it would be applied meaningfully in the U.S. and in other countries, particularly in non-producing countries? The November 25 draft U.S. protocol refers to annual "bulk" exports and imports. Please explain how this term works in the case of motor vehicles with air conditioners imported to the U.S. from such countries as Sweden, Japan, and West Germany? Would they be counted by the U.S., or by these other Nations?

Response:

The U.S. position calls for national emissions limits based on "adjusted production" (i.e., domestic production, minus bulk exports to parties, plus bulk imports, minus amount destroyed or encapsulated). Under this formula, imports contained in products would be counted against the limit of the producing country even if the products were exported. Moreover, the "plus imports" factor in the equation also accommodates the needs of current non-producing CFC importing nations.

The U.S. believes that the adjusted production formula, in addition to more equitably allocating obligations to protect the ozone layer, would protect domestic industry from inequitable competition form non-joining nations, and would permit business and consumer flexibility and promote technological innovation.

The CFCs used to fill air conditioners in motor vehicles would be counted by the producing nation even if the vehicles were shipped to the U.S. or elsewhere.

Question 4(d):

As noted in the Geneva meeting, "no country disputed the need to control CFC-11 and 12, and many want to include 113

(Japan opposed)." To what extent is Japan a producer of CFC-113? and Is all that production now on line? Why is Japan opposed to a protocol that covers CFC—113? Is Japan phasing out other solvents in favor of CFC-113 and going to tighter systems? Is that occurring in the U.S.?

Response:

A Japanese official of MITI notes that the production of CFC-113 in Japan was 51.53 million kilograms in 1986, and that all planned production capacity is now on line.

The official notes that trends in Japan favor increased use of CFC-113. Concern has been growing over possible health hazards of trichloroethylene, for which CFC-113 is a substitute solvent. In addition, demand for solvents as a whole has been increasing. Both trends will increase the demand for CFC-113. Emissions of CFC-113, notes the official, are partially controlled by recycling systems, but current technology cannot achieve 100 percent control.

In the U.S., anecdotal evidence suggests that U.S. firms are increasing their use of CFC-113, relative to other solvents, but no hard evidence is available to assess this trend.

Question 4(e):

Will the U.S.-proposed freeze at 1986 production (not capacity) levels allow some countries without a ban on aerosols to have an advantage over other countries, like the U.S., which has a ban? With such a freeze, could those countries later adopt an aerosol ban and increase production of other CFCs, like 113, and still be within the freeze? If yes, please explain why that approach is sound from health and environment and trade and competition standpoints?

Response:

While the U.S. banned in 1978 the use of CFC's as nonessential aerosol propellants, other developed nations have also taken steps to limit CFC use in aerosol and nonaerosol applications. The EEC has adopted a capacity cap on CFC-11 and CFC-12, reduced aerosol use by 30 percent since 1976, and formulated engineering codes of practice to limit CFC emissions. Several EEC nations have taken further steps: Belgium and Denmark have banned CFCs as aerosol propellants; the Netherlands requires a warning label on CFC-propelled aerosols; and Portugal has banned CFC production and established CFC import quotas. Other countries that have banned CFC use in aerosols are Canada, Sweden, and Norway. Since 1974, Australia, a CFC-producing nation, has reduced the use of CFC's in aerosols by 66 percent, and Japan has voluntarily reduced its use of CFC's in aerosols and put a capacity cap on CFC-11 and -12. Brazil, which also produces CFC's, has implemented a capacity cap. It is clear, however, that the U.S. aerosol ban, which forced immediate reductions in CFC use, has achieved the greatest reduction in CFC use. One might argue that a freeze at current production levels would not give the U.S. credit for past efforts, and might therefore put it at a disadvantage.

The U.S. per capita production and consumption of CFC's, however, is now roughly equal with that of the EEC, and is much higher than that of Japan. In 1985, U.S. production of CFC-11 and CFC-12 was 0.84 kg per capita, while consumption was 0.83 kg per capita. In 1984, EEC production of CFC-11 and CFC-12 was 1.18 kg per capita and consumption was 0.80 kg per capita. Japanese production of CFC-11 and CFC-12 was 0.52 kg per capita in 1985. Data for Japanese imports are unavailable. Assuming negligible imports, per capita consumption would have been 0.48 kg per capita.

Thus arguments can be made on both sides concerning the equity and appropriateness of a production freeze. From the health and environmental perspective, the source of emissions reductions are irrelevant—CFC emissions from both aerosols and non-aerosols are rapidly dispersed throughout the global atmosphere.

The U.S. is seeking to structure a CFC control protocol that minimizes disruptions to international trade and prevents nations that do not join the protocol from reaping an unfair trade advantage while guaranteeing fair access to foreign markets for U.S. producers.

In past negotiations, the U.S. sought a worldwide ban on CFC use in aerosols on the grounds that such use was not essential. This effort became embroiled in further debate over which uses are nonessential.

Question 5:

The European CFC producers' October 1986 statement indicate that as a "first step" a protocol "might include" a "global limit to the production of CFCs 11 and 12." As the State Department's telegram points out, the European Communities offered a proposal to freeze CFC's-11 and -12 at 1986 production, not capacity, levels. The Alliance's policy statement indicates that it "supports international resolution of the issue" without saying what substances should be covered or what limits should be established—although the related press release calls for a global limit on the future rate of growth of fully halogenated CFC production capacity, which leaves a great deal of "wiggle room," I believe. Would the U.S. agree to a protocol that only places limits on CFC-11 and CFC-12 at current production levels and relies on future actions to provide for more limits and substances in order to have some agreement?

Response:

U.S. agreement on a protocol depends on the effectiveness of the combination of protocol elements, including:

Chemical Coverage;

Stringency (initially and over time);

International Participation;

Incentives for Development and Use of Alternatives;

Procedures for Revision Based on Scientific Assessments;

Enforceability.

Thus, given these many factors and the nature of the negotiating procedure, it is not possible to answer whether a protocol including only CFC-11 and CFC-12 would be acceptable to the United States.

However, we do recognize the substantial disadvantages of such a limited agreement. First, CFC-11 and CFC-12 represent only a portion of the chemicals suspected to deplete stratospheric ozone. Second, neglect of the other chemicals may invite chemical substitution of the unregulated CFC's for CFC-11 and CFC-12, substantially weakening the overall effectiveness of stratospheric ozone protection. Third, efforts to cost-effectively protect stratospheric ozone would be hampered if control measures were limited to only these two chemicals while neglecting reductions of the other chemical emissios that could be achieved at lower cost. Fourth, control of only CFC-11 and CFC-12 may result in very stringent controls in countries that are experiencing growth in the use of these chemicals, while allowing other countries to increase use of exempted chemicals that are also suspected of depleting stratospheric ozone.

Question 6(a):

Please explain to what extent you disagree or agree with the above comments about the availability of substitutes. What analysis was made by the U.S. of the availability of substitutes and their costs within the timeframes and percentages contemplated in the November 25 Draft? Do the proposed reductions suggested in the Draft consider the availability of present CFCs for existing units?

Response:

EPA is not familiar with the complete basis of the World Resources Institute press release of November 30, 1986, which suggests that emissions "could be reduced by one third in the U.S. and world-wide by using 'safe' CFC's, banning aerosols, and recycling CFCs."

EPA believes that current control technologies, expanded use of CFC-22 and blends, expanded recapture and recycling, product substitutes, and improved servicing practices could substantially reduce current emissions of CFC-11, -12, -113, and -114 and Halons 1211 and 1301. These reductions would not depend on technological innovations, major capital investments, or the successful development of new chemical substitutes.

EPA has initiated studies that should provide a better quantitative basis for estimating costs, timeframe, and potential reductions. At their completion, we will be able to provide more than an illustration of the quantity and timetable for phased reductions.

The EPA draft report on chemical substitutes does contain extensive discussion of the problems of possible toxicity, oil compatibility, and other commercialization requirements for new chemicals. EPA will continue to report the prospects of new chemicals and to work with industry to reduce the uncertainty about the appropriateness of new chemicals. Note that the DuPont policy statement on this issue states that they believe chemical substitutes might be available 5 years after an economic or regulatory incentive exists. EPA is expanding its research into chemical substitutes, working both on the production and user sides to expedite its understanding of these issues.

EPA agrees with your concern for the CFC user and service industries and for consumers who own refrigeration equipment that may need recharging during its remaining useful life. Automobile air conditioners are a particularly large source of emissions from leaks and intentional discharge during service and disposal. Sealed units, such as refrigerators, freezers, and dehumidifiers, have less emissions because they are able to use sealed motor-compressor units and rigid tubing.

EPA is specifically investigating the stock of existing appliances and the likely service requirements. In addition, EPA is investigating the full range of options, such as preventive maintenance, improved service procedures, and refrigerant recovery at product disposal, which would minimize emissions.

Question 6(b):

Is there any reason to believe that producers in other countries with existing patents will develop substitutes sooner than U.S. firms? I note that the draft report states that the "patents are based upon laboratory scale results, and do not imply that each process could be commercialized on a large scale." In the case of CFC's -123, -124, -132b, -133a, -134a, and -141b, the draft report states that "development work at DuPont has been stopped." My understand-

ing is that DuPont is not the only U.S. firm trying to develop substitutes. What is the status of this effort by any firm? To what extent do these substitutes present possible problems for the user industries, such as safety and fuel economy problems for the motor vehicle industry? Are those problems being examined by the applicable agencies?

Response:

Because product development by U.S. corporations is confidentially conducted, we have only limited information on existing patents and chemicals that have not been patented. We know even less about chemical development in Japan or other foreign countries. We do, however, believe that the major producers in the U.S. have recently expanded efforts relating to chemical substitutes.

The EPA draft report you cite in your letter discusses problems of energy efficiency and safety, such as toxicity and flammability. These concerns can only be completely answered by continued commercialization efforts. EPA is working with researchers, government laboratories and test facilities, chemical manufacturers, and users to accelerate this research and development process.

Question 6(c):

I note that a Wall Street Journal article of December 2, 1986, states that "U.S. chemical producers clearly aren't rushing to develop substitutes" and DuPont is not planning "heavy spending" on CFC-134a "until regulatory action or consumer demand justify it." The World Resources Institute states that without a "stiff tax, chemical companies may be unwilling to invest" in substitutes. I presume this would be a U.S. tax only. How will the U.S. draft protocol encourage on a global basis acceptable and reasonable substitutes for the user industries? Do you agree that a tax is needed?

Response:

The EPA is evaluating regulatory alternatives with the aim of providing adequate incentives for companies to develop chemical substitutes and control technologies for chlorofluorocarbons. It is essential that firms be provided both with a certain market for chemical substitutes or control technologies and with adequate time for research, development, and testing.

The Agency is currently evaluating for implementing a global control protocol in terms of effectiveness, efficiency, fairness, enforceability, flexibility, administrative simplicity, and ease of transition. Regulatory fees are among the options under consideration.

Question 6(d):

World Resources urges "short-term reductions of one third" to promote substitutes and a total phase-out in "perhaps a decade." The National Resource Defense Council (NRDC) seeks 30 percent reduction by the end of 1988, 85 percent by 1992, and a phase-out in 10 years. The draft EPA report does not appear to support such short timeframes. It states:

"In the absence of future regulations, the newer CFC's do not appear cost effective compared to current CFC's. Up to five years of additional development work may still be required, depending on remaining process problems. Thus, it is anticipated that commercialization of new CFC chemicals would require about 4 to 10 years, depending on the status of current process development work, the remaining process problems, and the strength of the driving forces to proceed."

Leadtime and technology problems, if any, including safety, for the user industries to adapt to such substitutes is not discussed in the U.S. Views.

What are your views on the time required to develop suitable substitutes and for the user industries to be able to adopt them (a) after a protocol is developed and (b) after the protocol is effective? What is the justification for a "technology-forcing approach" in this case? What is the implication of that approach for the user industries? What is the likelihood that a protocol will reflect the recommendation of the World Resource Institute or the NRDC?

Response:

At the suggestion of both industry and environmental groups, the Agency has convened a panel of experts to evaluate chemical substitutes for chlorofluorocarbons. Based on DuPont's policy statement and the draft report by Radian, 4-10 years seems likely for the development and use of chemical substitutes. This period depends, however, on the degree of incentive for such substitutes and assumes that no toxicological problems are encountered. The timing is not likely to be delayed by the several years between signing and date of effect of a protocol. Once an agreement is reach, the resulting change in marketing conditions has been signaled, and industry is likely to begin evaluating and acting on its responses. The timing and costs of these substitutes, along with possible emission reductions using currently available technologies, will be considered in evaluating any scheduled reduction in CFCD emissions.

Various groups, including the World Resources Institute, the Natural Resources Defense Council, and industry association, have offered proposals for stratospheric ozone protections. All these proposals are currently under consideration.

Question 6(e):

To what extent is recycling and the use of closed systems, especially in the case of solvents, expected to result in considerable reductions? To what extent are these used by CFC-113 users in this country?

Response:

A considerable reduction in solvents (CFC-113) emissions can be achieved by recycling and use of currently available engineering controls, such as covers, drainage requirements, refrigerated chillers, carbon adsorption, and increase in the fireboard ratio (free height above the solvent vapor ozone to cross section of the vapor degreaser).

Due to thousands of vapor degreasers in use in the U.S. today, it is difficult to estimate exactly how many CFC-113 users currently use the recovery/recycle controls. Based on limited available data, it is estimated that perhaps one-third to one-half of CFC-113 users use one or more (in combination) of the controls identified above. As a result, substantial reductions might be possible in this industrial use category.

Question 6(f):

During discussions of the draft protocol with observers present, Mr. Benedick explained that the draft protocol provides for adjustments in the stringency, timing, and scope of the control measures if the substitutes are not developed and/or the users cannot accommodate to the substitutes within the time set in the protocol. However, our staff pointed out that the draft (Article IV:3) allows such adjustments only in "light of scientific review." Mr. Benedick agreed that the draft needed revision to reflect his statements. Please make that revision.

Response:

As Richard Benedick agreed during the meeting to which you refer, future adjustments in control measures should take into account not only scientific but also technical and economic information. Our delegation will seek to have the protocol text call for assessment and adjustment in light of new scientific, technical, and economic information.

Question 7 (a):

The December 2 Wall Street Journal article states that an "estimated 70 percent of the world CFC use occurs outside the U.S." and greater demand is "projected in future years" by developing nations. The article states that "EPA is also under a court-ordered May deadline to decide on added CFC regulations." Please provide a copy of that order.

Response:

Order enclosed. Please note that the Court Order requires a proposal by May 1, 1987, and a final rule by November 1, 1987.

Question 7 (b):

What is the status of the decision effort in light of the ongoing United Nations negotiations and the above estimates?

Response:

The Agency is moving forward to meet the deadline and is developing options and analytic support for the May proposal.

Question 7 (c):

How will CFC regulations in the U.S. significantly impact the global picture of emissions?

Response:

The United States produces 30 percent of the CFCs. Any U.S. action will take into consideration the need for global action and the potential impact of unilateral action on achieving that goal.

Question 7 (d):

What will be the impact on U.S. industries competing with other nations with no corresponding regulations?

Response:

The U.S. objective is to protect stratospheric ozone. Participation of other countries with significant emissions is necessary because the United States contributes only a third of total global emissions of ozone-depleting substances.

Regulations that affect businesses in some countries but not others create advantages to the extent that CFC regulations cause prices of products based on CFCs in protocol nations to rise against prices in non-protocol nations. Regulations might cause some decline in protocol nation exports and a rise in imports from non-protocol countries. Producers might take advantage of the shift in comparative advantage. They could find it profitable to increase production or to locate new facilities in non-protocol countries to take advantage of lower cost CFCs or the lack of emission limits and thereby vitiate the beneficial effect of regulation in protocol nations. Multinational CFC producers already have production facilities in several countries to take advantage of differences in production costs and regional markets. U.S. companies have operations in Australia, Spain, and Venezuela; West Germany's Hoechst has facilities in Spain and Brazil, and Kali-Chemie, in Spain; and Imperial Chemical Industries of England is affiliated with African producers.

The following five economic conditions are among those necessary for this type of economic advantage to exist:

Trade in CFC-based products;

Significant CFC price differences between countries;

High CFC cost per unit of product, no close economic substitute;

Low additional transportation cost to get inputs to non-protocol countries production facilities and finished products to markets;

No countervailing trade barriers.

The industries most likely to shift operations to non-protocol countries would be those for which CFC costs are an important part of total costs and for which transport costs are small enough that they could relocate without losing access to their markets. Access to markets depends on transportation cost, convenience, and trade barriers.

Table 1 presents a rough ranking of the importance of CFC costs to total product cost, transport cost, and the efficiency of trade barriers. The chart shows that a non-protocol country could only gain trade advantage from CFC controls if comparative economic conditions are right and the quota nations fail to protect against imports. The ranking of trade barrier efficiency is based on the relative ease of identifying and controlling CFC chemicals and products.

Because most CFC products are easily indentifiable, they can be taxed, placed under import quotas, and/or excluded or subjected to nontariff barriers. The ranking displayed in Table 1 obviously depends upon wheather the United States is able to coordinate environmental and trade policy.

TABLE 1.—PRELIMINARY EVALUATION OF RISKS FROM TRADE OF CFC PRODUCTS [1]

CFC use	CFC cost intensity	CFC detection	Transport cost [2]	Trade regulation	Overall trade risk
Aerosols	Medium	Easy	Low	Existing	None.
Bulk rigid foam.	Low	do	Very high	Easy	Small.
Bulk flexible foam.	do	Difficult	High	Difficult	None.
Flexible foam products.	Varies	do	Medium	do	Medium.
Rigid foam products.	Very low	do	Varies	do	None.
Refrigeration.	do	Easy	Medium	Easy	Small.
Mobile A–C.	do	do	Very low	do	Do.
Solvent	Medium	do	Low	do	Do.
Electronic components.	Varies	Difficult	do	Difficult	Unknown.

[1] This table shows relative risk to U.S. industries being put at a competitive disadvantage to industries of other nations with no corresponding regulations.

[2] The additional cost of transporting CFC products that are a part of finished goods like automobiles and trucks may be negligible. Most flexible and rigid foam is manufactured near the location of use because it is bulky and expensive to ship.

[3] Flexible foam might be a small element of the imported product (e.g., foam in car seats or furniture) and may be hard to distinguish from flexible foam that is blown with other chemicals.

Electronic component manufacture may face the most signficant risk of production moving offshore to non-members as a result of CFC regulation, if CFC solvent is a significant cost in component manufacture. Under these circumstances, manufacturers would be vulnerable because transportation costs are minor for small, light products. Such products may not contain CFCs in their final form, making detection for trade restrictions difficult.

CFC is an essential part of many products imported to the United States. Consider a partial list of products:

Products containing CFC's: Automobile (air-conditioners), refrigerators, air-conditioners, dehumidifiers, packaging, insulation, CFC solvents, Halon fire extinguishers.

Products in which CFC's are used in manufacture: Furniture, carpets, footwear, clothing, automobiles (interiors), electronics.

Because of the potential trade disadvantage to which U.S. (or other protocol parties) could be put vis-a-vis non-parties, the U.S.-proposed protocol text included a provision banning bulk imports from non-parties. As a result of discussions of an ad hoc trade issues group, we also intend to propose (in Vienna) restricting the import from non-parties of products *containing* the controlled chemicals.

Question 7(e):

Would the regulations, if any, be issued under Section 157 of the Clean Air Act?

Response:

Yes. EPA is evaluating its upcoming regulatory decisions based on Section 157 of the Clean Air Act, but will also consider other provisions and statutes to the extent they may be relevant.

Question 7(f):

What substances will be considered for regulation?

Response:

While EPA is considering regulation of all chemicals suspected to deplete stratospheric ozone, the U.S. advocates international control of CFC-11, CFC-12, CFC-113, CFC-114, Halon 1211, and Halon 1301. Because we believe that these substances represent a more significant risk to the environment, our efforts have focused on them.

Question 8(a):

Please describe the Soviet and Nordic proposals and explain any concerns about them.

Response:

At the December 1986 negotiating session the Nordic countries (Norway, Finland, and Sweden) actively supported the U.S. phased reduction approach. Their proposal is to make a one sentence revision of the U.S. proposed text, so as to: (a) have the first step of the control schedule be a 25% reduction instead of a freeze in emissions; (b) exempt parties from this first step if their emissions are below 0.2 kg/capita. While we agree with the idea of an exemption for low users, the 0.2 kg/capita level may be too high to adequately protect the ozone layer. We also believe that, if set at an appropriate level, the exemption should apply for all reduction steps, not just the first.

The proposal by the USSR would have the Parties: (a) establish a global limit on production of CFC-11 and -12; (b) set national consumption limits, allocated on the basis of population, to divide up the global production ceiling; (c) take measures to develop technologies for emissions reduction.

We have three main concerns with the Soviet proposal. First, it is too narrow in scope; the ozone layer is not just at risk from CFC-11 and -12, but from other chemicals as well. We believe the protocol should also include CFC-113, -14, Halon 1211, and Halon 1301. Second, we believe that Soviet provision to exempt all developing countries is too broad to adequately protect the ozone layer. We are more inclined toward an exemption for countries with an adjusted production below a certain per capita level. Third, we are concerned that an allocation system based on population would be needlessly complex, particularly when emissions are being phased out in the long run (thus obviating the need to allocate "rights to pollute"). Furthermore, setting national consumption limits using such a system could be controversial and thus make it exceedingly difficult to reach agreement among the parties.

Question 8(b):

What is being done to encourage more nations to participate in the next negotiations?

Response:

Since the December session, we have been very active in encouraging more nations to participate in the negotiations. We have also undertaken considerable efforts to increase awareness of the potential threat to the ozone layer and to increase understanding for the U.S. position at the negotiations. A list describing the actions we have taken is attached.

ARTICLE II: CONTROL MEASURES

1. The Parties recognize that it is essential to establish an agreed limit for the permissible annual volume of world-wide production of CFCs [11, 12].

2. The Parties consider it essential to establish maximum permissible volumes of annual consumption of CFCs for each of the State Parties to the Protocol, on the basis of the agreed limit for the annual volume of world-wide production of CFCs and the population of each country.

3. The provisions concerning the establishment of maximum permissible volumes of annual consumption of CFCs shall not extend to the developing countries, bearing in mind their special circumstances and requirements.

4. Each Party undertakes not to exceed, up to the years 2000, the maximum permissible volume of annual consumption of CFCs agreed for it. The transition to the established maximum permissible volumes of consumptions shall be effected over a period of three years from the entry into force of the Protocol.

5. The Parties shall take measures to devise alternative technologies by the year 2000 with a view to reducing atmospheric emissions of CFCs and other substances capable of affecting the ozone layer, and shall co-operate in the development and realization of the best possible technologies.

6. The provisions of the present article shall in no way affect the right of the Parties to adopt more stringent measures than those set out in paragraphs 1-4.

Proposal from Norway, Sweden and Finland as substitute for paragraph 1 and 2 in article II, U.S. protocol proposal: "Any party whose emissions of fully halogenated alkanes in 1986 exceed 0,20 kg/capita shall reduce their emissions in relation to the 1986-level by at least 25% as soon as possible and at the latest by 1991". Paragraph 3, 4 and 5 in the same article become paragraph 2, 3 and 4.

EPA/STATE DEPARTMENT INTERNATIONAL INITIATIVES ON STRATOSPHERIC OZONE NEGOTIATIONS

The following steps have been taken jointly by EPA and the State Department, following the December 1-5, 1986 negotiation session in Geneva, to build international support for early conclusion of an effective protocol to protect the ozone layer from potentially harmful chemicals.

1. Ozone layer issues raised by U.S. during U.S.-Soviet bilateral environmental meeting in Washington, Dec. 13-17, and agreement obtained to hold early consultations on science of ozone depletion in Moscow.

2. Engaged UNEP—by cable, telecons with U.S. Permanent Representative to UNEP in Nairobi, and during Washington visit by senior UNEP official—to urge adherence to original negotiating timetable, and that

UNEP increase its staff support for the preparatory work to help ensure success.

3. EPA Administrator Thomas called U.K. Environment Minister Waldegrave to seek his help in keeping to the negotiating schedule, and to explore ways of elevating the importance of the issue in Europe. Agreement was reached that early visits by U.S. experts could help expand awareness and understanding.

4. Cable sent to EC capitals asking U.S. Mission EC and embassies to approach EC leadership to urge that steps be taken to ensure that EC negotiatiors come to Vienna with flexibility to negotiate across range of issues. U.S. Ambassador to EC met with EC Commissioner.

5. Issue has been placed on agenda of U.S.-EC bilateral discussion scheduled for Washington in late March.

6. Assistant Secretary of State Negroponte and Deputy U.S. Trade Representative Smith discussed ozone protocol with senior Japanese officials during separate visits to Tokyo. This followed cables requesting such consultations.

7. Issue also raised in Washington with Japanese Embassy officials, leading to invition for U.S. team to visit Tokyo in March.

8. USIA "Worldnet" capability used for January 27 interactive briefing by State Department negotiator and NASA scientist for European experts and reporters in six capitals, with second briefing scheduled for February 11.

9. Consultation held with Canadian delegation, Jan. 29 in Washington, to exchange information and views about second negotiating session.

10. Ambassadors Negroponte and Benedick discussed ozone layer issue with Brazilian Minister of Environment.

11. Scientific team, involving representatives from NASA, NOAA and EPA, and including a prominent Norwegian modeler, was sent to Moscow for Feb. 3-8 discussions.

12. Second team, with similar composition plus the principal U.S. negotiator, was sent to Brussels, Paris and London, Feb. 2-5, to meet with senior policy makers from those countries plus the European Community (in advance of Feb. 13 meeeting of EC Council). Meetings arranged by U.S. Embassies based on joint EPA and State requests.

13. Nordic nations advised that Feb. 3-6 meeting of ECE Working Group on Nitrogen Oxide Protocol (Geneva) can serve as forums for discussing status of ozone negotiations, and that EPA member of U.S. delegation will be prepared to participate in separate *ad hoc* meetings of interested parties.

Question 8(c):

Please describe your efforts to further examine the trade issues concerning CFCs. What are those issues?

Response:

Since the December negotiating session, we have been holding regular meetings of an informal "trade issues" workgroup, comprised of representatives from State, Commerce, USTR, and EPA. The primary issues which this group has been addressing are:

1. What are the trade implications of various methods for calculating emissions (e.g., production, adjusted production)?

2. What are the legal implications of various proposals for controlling trade in the protocol? Are they consistent with the GATT, other international law, U.S. law?

3. How should trade be controlled to protect parties from being put at a competitive disadvantage vis a vis non-parties? What are the practical considerations of restricting imports from non-parties of bulk, products containing, or made with, the chemicals controlled by the protocol?

4. Should exports of technology for, and direct investment in, facilities for producing the chemicals controlled by the protocol in the territory of non-parties be restricted by the protocol? What are the practical and legal considerations of doing so?

These issues were discussed at a meeting held at the State Department on February 5, which was attended by a member of your staff, Mr. David Finnigan, other Congressional staff, and representatives from industry and environmental groups.

Question 9:

I am in receipt of a November 26, 1986, release by the Department of Energy (DOE) of a December seminar to describe DOE's "state-of-the-art reports on carbon dioxide research and the greenhouse effect." Senator Chaffee, in recent Senate hearings, said ozone "depletion and the greenhouse effect can no longer be treated solely as important scientific questions." The World Resource Institute is also concerned about the greenhouse problem. What is the science today regarding the greenhouse effect? What is the status of the research? What is the relationship of this to the ozone issue? What is being done about this problem in the U.S. and worldwide? If the problem relates to the burning of fossil fuels in the U.S. and elsewhere, what are the alternative, since halting such burning by our factories, homes, and utilities does not appear likely?

Response:

Recent national and international scientific organizations have summarized the scientific consensus concerning the greenhouse effect (e.g., NAS 1979, 1983; WMO 1985).

Because some of the same trace gases influence both stratospheric ozone and global warming, the two issues have sometimes been linked. In addition, changes in the vertical distribution of ozone have a direct radiative forcing effect.

Several studies are currently underway regarding the greenhouse effect and possible societal responses. At the request of several Senators EPA is conducting assessments of the *effects* of global climate change and strategies to stabilize the concentrations of greenhouse gases. The National Climate Program Office coordinates federal research regarding climate change. The Department of Energy is continuing research on CO_2 and climate, vegetation response and their effect on society and has recently released a several volume series of "State-of-the-Art" reports. In addition, related efforts by NOAA, NASA, and NSF seek to improve understanding of a greenhouse warming in the context of overall climate variability. International efforts are coordinated by the World Meteorological Organization's World Climate Research Programme. Other nations are also conducting studies on this issue.

As stated above, strategies to stabilize greenhouse gases will be evaluated in a future EPA report. Because carbon dioxide is now thought to contribute slightly less than half of the total projected greenhouse warming by the mid-21st century, the EPA report will also consider other trace gases, such as methane, nitrous oxide, and chlorofluorocarbons, as well. Options to limit greenhouse warming include setting limits on fossil fuel consumption, which can be achieved through energy-efficient nuclear or solar power, as well as limits on other trace gases.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 4, 1987.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: Thank you for your March 2, 1987 reply to my January 2 letter relative to the United States' consideration of worldwide protective measures for the stratospheric ozone. Your reply is quite helpful. Nevertheless, there are a number of matters that continue to concern me, especially as the U.S. continues on its negotiation course for a global protocol and as your agency prepares to respond in May to the Court Order of May 17, 1986 in *Natural Resources Defense Council, Inc.* v. *Lee Thomas, Administrator, U.S. Environmental Protection Agency,* Civ. Action No. 84-3587.

The Committee staff, like your staff, have just returned from the second round of negotiations in Vienna and report that there appears to be further progress, albeit slow progress, toward development of a protocol. That is good news and the State Department and your agency deserve congratulations for these efforts. However, the potential contents of that protocol are still of some concern, in light of some of the answers provided by your agency and the State Department in response to my letter.

As I indicated in my letter of February 19, 1987 to Secretary Shultz and you, I am concerned that the protocol is *not* receiving adequate attention at a high enough level in the Administration. One area of concern is the trade area. A strong and effective trade provision is important. But to be workable and effective, it must be consistent with other U.S. policies and trade practices, unless there is some basis for deviation. I do not have a feeling that there has been a coordinated development of such a provision for this protocol.

I am also concerned that the Environmental Protection Agency (EPA) has not received sufficient input from the user industries that could be severely affected by any significant reduction requirements or the trade provisions of the protocol.

As you know, I am a firm supporter of these international negotiations and the need for a reasonable and effective protocol that achieves the goals of health and environmental protection and the protection of American jobs. However, I am not satisfied that the current approach fully meets both objectives.

I understand that the U.S. is planning to meet in early April with some countries that may share the U.S. objectives and that the third round will be in Vienna in late April. I urge that this time be well used to resolve these concerns.

Enclosed are some specific questions that address some of my concerns. I request your response at least 10 days prior to the start of the third round of negotiations.

Incidentally, your reply to my question 7(a) states that the "Court Order requires a proposal by May 1 1987, and a final rule by November 1, 1987," However, the actual wording of the Order does not seem to support that statement. It states:

2. Not later than May 1, 1987, the Administrator of EPA shall sign a Federal Register notice proposing regulatory action on CFCs or representing a basis for a proposed decision to take no action.

3. Not later than November 1, 1987, the Administrator of EPA shall sign a Federal Register notice promulgating regulations or announcing a final decision to take no action.

A "no action" decision at either time is not a rule.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE ENCLOSURE FOR THE ENVIRONMENTAL PROTECTION AGENCY

(Re: Ozone Layer Protocol and Related Matters)

MARCH 4, 1987.

TRADE MATTERS

In reply to question 8(c), the Environmental Protection Agency's (EPA) letter of March 2, 1987 indicates that consideration of the trade issues began last December when EPA began to hold "regular meetings of an informal" working group. The letter lists four primary issues addressed and states that they were "discussed" at a February 5 meeting attended by House and Senate staff and others.

On February 19, 1987, I wrote to Secretary Shultz and you and said that the Committee staff returned from that meeting with the view that the "working group" had "little appreciation for this issue or its impact on U.S. industries and jobs." Subsequently, at Vienna, the U.S. delegation presented a new trade document which was not available on February 5 and which, on its face, appeared reasonable and appropriate. That document, with some changes, was adopted as a working paper for "all delegations to consider" (see enclosure).

According to the enclosed United Nations document, the 1985 Convention was signed by 29 countries, but only five countries (Canada, Finland, Norway, Sweden, and the U.S.) have ratified it. While I know it is Ambassador Benedick's hope and expectation that many nations will ultimately sign and ratify the convention and a protocol, this cannot be a certainty. Presumably, that is one of the reasons for an "Article on Control of Trade" in the proposed protocol.

That draft article concerns me. For example, it provides for a ban or restriction on "imports of products containing substances controlled by this protocol from any state not party to this protocol (unless such state is in full compliance with Article . . . and this Article." The protocol parties must provide a list of such products and "standards for applying such measures uniformly."

Under this provision, a country like South Korea, which last model year imported to the U.S. over 100,000 cars and plans to import more than double that amount this model year, could find that the U.S. must ban or restrict such importation of any cars with CFCs. While I might applaud that result from a purely parochial Michigan viewpoint, what are policy implications for the U.S. of such action beyond the narrow confines of the objectives of this protocol? Is it likely that the U.S. would want to impose such a ban or restriction, taking into consideration other interests in that country? What happens if the South Korean manufacturers import the cars with the air condition units disassembled and uncharged with CFCs and arrange for their assembly and charge in the U.S., as is done today by several foreign manufacturers?

I am also concerned about the exception which appears throughout this draft article on trade. It appears to allow a nonparty to avoid the obligations of the protocol and continue to enjoy trade with the parties, merely because that party is in partial compliance with the protocol. That does not appear fair, nor does it seem consistent with the objectives of the protocol.

I am also unclear what it means to "restrict" imports. What measures could constitute a restriction? Are we contemplating tariffs or some other restriction? Further, the draft article calls for "standards" for applying measures "uniformly by all parties." Does that also mean that all products commonly produced by one or more parties would be restricted in a uniform manner by all parties?

Is the article adequate from the standpoint of U.S. industry and jobs, How will it impact on U.S. firms that have dealings with non-party countries, including developing countries?

I request your comments and your assurances that the Secretaries of Commerce, State, and Defense, and the U.S. Trade Representative fully support this draft article on trade.

HALON'S AND THE DEFENSE DEPARTMENT

In question 4(b), I asked for the Defense Department's view on including Halons in the protocol. I did not get a direct reply. Instead, EPA states an awareness of the DOD's "unique requirements with regard to the use of Halons for fire protection" and adds:

"The agency will *consider* these special circumstances, including national security or unique operational readiness situations of the armed services *when the various regulatory options are evaluated.*

* * * * *

"Halons may be one such special case. Halons are widely deployed within the military for fire protection in critical environments and around high value assets. The protection of personnel and equipment needed for operational readiness, computer and command and control facilities, and "one-of-a-kind" trainers are all essential for maintaining national security. However, *EPA feels* that DOD should make every attempt to reduce its emissions in the near term, *and it may prove desirable to ultimately restrict the deployment of Halon-based extinguishing systems.* In the near term, DOD agencies *could be encouraged* to minimize unneeded full-system tests (and thus releases) of Halon-containing room fire-extinguishing systems, to limit "live" fire-fighting training exercises with Halon portable extinguishers when alternative methods are available, and to generally limit the *unnecessay* discharge of Halon fire-extinguishing agents to the atmosphere. DOD agencies *could employ* the prudent use of Halon agents to protect life, high-value electronic components, or to fight aircraft fires during the near term.

"As part of DOD's long-term actions on this issue, each armed service *could review* their planned weapons and support systems and *identify* Halon uses that *may be modified and /or substituted* for as soon as possible. In addition, R&D and logistical support investigations should be undertaken to identify controls and/or product replacements that can be deployed in existing Halon-agent-based systems.

"EPA has held informal working level discussions with most of the armed services and with DOD officials. A DOD-sponsored meeting of all the service representatives was held in mid-February. At *these informal discussions and in the DOD-sponsored meeting, EPA representatives continued to state the above rationale on military uses of Halons and requested that the services support data collection and analysis in support of the national CFC policy."*

The above response clearly indicates EPA's views on what the DOD "could" or "should" do, but there is no evidence that the Secretary of Defense and Service Secretaries agree. I welcome the EPA view, but I specifically sought the DOD view also. I reiterate that request.

(a) What are the DOD's unique requirements?

(b) What is the "national CFC policy"?

(c) In the above reply and elsewhere in the March 2 reply (*e.g.*, question 6(c)), EPA refers to regulatory actions or options. What "regulatory options" does EPA contemplate? Will they require legislation? How can these options provide special exceptions for DOD needs unless the final protocol provides such as escape? Is such as escape desirable?

(d) Please provide the date of the meeting and the indentity of the persons attending. What did DOD say at that meeting?

(e) The above EPA reply lists several EPA suggestions. Does the DOD agree with them?

I stress that I share EPA's view that Halons probably should be included in the protocol in some form. But it appears that EPA also is seeking reductions in the use of these Halons and I have an uneasy feeling that EPA (and maybe the DOD) is not informed about the consequences of the reductions. That is a concern.

AVAILABILITY OF SUBSTITUTES

On several occasions, I expressed concern that any reduction of CFCs in the protocol take into consideration the vast number of user industries in the U.S. so as to avoid adverse impacts, including loss of American jobs. My question 6 cited an EPA contracted study that indicated that early development of substitutes that are technically and economically feasible for these users was probably quite optimistic. I asked for the U.S. analysis of the "availability of substitutes and their costs within the time frames and percentages contemplated in the November 25 draft." I did not get that analysis. Instead, EPA said:

"EPA believes that current control technologies, expanded use of CFC-22 and blends, expanded recapture and recycling, product substitutes, and improved servicing practices could substantially reduce current emissions of CFC-11, -12, -113, and -114 and Halons 1211 and 1301. These reductions would not depend on technological innovations, major capital investments, or the successful development of new chemical substitutes.

"EPA has initiated studies that should provide a better quantitative basis for estimating costs, timeframe, and potential reductions. At their completion, we will be able to provide more than an illustration of the quantity and timetable for phased reductions.

"The EPA draft report on chemical substitutes does contain extensive discussion of the problems of posssible toxicity, oil compatibility, and other commercialization requirements for new chemicals. EPA will continue to report the prospects of new chemicals and to work with industry to reduce the uncertainty about the appropriateness of new chemicals. Note that the DuPont policy statement on this issue states that they believe chemical substitutes *might* be available 5 years after an economic or regulatory incentive exists. EPA is expanding its research into chemical substitutes, working both on

the production and user sides to expedite its understanding of these issues."

This reply is not reassuring particularly when I read that EPA has just "initiated" the studies that "should" provide better data. The Chairman of the UN conference, Ambassador Winfried Lang, is reported by the New York Times as envisioning a 20 percent reduction of output within three years of signing. The draft protocol calls for reductions of between 10-50 percent in some unspecified period of time.

(a) What is the basis for believing that safe, non-toxic, and technically effective substitutes can be developed and used by all the affected users within the time frames being discussed and supported by Ambassador Benedick? Is the U.S. basing its negotiations on the above DuPont comment which appears quite speculative, is dependent on some unspecified incentives that apparently do not now exist, and fails to discuss the time required by the users to adapt to any such substitutes? What time is required for users to accommodate substitutes, assuming they are adequate?

(b) In a February 20 letter to the Committee, a consultant for the Dow Chemical Company said:

"Uses of CFC's for foam blowing are of great concern to our company, both directly, as a foam producer, and indirectly as a supplier of urethane and thermoplastic foam raw materials. *In general, there are no commercially available substitutes for CFC-11 and CFC-12 in major foam blowing applications, and many of these products could be virtually eliminated by restrictive regulations on the CFC's use for this purpose.* Additionally, blowing agent costs represent a very significant part of foam production costs, so that proposals for CFC taxation and/or substitution by higher priced substitutes would adversely affect foam cost competitiveness. *Further, in closed-cell foams such as those rigid urethane and polystyrene foams used for building insulation, most of the CFC blowing agent remains in the foam for many years and contributes substantially to the foams' insulating efficiency. This severely limits the possibility of CFC recovery and recycling as an alternative technology for such foams.*

* * * * *

"Dow is a major user of CFC-12 for the production of insulating grades of styrenic foams. This CFC has become the blowing agent of choice since it is low in toxicity and flammability and high in its contribution to the thermal insulating properties of the final foam product. *No other material available today offers such a combination of favorable properties.* It is possible that alternative CRC blowing agents could become available, in which case the principal effect would be the likely increased cost of the final foam product.

"Dow is not the only producer of foamed polystyrene insulating products. If the rest of the world were to have to convert to alternative blowing agents, we would remain competitive. If, however, the U.S. was to take a unilateral regulatory action in this respect, it is clear that U.S. industry would soon become noncompetitive on a cost/performance basis.

"A reasonable conversion time for this use is dependent on the availability of suitable alternatives. *When, and if, such materials become commercially available, it would probably take two to three years to convert our worldwide production sites to a new system.* It is not likely to be an easy task, for foam blowing is part art and part science. Based on a five-year projection for commercialization of alternative CFC's, a time frame of *six to eight years* for blowing agent substitution is not unreasonable.

"It is interesting to consider the energy aspects of the use of urethane and styrenic foams. As you know, the potential ozone depletion issue and the greenhouse effects issue cannot be completely separated from each other. *Insulating foams have contributed much to the maintenance of a high quality of life and reduced consumption of energy, which today primarily involves fossil fuel combustion as the energy source.* It is clear that the reduction in insulation capacity for refrigeration and buildings will increase demand for energy. This will result in increased fossil fuel use and increased CO_2 production with its involvement in the greenhouse effect issue. Clearly, we live in an imperfect world. *Everything we do involves some kind of trade-off and we encourage the consideration of all aspects and ramifications of any regulatory policies before they are implemented.*"

Dow's consultant said:

If severe restrictions are imposed on CFC's-11, -12 and -113, it would severely affect our markets for carbon tetrachloride and perchloroethylene. This would likely result in closing some production units around the world with the number remaining being dependent on the extent of CFC-11, -12, and -113 production allowed, and U.S. industry's ability to compete for the remaining market.

A *secondary effect* on a loss of CFC production would be the reduced demand for chlorine and the consequent loss of sodium hydroxide capacity. Sodium hydroxide (caustic) is an unavoidable co-product produced in soaps/detergents, fabric production, food processing, oil production, etc. *If CFC-11 and CFC-12 were to be banned, there would be between two and three billion pounds of caustic that would not be produced on a global basis.* Clearly, any imbalance in demand for chlorine and caustic that might result from CFC control would cause chlorine producers some real problems in addition to the obvious loss of precursor sales. The magnitude of the problem would depend on the degree of imbalance which is dependent on the extent to which present CFC's survive or new "soft" CFC's that also require chlorine become viable alternatives.

(c) Realizing that Dow has a vast economic stake in these matters as do many industries, to what extent has EPA and the Department of Energy (DOE), with its energy conservation duties, considered the matters raised by Dow? Does EPA and DOE disagree with Dow? Does the present U.S. position reflect these concerns that I assume are not unique to Dow?

(d) The EPA reply also said:

"EPA agrees with your concern for the CFC user and service industries and for consumers who own refrigeration equipment that may need recharging during its remaining useful life. Automobile air conditioners are a particularly large source of emissions from leaks and intentional discharge during service and disposal. Sealed units, such as refrigerators, freezers, and dehumidifers, have less emissions because they are able to use sealed motor-compressor units and rigid tubing.

"EPA is specifically investigating the stock of existing appliances and the likely service requirements. In addition, EPA is investigating the full range of options, such as preventive maintenance, improved service procedures, and refrigerant recovery at product disposal, which would minimize emissions."

When will this EPA investigation be completed and the results available for U.S. consideration in the negotiations?

OTHER MATTERS

In reply to question 4(c), EPA said that "CFCs used to fill air conditioners in motor vehicles would be counted by the producing nation even if the vehicles were shipped to the U.S. or elsewhere." Is that true where, as already noted, foreign manufacturers ship the vehicles to the U.S. and charge the air conditioner with the CFCs in the U.S.? If that practice was expanded, what would be the impact on the U.S.?

VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER CONCLUDED AT VIENNA ON 22 MARCH 1985

[UNEP Secretariat information as of December 1986]

State	Signatures	Ratification	Acceptance
Austria	Sept. 16, 1985		
Argentina	March 22, 1985		
Belgium	do		
Burkina Faso	Dec. 12, 1985		
Bylorussian SSR	March 22, 1985		June 20, 1986.
Canada	do	June 4, 1986	
Chile	do		
Denmark	do		
Egypt	do		
Finland		Sept. 26, 1986	
France	do		
Germany, Fed. Rep. of.	do		
Greece	do		
Italy	do		
Luxembourg	April 17, 1985		
Mexico	April 1, 1985		
Morocco	Feb. 7, 1986		
Netherlands	March 22, 1985		
New Zealand	March 21, 1986		
Norway	March 22, 1985	Sept. 23, 1986	
Peru	do		
Sweden	do	Oct. 1986	
Switzerland	do		
Ukrainian SSR	do		June 18, 1986.
Union of Soviet Socialist Republics.	do		June 18, 1986.
United States of America.	do	Aug. 27, 1986	
United Kingdom of Great Britain and Northern Ireland.	May 20, 1985		
European Economic Community.	March 22, 1985		

These are some of my concerns with the EPA reply and the vagueness of the U.S. negotiating position concerning this protocol. Now is the time to resolve these matters, not at the time of signing the protocol or thereafter. I strongly urge that the U.S. do so and advise this Committee of the U.S. position on these matters.

AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS FOR THE PREPARATION OF A PROTOCOL ON CHLOROFLUOROCARBONS TO THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER (VIENNA GROUP), SECOND SESSION, VIENNA 23-27 FEBRUARY 1987

(Draft report of the ad hoc working group on the work of its second session)

REPORT OF THE SUB-GROUP ON TRADE ISSUES

The Sub-Group on Trade Issues considered the compatibility of including measures for controlling trade between parties to the Protocol, and trade between parties and non-parties, with the rule of international trade, especially the GATT. The Sub-Group provisionally concluded that, provided it was clearly demonstrated that the measures were not arbitrary or unjustifiable, any discrimination in the treatment between parties and non-parties would be permissible

under the exceptions provided by Article XX paragraph (b) of the GATT (concerning conservation of exhaustible natural resources). However, there was the impression that discrimination would not arise at all, when trade restrictions regarding non-parties would not apply in case these non-parties were able to demonstrate that they complied fully with the control measures provided for in the protocol. Reference was also made to certain precedents, namely the Covention on International Trade in Endangered Species of Wild Flora and Fauna and the London Dumping Convention Resolution 29 (10) on Export of Waste for Disposal at Sea. Possible implications of the Protocol's trade measures in the light of UNCTAD guidelines concerning transfer of technology were also discussed. The Sub-Group concluded that it would be important for all delegations to consider these trade issues prior to the next session.

The Sub-Group has provided the following text, which they consider would be a useful aid to further deliberation on the subject by all delegations before the next session of the Working Group:

Article on control of trade

1. Within ( ) years after entry into force of this Protocol, each Party shall ban the import of the controlled substances in bulk from any state not party to this protocol (, unless such state is in full complicance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).

2. Within ( ) years after entry into force of this Protocol, each Party shall (restrict) (ban) imports of products containing substances controlled by this Protocol from any state not party to this Protocol (unless such state is in full compliance with Article ( ) and this Article, and has submitted information to that effect as specified in Article ( )). At least one year prior to the time such measures take effect, the Parties shall elaborate in an annex a list of the products to be (restricted) (banned) and standards for applying such measures uniformly by all Parties.

3. The Parties shall jointly study the feasibility of restricting or banning imports of products produced with substances controlled by this Protocol from any state not party to this Protocol (, unless such state is in full compliance with Article( ) and this Article and has submitted information to that effect as specified in Article ( )).

4. Within ( ) years after entry into force of this Protocol, each Party shall (ban) (restrict) (discourage) the export of technologies (to non-parties) for the production and use of the controlled substances (,unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).

5. The Parties shall not provide (to non-parties) bilateral or multilateral subsidies, aid, credits, guarantees, or insurance programs for the export of products, equipment, plants, or technology for the production or use of the controlled substances (, unless such state is in full compliance with Article ( ) and this Article and has submitted information to that effect as specified in Article ( )).

(6. The provisions of paragraphs 4 and 6 shall not apply to products, equipment, plants or technologies which contribute to the protection of the ozone layer.)

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 6, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC.
Hon. MALCOLM BALDRIDGE,
Secretary, Department of Commerce, Washington, DC.
Hon. CLAYTON YEUTTER,
U.S. Trade Representative, Washington, DC.
Hon. CASPAR W. WEINBERGER,
Secretary, Department of Defense, The Pentagon, Washington, DC.
Hon. JOHN S. HERRINGTON,
Secretary, Department of Energy, Washington, DC.

DEAR MESSRS. SECRETARIES AND MR. AMBASSADOR: Enclosed is a letter I have today sent to the Administrator of the Environmental Protection Agency (EPA) concerning the continuing negotiations for a protocol to the Vienna Convention for the Protection of the Ozone Layer. Please note the questions regarding trade, military, and energy conservation matters within your areas of expertise. I request your response to those matters in addition to those of EPA.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 13, 1987.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: Since writing to you last week about the Administration's efforts to develop an international protocol concerning the production and use of CFCs, I had the opportunity to hear your remarks and those of Ambassador Richard Benedick at the March 9 hearing of the Subcommittee on Health and the Environment. I was certainly pleased to hear the positive attitude of you both toward, obtaining a protocol soon, possibly as early as next September. Both you and Ambassador Benedick testified in strong support of such a document and in opposition to any unilateral action by the United States. I commend you for that view.

My staff and I also had the opportunity to explain to Ambassador Benedick, in greater detail, the concerns I expressed to you in my letter of March 4. He indicated that while he is the U.S. negotiator, he relies heavily on the Environmental Protection Agency (EPA) staff for the technical advice. I applaud that, as they are quite capable. However, I am concerned, as I have indicated, that there has been inadequate technical input by user industries to the development of the protocol. For example, there was, as I understand the matter, no opportunity for the user industries (or environmental groups and the manufacturers of CFCs) to review and comment on the U.S. proposed protocol of last November or the more recent trade proposal, both of which were largely developed by EPA. The workshops of last summer and fall did not provide a real opportunity to comment on any concrete proposal and its impacts. Indeed, no document was available at that time.

Also, since writing to you I have received the enclosed document from one user industry, the motor vehicle industry. The document is positive toward CFC reductions, but it clearly shows that there are significant technological and other uncertainties that must be resolved. These will take time. One, however, cannot extrapolate from this industry's comments and assume that the time it requires will be the same for other user industries. (See attached letter from General Electric about the lack of substitutes.) As the witness for the Society for the Plastics Industry, Inc., noted at the March 9 hearing, even after a substitute is found, users may require costly capital changes. The problems are undoubtedly different from industry to industry.

I also understand that, in the case of halons, they are apparently important in regard to fires involving oil facilities, like oil rigs and pipelines, as well as for military purposes. I wonder if the Departments of Transportation and Interior, as well as the oil industry, have been consulted by EPA. Possibly EPA should also talk to the firm of Red Adair regarding its use of halons.

To the Administration's great credit, you have included as part of the U.S. delegation industry and environmental observers. However, the industry people have generally represented the CFC manufacturer side of industry. I suggest that some user industry representation may also be helpful to you and Mr. Benedick.

I understand that in conducting negotiations with the Japanese regarding communications matters, the U.S. relied heavily on the technical expertise of an industry working group. It strikes me that possibly a similar group of technical user industry advisors could be quite helpful to Mr. Benedick and yourself, particularly since there are so many user industries involved. As good as your staff is, they cannot possibly be knowledgeable about the "real world" problems of these various user industries in converting to substitutes, assuming they exist. I offer this idea as a suggestion, not as a request. However, I continue to stress my uneasiness about the adequacy of user industry input into this process. There is significant environmental and CFC manufacturer input, but scant user industry input as far as I can tell.

Since the hearing, Ambassador Benedick kindly provided a copy of the November 28, 1986 "Action Memorandum" from Mr. John A. Negroponte to Mr. Allen Wallis. It indicates Mr. Wallis' approval of Mr. Negroponte's recommendation to negotiate a protocol. It states that "Subsequent authority will be sought to conclude any international agreement resulting from these agreements." The draft protocol text was apparently attached to the "Action Memorandum." The attached undated legal memorandum indicates that the protocol was "still in an evolutionary stage" and that the U.S. will propose "measures regulating the trade of ozonedepleting chemicals and technologies." It does not, however, discuss the scope of any trade proposal or its impact. It includes the following parenthetical:

"There is currently no definitive U.S. position with respect to additional trade controls."

The "Clearance" was as follows: "Commerce: MTKelly, USTRA:A Porges/R Reinstein." None of these people are the top officials of the Commerce Department or the U.S. Trade Representative Office. I can only conclude that these important matters have *not* received much attention at high levels of the Administration. It is little comfort to me that new authority will be "sought to conclude" an agreement, because at that time I suspect it will be difficult and embar-

rassing to try to revese or significantly change a negotiated protocol.

There is another matter that I have just gained better knowledge about which greatly concerns me—that is EPA's concurrent rulemaking efforts.

Last week at the Health Subcommittee hearings you entered into the following colloquy:

"Mr. Waxman. Well, Dr. Watson from NASA testified this morning that if we assume that CFCs are the cause of Antarctic depletion, then we should seek control of CFCs with even greater urgency. I guess the question is, if we reach the conclusion that CFCs are the cause of this hole in the Antarctic, do we have a greater, more urgent problem than the one that we were dealing with as we saw it, trying to get a phase-down of the CFCs?

"Mr. Thomas. I think both the information that Dr. Solomon presented this morning and Dr. Watson's comments, as well as those of the other panel members, not only concerning the Antarctic, but other areas where they have observed potential depletion, lends a sense of both support and urgency to the kind of task we have ahead of us.

"Mr. Waxman. *Well, do you think we need to push harder for CFC control than we have been doing, both domestically and internationally, in light of this new information?*

"Mr. Thomas. *I don't think there is any question that we have got to have CFC control.* I think that's exactly what the U.S. position is. *I personally feel like international control, particularly based on the history of controls in this area, and what happens internationally when we take unilateral action, is essential, and I think we are making good progress internationally.* It is not an easy process, but I have seen significant movement over the last six months towards an international agreement." (Italics supplied.)

I fully agree with your reply. However, in your March 5, 1987 reply to Subcommittee Chairman Waxman, you said:

"EPA's risk management process involves using the best scientific information available as the starting point for evaluating the range of *possible regulatory alternatives.* With the review of the risk assessment by the Science Advisory Board, we believe that we have successfully set the framework for evaluating regulatory options.

"We have initiated a range of studies examining technical options for reducing emissions of CFCs and Halons. These studies should provide the engineering and cost information needed to evaluate the likely cost and effectiveness of different options. They will provide the data base for preparing an impact analysis of any *proposed regulation.*

"*Within EPA we are developing a proposed rule on what, if any, further domestic controls are needed to protect stratospheric ozone.* I will continue to review the available data and weigh the various options. *This will lead to a decision on the content of our proposed rule.*" (Italics supplied.)

Enclosed is a February 11 memorandum from *Common Ground's* Center for Policy Negotiation, Inc., which states that it has been asked by EPA "to convene and facilitate a meeting to provide a sounding board in elaborating regulatory options for stratospheric ozone depletion." The memorandum, which was sent to several industry and environmental people, states that the "Issues" to be considered "by EPA include:"

1. Whether EPA should propose a specific regulation or a broad set of possible control options.

2. Which chemicals should be controlled.

3. How stringent should be the level of controls.

4. What should be the timing of any controls.

5. What measures, if any, should be adopted to address competitiveness of U.S. firms abroad and in the U.S.

6. What are the advantages and disadvantages of regulatory options and their various design permutations currently under consideration, including:

a. Fees:

i. *Flat* fee to meet a regulatory goal that is set in advance and revised later if goal is not met.

ii. *Escalating* fee by preset amount to meet a regulatory goal that is set in advance; rate of increase is revised later if goal is not met.

iii. *Contingent* fee set low initially, but rises by specified amounts if goal is not met.

b. Permits.

i. To Whom: users or producers?

ii. Eligibility: grandfathering, new entrants?

iii. Basis of Allocation: grandfathering, auction, lottery?

iv. Permit interval and renewal procedure?

v. Future value and exchange of permits?

c. Process and Product Regulations:

i. Best available technology?

ii. Product standards?

iii. Product restrictions?

iv. Specific Procedures?

Despite the fact that the law requires EPA to "take into account the feasibility and costs of achieving" control by regulation, there is no evidence that these factors are even being addressed in this process. There is no discussion of the problems of conversion to the user industries, including the financial implications and timing of any capital changes for relatively small businesses. Also, there is no discussion about the impact on existing facilities in cars and homes and elsewhere that may need rechanging with current CFCs. Your letter to me agrees that this is a concern.

Apparently a meeting took place on February 18 headed by this organization, which is presumably under contract with EPA, as shown in the enclosed memorandum. It clearly states that:

"The purpose of the meeting was to discuss regulatory options under consideration by EPA for its scheduled May 1, 1987 Notice of Proposed Rulemaking (NPR) on stratospheric ozone depletion."

I can understand that under the court order, EPA should, of course, be prepared and should consider the regulatory option, but a review of these documents indicates that the view of the EPA staff does not seem to coincide with the views that you and Ambassador Benedick expressed to the Subcommittee about the need for international action, not unilateral action, either legislative or regulatory. The documents *fail* to indicate even a remote interest in the question of a decision of "no action" (because of the international negotiations and the global nature of the problem) which is clearly an option under the court's order. That greatly troubles me.

The State Department's Action Memorandum makes it quite clear that unilateral "U.S. action in advance of international agreement could *undercut* the global control effort." It stresses that an "important goal in seeking an early and effective international agreement (in addition to the goal of more effective protection of the ozone level) is to *avoid disadvantage* to U.S. industry *as a result of unilateral U.S. regulatory action* required by the Clean Air Act." (Italics supplied.)

I realize that your agency tends to be prone toward a regulatory approach, but I continue to believe that your stated views about the global nature of this problem should prevail, consistent with the provisions of section 156 of the Clean Air Act. Clearly, sections 156 and 157 should be read together. That is one of the thrusts of H. Con. Res. 50 which is now cosponsored by over 25 Members. Another is that the goal is to protect both the public health and the environment and American jobs.

I request your explanation of EPA's rulemaking and protocol activities and the extent to which those activities are being coordinated with your protocol efforts.

I would add that my investigation of the matter does not convince me that the use of *Common Ground* suffices for gaining adequate input from the user industry or others prior to rulemaking. The discussions are too general. EPA staff has not provided specific proposals, only generalities. Industry, environmentalists and others who attend are in the dark.

I also understand that EPA is thinking about asking the court to delay the May 1 date. I would like to know why. I would also like to know the implications of that request. Does it suggest that at the end of the time EPA will propose a rule regardless of the status of the protocol negotiations?

I note that the February 18 document states (at page 8) that "EPA representatives agreed that they could prepare brief summaries and analyses of how various programs could work, highlighting specific questions." Please provide copies of them, as well as the legal basis for establishing (by rule) a fee provision.

The enclosed March 3 memorandum of the Plastics Industry expresses specific concerns about the EPA regulatory effort. It also states the EPA is "planning a technical conference and trade fair for the fall of discussion about industry alternatives (assuming industry underwrites it for $45,000). They indicated that they are aware of vendors who have products under development are just about ready to market equipment to help reduce CFCs." Please explain the plans for this conference and fair and why industry must underwrite it. Also please provide the basis for this information about vendors and identify them.

I request your reply to the above matters and my earlier letter before April 10, 1987.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

MEETING ON STRATOSPHERIC OZONE DEPLETION REGULATIONS, FEBRUARY 18, 1987

I. INTRODUCTION

On February 18, 1987, individuals representing numerous diverse interests concerned with the stratospheric ozone depletion problem met in Washington, D.C. under the auspices of the Center for Policy Negotiation (CPN), Boston, Massachusetts. The purpose of the meeting was to discuss regulatory options under consideration by EPA for its scheduled May 1, 1987 Notice of Proposed Rulemaking (NPR) on stratospheric ozone depletion. Represented at the meeting were EPA, environmental groups, Congressional staffers and producers and users of chlorofluorocarbons (CFCs) and halons. User groups included air condition-

ing and refrigeration manufacturers and service organizations, freezer users, automotive manufacturers, rigid and flexible foam manufacturers, electronic equipment manufacturers, and fire suppression equipment manufacturers.

II. MEETING IN CONTEXT

At the outset of the meeting, CPN representatives noted that the group was convened to promote discussion among diverse interests on issues which needed to be addressed by EPA in its rulemaking process. The discussions were intended to benefit all participants. EPA, charged with drafting the regulations, was likely to be a primary beneficiary of the discussions.

The Director of EPA's rulemaking activity noted that EPA was interested in promoting open and objective discussion on key issues and encouraged all parties to be as forthcoming as possible in discussing their concerns and insights.

The proposed agenda included a presentation by EPA on ceretain background information, a discussion of potential overall proposals for chemical coverage, timing and stringency and a discussion of various regulatory options for achieving the overall proposals, including ways of addressing trade effects. After discussion, the group endorsed the agenda, as amended, to address trade issues prior to any discussion of regulatory options.

III. BACKGROUND INFORMATION

It was noted that EPA is under a court approved schedule to issue a NPR or a decision not to propose regulations by May 1, 1987. EPA representatives provided information on three (3) areas in which the Agency has been focusing:

A. Risk assessment

It was noted that EPA had developed a draft risk assessment which was to be revised based on comments by the Science Advisory Board (SAB) and the public. A final risk assessment was due to be available in mid to late 1987 while an interim SAB report was scheduled to be submitted to the Administrator before May 1, 1987.

B. Domestic activities

EPA is actively seeking to assist in establishment of a strong market for new products and processes, compilation of reliable estimates for future CFC and Halon prices, promotion of confidence in the safety of substitute products and processes, and encouragement of commitments to finance research and testing. In this regard EPA is engaged in a number of programs designed to cooperate with industry and experts in new technology and chemical substitutes. Slides presented by EPA on these programs are attached (Enclosure 1).

C. Modeling

In preparing for its domestic rulemaking, as well as for the international negotiations, EPA has been engaged in a number of modeling projects. A presentation of the latest one dimensional modeling results showed the projected effects on ozone depletion of a number of worldwide options, including a 95% phaseout of CFCs 11, 12 and 113 and Halons 1211 and 1301. In the 95% phaseout scenario, it was assumed, for illustrative purposes, that the phaseout would occur in approximately fourteen (14) years and that there would be approximately 80% compliance on average throughout the world (because of some countries' failure to sign a protocol or, if a signatory, to effectively enforce it). The one dimensional model results showed the effects of varying chemical coverage and stringency as well as comparing, for example, unilateral U.S. phaseout action with a worldwide freeze. It was noted that one dimensional models represent the average worldwide ozone depletion and, further, that the results could vary directionally by a factor of two (2).

It was noted that EPA intends to rely on two dimensional modeling, which projects effects on ozone depletion as a function of latitude and time of the year. One projection was displayed to the group to show an example of the types of results one obtains with such models. These models currently are undergoing peer review. (Slides presented by EPA are attached as Enclosure 2.)

It was noted that the one dimensional modeling results do not show significant differences in results in the near-term (through at least 2010) for any of the options. This prompted some members of the group to suggest that the least burdensome regulatory approach was appropriate, pending further analysis of atmospheric effects.

IV. DISCUSSION OF OVERALL PROPOSAL FOR CHEMICAL COVERAGE, STRINGENCY AND TIMING

A. Stringency

It was noted that the boundaries of the international negotiations are the U.S. and European Community (EC) negotiating positions:

The U.S. position consists of an immediate freeze and a long-term phaseout of CFC-11, -12, and -113 and Halons 1211 and 1301.

The EC position consists of a freeze on CFC-11, 12 and maybe 113.

The first area of discussion concerned the EPA approach to domestic regulation in the absence of international consensus. There appeared to be widespread agreement among CFC producers and users that a proposal for unilateral U.S. action consistent with its international negotiating position could cause other nations to believe that they could potentially avoid taking any comprehensive action. Unilateral U.S. action to phaseout emissions coupled with no or minimal action on the part of other countries could cause significant adverse competitive effects on U.S. companies, particularly those associated with electronics and autos. Furthermore, relying on import restrictions to address the effects would not improve the competitiveness of U.S. products in countries which were not part of an international protocol, and might prompt reciprocal trade restrictions by competing countries in which the U.S. does business. Worse, import restrictions could have an adverse effect in the U.S. economy and employment.

On the other hand, it was suggested that a strong U.S. position on the domestic regulation may prompt other countries to seriously consider equally strong actions. It was noted by one EPA representative that the countries involved in the negotiations view ozone depletion as a very serious problem and are treating the negotiations very deliberately. He believes that an effort to be innovative during the negotiations will lead to the problem solving that is necessary to obtain a sound, equitable agreement. Thus, he believes that the U.S. will not risk losing any negotiating leverage if EPA's proposed domestic regulation calls for a phaseout. A commitment to utilize trade measures against non-signatories could lead negotiating countries to consider all sides of the economic consequences of acting or not acting.

The uncertainties of the science also were cited as justifying deferral of regulations calling for a phaseout. While it was conceded that EPA is ordinarily called upon to act in the face of some uncertainty, the scientific uncertainty in this case, coupled with the uncertainty in the international negotiations, might justify no more than a proposed U.S. freeze at this point.

Finally it was noted that even if other countries agree to a protocol, enforcement of the agreement in some countries may present additional issues. The U.S. domestic regulations also may need to address lack of enforcement.

B. Chemical coverage

The group focused on the scope of chemical coverage. Representatives of the electronics industry raised issues regarding phaseout of CFC 113. If only the U.S. adopts a phaseout of CFC 113, it is likely to have substantial adverse competitive effects on the U.S. electronics industry. Increased costs would result from instituting advanced CFC emission controls and methods of recapture, which, to date, have not been considered economically efficient. The non-CFC substitutes under consideration present other environmental issues, such as VOC emission control and toxic waste disposal, and also pose concerns related to worker safety around toxic chemicals. Addressing these concerns will necessitate significant expenditures by the industry. Finally, the use of CFC 113 affects not only the price of electronics equipment, but its quality. Phasing out CFC 113, therefore, would raise the costs of U.S. manufactured equipment while, in the eyes of potential purchasers, reducing its quality.

It was noted that the electronics industry is in the process of responding to a survey administered by the American Electronics Association. This survey is designed to compile information on CFC 113 use by the industry, available means of controlling CFC emissions, available chemical substitutes and economic effects of phasing out CFC 113.

It was the sense of the producer and user representatives that EPA's regulations should be made contingent upon international discussions and actions or at least that the proposed regulations should retain enough flexibility to not restrict the international negotiations while at the same time placing the U.S. is a position to adopt a final domestic regulation which is responsive to the international discussions. EPA representative agreed that the proposed regulation could be made contingent or flexible.

C. Time frame

The group then focused on the time frame for regulatory action. A number of industry representatives stated that any regulatory program must allow sufficient time for the development of chemical substitutes or control technologies. The possibility was raised of exempting certain chemicals for specific uses.

It was noted that the process of phasing out current use, developing suitable alternative chemicals and introducing such alternatives on a large scale could take from 10 to 20 years. One of the producers noted that it would take a minimum of 5 years to develop a suitable alternative CFC, such as CFC 134A and introduce it in sufficient quantities. The user groups noted that it would then be incumbent upon them to test the chemicals for safety and effectiveness in a variety of applications and environments before introducing the chemicals into a product line. In many cases, such as refrigeration, air conditioning and insulation, new chemicals may require new equipment de-

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signs and/or introduction of compatible process agents, such as lubricating oil in the case of mobile air conditioners. This design process must follow the initial testing of the CFC substitute.

In order to speed up the process and to accomplish certain steps in parallel instead of in series, EPA offered to participate in joint testing programs with industry. EPA representatives noted that large quantities of potential substitute CFCs appear to be available for such testing programs. In response to concerns raised about the difficulty in securing revisions to Department of Defense (DOD) specifications or contract requirements, EPA representatives stated that they would offer to work with DOD to facilitate the revision process. They noted that DOD recently has shown some responsiveness to revising specifications for halons.

Finally, it was suggested that EPA consider the useful life of products currently in use and likely to be placed into use before any phaseout requirement takes effect. Large commercial refrigeration systems have a useful life of 30 to 40 years. Automobiles have a useful life of at least 10 years. Items of equipment, such as these, lose CFCs during operation, servicing and disposal. Because they are designed to use certain CFCs, they ordinarily must be serviced with the same CFCs. Thus, phasing out CFC looses on in-use products will require significant actions by the service sector and by those who finally dispose of these products.

In summary, the morning discussion highlighted the concerns about unilateral EPA action, raised significant issues about the feasibility of phasing out CFCs in certain user groups and demonstrated industry's perspective about the length of time necessary to achieve realistic reductions in CFC emissions.

V. DISCUSSION OF REGULATORY OPTIONS

The afternoon session focused on regulatory options currently under consideration by EPA to implement the overall program. The group was asked to consider emission fees, marketable permits and process and product regulations as potential "instruments" for achieving a certain overall objective. For convenience of analysis, the group was asked to use as reference points two (2) overall objectives: the EC position (freeze) or the U.S. position (95% phaseout of CFC emissions). Finally, the group was asked to consider for each alternative such issues as:

1. necessary steps for implementation;
2. available compliance measures;
3. trade problems;
4. influence on other countries taking action;
5. investments in chemical substitutes;
6. perceptions of fairness and equity;
7. financial costs; and
8. development of long-term technology

A. Emission fees

The group first discussed emission fees. It was noted that requiring the five (5) major producers of CFCs to pay a fee offered the most administratively efficient means of meeting the overall objective. EPA and some individual groups also noted that fees on production, which simply drive up the price of CFCs, would keep the government out of the business of deciding which uses would be permitted and/or how each user group should meet its reduction requirements (in the case of a phaseout) or use targets (in the case of freeze). Thus, industry would make those decisions based on the need for various products and the costs of buying the CFCs or developing alternative chemicals on control measures. This appeared, in theory, to be the most equitable regulatory option.

It was stressed by some members of industry that fees on production would have highly differential effects on various user groups and even on some companies within the same user group. Companies highly dependent on CFCs, with no promising alternatives or control technologies on the horizon, would simply be forced to pay the higher cost of the chemicals. To the extent that such companies were in a marginal competitive or profit situation, the consequences could force them to fail. In this sense, it was believed that fees on production are not equitable. EPA noted that its authority to establish fees was uncertain and that, if it has such authority, it could only place revenues from the fee into the general treasury. Thus, EPA could not, as some participants suggested, "rebate" costs associated with the fees to users who, for example, demonstrate destruction or permanent encapsulation of CFCs.

It was noted that placing fees on emissions may be a more efficient method of meeting an overall objective, since allocation of fees could take into account economic margins, competitive factors and available chemical substitutes and control measures of various user groups. However, it was acknowledged that it might not be feasible to implement and enforce such a program.

Setting the fee, even if it were only placed on producers, would be a difficult administrative problem, since EPA could not be certain what level of fee would achieve its overall objective. Thus, EPA might anticipate fluctuation of fees depending on the response of the market place. It was noted that the prospect of fluctuating fees might inhibit investment in chemical substitutes and/or technology since producers and users could never be certain of the floor price of CFCs and thus could not judge the economic benefits of alternatives.

One representative of the electronics industry noted that, although fees are often discussed, they rarely are ever considered seriously as a regulatory program.

B. Marketable permits

Fees were then contrasted with marketable permits and product and process regulations. The discussion of permits focused on production permits and user permits. Production permits assigned or auctioned to producers would limit CFC production and force the produced CFCs to be sold to those who could pay the expected high prices. The profits from the higher prices would be placed in the hands of producers who would, thus, be provided with a windfall. Discussion of permits allocated or auctioned to users revealed some of the difficulties in implementing such a program. Most user groups do not have sufficient information about current use to calculate the basis for allocating user permits. In addition, auctioning off such permits would require serious consideration of eligibility rules to prevent a non-user from seizing the market. Finally, the feasibility of enforcing the proper use of permits (proving title, etc.) is questionable.

Of great concern to certain user groups was the need to be assured of process product availability. Permits were not seen as an effective way of addressing this concern. Often, decisions about how much of a certain process product is needed are made on short notice. Should use permits not be available when the product is needed or if producers have reached the level of their production permits, than a user group could find themselves without chemicals compatible with their designs rendering them unable to produce their products. With emission fees, users would at least know in a given year, that the CFCs could be purchased at a specific price.

It was difficult to assess how the group viewed the effect of regulatory options on investment in alternatives. The overall objective appeared to be the paramount consideration, not the instrument for achieving the objective. Thus, how the industrial community perceives the availability of CFCs or the regulatory requirements on CFC emissions, will have the biggest influence on investment. Of course, increased prices of CFCs will lead to investment in more economical stubstitutes in most applications. However, stability and certainty in prices is very important in influencing investments.

C. Process and product regulation

Process and product regulations were not discussed in great detail. However, it was noted that such requirements might be based on the most extensive evaluation of feasibility and economics and, in that regard, have a better chance of achieving the equity desired by many participants. Whether such requirements could achieve the overall goal was not addressed. However, it was pointed out that objective evaluations of "feasibility" and overall economic effect are not always compatible with achieving a pre-determined reduction in total loadings of emissions.

VI. NEXT STEPS

Some participants stated that it might be useful to convene this group again after the upcoming meeting in Vienna. They found it useful to hear the viewpoints of diverse interests. One EPA representative agreed that it might be useful, but only if the meeting was devoted to more specific discussion of various alternatives. EPA representatives agreed that they could prepare brief summaries and analyses of how various programs could work, highlighting specific questions. These products could form the basis of follow-up discussions by the group. The week of March 9 was mentioned as a potential meeting date.

Some EPA representatives noted that it may be more effective for them to meet with individual user groups, perhaps increasing the number of representatives in the groups. Considerations of time and Agency resources may make this a more productive way for the Agency to obtain comments of specific segments of industry and the technical information necessary to the rulemaking effort. Some of the industry participants expressed interest in this approach.

A decision on next steps in this process was deferred pending further deliberations by EPA and the rest of the meeting participants. The Center will be in contact with participants to discuss this item in the coming days.

UPDATE OF DOMESTIC ACTIVITIES: NEW TECHNOLOGY PROJECTS

(Reported by Stephen O. Andersen)

(Graphs and tables mentioned in article not reproduced in the RECORD.)

NECESSARY CONDITIONS FOR INNOVATIVE INVESTMENT

Prospect of strong market for proposed product/process;

Reliable estimate of future CFC and Halon prices;

Confidence in the safety of proposed product/process;

Financial and research commitment.

PROSPECT OF STRONG MARKET FOR NEW PRODUCT/PROCESS

Predictable regulation of existing technology;

General knowledge of competing new technology;

Public acceptance and preference for new technology;

Aggressiveness of new product promotion.

RELIABLE ESTIMATE OF FUTURE CFC AND HALON PRICES

A. Type of proposed regulation:

Regulatory fee is most predictable;

Bat or production limit least predictable;

Complicated by innovative trading schemes.

B. Demand for CFC and Halon Uses:

Value-in-use;

Public response to environmental concern.

CONFIDENCE IN THE SAFETY OF PROPOSED PRODUCT/PROCESS

Toxicity (occupational and consumer);

Flammability;

Other necessary qualities.

FINANCIAL AND RESEARCH COMMUNITY COMMITMENT

Recognition of investment opportunity;

Corporate priority and timetable;

Ability to focus work on correct challenges.

EPA PROJECTS TO ADDRESS THESE CHALLENGES

1. Encourage new and emerging chemicals and products:

New chemicals expert panel;

Chemical user workshop;

Innovative technology fair.

2. Utilize best available expertise:

Draft EPA analysis for review;

Industry plant tours.

3. Cooperate with industry in research efforts:

Halon work group;

Alternate chemicals;

Other?

THE SOCIETY OF THE PLASTICS INDUSTRY, INC.,
Washington, DC.

MEMORANDUM

To: Buddy Cockrell, Fran Lichtenburg, George Sievert, Margaret Shallcross, and Frank Farfone.

From: Margaret Rogers, Federal Government Affairs.

Date: March 3, 1987.

Subject: Meeting on March 10 at 2 PM at SPI; March 11, 10:30 AM at EPA to Discuss Chlorofluorocarbons.

While we probably will want to challenge EPA's final actions on CFCs, the EPA plan as very specifically stated to me on March 2 is to provide for phased-out reduction of CFCs, probably over a 10-12 year timeframe, if there is no change in the current scientific knowledge. This regulatory plan will be accelerated or decelerated based on any changes in the science. EPA made it clear that in their regulatory, scheme, a price increase in the chemicals is inevitable to force the elimination of their use. A basic increase in CFC prices will occur through a fee or permit charge requirement to be established by EPA; also, by virtue of a limitation on production one could reasonably expect producers to increase prices. Again, the ultimate goal is to eliminate CFC-made products except for those for which the market will pay a premium.

When I discussed the existing questions about the science related to stratospheric ozone depletion, EPA said there is absolutely enough evidence to support the theory that chlorine destroys ozone; therefore, because the risks are so great of a dramatic increase in the number of skin cancers and damage to crops the Agency must act. It is their strong feeling that delay will be more costly to all concerned; therefore, it is in everyone's best interest to begin the regulatory process now to allow for a gradual adjustment to a CFC-less world. They reiterated that while they will begin the control process soon, the science will be reassessed periodically and regulatory controls will be increased or decreased according to new information. They added that it is unlikely that current scientific conclusions will be reversed quickly.

EPA staff said they will make decisions based on information we provide on the following questions.

I. What are the options for each CFC use in the plastics industry? For example, are chemical substitutes available? For those substitutes available, what are the technical advantages and disadvantages of their use?

GENERAL ELECTRIC,
MAJOR APPLIANCE BUSINESS GROUP,
Louisville, KY, March 5, 1987.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: This is in response to your request of the Alliance for Responsible CFC Policy that its members respond to questions you raised in your January 2, 1987 letter to Secretary Shultz and EPA Administrator Thomas.

The Major Appliance Business Group of General Electric Company manufactures and/or sells refrigerators, freezers, and room air conditioners that utilize chlorofluorocarbons (CFCs) to provide the essential functions of these products. The uses and functions are as follows:

Product	CFC	Use	Function
Refrigerator	CFC-12	Refrigerant	To provide refrigerated storage space for fresh and frozen food.
	CFC-11	Blowing agent	Provide high insulation values in the walls of the cabinet.
Freezer	CFC-12	Refrigerant	To provide refrigerated storage space for frozen food.
	CFC-11	Blowing agent	Provide high insulation values in the walls of cabinet.
Room air conditioner.	CFC-22	Refrigerant	To provide a cooling medium to condition living areas of homes, offices and hotels/motels.

The EPA report cited on pages 5 and 6 of your request does not, in our opinion, adequately address the issues of chemical substitution in these product applications. First, there is no chemical substitute for any of the CFCs in our applications, there are only some potential substitutes. To amplify further, we know of no chemical that can be substituted without extensive and thorough application evaluation. Our systems have been specially designed for the specific CFC used in each application.

II. What is the useful life of your equipment?

III. What percent CFC cost is your product cost?

IV. What would the impact be if within the following number of years current CFC prices increase?

	5 years	10 years	15 years
50 percent			
100 percent			
500 percent			

V. What CFC emission recovery techniques are potentially feasible; where can we best cut emissions, for example, CFC capture at point of production? Potential for recycle of CFCs?

VI. What is feasibility of product destruction at end useful life? (EPA staff suggested this as a possibility for a CFC credit system based on CFCs retained in product.)

EPA stressed that industry's effort with the biggest payoff would be to come up with solutions; for example, we may want to commission a paper on possible control options from substitutes to emissions recovery. They cited as an example costs of building a hood over a plant versus installing equipment for a new blowing agent.

EPA has estimated that while the plastic foam industry uses approximately 30% of the CFCs produced in the United States, that is a weighted 15% based on the ozone depletion value of the CFCs used by our industry.

EPA has also offered to work with us to develop chemical specifications to help us encourage chemical substitute development.

EPA is planning a technical conference and trade fair for the Fall for discussion about industry alternatives (assuming industry underwrites it for $45,000). They indicated that they are aware of vendors who have products under development are just about ready to market equipment to help reduce CFCs.

MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE UNITED STATES STATEMENT ON THE RELEASE OF CHLOROFLUOROCARBONS TO THE ATMOSPHERE

(Revised March 2, 1987)

IMPACT

MVMA member companies use chlorofluorocarbons (CFC's) in automobile air conditioning systems, the manufacture of urethane foams, parts degreasing and several other industrial aplications. Suitable substitutes have not yet been proven for all of these applications, which both meet industry's needs and avoid potential environmental, health, or safety related risks of their own.

Member companies have estimated that developing replacements for mobile air conditioning refrigerants, coupled with the time required for necessary redesign of the systems, would take 5 to 10 years to implement depending on the success in resolving existing technical unknowns. Substitutes for most other CFC uses should also be available in about the same time frame.

It is also likely that CFC replacements will cost more than those currently in use. Unilateral action by the United States to restrict the use of CFC's is inadvisable for both scientific and economic reasons. If restrictions were placed solely on products manufactured in the U.S., the ability of member companies to compete with imports and in world markets could be adversely affected.

MVMA POSITION

Because of the increasing amount of reported evidence of a link between the release of CFC's into the atmosphere and ozone depletion, MVMA member companies have investigated and are continuing to investigate the use of potential substitutes for CFC's in all applications. Methods of reducing the release of CFC's into the atmosphere, when automobile air conditioners are operated and serviced or cars are scrapped, are also under continuing investigation, because these activities account for a large portion of CFC emissions from automobiles.

If restrictions are imposed on CFC production or use, a phase-in period would be required to allow adequate time for substitute development and implementation in order to avoid severe economic disruptions. New materials promoted as substitutes for currently used CFC's should have minimal ozone depletion and atmospheric warming characteristics. Such materials should not be merely interim substitutes, because that would represent significant throw-away costs. The United States should not apply restrictions to only domestic manufacturers and products. International regulation should be pursued. Any U.S. regulation of chlorofluorocarbons should apply equally to domestic and imported products.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 3, 1987.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: I am writing in response to your letters of March 4 and March 13. In those letters you asked several questions concerning CFCs and the U.S. position in the ongoing negotiations on protection of the ozone layer. Enclosed is our response to your questions. The answers also reflect the comments of the Department of State and the United States Trade Representative in response to your March 6 letters to these agencies.

Thank you for your continuing interest in these important issues.

Sincerely,

LEE M. THOMAS.

ISSUES RAISED IN COVER LETTER

ISSUE

One area of concern is the trade area. A strong and effective trade provision is important. But to be workable and effective, it must be consistent with other U.S. policies and trade practices, unless there is some basis for deviation. I do not have a feeling that there has been a coordinated development of such a provision for this protocol.

RESPONSE

EPA, Department of State, Office of U.S. Trade Representative and Department of Commerce and other agencies have expanded their efforts to analyze trade issues related to action to limit ozone-modifying chemicals. These activities are described in response to question 2 below.

ISSUE

I am also concerned that the Environmental Protection Agency (EPA) has not received sufficient input from the user industries that could be severely affected by any significant reduction requirements or the trade provisions of the protocol.

RESPONSE

EPA has maintained an extensive effort to obtain input from user industries. We fully recognize the need to understand the impact of any reductions and trade measures on user industries. To assist us in evaluating options we have held numerous meetings over the past year with representatives of all key industries. A partial list of these meetings is shown in Exhibit 1. We have also initiated a series of technical studies analyzing the engineering feasibility and cost impacts of possible controls. These studies have been and will be reviewed by relevant industry groups (see Exhibit 2). Finally, we are discussing joint research projects with key user industries interested in evaluating the use of chemical substitutes in their applications.

EXHIBIT 1

PARTIAL LIST OF MEETINGS WITH INDUSTRY TO DISCUSS STRATOSPHERIC OZONE PROTECTION ACTIVITIES

Major domestic workshops

March 6-7, 1986: EPA Workshop (over 130 attendees).

June 16-20, 1986: EPA/UNEP Effects Conference (over 300 attendees).

July 23-24, 1986: EPA Workshop (over 130 attendees).

October 14, 1986: State Dept/EPA meeting (over 25 attendees).

February 18, 1987: Facilitated Regulatory options review (30 attendees).

April 2, 1987: Facilitated Regulatory Options Meeting (10 attendees).

April 6, 1987: Facilitated Trade Issues Meeting (10 attendees).

Working meetings with industry representatives (partial list—end of 1986 and—1987 to date).

September 4, 1986: Chemical Manufacturers Assoc. representative.

October 16, 1986: Meeting with chemical producer.

October 20, 1986: Meeting with air conditioning, refrigeration representatives.

October 29, 1986: Halon industry representatives (20 attending).

November 3, 1986: Meeting with Motor Vehicle Manufacturers Association (8 attendees).

November 4, 1986: Meeting with Electronics Association (4 attendees).

November 6, 1986: Halon industry representatives (30 attending).

November 14, 1986: Meeting with Chemical Producers (6 attendees).

December 3-5, 1986: National Fire Protection Association Halon 1301 Technical Committee (40 attending).

December 8, 1986: Briefing for Frozen Food Institute.

December 8, 1986: Briefing for Single Service Institute.

December 8, 1986: Briefing with National Association of Manufacturers.

January 17-18, 1987: Fire Suppression System Association annual meeting (300+ attending).

January 29, 1987: American chemical Society Flourine meeting (500+ attending).

February 4-5, 1987: Rigid Foam industry representatives (10 attending).

February 11, 1987: Thomas breakfast meeting with electronics industry (50 representatives).

February 19-20, 1987: Experts Panel-Chemical Substitutes (15 experts from 5 nations).

February 20, 1987: Halon industry (15 representatives).

March 3, 1987: 25 group heads from ASRAE.

March 10, 1987: Representatives from plastics industry (15 attendees).

March 11, 1987: Motor Vehicle Manufactures Association (12 representatives).

March 17, 1987: Automobile Importers Associations (20 representatives).

March 26, 1987: Halon manufacturers representatives (10 attending).

April 8-9, 1987: Meetings with Motor Vehicle Manufacturers.

EXHIBIT 2

LIST OF TECHNICAL ENGINEERING COST STUDIES

Completed and on-going studies, Contractor:

1. Evaluation of Potential Ozone Depleting Substance Emissions and Controls:

A. Flexible Polyurethane Foam Industry, Radian.

B. Rigid Foam Industry, Radian.

C. Retail Food Store Refrigeration, Radian.

D. Mobile Air-Conditioning Industry, Radian.

E. Industrial Solvents Use, Radian/ICF.

F. Halons, Banks and Emissions, Industrial Economics, Inc.

G. Sterilant Gas, Radian/MRI.

H. Liquid Food Freezing, Radian.

2. Control Technology Overview Report, CFC-11 Emissions from Flexible Polyurethane Foam Manufacturing, Radian.

3. Control Technology Overview Report Emissions from Rigid Foam Manufacturing, Radian.

4. Chlorofluorocarbon Chemical Substitutes, Radian and Consultants.

5. Emission Controls and Potential Alternatives for CFC-113 and Methylchloroform in Solvent Cleaning Operations, MRI.

6. Analysis of Costs of Control Options—A Computer Database (Draws from above studies), ICF.

Other studies

7. Social Cost of Technical Control Options to Reduce Emissions of Potential Ozone Depleters in the United States, Rand.

8. Product Uses and Market Trends for Potential Ozone Depleting Substances 1985-2000, Rand.

Issue: Incidentally, your reply to my question 7(a) states that the "Court Order requires a proposal by May 1, 1987, and a final rule by November 1, 1987." However, the actual wording of the Order does not seem to support that statement. It states:

2. Not later than May 1, 1987, the Administrator of EPA shall sign a Federal Register notice proposing regulatory action of CFCs or presenting a basis for a proposed decision to take no action.

3. Not later than November 1, 1987, the Administrator of EPA shall sign a Federal Register notice promulgating regulation or announcing a final decision to take no action.

A "no action" decision at either time is not a rule.

Response: We agree that the district court order setting forth the CFC decisionmaking schedule does not necessarily require the Agency to adopt regulations. The court order requires that by November 1, 1987, EPA either promulgate regulations controlling CFCs or announce a final decision to take no action. Also, as you may know, we have moved the district court to extend the deadlines for proposed and final action to December 1, 1987 and August 1, 1988, respectively.

QUESTIONS RAISED IN ATTACHMENT

Trade

Question 1: Re the draft article's ban or restriction on "imports of products containing substances controlled by this protocol from any state not party to this protocol * * *":

(a) What are the policy implications for the U.S. (of restricting imports of Korean automobiles with CFCs) beyond the narrow confines of this protocol?

(b) Is it likely that the U.S. would want to impose such a ban or restriction, taking into consideration other interests in that country (Korea)? (c) What happens if the South Korean manufacturers import the cars . . . and arrange for (air conditioning) assembly and charge in the U.S., as is done by several foreign manufacturers?

Response: (a) Import restrictions for environmental or health reasons are allowable under the GATT and therefore restrictions pursuant to the international protocol would be a legitimate policy option for the U.S. These trade provisions have been developed in close cooperation with the State Department, and wider foreign policy implications have been taken into account.

With respect to South Korea specifically, we would anticipate that rather than becoming a major irritant in bilateral relations, the restrictions could produce positive results. Given the importance of the U.S. market to both Hyundai and Daewoo (the two Korean companies currently exporting automobiles to the U.S. market), we believe that U.S. restrictions would create a strong incentive for the Korean manufacturers to limit their use of CFSs in order to maintain access to the U.S. market. Such an outcome would be positive both from the perspective of bilateral relations and U.S. and global environmental policy and would be consistent with one of the major objectives of the protocol itself, i.e., to provide an incentive for non-parties to limit their use of CFCs.

(b) We do not believe that the imposition of restrictions on imports of Korean automobiles would be detrimental to U.S. interests in Korea. As described above, we do not believe that such restrictions would result in a closure of the U.S. market to such imports but rather in the Korean manufacturers modifying their product to suit the requirements of the U.S. market.

(c) If Korean manufacturers were to arrange for the assembly and charging of automobile air conditioners in the U.S. (a production option which is also currently available to them), the use of CFCs in the air conditioning systems charged in the U.S. would be subject to the availability of CFCs in the U.S. market. We would anticipate that, under the protocol, the availability of CFCs would decrease and that, as a result, both domestic automobile manufacturers and foreign manufacturers charging air conditioners in the U.S. would have an incentive to develop alternative technologies or chemical substitutes for such operations. Such a development would clearly advance the objectives of the protocol.

Question 2: "I am also concerned about the exception which appears throughout this draft article on trade. It appears to allow a nonparty to avoid the obligations of the protocol and continue to enjoy trade with parties, merely because that party is in partial compliance with the protocol. That does not appear fair, nor does it seem consistent with the objectives of the protocol?"

Response: As noted, the draft protocol proposed in brackets a possible exception to the import restrictions for certain non-party countries. This language was originally suggested in order to ensure consistency of this article with the GATT. However, subsequent analysis has revealed that this exception was not needed in order to ensure consistency with the GATT and that, as you note, it has some disadvantages. Consequently, at the recent negotiating session, the U.S. delegation called for deleting this provision. Although we were not able to do so, we did succeed in having the exception narrowed and having it isolated as a separate (bracketed) paragraph.

Question 3: What measures could constitute a "restriction" on imports? Are we contemplating tariffs or some other restrictions?

Response: We are currently assessing a variety of mechanisms to control imports, including tariffs, imports fees, testing, certification and inspection requirements, and quotas. As part of this review, we are attempting to identify whether certain mechanisms are better suited than others for controlling imports of particular products. Our analysis on this question will continue during the next several months.

Question 4: The draft article calls for "standards" for applying measures "uniformly by all parties." Does that also mean that all products commonly produced by one or more parties would be restricted in a uniform manner by all parties?

Response: Paragraph III of the Trade Article calls for the parties to develop, within a specified time after entry into force, in an annex, standards for applying the restrictions in this paragraph uniformly by all parties. We view this to mean that the annex would set the parameters for Parties' application of the restrictions in this paragraph; i.e., we envision this to be a set of limits banning or reducing imports on agreed products, by common agreed levels, but the restrictions may leave to the Parties the mechanism by which these reductions are achieved, rather than a set of rules. We will attempt to clarify this point during the next negotiating session.

Question 5: "Is the article adequate from the standpoint of U.S. industry and jobs? How will it impact on U.S. firms that have dealings with non-party countries, including developing countries?"

Response: Because the United States is a small importer of CFC bulk chemicals (only 3 percent of domestic consumption) the ban of such imports from nonparties as called for in paragraph 1 of Article on Control of Trade, would have a minimal effect on U.S. domestic industries and jobs. To the extent there is an effect at all, U.S. industries may marginally increase production and job creation.

With regard to the restriction or banning of imports of products containing CFCs (such as automobiles, air conditioners, refrigerators) the effect of import restrictions or bans should have a greater effect than for CFC bulk chemicals, if only because imports of these products represent a larger share of the U.S. market. Import restrictions or bans of these products should have a positive effect on domestic producers, by preventing an unfair advantage to importers in competition with domestic producers. At the same time, domestic prices of these products may rise. The major producers of these products are in the OECD countries, which are likely to sign the protocol. Exports from these countries to the U.S., therefore, would not be restricted as would those from non-parties to the protocol.

Regarding dealings by U.S. firms with non-party countries, including developing countries, U.S. firms would be subject to the protocol's ban on import of CFC bulk chemicals from non-parties as well as the restriction or ban of products containing CFCs (eg, automobiles, furniture). This would require (a) firms which currently import finished products or component parts from nonparties to purchase from domestic suppliers or from countries which are parties to the protocol, or (b) the nonparty supplier to modify their products to suit the new requirements of the U.S. market.

It is important to note that a primary purpose for restricting imports from nonparties is to create an incentive for them to join the protocol. The greater the number of parties to the protocol, the more global production of CFC-related products that will be covered under the international agreement. This would minimize the effects of the agreement on US industries and consumers relative to those in other countries.

Halons and the Defense Department

(The response below is being directed by the Department of Defense to Representative Dingell. It is followed by a comment by EPA.)

Question 6: DOD Comment on "draft article on trade": The draft article on trade establishment provisions for interacting with countries which do not sign the international protocol. These provisions are not inconsistent with DoD policy. DoD will defer to the Departments of State and Commerce for the specific language contained in the draft protocol.

Question (a): What are the DoD's unique requirements?

DOD response: Fire fighting systems for shipboard operations, aircraft systems, tank personnel carrier systems, hardened aircraft shelters; Command, control and communication systems, computer centers, telephone switching stations; One of a kind trainers, aircraft simulators.

Question (b): What is the "national CFC policy"?

DOD response: EPA is in the process of formulating a national CFC policy. The agency is gathering information for manufacturers, distributors and users of CFCs. At this time, DOD is gathering use data on Halons for EPA.

Question (c): In the above reply and elsewhere in the March 2 reply (e.g., question 6(C)), EPA refers to regulatory actions or options. What "regulatory options" does EPA contemplate? Will they require legislation? How can these options provide special exceptions for DoD needs unless the final protocol provides such an escape? Is such escape desirable?

DOD response: DOD is cooperating with EPA in their ongoing efforts to develop regulatory options.

DOD and EPA are discussing options for including Halons in the international protocol. These options explore ways to grandfather Halons for existing and future military mission-critical uses until suitable substitutes are found. We prefer that each location on site specific use of Halons not undergo a lengthy permit process (like RCRA Part B permits), since mission readiness would be impaired.

Question (d): Please provide the date of the meeting and the identity of the persons attending. What did DoD say at that meeting?

DOD response: Date, February 12, 1987; location, Pentagon:

Attendees, Organization:

Dr. Stephen O. Anderson, EPA.

Dr. Michael J. Ryan, ICF (EPA contractor).

Ms. Laura K. Greninger, Army-DAEN-ZCE.

Mr. Carl Zillig, Navy-CNO (OP45).

Mr. James P. Wright, Navy-NAVFACHQ.

Ms. Barbara Sparks, Navy-NAVFAC.

Mr. Bruce Unkel, Navy-NAVSEA.

Mr. Robert Darwin, Navy-NAVSEA.

Mr. John Merold, Navy-NAVSEA.

Mr. William M. Stem, Navy-NAVSEA.

Mr. Gordon LeQuire, Navy-NAVAIR.

Mr. Dan Quagliarello, Navy-NAVAIR.

Mr. Tom Scarano, Navy-NAVSBA.

Ms. Laurie Huber, Marines-HQMC (LFL).

Lt. Col. Steve TerMaath, Air Force-SAF/MIQ.

Maj. Marti U. Bischoff, Air Force-HQUSAF/LEYSF.

Maj. Edward W. Artiglia, Air Force-HQAF/SGP.

Mr. William D. Goins, Air Force-HQUSAF/LEEV.

Fred Walker, Air Force-HQUSAF/LEEEV.

Mr. J.D. Williams, Air Force-HQUSAF/LEEEV.

Meeting summary

EPA presented an overview of the role of chlorofluorocarbons on stratospheric ozone depletion with the discussion focusing on Halons. EPA representatives requested information from the military services on the use and releases of Halons.

Question (e): The above EPA reply lists several EPA suggestions. Does the DOD agree with them?

DOD response: The Department of Defense supports efforts to protect the environment and EPA's efforts to prevent stratospheric ozone depletion. DOD will incorporate appropriate substitutes for Halons in fire protection systems when they are able to meet mission-critical applications. To the same degree as industry, DOD will take steps to decrease the non-firefighting releases of Halons in the future.

At the present time, DOD has mission-critical uses for Halon to protect personnel and equipment. DOD and EPA are cooperating to ensure that regulatory options relating to fire protection would not jeopardize the survival of military personnel or the operation of critical equipment.

EPA and State Department's comments on Halons question: EPA's goal is to ensure that any future regulatory action on Halon emission reduction to protect stratospheric ozone is also equitable to all users and recognizes military mission-critical requirements. EPA has discussed control suggestions with DOD that were flexible to allow the evolution of an effective, military mission compatible policy.

EPA and DOD have common concerns in the control of Halons. Both want an effective and timely policy and a set of procedures to limit halon releases if necessary to protect the ozone layer. DOD does not want regulatory controls relative to fire protection which hinder the operation of critical equipment or impair mission readiness. DOD prefers that all critical halon based systems be "grandfathered." EPA is considering DOD's position and is exploring the possibility that specific emission control procedures be implemented. DOD and EPA will continue discussions related to a program to minimize future halon emissions. It should also be noted that the protocol would not provide for a total ban on any chemical but for an overall limit on a group of chemicals. Within its limit, each country would decide how to allocate use—whether by market forces, special permits, or whatever. Special exceptions could thus be provided by EPA for DOD needs if required, without a need for a specific escape provision in the protocol.

Availability of substitutes

Question 7(a): What is the basis for believing that safe, non-toxic, and technically effective substitutes can be developed and used by all the affected users within the time frames being discussed and supported by Ambassador Benedick? Is the U.S. basing its negotiations on the above DuPont comment which appears quite speculative, is dependent on some unspecified incentives that apparently do not now exist, and fails to discuss the time required by the users to adapt to any such substitutes? What time is required for users to accommodate substitutes, assuming they are adequate?

Response: As indicated in an earlier response, based on our ongoing analysis, EPA believes that current control technologies, and use of currently available product and chemical substitutes, will allow sufficient emissions reductions to achieve the quantities of reductions now being discussed for the next 6 to 8 years.

While our data are not conclusive, and some of the reductions might not be realized, our initial analyses suggest that reductions of up to 30% of current use might be possible without chemical substitutes and at a cost of about $0.15 dollars per kilogram.

Our preliminary cost analyses also suggest that a freeze at 1986 production levels on CFC-11 and -12 would result in cumulative costs between 1990 and 2000 of around $200 million.

While DuPont claims that CFC-123 and 134a can reach the market in 5 years if financial incentives exist, our analysis is not solely based on their comments. Our draft contractor study indicates that:

CFC-123 appears to be a good substitute for CFC-11 with much lower ozone depletion potential.

CFC-143a appears to be an excellent substitute for CFC-12 and has no ozone depletion potential.

Many countries and companies have 134a and 123 patents. CFC-123 is already available in limited quantities in the U.S. and Japan.

First and second tier toxicology testing seems very encouraging for the above-mentioned chemicals. However, it could possibly take a minimum of 3 years before we really know.

Costs of chemical substitutes are expected to be higher than CFC-11 and 12. We believe sufficient time will be available to develop and implement alternatives for long-term reductions.

We also have convened an international substitute panel that includes a toxicologist, marketing experts and industrial and academic chemists from many countries. They are currently reviewing CFC-123, 124, 132b, 134a and 141b. The discussions indicate that keys to substitute availability are: toxicology testing, use testing, and adequate incentives for firms to make R&D investments.

Our investigations so far indicate that small quantities of some of the above chemicals will soon be available to carry out final toxicity, performance and thermodynamic properties evaluations for key user industries. We are bringing together representatives from user industries with the expert panel on substitutes and are working with some major user groups to facilitate testing of CFC-134a.

Question 7(b)(c): Realizing that Dow has a vast economic stake in these matters as do many industries, to what extent has EPA and the Department of Energy (DOE), with its energy conservation duties, considered the matters raised by Dow? Do EPA and DOE disagree with Dow? Does the present U.S. positicn reflect these concerns that I assume are not unique to Dow?

Response: We have not done an analysis of caustic and chlorine imbalance. However, a cursory analysis indicates that some demand for chlorine would continue in production of alternative CFCs because, except for CFC-134a, all CFCs are partially halogenated.

Our analysis also indicates that tetracholoroethylene is required in CFCs and Dow is a major producer of chlorinated hydrocarbons including tetrachloroethlyene.

We have taken the possibility of increased energy costs and health and safety tradeoffs into account in developing control feasibility and cost estimates.

Question (d): EPA is specifically investigating the stock of existing appliances and the likely service requirements. In addition, EPA is investigating the full range of options, such as preventive maintenance, improved service procedures, and refrigerant recovery at product disposal, which would minimize emissions.

When will this EPA investigation be completed and the results available for U.S. consideration in the negotiations?

Response: We intend to have the analysis completed by July 1, 1987. These factors have been considered in calculating the emission reduction potential of specific control options discussed in question 7 above.

Other matters

Question 8: In reply to Question 4(c), EPA said that "CFCs used to fill air conditioners in motor vehicles would be counted by the producing nation even if the vehicles were shipped to the U.S. or elsewhere." Is that true where, as already noted, foreign manufacturers ship the vehicles to the U.S. and charge the air conditioner with the CFCs in the U.S.? If the practice was expended, what would be the the impact on the U.S.?

Response: See Question 1—above.

RESPONSE TO MARCH 13 LETTER

QUESTION 1

I request your explanation of EPA's rulemaking and protocol activities and the extent to which those activities are being coordinated with your protocol activities?

RESPONSE TO QUESTION 1

We believe that given the global nature of this issue, a global solution to protecting the ozone layer is required. At the same time, under Section 157(b) of the Clean Air Act, we are required to evaluate the need for additional domestic regulation to protect the ozone layer. We are currently involved in activities which support both the international negotiations and domestic rulemaking activities.

Most of these activities (e.g., analysis of chemical substitutes, engineering and cost studies, and implementation issues) essential either in the context of implementing an international agreement or, failing that, in the event that domestic unilateral action proves necessary. This point was specifically made at the February 18th meeting you cite. Participants were told at the beginning of the day that the discussion of regulatory alternatives did not signal that the U.S. intended to take unilateral action, and would also be useful in implementing an international agreement.

You also raise the issue of the extent to which costs and feasibility are being considered as part of EPA's review of regulatory alternatives as required by section 157(b). One of the primary evaluation criteria we are using in analyzing regulatory options is cost. We are concerned not only about costs to users and consumers and across industry groups, but also about the degree to which actions might cause the premature retirement of capital equipment and their effect on the development of chemical substitutes. A key concern raised repeatedly by industry groups is that they need adequate time to move away from the current family of CFCs.

You also question the degree to which EPA has involved user industries in conducting its analysis. In a response to a prior letter, we enclosed exhibits listing the extensive contracts between EPA staff and users and on-going studies of the costs and feasibility of controls. We intend to continue these contracts and are working closely with several user groups to improve their members' understanding of the issue and to enhance our understanding of the impacts of regulatory alternatives.

For example, as a follow-up to the February 14th meeting, we held a second facilitated meeting of producers, users, and environmentalists which focussed on specific design options for permit and fee systems. As the process continues we intend to work with user groups in further refining and analyzing these regulatory approaches which could be used either to implement unilateral action or to implement a global protocol. We recently held a similar facilitated meeting which related to trade issues.

QUESTION 2

I understand that EPA is thinking about asking the court to delay the May 1 date. I would like to know why. I would also like to know the implications of that request. Does it suggest that at the end of the time EPA will propose a rule regardless of the status of the protocol regulation?

RESPONSE TO QUESTION 2

Under the original court order, by May 1, 1987, EPA was to either propose regulations or present a basis for a proposed decision to take no regulatory action. EPA is continuing to work toward making that decision, but the task of analyzing relevant implementation issues has proven complex and difficult. As a result, EPA has asked for an extension of the deadline. If the Court grants such an extension, EPA will still have the discretion to propose either regulations or a decision to take no action.

QUESTION 3

I note that the February 18 document states (at page 8) that "EPA representatives agreed that they could prepare brief summaries and analyses of how various programs could work, highlighting specific questions." Please provide copies of them, as well as the legal basis for establishing (by rule) a fee provision.

RESPONSE TO QUESTION 3

We have attached as appendix A the materials distributed prior to the facilitated meeting on April 2 relating to fees and permits. In response to requests from representatives from industry, we now intend to explore working with specific user groups to develop materials for them to send to their members to assist in future evaluations.

Section 157(b) states that EPA "shall propose regulations for the control of any substance, practice, process, or activity (or any combination thereof) . . . ." We believe that this broadly-worded provision gives EPA wide latitude to develop effective and efficient regulatory approaches for achieving the goals of this section of the Act. EPA is currently exploring whether a system of fees would be an appropriate means to achieve the regulatory goals. Any revenue raised from a fee would be incidental to its goal to protecting the ozone layer and human health and welfare.

QUESTION 4

Please explain the plans for this conference and fair [technical conference and trade fair on CFC control innovations] and why industry must underwrite it. Also please provide the basis for this information about vendors [who have products under development] and identify them.

RESPONSE TO QUESTION 4

EPA is proposing a technology fair for innovative products and processes that could reduce emissions of chlorofluorocarbons and halons. We asked the Alliance for Responsible CFC Policy to co-sponsor the fair because of its stated interest in encouraging emission reductions and the development of chemical substitutes. We thought that the Alliance's early involvement and support would further ensure widespread interest and participation. The Alliance has recently informed us that the group is not interested in assisting with funding through its members are likely to participate. We intended to continuing planning for this effort and view it as an important vehicle for informing industry of possible methods for reducing CFC and halon emissions.

The fair will be held in Washington in early fall and will feature nationally prominent speakers, workshops, product displays, and poster sessions. Some of the likely topics include: CFC-134a and other possible chemical substitutes, solvent recovery services, refrigeration alternatives, refrigerant leak detectors, CFC refrigerant recovery machines, foam/suspension, building insulation systems, sterilant gas recycle-central service, halon full-discharge test alternatives, fast food packaging alternatives, and GAO/MILSPEC procedure and practice.

The trade fair is appropriate for focussing attention on CFC and Halon emission reductions because of the size of the chemical markets, the number of user firms, the complexity of emerging technologies, the timing of possible regulation, and the opportunity for exchange of ideas.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 23, 1987.

Hon. LEE M. THOMAS,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR MR. THOMAS: Next week the international negotiations begin again in Geneva to develop a protocol concerning the production and use of CFCs. On March 4 and 13, I wrote to you about these matters and requested a reply before those negotiations resumed. Obviously, the Environmental Protection Agency (EPA) has not complied with that request, although your staff advises that the responses may still come this week. I understand that the issues I raised apparently resulted in more attention being paid to these matters within the Administration. Hopefully, that will have a good result from a public health, environmental, and American jobs standpoint.

Enclosed is letter I sent to Subcommittee Chairman Waxman concerning my correspondence with the Science Advisory Board (SAB) relative to the testimony of Dr. Darrell S. Rigel at the Subcommittee's March hearing. I believe that the SAB response is helpful and important. I call it to your attention and that of Ambassador Benedick and welcome your comments, particularly if you disagree in anyway with the SAB response.

Enclosed is a draft copy of a memorandum in support of a joint motion to modify the May 17, 1986 consent decree mentioned in my earlier correspondence. As I understand the matter, the parties are considering the motion in order to delay the "trigger" dates in the original consent order.

The memorandum makes it clear that EPA is not prepared from any standpoint to propose any unilateral regulations that could be defended and that EPA believes that an international protocol is the wisest course. As you know, I fully agree with the need for such a protocol. But I am surprised that you are even contemplating any unilateral rule in light of your earlier testimony. I never understood that to be the Administration's position. Indeed, I believe that such an extension is of questionable value and a "no action" decision is fully justified at this time. As you know, such a decision would not preclude EPA from issuing a rule under the Clean Air Act in the future should it be warranted unilaterally or to implement a protocol. Simply stated, EPA does not require any court-approved consent decree to address the issue when it is ripe.

I am also concerned about some of the content of the draft memorandum, particularly the suggestion that EPA is "investigating the use of market-based regularity approaches, including permits and fees." Indeed, I am concerned that EPA not mislead the court into believing that EPA now has statutory authority for such an approach. As my staff observed to your General Counsel, the issue of EPA's authority to impose fees and to use such fees is under investigation by the Oversight and Investigations Subcommittee of this Committee and the General Accounting Office (GAO). The draft memorandum fails to even mention that rather important detail. My staff has noted this problem in a discussion with your General Counsel.

The memorandum makes reference to "EPA's technical and economic analyses" and states that these analyses "have identified over 70 different industrial and commercial uses of CFCs and Halons." As you know, I have asked for those "analyses" and none have been provided, except an April 13, 1987 document entitled "Preliminary Analysis of Costs and Benefits of Stratospheric Ozone Protection." When my staff asked for the basis for that document, they were pointed to the listed "Contractor Studies." My staff asked for them, but was told that four are all in draft form. (I have asked for those "drafts," but have not received any.) The fifth by Rand contains the note: "work mainly obsolete." I would like to know the basis for that note from EPA and Rand.

The memorandum also mentioned that EPA is "conducting a series of studies on outstanding trade issues." I am glad to learn that. However, I request more details about those studies, including when initiated, the identity of the contractors and their expertise, the statement of work, when the studies will be completed and results made public, and the costs.

I respect your decision and judgment to seek an extension. I am not urging abandonment of the idea, but I question the wisdom

of that approach. I am also quite concerned that there has been no opportunity for public discussion of the idea.

I request your reply to the above matters early next month. I also request that you keep this Committee fully and currently informed about EPA actions and efforts during the period of this extension to 1988, including any plans for negotiations for further extensions.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 15, 1987.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 23, 1987. In that letter, you requested that we provide you with information on the basis for the cost estimates which were contained in an April 13, 1987 briefing documents. We have enclosed for your review two of the draft documents which were used in developing the data base for estimating the cost of controls. These documents deal specifically with the use of chlorofluorocarbons in foam blowing. They are initial drafts and are currently being revised in response to comments received from the peer review process. We will pass along the final reports when they are completed.

Many other uses of CFCs and Halons were examined as part of our cost analysis. In fact, information on over 81 major applications involving over 600 possible control options was developed as part of the data base from which the April 13 briefing document was prepared. This information was contained in two additional documents which you had requested earlier. We are now in the final stages of having the initial documentation of these two documents completed. This work, which will be contained in one report, will cover possible controls, their costs and their applicability. We hope to have this documentation available for review within the next few weeks, and we will send you a copy of this report when it becomes available.

You also requested an explanation of a note contained on a "Rand" report to the effect that the work was mainly obsolete. The reason for the note is that this particular report is now several years old and did not contain detailed cost and engineering analysis.

In your April 23 letter, you also requested more details on EPA-sponsored studies of outstanding trade issues. Specifically, you requested information on the scope of the studies and the contractors producing them. EPA staff began to analyze trade issues related to stratospheric ozone protection in 1986. Our analysis included the preparation of staff papers for discussion at the Leesburg UNEP conference. Since then, our contractor, ICF Inc., has provided trade-related data collection and analysis in briefings, memoranda, draft papers, etc. ICF trade experts include project leader Jody Holtzman as well as senior trade specialists John Reilly, Lance Graef, and Susan Presti. These experts have previously worked as staff for the Department of Commerce and the U.S. Trade Representative, or have been involved in international trade and investment business. As part of ICF's international trade practice they have provided private and public sector clients with economic, financial, and strategic analyses; trade policy assessment; and litigation support. They have made numerous appearances before the U.S. Trade Commission, the Department of Commerce, the U.S. Trade Representative, and the U.S. Court of International Trade.

The studies in progress analyze trade data on CFC chemicals and on products containing or made with CFCs, analysis of the U.S. proposal for a limit based on adjusted production and alternative measures, the U.S. Tariff Schedule and the proposal for intenationally harmonized data reporting, estimates of base year trade amounts, assessment of trade restriction mechanisms which the U.S. may impose on CFC-related chemical and product imports, and issues of trade restriction implementation and enforcement. In addition they are investigating possible economic impacts (beneficial or harmful) from trade restrictions. This work is scheduled for completion in September 1987 and will be available shortly thereafter. This effort has been funded under several contracts for approximately $100,000.

With regard to the CFC schedule suit mentioned in your letter, as you know, we have moved the District Court to extend the deadline for a proposed decision on domestic regulation of CFCs. Our motion requests an extension from May, 1, 1987 to December 1, 1987.

Sincerely,

LEE M. THOMAS.

Mr. Speaker, this resolution clearly supports the ongoing negotiations, but not in an unfettered fashion, the House does not seek to dictate the terms of the protocol. That is the administration's responsibility. The goals should be "protection of public health and the environment and American jobs."

To achieve both goals, as I indicated in my June 1 letter to the Environmental Protection Agency, the negotiators need to obtain the signature and ratification of all the CFC producing nations and most, if not all, of the CFC user nations. Eleven, or even nineteen, signatures are inadequate, if they do not include Japan, Russia, and all of the European Community nations, as well as many developing nations. Without them, the protocol would be tantamount to unilateral action for the U.S. That is clearly unacceptable. We need international action as this resolution advocates. Unilateral action by the United States either by regulation or by legislation, is the wrong approach.

Despite our committee's extensive correspondence and oversight, there are still aspects of the U.S. position, such as that dealing with trade and trade sanctions, particularly as to products, that still seem unclear and vague. Hopefully, the U.S. position will be clarified before September, as Ambassador Benedick, who is quite able, needs direction and control.

A protocol is surely needed and soon, but not at any cost. The goals supported by this resolution can and should be achieved through a reasonable, but sound and effective protocol that enjoys wide support not only in the Senate, but also in the House.

I urge adoption of the resolution.

Mr. YATRON. Mr. Speaker, I rise in support of House Concurrent Resolution 50.

This measure sends a powerful message that Congress strongly supports the negotiation of an international agreement to reduce the production of ozone-depleting chemicals. Such an agreement is essential to protect mankind from the serious health effects which can result from ozone loss. It is also imperative for the protection of U.S. jobs and to ensure American industry is not placed at a competitive disadvantage through unilateral action.

As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, which has jurisdiction over this issue, I have been closely monitoring the negotiations and I have conducted hearings on ozone depletion. The negotiations are at a critical stage, and an agreement to reduce ozone-depleting compounds is within reach.

However, recent disclosures that some high-level administration officials favor alternatives, including the recommendation to wear sunglasses, skin lotion and hats, can create the perception that the United States is retreating from its strong commitment to negotiate a meaningful and effective agreement.

The passage of House Concurrent Resolution 50 will signal to the administration strong congressional support for its efforts to negotiate an international agreement to reduce ozone pollutants and protect American jobs. It will also serve to illustrate to the world that America is united in this endeavor.

I urge my colleagues to vote in favor of House Concurrent Resolution 50.

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

Mr. WAXMAN. 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 of the gentleman from California [Mr. WAXMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 50.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TRUTH IN SAVINGS ACT

Mr. ST GERMAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 176) to provide for the uniform disclosure of the rates of interest which are payable on savings accounts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 176

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 "Truth in Savings Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that economic stability would be enhanced,

competition between depository institutions would be improved, and the ability of the consumer to make informed decisions regarding deposit accounts would be strengthened if there was uniformity in the disclosure of terms and conditions on which interest is paid and fees are assessed in connection with such accounts.

(b) PURPOSE.—It is the purpose of this Act to require the clear and uniform disclosure of—

(1) the rates of interest which are payable on deposit accounts by depository institutions; and

(2) the fees that are assessable against deposit accounts.

so that consumers can make a meaningful comparison between the competing claims of depository institutions with regard to deposit accounts.

SEC. 3. DISCLOSURE OF INTEREST RATES AND TERMS OF ACCOUNTS.

(a) IN GENERAL.—Except as provided in subsection (b), each advertisement, announcement, or solicitation initiated by any depository institution relating to any demand or interest-bearing account which includes any reference to a specific rate of interest payable on amounts deposited in such account, or to a specific yield or rate of earnings on amounts so deposited, shall state the following information, to the extent applicable, in a clear and conspicuous manner:

(1) The annual percentage yield (which shall be noted in greater prominence than any other stated rate).

(2) The period during which such annual percentage yield is in effect.

(3) All minimum account balance and time requirements which must be met in order to earn the advertised yield (and, in the case of accounts for which more than 1 yield is stated, each annual percentage yield and the account minimum balance requirement associated with each such yield shall be in close proximity and have equal prominence).

(4) The minimum amount of the initial deposit which is required to open the account in order to obtain the yield advertised, if such minimum amount is greater than the minimum balance necessary to earn the advertised yield.

(5) The annual rates of simple interest.

(6) A statement that regular fees or other conditions could reduce the yield.

(7) A statement that an interest penalty is required for early withdrawal.

(8) In the case of a certificate of deposit or other account for which the stated date of maturity is less than 1 year, a statement of the effective percentage yield on the date of maturity.

(b) BROADCAST AND ELECTRONIC MEDIA AND OUTDOOR ADVERTISING EXCEPTION.—The Board may, by regulation, exempt advertisements, announcements, or solicitations made by any broadcast or electronic medium or outdoor advertising display not on the premises of the depository institution from any disclosure requirements described in paragraph (4), (5), or (6) of subsection (a) if the Board finds that any such disclosure would be unnecessarily burdensome.

(c) MISLEADING DESCRIPTION OF FREE OR NO-COST ACCOUNTS PROHIBITED.—No advertisement, announcement, or solicitation made by any depository institution may refer to or describe an account as a free or no-cost account if—

(1) in order to avoid fees or service charges for any period—

(A) a minimum balance must be maintained in the account during such period; or

(B) the number of transactions during such period may not exceed a maximum number; or

(2) any regular service or transaction fee is imposed.

(d) MISLEADING OR INACCURATE ADVERTISEMENTS, ETC., PROHIBITED.—No depository institution shall make any advertisement, announcement, or solicitation relating to a deposit account that is inaccurate or misleading or that misrepresents its deposit contracts.

SEC. 4. ACCOUNT SCHEDULE.

(a) IN GENERAL.—Each depository institution shall maintain a schedule of fees, charges, interest rates, and terms and conditions applicable to each class of accounts offered by the depository institution, in accordance with the requirements of this section and regulations which the Board shall prescribe. The Board shall specify, in regulations, which fees, charges, penalties, terms, conditions, and account restrictions must be included in a schedule required under this subsection. A depository institution need not include in such schedule any information not specified in such regulation.

(b) INFORMATION ON FEES AND CHARGES.—The schedule required under subsection (a) with respect to any account shall contain the following information:

(1) A description of all fees, periodic service charges, and penalties which may be charged or assessed against the account (or against the account holder in connection with such account), the amount of any such fees, charge, or penalty (or the method by which such amount will be calculated), and the conditions under which any such amount will be assessed.

(2) All minimum balance requirements that affect fees, charges, and penalties, including a clear description of how each such minimum balance is calculated.

(3) Any minimum amount required with respect to the initial deposit in order to open the account.

(c) INFORMATION ON INTEREST RATES.—The schedule required under subsection (a) with respect to any account shall include the following information:

(1) Any annual percentage yield.

(2) The period during which any such annual percentage yield will be in effect.

(3) Any annual rate of simple interest.

(4) the frequency with which interest will be compounded and credited.

(5) A clear description of the method used to determine the balance on which interest is paid.

(6) In the case of a certificate of deposit or other account for which the stated date of maturity is less than 1 year, a statement of the effective percentage yield on the date of maturity.

(7) The information described in paragraphs (1) through (4) with respect to any period after the end of the period referred to in paragraph (2) (or the method for computing any information described in any such paragraph), if applicable.

(8) Any minimum balance which must be maintained to earn the rates and obtain the yields disclosed pursuant to this subsection and a clear description of how any such minimum balance is calculated.

(9) A clear description of any minimum time requirement which must be met in order to obtain the yields disclosed pursuant to this subsection and any information described in paragraph (1), (2), (3), or (4) that will apply if any time requirement is not met.

(10) A statement, if applicable, that any interest which has accrued but has not been credited to an account at the time of a withdrawal from the account will not be paid by the depository institution or credited to the account by reason of such withdrawal.

(11) Any provision or requirement relating to nonpayment of interest, including any charge or penalty for early withdrawal, and the conditions under which any such charge or penalty may be assessed.

(d) OTHER INFORMATION.—The schedule required under subsection (a) shall include such other disclosures as the Board may determine to be necessary to allow consumers to understand and compare accounts, including frequency of interest rate adjustments, account restrictions, and renewal policies for time accounts.

(e) STYLE AND FORMAT.—Schedules required under subsection (a) shall be written in clear and plain language and be presented in a format designed to allow consumers to readily understand the terms of the accounts offered.

SEC. 5. DISCLOSURE REQUIREMENTS FOR CERTAIN ACCOUNTS.

The Board shall require, in regulations which the Board shall prescribe, such modifications in the disclosure requirements under this Act relating to annual percentage yield as may be necessary to carry out the purposes of this Act in the case of—

(1) accounts with respect to which determination of annual percentage yield is based on an annual rate of interest that is guaranteed for a period of less than 1 year;

(2) variable rate accounts;

(3) accounts which, pursuant to law, do not guarantee payment of a stated rate; and

(4) multiple rate accounts.

SEC. 6. DISTRIBUTION OF SCHEDULES.

(a) IN GENERAL.—A schedule required under section 4 for an appropriate account shall be—

(1) included in any regularly scheduled mailing to holders of that account which occurs not more than 90 days after the effective date of the initial regulations prescribed by the Board under this Act, unless the depository institution has provided, before such effective date, a disclosure which meets the requirements of section 4;

(2) made available to any person upon request; and

(3) provided to any potential customer before an account is opened or a service is rendered.

(b) DISTRIBUTION IN CASE OF CERTAIN INITIAL DEPOSITS.—If—

(1) a depositor is not physically present at an office of a depository institution at the time an initial deposit is accepted with respect to an account established by or for such person; and

(2) the schedule required under section 4(a) has not been furnished previously to such depositor,

the depository institution shall mail the schedule to the depositor at the address shown on the records of the depository institution for such account no later than 10 days after the date of the initial deposit.

(c) DISTRIBUTION OF NOTICE OF CERTAIN CHANGES.—If—

(1) any change is made in any term or condition which is required to be disclosed in the schedule required under section 4(a) with respect to any account; and

(2) the change may reduce the yield or adversely affect any holder of the account,

all account holders who may be affected by such change shall be notified and provided with a description of the change by mail at least 30 days before the change takes effect.

(d) DISTRIBUTION IN CASE OF ACCOUNTS ESTABLISHED BY MORE THAN 1 INDIVIDUAL OR BY A GROUP.—If an account is established by more than 1 INDIVIDUAL OR FOR A PERSON OTHER THAN AN INDIVIDUAL, ANY DISTRIBUTION DESCRIBED IN THIS SECTION WITH RESPECT TO SUCH ACCOUNT MEETS THE REQUIREMENTS OF THIS SECTION IF THE DISTRIBUTION IS MADE TO 1 OF THE INDIVIDUALS WHO ESTABLISHED THE ACCOUNT OR 1 INDIVIDUAL REPRESENTATIVE OF THE PERSON ON WHOSE BEHALF SUCH ACCOUNT WAS ESTABLISHED.

SEC. 7. PAYMENT OF INTEREST.

(a) CALCULATED ON FULL AMOUNT OF PRINCIPAL.—The amount of interest accruing on an interest-bearing account at any depository institution shall be calculated by such institution on the full amount of principal in the account for the stated calculation period at the rate or rates of interest disclosed pursuant to this Act.

(b) NO PARTICULAR METHOD OF COMPOUNDING INTEREST REQUIRED.—Subsection (a) shall not be construed as prohibiting or requiring the use of any particular method of compounding or crediting of interest.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Board, after consultation with each agency referred to in section 9(a) and public notice and opportunity for comment, shall prescribe regulations to carry out the purpose and provisions of this Act. The regulations so prescribed may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of accounts as, in the judgment of the Board, are necessary or proper to carry out the purposes of this Act, to prevent circumvention or evasion of the requirements of this Act, or to facilitate compliance with the requirements of this Act.

(b) MODEL FORMS AND CLAUSES.—

(1) IN GENERAL.—The Board shall publish model forms and clauses for common disclosures to facilitate compliance with this Act. In devising such forms, the Board shall consider the use by depository institutions of data processing or similar automated machines.

(2) USE OF FORMS AND CLAUSES DEEMED IN COMPLIANCE.—Nothing in this Act may be construed to require a depository institution to use any such model form or clause prescribed by the Board under this subsection. A depository institution shall be deemed to be in compliance with the disclosure provisions of this Act if the depository institution—

(A) uses any appropriate model form or clause as published by the Board; or

(B) uses any each model form or clause and changes it by—

(i) deleting any information which is not required by this Act; or

(ii) rearranging the format,

if in making such deletion or rearranging the format, the depository institution does not affect the substance, clarity, or meaningful sequence of the disclosure.

(3) PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT.—Model disclosure forms and clauses shall be adopted by the Board after duly given notice in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

SEC. 9. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board; and

(C) depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act (other than member banks of the Federal Reserve System) by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) in the case of depository institutions described in clause (v) or (vi) of section 19(b)(1)(A) of the Federal Reserve Act; and

(3) the Federal Credit Union Act, by the National Credit Union Administration Board in the case of depository institutions described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) ADDITIONAL ENFORCEMENT POWERS.—

(1) VIOLATION OF THIS ACT TREATED AS VIOLATION OF OTHER ACTS.—For purposes of the exercise by an agency referred to in subsection (a) of such agency's powers under any Act referred to in such subsection, a violation of a requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) ENFORCEMENT AUTHORITY UNDER OTHER ACTS.—In addition to the powers of any agency referred to in subsection (a) under any provision of law specifically referred to in such subsection, each such agency may exercise, for purposes of enforcing compliance with any requirement imposed under this Act, any other authority conferred on such agency by law.

(c) REGULATIONS BY AGENCIES OTHER THAN THE BOARD.—The authority of the Board to issue regulations under this Act does not impair the authority of any other agency referred to in subsection (a) to make rules regarding its own procedures in enforcing compliance with the requirements imposed under this Act.

SEC. 10. CIVIL LIABILITY.

(a) CIVIL LIABILITY.—Except as otherwise provided in this section, any depository institution which fails to comply with any requirement imposed under this Act or any regulation prescribed under this Act with respect to any person is liable to such person in an amount equal to the sum of—

(1) any actual damage sustained by such person as a result of the failure;

(2)(A) in the case of an individual action, such additional amount as the court may allow, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

(B) in the case of a class action, such amount as the court may allow, except that—

(i) as to each member of the class, no minimum recovery shall be applicable; and

(ii) the total recovery under this subparagraph in any class action or series of class actions arising out of the same failure to comply by the same depository institution shall not be more than the lesser of $500,000 or 1 percent of the net worth of the depository institution involved; and

(3) in the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with a reasonable attorney's fee as determined by the court.

(b) CLASS ACTION AWARDS.—In determining the amount of any award in any class action, the court shall consider, among other relevant factors—

(1) the amount of any actual damages awarded;

(2) the frequency and persistence of failures of compliance;

(3) the resources of the depository institution;

(4) the number of persons adversely affected; and

(5) the extent to which the failure of compliance was intentional.

(c) BONA FIDE ERRORS.—

(1) GENERAL RULE.—A depository institution may not be held liable in any action brought under this section for a violation of this Act if the depository institution demonstrates by a preponderance of the evidence that the violation was not international and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(2) EXAMPLES.—Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a depository institution's obligation under this Act is not a bona fide error.

(d) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year after the date of the occurrence of the violation involved.

(e) RELIANCE ON BOARD RULINGS.—No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, notwithstanding the fact that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(f) NOTIFICATION OF AND ADJUSTMENT FOR ERRORS.—A depository institution shall not be liable under this section or section 9 for any failure to comply with any requirement imposed under this Act with respect to any account if—

(1) before—

(A) the end of the 60-day period beginning on the date on which the depository institution discovered the failure to comply;

(B) any action is instituted against the depository institution by the account holder under this section with respect to such failure to comply; and

(C) any written notice of such failure to comply is received by the depository institution from the account holder.

the depository institution notifies the account holder of the failure of such institution to comply with such requirement; and

(2) the depository institution makes such adjustments as may be necessary with respect to such account to ensure that—

(A) the account holder will not be liable for any amount in excess of the amount actually disclosed with respect to any fee or charge;

(B) the account holder will not be liable for any fee or charge imposed under any condition not actually disclosed; and

(C) interest on amounts in such account will accrue at the annual percentage yield, and under the conditions, actually disclosed (and credit will be provided for interest already accrued at a different annual percentage yield and under different conditions than the yield or conditions disclosed).

(g) MULTIPLE INTERESTS IN 1 ACCOUNT.—If more than 1 person holds an interest in any account—

(1) the minimum and maximum amounts of liability under subsection (a)(2)(A) for any failure to comply with the requirements of this Act shall apply with respect to such accounts; and

(2) the court shall determine the manner in which the amount of any such liability with respect to such account shall be distributed among such persons.

(h) CONTINUING FAILURE TO DISCLOSE.—

(1) CERTAIN CONTINUING FAILURES TREATED AS 1 VIOLATION.—Except as provided in paragraph (2), the continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account shall be treated as a single violation for purposes of determining the amount of any liability of such institution under subsection (a) for such failure to disclose.

(2) SUBSEQUENT FAILURE TO DISCLOSE.—The continuing failure of any depository institution to disclose any particular term required to be disclosed under this Act with respect to a particular account after judgment has been rendered in favor of the account holder in connection with a prior failure to disclose such term with respect to such account shall be treated as a subsequent violation for purposes of determining liability under subsection (a).

(3) COORDINATION WITH SECTION 9.—This subsection shall not limit or otherwise affect the enforcement power under section 9 of any agency referred to in subsection (a) of such section.

SEC. 11. CREDIT UNIONS.

(a) IN GENERAL.—No regulation prescribed by the Board under this Act shall apply directly with respect to any depository institution described in clause (iv) of section 19(b)(1)(A) of the Federal Reserve Act.

(b) REGULATIONS PRESCRIBED BY THE NCUA.—Within 90 days of the effective date of any regulation prescribed by the Board under the Act, the National Credit Union Administration Board shall prescribe a regulation substantially similar to the regulation prescribed by the Board taking into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts.

SEC. 12. EFFECT ON STATE LAW.

This Act does not annul, alter, or affect the laws of any State relating to the disclosure of information in connection with terms of deposit accounts, except to the extent that those laws are inconsistent with the provisions of this Act, and then only to the extent of the inconsistency.

SEC. 13. DEFINITIONS.

For the purposes of this Act—

(1) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given such term in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

(2) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) ACCOUNT.—The term "account" means any account offered to 1 or more individuals or an unincorporated nonbusiness association of individuals by a depository institution into which a customer deposits funds, including demand accounts, time accounts, negotiable order or withdrawal accounts, and share draft accounts.

(4) INTEREST.—The term "interest" includes individends paid with respect to share draft accounts which are accounts within the meaning of paragraph (3).

(5) MULTIPLE RATE ACCOUNT.—The term "multiple rate account" means any account that has 2 or more annual rates of simple interest which take effect in succeeding periods and which are known at the time of disclosure.

(6) ANNUAL PERCENTAGE YIELD.—The term "annual percentage yield" shall be equal to the total amount of interest that would be received on a $100 deposit under the terms described in paragraphs (3) and (4) of section 4(c) over a year, expressed as a percentage calculated by a method which shall be prescribed by the Board in regulations.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. 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 Rhode Island [Mr. ST GERMAIN] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. ST GERMAIN].

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

Mr. Speaker, today's consideration of H.R. 176, the Truth in Savings Act, marks the second time that the full House of Representatives has considered this legislation. Just last year, the Truth in Savings Act passed on October 7, 1986, by voice vote under suspension. Unfortunately, the Senate failed to act on this legislation. The process started early again in the 100th Congress, with testimony from the Consumer Federation of America, the AFL-CIO, and the American Association of Retired Persons. While banking groups were invited to testify, they chose only to submit statements for the record. It is my hope that this Congress will be the time for truth in savings legislation to become public law.

Requiring simple, straightforward disclosure in the advertising of interest rates is a justifiable goal—both consumers and depository institutions must be on an even footing here. Truth in savings, and similar legislation, must prevail if we are to preserve the free flow of information for the market system to work.

The purpose of the Truth in Savings Act is to require clear and uniform disclosure of interest rates and fees in order to provide consumers a meaningful way to compare deposit instruments. The act requires uniformity in the disclosure of the terms and conditions on which interest is paid and fees are assessed relating to demand or interest bearing account advertisements.

Depository institutions are also required to disclose a schedule of fees and the terms and conditions applicable to each class of accounts offered by the depository institution. Administrative enforcement and civil liability provisions are also provided for in the act. However, banks would not be held liable if the bank makes the necessary adjustments to rectify the problem.

This year's bill H.R. 176 is practically identical to the bill which passed last year and improves it in one important respect by addressing the issue of "investable balance." During the consideration of truth-in-savings legislation this year, it first came to our attention that some banking institutions, were paying less than full interest on the full amount of the savings account. Instead, they would deduct from the principal, before applying interest, a sum equivalent to the reserves that the banks maintain behind their accounts. It was uncovered that amounts ranging from 3 to 12 percent of the account were being deducted before banks applied interest. I find this practice outrageous.

The bill now requires that institutions must pay interest on the full amount of principal in the account, for the stated calculation period at the rate of interest disclosed pursuant to the act. Thus, the legislation that was good to begin with, is even better now that it addresses a newly discovered problem in the area.

Let me now thank Congressman LEHMAN, a committee member and the chief architect of Truth in Savings, for his efforts since the 98th Congress on this bill, and the ranking minority member on the committee, Congressman WYLIE.

□ 1530

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

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

Mr. Speaker, I am extremely concerned about protecting the consumer in today's complex world of financial services and support this legislation. With the complete elimination in March 1986 of Government-imposed interest rate ceilings on savings accounts at financial institutions, a myriad of competing market-rate savings instruments have been created which provide the benefits of higher yields to savers. This resulting array of competing accounts makes clear and uniform disclosure of terms and conditions a vital consumer protection.

The bill before us requires all depository institutions to advertise their sav-

ings instruments in a uniform manner. H.R. 176 provides for uniform disclosure of interest rates, annual percentage yields, and full disclosure of the terms and conditions which affect the yield on various interest-bearing accounts offered by financial institutions.

To many of my colleagues, this issue may sound familiar. As the chairman of the committee stated, the House passed truth-in-savings legislation, almost identical to H.R. 176, last October just prior to adjournment. The bill passed during the 99th Congress also contained a second title which required additional disclosures for credit card applications. The legislation we are considering today does not contain the credit card language. H.R. 176 is a straightforward truth in savings bill.

Again, I urge my colleagues to support this measure. H.R. 176 will provide consumers with the necessary tools to comparison shop.

Mr. ST GERMAIN. Mr. Speaker, I yield 7 minutes to the chief sponsor of the legislation before us, the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, as the lead sponsor of H.R. 176, the Truth in Savings Act of 1987, let me first of all acknowledge the support and cooperation of my good friend and chairman of the House Banking Committee, FERNAND ST GERMAIN, the ranking minority member, CHALMERS WYLIE, the gentleman from New York, Mr. WORTLEY, and their respective staffs. All have been very cooperative with my efforts to perfect and ultimately get House approval of this important consumer banking legislation.

H.R. 176 accomplishes three important things. First it requries that advertisements by financial institutions which mention specific rates or yields do so in a clear and uniform manner and state the annual precentage yield in greatest prominence.

Second, the legislation requires that consumers and customers be provided with an accurate and reasonable disclosure of the annual percentage yield; simple interest rate; term for which the annual percentage yield in effect; minimum deposit, balance, and time requirements; a description of fees; and a description of the other terms and conditions which can affect the yield on interest-bearing deposit accounts. These disclosure requirements are clearly enumerated in the bill.

Third, the legislation, as reported by the House Banking Committee, addresses the so-called investable balance issue, a practice in which depository institutions do not calculate the interest on the full amount of funds deposited in that account. This unfortunate practice was brought to the attention of the Banking Committee at hearings held on H.R. 176 on May 20, and I was joined by Chairman ST GERMAIN in amending the bill to address the problem.

Mr. Speaker, I first introduced truth-in-savings legislation in the 98th Congress in an effort to end the misleading and confusing advertising practices by many financial institutions. These institutions often advertised misleading "teaser" rates or confusing multiple and variable rates, and provided very little, if any, disclosure of the pertinent terms and conditions which consumers needed to know in comparison shopping for their savings accounts. Subsequent hearings clearly indicated the need to revise and provide for a more comprehensive approach.

During the previous Congress, I introduced H.R. 2282, which the House approved last October as title I of H.R. 5613, the Truth in Savings and Credit Card Applications Act. The legislation we are considering today is a perfected version of last year's truth-in-savings bill, and it continues to enjoy broad-based, bipartisan support.

Hearings held a month ago continue to point out the need for this legislation, and as acknowledgment of the support and need for truth-in-savings disclosures, voluntary truth-in-savings programs patterned after this legislation have been implemented by two large financial services trade associations.

While H.R. 176 reflects over 3 years of congressional hearings, discussions and refinement, let me take this opportunity to once again make several points of technical clarification.

First, the advertising disclosure requirements are triggered if a specific interest rate or yield is mentioned in the advertising. The bill also provides a partial exemption of these disclosures for outdoor billboard and electronic media advertising if the Federal Reserve Board finds the disclosures as burdensome.

Second, with regard to the account schedules provided in section 4 of the bill, the legislation does not mandate that a financial institution be required to maintain a comprehensive, master disclosure schedule. It is the intent of the act to allow institutions to offer either a master schedule or separate disclosure schedules for each type or class of account offered.

With regard to the new section 7 which addresses the isssue of "investable balance," it is clear that the act does not prohibit nor require the use of any particular method of compounding or crediting of interest. Furthermore, section 7 does not mandate any specific method of computing the balance on which interest is paid. Financial institutions presently have a number of different methods by which balance is calculated; section 7 does not mandate the use of any one of these methods nor does it expressly prohibit the use of any of these balance calculation methods.

I would also like to make it clear that section 7 is not intended to adversely affect the manner in which credit unions calculate dividends paid on shares; the legislation provides that credit unions, because of their inherent differences with other financial institutions, will comply with the intent of this act through "substantially similar" regulations promulgated by its regulatory agency, the National Credit Union Administration.

Finally, there has been some concern that the act does not apply to all similar instruments offered by nondepository institutions. First, this issue posed a germaneness problem for the House Banking Committee which does not have jurisdiction over all of these other financial services purveyors. Second, similar instruments, especially those offered by securities firms, come under stringent advertising and disclosure requirements which are heavily regulated and enforced by the Securities and Exchange Commission. These advertising regulations are more restrictive and a proposed new rulemaking would standardize the computation of mutual fund performance data in advertisements and disclosures. Clearly, in the absence of similar advertising registration requirements and performance rulemaking and standardization among the banking regulatory agencies, some legislative relief to provide uniform and clear disclosure by financial institutions is appropriate.

H.R. 176 mandates clear and uniform disclosure of the yield, rate, and those terms and conditions which can affect the yield on interest-bearing accounts offered by financial institutions. In this increasingly competitive and confusing financial services marketplace, disclosure is the most effective tool and resource which both institutions and consumers can rely on.

Truth in savings is a disclosure concept whose time has come. I urge my colleagues to join me in suspending the rules and approving H.R. 176.

Mr. WYLE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, I rise today in strong support of the Truth in Savings Act, and I urge my colleagues to vote "aye" on this important consumer legislation.

Today's financial market can be as confusing as a carnival fun house, but not as fun. Consumers are bombarded with advertisements and statements from depository institutions, each promising to deliver the best return on a deposit. Yet deciphering these various offers can require the skills of an accountant. Healthy competition between institutions is hampered when

consumers are lost in a confusing fog of terms and numbers.

Mr. Speaker, this legislation would place some very basic and commonsense disclosure standards into law for banks, thrifts and credit unions. As a cosponsor of this bill in both this Congress and the last, and as a member of the House Banking Committee, I wish to commend Mr. LEHMAN from California whose efforts to enact this legislation have been continuous and effective.

The timing of this legislation could not be better. Passage of this bill will compliment legislation to prohibit lengthy check-hold periods. Such check-hold legislation has been recently approved by the conference committee on recapitalization of the savings and loan insurance fund, and it will almost surely be enacted into law. Both the check-hold and truth-in-savings measures are necessary and have long been priority items for consumer advocates.

The intent of the Truth in Savings Act is to allow the average consumer to understand what the bottomline is before hard-earned money is deposited at a financial institution. Savings accounts, certificates of deposit and interest-bearing checking accounts are included in this bill's scope. All too often, misleading advertisements have been circulated causing consumers to enter into financial arrangements that they had no real understanding of and later regretted. The elderly, many of whom depend a great deal on the interest earned by their savings, are particularly at risk. This legislation will force depository institutions to rely more on offering quality accounts instead of just fancy advertising.

Under this bill, each advertisement, announcement or solicitation made by a depository institution regrading an interest-bearing account must clearly state such factors as the annual percentage yield and the annual interest rate, any minimum balance and time of deposit requirements, any penalties for early withdrawal or other circumstances, and any other conditions that could reduce the yield.

The bill specifically prohibits misleading or inaccurate advertising, and tough civil penalties will be applied for any violations under this legislation. Depository institutions would also be required to maintain an updated schedule of fees, charges, interest rates, and terms of accounts.

The terms of this legislation would have to be in effect and overseen by the Federal Reserve within 1 year of enactment. This measure does not preempt States from enacting additional disclosure requirements in this area unless such State laws are inconsistent with this bill's provisions.

Mr. Speaker, this is good legislation for the consumer and the free market. I wholeheartedly urge its adoption.

Mr. WYLIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support today of H.R. 176, the truth in savings bill. This bill was passed by the House last year but was unfortunately not acted upon in the other body. I hope that the other body will respond swiftly and it can then be sent to the President for his signature.

A basic tenet of our American economic system is that consumers should be able to choose freely between competing products. For banking services as well, that tenet should hold. The American consumer rightfully demands enough information to make a reasoned choice.

It is in that spirit that this legislation was considered by the House Banking Committee. This bill provides for reasonable requirements for disclosure by financial institutions in their advertisements and mailings of the terms of their savings accounts.

For example, a consumer needs to know the annual percentage rate, the minimum balance requirements, early withdrawal penalties, and other basic information about the terms of any new account they may open. This kind of uniform disclosure will allow consumers to make the kinds of informed choices that will be best for them and for our economy.

The legislation does not require that interest on all accounts be calculated the same way. It does not discourage any types of accounts from being offered. The bill does just what its title proclaims: it requires Truth in Savings accounts. The requirements in this bill provide standard, necessary information to the consumer without being burdensome for the financial institutions.

Mr. Speaker, I urge my colleagues to support this bill and hope that the Senate will quickly follow our example.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 176, the Truth in Savings Act, and I thank and commend the gentleman from California [Mr. LEHMAN] and the gentleman from Ohio [Mr. WYLIE] for the leadership they have provided in bringing this measure before us today.

Mr. Speaker, H.R. 176 is similar to legislation adopted by the House last year, which I was also pleased to support. Unfortunately, the other body did not act on this important matter, and consequently we must again consider Truth in Savings legislation. The aim of H.R. 176 is worthy and noncontroversial: To provide uniform disclosure by depository institutions on interest rates payable on savings accounts, terms of other accounts, and fees. In other words, people who have accounts in depository institutions will more clearly know just what their agreement with that institution is, and the penalties involved with violations of that agreement.

H.R. 176 strengthens the ability of consumers to make informed decisions with regard to interest rates and fees assessable against deposit accounts. Yet H.R. 176 will also have a positive effect on the economy in general by improving competition among depository institutions, and enhancing economic stability.

Mr. Speaker, this bipartisan legislation simply compels depository institutions to be honest and forthright about the terms of their accounts. Consumers, U.S. competitiveness, and the economy will benefit from this important measure. Accordingly, I urge my colleagues to join in support of H.R. 176 and to work for its speedy adoption.

Mr. BRENNAN. Mr. Speaker, I rise in full support of the Truth in Savings Act.

Mr. Speaker, to determine which bank offers the best return on your investment, you often need the analysis of a Philadelphia lawyer.

While banking is a fact of life for all of us, opening a checking or savings account can be thoroughly confusing for the average person. The vast numbers and ever-changing types of accounts can make comparison shopping nearly overwhelming. In addition, minimum balance requirements and extra fees are hidden in the fine print, or even omitted in order to lure customers.

This measure, by requiring financial institutions to provide standard information about their interest rates, fees, and minimum balances, for every savings plan they offer, allows consumers to choose intelligently the kind of savings program most appropriate for their personal needs.

This bill is modelled on the successful truth in lending law that has assisted borrows in understanding mortgage and credit terms, and is endorsed by national senior citizen and consumer groups.

Ultimately, the truth in savings bill is about openness and accountability in financial practices. An elderly person guarding a retirement nest egg, every couple saving up for their first home, every teenager putting away summer earnings toward their college education, will benefit from the simple provisions of the truth in savings bill.

□ 1545

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

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

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Rhode Island [Mr. ST GERMAIN] that the House suspend the rules and pass the bill, H.R. 176, 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. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks, and to include extraneous matter on H.R. 176, the bill just passed.

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

There was no objection.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter on the bill, H.R. 2714, and that I may be permitted to include extraneous and tabular matter and charts.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1988

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2714) making appropriations for the legislative branch for the fiscal year ending September 30, 1988, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LEWIS] and myself.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

□ 1550

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. 2714, with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to present H.R. 2714, the legislative branch appropriations for fiscal year 1988, to the House. The bill and report, House Report No. 100-173, were filed on June 18, 1987.

I will not go over every detail; the report and bill have been available to the Members for several days. But I will summarize the bill.

Before I begin, I want to thank each member of the Legislative Subcommittee on Appropriations: Mr. OBEY, Wisconsin; Mr. ALEXANDER, Arkansas; Mr. MURTHA, Pennsylvania; Mr. TRAXLER, Michigan; Mrs. BOGGS, Louisiana; Mr. LEWIS, California, ranking subcommittee; Mr. CONTE, Massachusetts, ranking full committee; Mr. MYERS, Indiana; Mr. PORTER, Illinois; Mr. WHITTEN, full committee chairman.

Mr. LEWIS in particular, the ranking minority and my colleague from California has participated in all of our hearings and deliberations and has been a full partner in the writing of this bill.

Also, I appreciate working with and the help of members of the Committee on House Administration, primarily: Chairman FRANK ANNUNZIO; and BILL FRENZEL, ranking minority.

Also, CHARLIE ROSE and BILL THOMAS. The Chairman and ranking minority of the Office Systems Subcommittee; JOE GAYDOS and BOB BADHAM, chairman and ranking minority on the Accounts Subcommittee; and LEON PANETTA, PAT ROBERTS, chairman and ranking member on the Personnel and Police Subcommittee.

Mr. Chairman, there is $1.44 billion, $1,442,077,500, in the bill for the operations of the legislative branch for fiscal year 1988. These funds do not include the activities of the Senate, which will be inserted when the bill is considered in the other body. Also, we do not include certain permanent appropriations.

The bill has $880.6 million for congressional operations and $561.5 million for other agencies.

We have reduced the budget by 9.5 percent—over $150 million. The President's budget asked for a 16.5-percent increase. The committee has allowed only 5.5 percent.

We have scrupulously adhered to the assumptions of the budget resolution which called for a freeze—except for mandatory salary and retirement system adjustments.

The bill is $443 million under the tentative budget authority target. It is $424 million under the outlay target.

If the CBO baseline assumptions for Senate items are factored out, the bill is $19 million under the budget authority target and just equal to the tentative outlay target.

As presented to the House, the bill contains $75.5 million more than the current fiscal 1987 appropriation, including supplementals pending in H.R. 1827. That is a 5.5-percent increase over the current level, and barely pays for unavoidable cost or contract increases.

For example, there are increases made necessary by mandatory salary increases and related costs, mostly the new retirement program of $55.5 million—inflation and price increases to maintain current services—supplies, equipment, printing, books, rent—of $8.3 million—and workload, mail, dual format for depositories, two new positions, of $15.8 million—some of these increases have been offset by reductions in equipment and renovation funds.

Through actions in the bill and by the agencies of the legislative branch. We have reduced overall employment by 55 jobs. Only 5 essential jobs of the 216 new jobs requested have been allowed—and three of these are fully reimbursed by fees.

Mr. Chairman, the bill consists of three titles. Title I is congressional operations, consisting of: House, $529.6 million; joint items, $123 million; OTA, $16.4 million; CBO, $18.1 million; Architect of the Capitol, $88.7 million; CRS, $43 million; and congressional printing, $90.7 million.

Title II consists of: Botanic Garden, $2.3 million; Library of Congress, $197.5 million; Library Building and Grounds, $7 million; Copyright Royalty Tribunal, $133 thousand; Superintendent of Documents, $19.8 million; and GAO, $334.8 million.

Title III contains various provisions to facilitate operations. Included is a provision to study the duties of the Architect of the Capitol and House Offices to see if any of these functions should be transferred.

We have developed some interesting comparisons:

Since 1978 the legislative appropriation has grown at an annual rate of 5.3 percent. The executive budget has grown at an annual rate of 8.3 percent. The executive budget has grown at an annual rate of 8.3 percent. The CPI has grown at an annual rate of 6.2 percent. That is, the legislative branch has declined in real terms since 1978, while the Federal budget continues to grow in real terms.

And, since 1987 the legislative appropriation has increased by 5.5 percent—while the overall executive branch budget submitted by the President calls for a 8.6-percent increase—also, Federal revenues are projected to increase by 8.8 percent. It is clear the legislative branch is contributing to the reduction in the Federal deficit.

In summary, this is a very tight, austere budget.

It meets the tentative budget resolution targets. We have tried to protect core legislative functions. Members can be assured we have trimed the maximum, but the House will have the

funds needed for essential operations. There is no need to apologize for this bill, or to make meat ax reductions.

I urge an "aye" vote for the bill.

Mr. Chairman, I also wish to enter into the RECORD a letter from the chairman of the Committee on House Administration which outlines the scope of section 307. That committee, with a letter from Chairman FRANK ANNUNZIO, requested that section 307 be included in the legislative bill.

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, June 26, 1987.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: In response to your inquiry about the scope of section 307 of H.R. 2714, the section is specifically intended to cover essential support activities or functions which, if undertaken by either the House or Senate, would be exempt from taxation.

The section merely provides a means for determining which functions of the House or Senate, when performed by others at the direction of either body, are not subject to taxation.

To ensure that the enactment of the section does not create any administrative difficulties, the earliest date of application of the section is intended to be January 1, 1987.

With every best wish, I am
Sincerely,

FRANK ANNUNZIO,
Chairman.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, let me open my remarks by expressing my deep appreciation to Chairman FAZIO for the courtesy he has shown me not only throughout this legislative process, but over the years in our work on this bill. I, too, would like to echo the gentleman's comments to the Members on both sides of the aisle who have worked with us on this committee.

This is the bill whereby we appropriate the funds to run the legislative branch of Government. Having said that, it is a bill whereby we fund our own work effort around here and therefore one that is an easy target for those who want to take on the legislative branch, the Congress or who indeed in some cases love to demagogue the work of the Congress almost for the sake of it; but having said that, our job in the Appropriations Committee and as I view it in this subcommittee is to attempt to evaluate the areas of Government where we have responsibility and to fight over and yes to compromise over in our effort to keep the cost of Government down.

□ 1600

In that process we do not agree all the time. We do go about a procedure whereby we eventually reach compromise, and that compromise is before you today.

Having said that, I personally would suggest to the House that it is highly appropriate that as a subcommittee report comes to the floor that individual Members with expertise or with specific interests in the work of the subcommittee should feel free and it is appropriate for them to criticize the elements that make up our bill, to make suggestions by way of amendment or otherwise as to how we might make further savings. We will spend a good deal of our time on the floor today discussing just such judgments on the part of individual Members.

Let me say this, that while there will be amendments presented—for example, I am sure that there will be an amendment presented to cut the amount of money that is appropriated for our mail—indeed, such an amendment would be very helpful as a symbol to suggest that we as a body ought to restrain ourselves in our mail expense—but the fact is, whether such an amendment passes or does not pass, it will be up to the Members to restrain themselves, and should they not, and the appropriations turn out to be not adequate, we are going to pay our bills in the final analysis anyway.

So while it serves as an effective symbol, it does not necessarily make the difference in terms of how much money the legislative branch actually spends by the end of the 1988 fiscal year.

Let me mention by way of pointing out the importance of this subcommittee report some of those elements for which we are responsible. The legislative branch has responsibilities in approximately 150 Government departments and agencies, almost 1,000 Federal assistance programs. We are responsible for the oversight of important items such as our foreign affairs. We look to making certain that our health and education and welfare programs are working effectively. It is our job to pay for the process of developing public policy, of providing overview and oversight for those programs which we finally legislate by way of policy change.

Indeed, it is a big responsibility in an economy, I might say, that has some $4 trillion in goods and services produced a year. It is a responsibility that deals with an overall Government budget in terms of outlays that some guesstimate as high as $1 trillion. And yet this bill for the House's side of it involves approximately $1,442,077,500. Two-thirds of that is actual House expenditure, some $880 million. While that is a lot of money, when you look to the actual numbers, it represents less than one-tenth of 1 percent of the outlay cost of our Government in the same fiscal year.

Taken from another perspective, we are a nation of almost 250 million people—243 million people. This bill would set out a cost for running our legislative responsibilities of approximately $3.63 per citizen, a cost for running your Government—the legislative branch thereof—something less than the cost of a first-run movie by the way.

The House of Representatives is that body which makes or breaks our Government insofar as the public is concerned. I am very much myself involved in questions that relate to the credibility of that institution. Within the process of offering amendments today it is my intention to present an amendment that deals specifically with the credibility of the House. That amendment would be called the panning amendment.

Some years back, when the rhetoric of the House extended itself a good deal, rhetoric that focused upon some of the partisan differences in the House, I think that there was an overreaction or maybe an overflexing of the power by then-Speaker, Tip O'Neill, who chose to flex his muscles, and indeed began this process whereby we pan the activities of the House using our television cameras during special orders.

I must say that during the discussion of my amendment I would hope that we would focus upon the impact that this ongoing policy is having upon the credibility of the institution. It seems to me if we are going to continue panning the House that would demonstrate that there are few Members on the floor during certain periods, that we would pan during the entire workings of the House. At this moment, indeed, if we were panning, the public would know that there are relatively few Members present. But as a matter of fact, there are Members in their offices watching our proceedings on television while they are carrying on their day-to-day constituent business. There are Members in committees carrying out the work of the House. If we are going to pan, let us pan during the entire proceedings.

My amendment would suggest that that is not likely and maybe we should rethink what this application of the rules is doing to the credibility of our institution. Maybe it is time we rethought where we have been in terms of selected pressures on free speech.

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

Mr. FAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Chairman, I rise in strong support of the legislative branch appropriations bill for fiscal year 1988, as reported out of committee. This bill is a fiscally responsible piece of legislation which will limit the potential for growth in legislative branch expenditures. It is the biparti-

san product of a very rational and systematic process of reviewing in detail every budget request from the entities comprising the legislative branch. The bill, as skillfully crafted by the Subcommittee on Legislative Branch Appropriations, prudently balances the demand for fiscal restraint in the expenditure of public funds with the critical need for the legislative branch to discharge its constitutional responsibilities in an effective manner. Consequently, I commend the chairman of the subcommittee, Mr. FAZIO, the ranking minority member, Mr. LEWIS, and the members of the subcommittee for their hard and thoughtful work.

The recommended total appropriation of $1,442,077,500 for fiscal year 1988 is only $75,499,300 more than the amount already appropriated in fiscal year 1987, including the pending supplemental appropriations in H.R. 1827. This total proposed amount for fiscal year 1988 reflects an increase of only 5.5 percent over fiscal year 1987. Furthermore, this recommended amount for fiscal year 1988 is $150,847,500 less than the sum total of all the budget requests from the respective legislative branch entities. In effect, the total of all the requests was cut by 9.5 percent. Thus, the recommended total appropriation for fiscal year 1988 is very reasonable and it certainly cannot be considered as excessive in any way.

Concerning the bill's justification, the committee report indicates that—

> Except for the normal merit and longevity pay increases, increases necessitated by the requirements of recent legislation affecting the new Federal employee's retirement system and the civil service retirement system, and some increases for a few high priority items, the bill freezes legislative branch activities at the 1987 level.

In fact, approximately $55.5 million of the increase over fiscal year 1987, representing 74 percent of such increase, is necessitated by the mandatory pay increases and related costs. However, as the committee report further indicates, in several instances the recommended funding will produce a reduced level of operations from fiscal year 1987. Thus, the justification for the major portion of the increase is not unreasonable but rather it is consistent with the need throughout the Federal Government to fund mandatory pay increases and to meet the statutory obligations established by recent Federal retirement legislation. The bill facilitates the carrying out of a very sound personnel goal of maintaining a high level of competence within the legislative branch.

My colleagues should, also note that the total legislative branch budget increase in the pending bill is only 5.5 percent, whereas the proposed growth in the overall Federal budget proposed by the President is 8.6 percent. In other words, the subcommittee has presented to the House a true product of fiscal restraint and prudence.

In terms of understanding the relationship of the pending appropriations bill with the legislative branch budgets approved over the past several years, the committee report is again very instructive. Since 1978, the year in which legislative branch operations stabilized, the legislative branch budget has declined in real terms, as the report indicates:

> The average growth since 1978 has been about 5.3 percent per year, while price levels as measured by the consumer price index have increased by 6.2 percent annually. Congressional operations, title I of the bill (and adding the current budget estimates for the Senate) also have been restrained, growing at only 5.9 percent annually, which is less than the CPI, and has resulted in a decline in real terms. During the same period, the executive branch has averaged an 8.3 percent annual rate of growth, an increase in real dollars at an annual rate almost 57 percent higher than the legislative budget.

Finally, I strongly urge my colleagues to support this bill as reported out of committee. It is a very responsible allocation of Federal funds. In particular, I would recommend against supporting any indiscriminate across-the-board cut. Approval of such a cut would seriously negate the careful judgments made by the Appropriations Subcommittee during its meticulous budget review process. In fact, the adoption of such an amendment would inpair the process itself and it would lead to unforeseen consequences. It would be a defeat for the House's effort to apportion its funds in a fiscally responsible manner.

Mr. LEWIS of California. Mr. Chairman, I yield 6 minutes to the gentleman from Califorina [Mr. LUNGREN].

(Mr. LUNGREN asked and was given permission to revise and extend his remarks.)

Mr. LUNGREN. Mr. Chairman, at the very end of this bill I intend to offer an amendment, which I call the pay-for-performance amendment. I suspect that there may be a point of order made against it. I hope there would not be, but in anticipation of that and the limited debate time that I will have at that time, I would like to at least begin the discussion of that amendment at this time.

It seems to me as we had the controversy over the pay raise for Members of Congress some time ago that much of the discussion was misdirected. I am not convinced that the American people think that we ought not to be paid, or that we ought not to be given a raise. That is, they are not concerned about the dollars that Members of Congress get, so much as the fact that they are paid at all if they do not do their jobs.

It seems to me that the minimal thing that we ought to be required to do is to put our budgetary house in order. I am not talking about passing the budget. Many people think that that is really spending. That is not spending in this House. The real spending in this House takes place in the appropriation bills.

There are actually 13 major appropriation bills. Those are supposed to be voted upon, passed to the President and signed by the President, before a new fiscal year begins.

What we have done over the last number of years in increasing fashion is fail to pass those bills separately and instead send at the end of the fiscal year immediately preceding the new one a gargantuan bill called the CR—continuing resolution—to the President. We then play a game of legislative chicken in which we say, "Mr. President, if you don't sign this bill, with all of its defects, the entire spending of the Federal Government will stop and you'll be responsible for throwing the orphans out on the street, not allowing the widows to get their checks, not allowing our men and women in the Armed Forces to be paid," and so forth.

□ 1610

So it seems to me what we have to do is set up some incentives to make sure that Congress does that work.

My amendment would do it in this way: It would say that the balance of the major 13 appropriation bills all have to be passed, conferenced and sent to the President before we can bring up the legislative appropriation bill. That means we could not have pay for our staff people until after we had done the job that people elected us to do.

The second thing it would do, in order to require this procedure for the pay for Members of Congress, is it would recognize that the pay for Members of Congress is not subject to a separate appropriation bill on an annual basis. There is a permanent, indefinite authorization and appropriation for that, which is OK under most circumstances. But it seems to me if we have not done our elementary work, if we have not passed out those major appropriation bills that the American people expect us to, gone to the President with them, seen if he would veto them, done the spending people expect us to do, that automatic authorization of appropriations for our salaries would be null and void.

It would mean one of several things: First, either we would not get paid; second, we would get paid through voting a separate bill, a separate bill saying this is the vote for our pay; or third, and what I would want us to do is have the 13 major appropriation bills which the American people expect us to pass every year finally completed.

This proposal is fairly simple. One State of the Union has something like this, the State of Missouri, the Show Me State. The Show Me State says to their legislators, you cannot bring up the legislative appropriation bill until you have passed all of the other major appropriation bills to fund the State government. We ought to do at least that here on the floor of the House.

I think I was the single Member who appeared in favor of pay raises for Members of Congress before the appropriate subcommittee. I believed that the pay raise was appropriate, but I cannot justify back home to my constituents the fact that we do not do our work.

It seems to me we ought to be paid for our performance. It is a small incentive to require us to do that simple work that I think the American people expect us to do.

It will take some of the leverage out of our hands that we presently have with any President, which is to say to him "swallow this gargantuan CR or have nothing." But it seems to me it is the way that most legislatures should work, and it is the way we should work.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I want to tell my friend how much I appreciate the courage he has shown on the issue of pay for top level Federal workers, judges, and Members of Congress.

I would point out that, although at times I wonder why I take the time to do this, I also appeared before the same committee in support of the President's recommendations. I would be more than happy to reserve a point of order so that the gentleman may extemporize more on this issue on the debate on the amendment, knowing how sincerely he feels about this issue. Whether I agree with him or not, I certainly respect his position.

Mr. LUNGREN. The last thing I would like to point out is the most recent Nobel Prize winner for economics is James Buchanan. James Buchanan has analyzed the political process and its impact on the economy and determined that the public choice theory gives us an understanding of how things work.

If we do not institutionalize incentives to save money for the taxpayer, those incentives built into the institution that maximize spending without any fiscal restraint will prevail. It happens again and again and again. Members of Congress, because of the way the system works, love to be Santa Claus; we rarely want those people to pay for what we give them. This would at least require us to do the work necessary so those questions could be brought out and in a very real sense it puts our individual incentive, that is that we get paid and our staffs get paid, behind requiring us to do our job and to do it on time.

I hope Members will seriously consider my amendment when it comes up at the end of the bill.

Mr. FAZIO. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to take the next 5 minutes to just briefly discuss the nature of an effort that the gentlewoman from Connecticut [Mrs. JOHNSON] and I will be leading today on the House floor.

Last week several of us, in a bipartisan group, offered amendments to two out of the three appropriation bills that we considered. We did so as part of an effort to reduce further the level of Federal spending in 1988 by about $6 to $7 billion.

The reason why we chose to do so was because of our dissatisfaction with the budget resolution adopted by the Congress which called for $7 billion of what I regard as generally phony savings, given the refinancing of REA loans. What I want to do is see that we put in place a spending plan that will, this year and in the years ahead, give us at least $36 billion of sustainable, repeatable deficit reduction.

The way we decided to proceed last week on the two out of the three appropriation bills, and will proceed this week and in the weeks to come on the remaining appropriation bills, is to offer amendments to cut in half the increase that is implicit in each spending bill. For example, the bill that is before us today, the legislative branch appropriation bill, provides for a 5½-percent increase in 1988 over what we have already appropriated in 1987, including the supplemental appropriation which will soon I think become law. In any event, there is a 5½-percent increase in the appropriation bill before us today compared to what we are spending in 1987.

In developing the strategy that I have outlined, I worked closely with the chairman of the subcommittee, the ranking Republican, the members of their staff. I just want to take a moment before I go any further to simply acknowledge to the gentleman from California, VIC FAZIO, and the gentleman from California, JERRY LEWIS, and their staffs my appreciation for their cooperation and the positive approach they have taken to this issue.

The bill before us has been described already by those gentlemen, and I do not differ with their description. This is not a bill that is riddled with fat. To my knowledge there are no new positions that are included in this bill. The increases for operating our offices and Members of Congress, the increase for operating our committees on which we serve is, as far as I can tell, below, not above, the rate of inflation. There are costs that we have to incur, there are upfront costs for the Federal Employees Retirement System, for the purchase of phones and furniture, costs which we used to incur by leasing equipment and not paying for it, not purchasing it.

Last week when amendments were offered to two out of the three appropriation bills to trim spending, those cuts were offered in an across-the-board cut manner. I am not altogether comfortable with across-the-board cuts. The effort the gentlewoman from Connecticut and I will be leading today calls for offering three separate amendments, not an across-the-board cut for the whole bill, but three separate amendments. If adopted, in the aggregate they will cut by one-half the spending increase that is implicit in this legislation.

Should all of those amendments be adopted, should each of the three amendments be adopted, we will offer no across-the-board cut. Should none of those amendments be adopted we will offer a single 2.75-percent cut in discretionary spending, an across-the-board cut. My hope is that we do not have to offer such an amendment.

The three areas we will focus on today are: First, the postage that my colleagues and I as Members of this body use for mailing to our constituents, the privilege of the frank. The increase in this bill approaches 50 percent in real increase from 1987 to 1988. Our amendment would cut that back by $10 million.

Second, there is an increase in this budget, in this appropriation bill, for the Architect of the Capitol. The magnitude of that increase is 10.4 percent in 1988, 10.4 percent. The amendment we will offer will bring down, not eliminate that increase, but bring down that increase to 7.3 percent, not 10.4 percent.

The third amendment I want to mention is for the budget of the General Accounting Office. In this bill before us, the GAO receives an increase of 7½ to 8 percent. We will offer an amendment providing for 70 percent of that increase. In essence, GAO would receive under our amendment an increase of 5.5 percent for 1988.

Those are the three amendments we hope to offer, ours is not an across-the-board approach, but if you will a rifle shot, or three rifle shots, to try to target those areas in this bill that seem to be receiving inordinate increases in spending.

Mr. Chairman, I would close by saying that this is a time for us, an opportunity for us, to practice leadership by example. We can lead by our example, and I would urge adoption of the

three amendments that the gentlewoman from Connecticut [Mrs. JOHNSON] and I will offer later today.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, last week when we debated the District of Columbia appropriation bill I was privileged to offer on the floor, and the gentleman from California [Mr. DIXON], the chairman of the subcommittee, permitted to be considered on the floor an amendment deploring the pattern of corruption in the District of Columbia government. The chairman made a point at that time, and I think it was an excellent point, when he said that:

> * * * every Member here and every elected official at the State, local, or national level deplores corruption wherever it occurs, whether it occurs at 1600 Pennsylvania Avenue or in this Chamber, at the city hall downtown, or at the city hall in Pennsylvania.
>
> If the gentleman wants to expand it by naming groups of people, why do we not go on record as a sense of Congress in deploring corruption in government wherever it occurs in the United States, and it will cover everyone.

As the gentleman said, and he is on the floor right now, as I said at that time, the scope of his barrel was narrowed to the District of Columbia government, and I offered it to that which was germane. But today when we get to the question of the ethics of the House I intend to offer a similar amendment in the course of our delibrations today which would read, "It is the sense of the House of Representatives that the ongoing pattern of questionable ethical conduct within the House is deplorable, and that a special bipartisan commission should be convened for the purpose of investigating this pattern of corruption and for the purpose of suggesting reforms."

I would hope that in a similar way we could debate this amendment today, and hopefully approve it as well, because we do have a problem out there in the country. Poll after poll is showing us that the American people think very little of this body. As individuals they think fairly highly of us, as individual Members of Congress from a district, but as a unit of government we rank pretty low, and in large part America is reflecting on the fact that newspaper article after newspaper article tells them of problems within the House with regard to how we behave ethically.

One of the problems we have is the fact then that we cannot discuss that. The way in which we deal in the House, the collegial atmosphere we have developed here prevents us from coming to the floor and even discussing those things that may be on the front page of the paper that day. One cannot even come in and read the front page of a newspaper from that day that raises questions about ethical conduct within this body. And if in fact the issue does get raised, it is referred to the Ethics Committee where because of the rules and the way that they have to operate, they go behind closed doors to resolve these matters.

Let me say here that I have a very deep appreciation for how difficult it is to do the job done by the members of the Ethics Committee. In no way am I reflecting in this amendment on the job that they do. It is a very difficult role. We make a prosecutor out of them, and we make a protector of all of the House out of them, and we give them all kinds of problems. Yet we do not give them very much backing.

But the difficulty is that we do not have a way then of dealing with these matters out in the open in the same way that we are now dealing with the Iran-Contra affair, in open hearings where we resolve these matters. What I am suggesting in my amendment is what we ought to look at is the creation of a special bipartisan commission that would investigate the problem we have here and would suggest reforms for us to make.

My assumption is that whatever reforms would be suggested would automatically end up back at the Ethics Committee. In other words, this would end up strengthening what they are able to do.

But for the moment we are left without the ability to do anything, and I think that is wrong, particularly since day after day we find these problems before us.

□ 1625

So I would hope that the House would approve this amendment. It is simply a first step. It is simply a sense of the Congress. All it says is that we find what has been happening is deplorable and it says we ought to do something and the first thing we ought to do is have a special bipartisan commission of people outside this Congress who an look at us honestly.

I would hope at the appropriate time when the amendment is offered it will be considered and that it would be adopted by the House.

I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the amendments being offered by the gentleman from Delaware [Mr. CARTER] and myself.

I would like to begin by commending the committee for what has been a very careful and very thoughtful and very tough job of reviewing this budget, and for their courtesy and generosity in providing time to those of us who were interested in the approach we are taking today, to inform us of their decisions and why they have made them. I know they have made tough decisions and I appreciate and respect that.

Consequently, I rise with some amount of regret. If we had budgeted this carefully, been this rigorous and this disciplined over the last 4 or 5 years in all budget categories, we probably would not be faced today with the catastrophic problem of the budget deficit which plagues our every step, which dogs all that we try to do.

I would remind you that in today's Washington Post there was an article, "The Ways and Means Committee Panel Lists 200 Optional Tax Increases."

Those tax increases are going to effect our constituents day in and day out. You cannot raise $18 billion in new taxes and not have it come out of the pockets of the people of America. So I believe it our obligation to fulfill the promises that were made that revenue increases would be coupled with spending cuts. I would remind you in Washington that we use the term "spending cuts" very peculiarly. We do not cut spending, we merely control the rate of growth of increase.

In this budget we are not recommending cuts. We are trying to reduce the rate of growth in the budget from 5½ to 2.7 percent. In the course of cutting by half the rate of increase in this budget and doing that in every bill that comes before the House, we will succeed in honestly coupling spending reductions that have outyear implications, that will save us money not only this year, but next year and the year after, but with revenue increases that will dig in our pockets this year, next year, and the year after.

We owe no less to our constituents. The three amendments that we will be proposing today will make narrow cuts in the rate of growth in spending in this budget in order to guarantee to our constituents that as they pay new taxes, we are also constraining spending. Our goal must be to, in fact, and not just in fancy, achieve the $36 billion deficit reduction that we have committed ourselves to through the budget resolution and that we all know is very necessary to assure continued growth in our economy.

When the President returned from Vienna, the most serious message he brought back to us was that the world community is losing confidence in America, losing confidence in our ability to manage Government spending, and they know that if we cannot reduce the deficit we will see a recession and that recession will not only devastate America but it will devastate the international community, which deeply depends on the health of our economy, and the world trading system on which our own prosperity depends.

So this small sacrifice that we ask of you today, not a catastrophe for this budget, not a body blow, but, yes, a reduction in the rate of spending increase which will impose some difficulties upon the agencies affected—and I do not deny that—but it is a small sacrifice to make for the well-being of our Nation.

I ask you to join with my colleague from Delaware and me as we consider spending bill after spending bill to reduce by half the rate of growth in spending. Only thereby can we honestly couple spending controls with the revenue increases which are necessary if we are to reduce the deficit and preserve our economy.

Mr. FAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER], a member of the subcommittee.

Mr. ALEXANDER. Mr. Chairman, I rise to compliment the chairman and the ranking Republican minority member for their work to produce this bill and also rise in opposition to those proferred amendments that would attempt to strike from the funding levels in some of the agencies that have been set by the committee after careful bipartisan consideration.

There is no way that we can review and summarize all of the testimony of all of the witnesses of all the agencies that appeared before the subcommittee during the time allotted for debate. But just to cite one example is the GAO, an object of one of the proposed cuts would be the General Accounting Office. The General Accounting Office is a vital arm of the U.S. Congress, an investigative arm which performs, I think, an invaluable service. I know of no agency in the Government that cuts expenses when possible more frugally than the General Accounting Office.

We have taken that performance into consideration in recommending the level of funding that is contained in this bill.

That is simply one example of the kind of effort that has taken place in providing the recommended levels of funding that are contained in this bill.

The committee has reported a lean bill. It has been approached in a bipartisan manner by the members of the committee on both sides of the aisle and I think it is an excellent bill. I commend the work of the ranking member and the chairman of the committee.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman.

Mr. Chairman, I rise simply to remind my colleagues that we will be given an opportunity to consider an amendment which would indicate the House's concern over current ethical standards and would indicate that it would be useful for the House leadership to consider the possibility of appointing a committee of distinguished Americans and asking them as outsiders to apply to the House a serious and tough and rigorous examination.

For those of my colleagues who are interested in why some of us feel this bill is necessary, I would encourage them to read the report of the Committee on Standards of Official Conduct of the House of Representatives of April 9, 1987.

Our colleagues on that committee did an extraordinarily exhaustive job. The report itself runs to over 1,400 pages.

I summarized in two pages example after example where they found about the member reported in that report said he had "consistently understated by more than $1 million on his financial disclosure statement."

The committee concludes, "The sale of one place was incorrectly reported." In another case the committee said, "The statement contained in each purchase agreement was not correct." In another case the committee said the Representative "violated House rule XLIII, clause 4, in connection with acceptance of transportation."

Again, having a staffer call the Federal Home Loan Bank Board in behalf of an institution. After hearing every explanation to excuse him, the Ethics Committee went on to "admonish all Members against such situations an inference might be drawn suggesting improper action."

Again and again the committee found clearly that in this one case there are problems. My point to my colleagues is simple: There are now over 10 institutions where the public media is raising questions about ethics in the House.

Our committee colleagues on the Standards of Official Conduct have an extraordinarily hard job. I think we owe it to the House and to ourselves and to our colleagues to call upon a panel of outstanding Americans who would not be encumbered by the comradery of the House, but would not be restricted by the accepted procedures of the House, but could look clearly and rigorously at behavior in the House and could then advise us and our constituents on how we should act so that we can be truly worthy of this 200th anniversary of the Constitution.

Mr. GAYDOS. Mr. Chairman, once again the Members of this body will witness the spectacle of an amendment to the legislative branch appropriations bill, which would reduce the appropriation by an across-the-board cut. While such amendments are popular with their proponents because they can tell the folks back home that they have voted to hold the line on Government spending, I believe that an across-the-board cut to the legislative branch appropriation is arbitrary, and in the long run, damaging to our ability to legislate effectively.

I empathize with the dilemma of our colleagues on the Appropriations Committee. When the across the board cut mandated by Gramm-Rudman had to be applied to funds for committees "studies and investigations," it was the Accounts Subcommittee of House Administration, which I have the honor to chair, that had to break the bad news to the committees. Those cuts had to be applied across the board by law, a process which defied logic and in which I took no pleasure at all.

The result of those cuts on the committees of the House were devastating. In February and March of this year, chairman after committee chairman testified before the Accounts Subcommittee concerning legislative or oversight initiatives which they were forced to curtail as a result of those across-the-board cuts. I have labeled this effect as pennywise and pound foolish, because across-the-board cuts which saved a few million dollars in legislative branch expenditures, prevented our committees from properly overseeing billions and billions of taxpayers dollars spent by the executive branch agencies. You can't correct the problem of $600 toilet seats or mismanagement of the environmental cleanup effort if the committees of jurisdiction do not have the resources necessary to do their jobs properly.

In 1987, sequestration was not required and there were sufficient funds available in the appropriation to grant modest increases for committees "studies and investigations." But, these increases were not granted across the board. Instead, the Subcommittee on Accounts engaged in the meticulous process of reviewing each committee's request and allocating available funds in a manner which we believe reflected genuine need, based on projected workload, rate of previous increases, and other rational and coherent factors.

In the same manner, the Subcommittee on Legislative Branch Appropriations has given us a bill for fiscal year 1988 which reflects months of careful and painstaking deliberation, line item by line item. The overall increase is 5.5 percent over last year, and the amount for House operations is only 3 percent over last year. The Appropriations Committee cut the requested increase by 9.5 percent. A full three-quarters of the proposed increase is nondiscretionary because it covers mandatory pay increases and related costs. Another 11 percent of the recommended increase is to offset the cost of inflation in certain accounts. So I ask my colleagues, where is the fat in this bill? And, even if one were to concede that there is fat in the bill, the across-the-board approach cuts meat and bone, as well as fat. As a result, certain programs will be funded below last year's post-Gramm-Rudman level.

The across-the-board cutters are not concerned with being pennywise and pound foolish. They do not participate in the line-item-by-line-item review process which was so laboriously applied to produce this bill. Part of that process included extensive hearings on each line item. Instead of applying a scalpel to trim alleged fat, they would have us apply a meat cleaver of across-the-board cuts to the legislative branch. I urge my colleagues to vote no on this amendment so that our Members,

committees, and legislative agencies can continue to do the job that the taxpayers have elected us to do.

Mr. PORTER. Mr. Chairman, I rise in strong support for the fiscal year 1988 legislative branch appropriations bill. This legislation represents the good work of my chairman, Mr. FAZIO, Mr. LEWIS our ranking member, and the rest of our committee.

One important aspect of this bill is the language which deals with the Library of Congress. The Library recently entered into an agreement with the Oxford University Press [OUP] to establish within the Library the Center for American English.

Notwithstanding the irony of a foreign firm establishing a research project within the Library of Congress called the Center for American English, there is real concern that this agreement amounts to the subsidization of a foreign commercial competitor of U.S. companies.

Appropriately, the committee included bill and report language expressing its concern and forbidding the Library from providing study facilities for business enterprises until guidelines are approved. It should be clarified that this restriction applies prospectively and not to current Library of Congress agreements where staff is already in place.

Mr. Chairman, this bill also includes important report language which urges the GAO to continue its ongoing study into the increasing amount of Department of Defense Special Access Programs, or black funds. These programs are cloaked in a veil of secrecy which threatens the oversight function of the Appropriations Committee and Congress.

The CHAIRMAN. The Chair will advise the gentleman from California [Mr. FAZIO] he has 14 minutes remaining and the gentleman from California [Mr. LEWIS] has 4 minutes remaining.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

I would like to indicate personally my appreciation to Mr. CARPER and Mrs. JOHNSON and other members of their bipartisan task force who have worked with the subcommittee and its staff on this bill.

I think their comments are indicative of the fact that they have been convinced that this bill is drafted very tightly and that it provides no room for cuts that are merely symbolic or cosmetic. We have brought to the floor what we think is the absolute minimum required for the operations of the House of Representatives and the other agencies of the legislative branch.

I realize some amendments will be offered that I believe will be offered in good faith. I will have to oppose those. There will be other amendments offered that I think are far more in the political realm. This bill often is a battleground for competition that seems to go well beyond the actual funds in the budget of the legislative branch agencies.

So I do anticipate some floor debate that will be somewhat peripheral to the essential appropriations process. But we will also deal with those in an up-front manner indicating this bill is not the appropriate place to take up matters that go far beyond the appropriations needed for the legislative branch.

At this time, Mr. Chairman, I have no further requests for time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

By way of closing the general remarks regarding this bill, I want to express my appreciation, following comments already made by members of the committee, to Mr. CARPER and particularly to Mrs. JOHNSON on this side for their diligent work in terms of the Appropriations Committee's process, their efforts to help us evaluate where we can find savings.

Having said that, Mr. Chairman, I would like to say that this bill is some $150 million—$150 million below the budget request.

It is a bill that we have worked very tenaciously to reduce in program after program.

There are elements of the bill where there have been increased costs, which the chairman already referred to, that are impossible to control, the pay raises which have been mentioned before for example.

I specifically wanted in concluding remarks, to mention there is a significant piece of our bill, $100 million some, that comes to us directly as an automatic appropriation or assumed appropriation from the Committee on House Administration. Those are the requests for funding from our committees. While a little less than half of that comes from the statutory personnel that is allowed the committees, a great portion of that automatic appropriation comes from the ever exploding numbers we have in the investigative personnel account connected with the committees.

It seems to me that in the past, while this has become an historical precedent, we have made a mistake in the past. Indeed, those personnel of the committees ought to come under the traditional appropriations review process. If we had an opportunity to interview those committee chairmen as well as the ranking members regarding their requests for added personnel, I think we would find ourselves with a more uniform pattern among the committees.

To have 1 committee with 50 personnel and another 150 personnel when the responsibilities or work load is similar to say the least causes one to scratch his head.

Indeed, this bill is a significant effort to keep under control the cost of carrying on the work of the House.

I appreciate the Members' indulgence in our work and we appreciate their support.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Lucie C. McKinney, widow of Stewart B. McKinney, late a Representative from the State of Connecticut, $89,500.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $3,456,000, including: Office of the Speaker, $798,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $708,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $789,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $621,000, including $5,000 for official expenses of the Majority Whip and not to exceed $149,950 for the Chief Deputy Majority Whip; Office of the Minority Whip, $540,000, including $5,000 for official expenses of the Minority Whip and not to exceed $79,150 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $175,199,000.

□ 1640

AMENDMENTS OFFERED BY MR. DIO GUARDI

Mr. DIOGUARDI. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DIOGUARDI:

Page 3, line 3, strike "$175,199,000" and insert "$172,770,000".

Page 3, line 7, strike "$50,062,000" and insert "$48,720,000".

Page 3, line 18, strike "$52,418,000" and insert "$50,297,000".

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the amendments be considered en bloc?

There was no objection.

Mr. DIOGUARDI. Mr. Chairman, basically these amendments are a modest attempt to rein in the spending here in the House. When we talk about the legislative appropriation bill, the only constituency we have is really here in the House, and I think it is time that we provided the leadership that is so necessary today in this country to

show that spending must be restrained.

We are in the process of putting together a total appropriations this year of over $1 trillion. The national debt at this point stands somewhere at $2.2 trillion, and, Mr. Chairman, that is on a Mickey Mouse cash basis of accounting. If we applied the rules that the Securities and Exchange Commission applies to the private sector for those private companies that sell stock to the public, the estimate is that the real debt in this country is more like $6 trillion.

So I think it is time that we started with a modest attempt—and this is not a draconian attempt by any means—to show that we can provide the leadership here in Congress to the rest of the country.

We are talking in these three amendments, Mr. Chairman, about a total of $5,992,000. We are talking about approximately $6 million. In framing this freeze, we have considered here not only the fiscal year 1987 appropriations bill, but we have also added in the emergency supplemental appropriations, so we are talking about very modest amounts.

Let us take a look at the private sector. We have seen so many examples where private companies, in order to restore profitability, have cut their managerial and administrative staffs by 10, 20, and 30 percent. And do the Members know what has happened? They became more efficient; they became more profitable. What does the management consultant, Peter Drucker, say about that? He said, "When it comes to people, less is more."

In other words, what we need is a qualitative approach to the way we do business here in the House. The simple fact is that we are looking at huge budget deficits for as far as the eye can see, and we must set spending priorities, especially where we can control them right here. Unfortunately, I think we are sending the wrong message to the public, that in looking at this legislative appropriation for clerk hire and committees, we are taking care of ourselves.

Let us look at some of the facts: First, since World War II the personal staffs of Congressmen and Senators have grown fivefold and sixfold respectively; second, committee staffs in the House have grown an obscene twelvefold in the same period; third, more people are employed in the U.S. Congress than in any other legislative branch in the world; and fourth, the U.S. Congress employs 31,000 people—I repeat, 31,000 people—to run this bureaucracy. That is 10 times the number of the second most heavily staffed legislative body, and that is the Canadian Parliament.

Finally, since 1981, Mr. Chairman, housing programs have been cut by close to 65 percent, yet incredibly committee funding has risen more than 50 percent.

When are we going to get smart and say to ourselves, "Let's provide the leadership for the rest of the country"? There are so many things that need funding, and yet we continue to escalate the largest bureaucracy in the world, which is this legislative branch.

There is no doubt in most cases that the moneys that we spend are used properly, but what I am talking about here is symbolism, and symbolism is big. The amounts of money are small; we are talking about $6 million. Congress will not shut down if we freeze the spending on our staffs. Last year's Gramm-Rudman cuts showed that the Union can survive with less congressional staff, and in fact those cuts may have done more to improve congressional efficiency than any other action we have taken in the last 40 years, Mr. Chairman.

So in conclusion, I would like to say that we have an opportunity here to deal with a constituency that is right here in this House with each Congressman.

Mr. Chairman, I believe that we can do the job with a decibel less than what we have right now when it comes to clerk hire, congressional staffing, and contingency funds, and I hope the Members agree with me.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York [Mr. DIOGUARDI] has properly made the point that his amendment is symbolic, and I can understand the power of the symbols that we use here. Sometimes we use these symbols for good purposes and sometimes for ill purposes. That is part of the political system. I think it is fair to say that most Members of Congress have at one time or another run against government, the institution of which they are a part.

I think most of us find that is good politics at home. As, I believe, the gentleman from Georgia [Mr. GINGRICH] or the gentleman from Pennsylvania [Mr. WALKER] indicated, as an institution collectively we do not always rank as high as we do as individuals, even though we are, I believe, many times more than the sum of our parts.

It is important to oppose this amendment for several reasons, purely on a factual basis. First of all, as it relates to clerk hire, the latest figures we have show the number of staff available to Members of Congress is less than the number who worked here in 1980. In other words, since that time, over the last 7 years, we have maintained at a steady state in staffing our Members offices. Despite increasing burdens, broader issues, more challenges that we as individual Members face on behalf of our districts and in dealing with the actions here on the House floor, we have had no increase in that time. You will find few other areas of Government, including the executive branch and entities around the White House, that have that kind of record.

I would like to point out as well that the funds for committee staff investigations and the funds for special and select committees are very tightly budgeted in this bill. For the calendar year 1987, the funding resolution adopted by the House provided an authorization of $47.9 million, a growth of about 8.5 percent. This committee has reduced that to 4.2 percent. We believe that is a very modest increase. It is half of what this House has already agreed to.

We also focused on some additional considerations. We realize that to be competitive we have to pay our staff an adequate salary. We anticipate a 3-percent cost-of-living adjustment. Also, workload is up. The Judiciary Committee has before it several impeachment inquiries regarding members of the judiciary.

The workload of the Ethics Committee is unpredictable and is constantly having to be adjusted to meet new challenges. The Iran Committee was not even included in the funding resolution of 1987, but it may well extend into the next fiscal year. And, of course, there are other investigative activities that typically increase in an election year due to the increased legislative workload.

So it is clear that this is a tightly drafted bill, one that ought not to be adjusted simply, as I indicated, for symbolic purposes. I think the committee deserves support in the sense that we have provided growth for our committees of only about 3.5 percent, much less than the 5.5-percent increase that our tentative budget resolution target assumed and that this bill provides.

Also, it is very important to note that since 1978 we have had a reduction of 2.6 percent in the number of employees available to the standing committees. I think that is a sign of good management on the part of those committees. I should not want to penalize them further for their voluntary participation in what is, I think, a very stringent budget.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. DIOGUARDI. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from New York.

Mr. DIOGUARDI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to comment on the remarks of the gentleman from California [Mr. FAZIO]. It seems incredible to me that in proposing a legislative appropriations of hundreds

of millions of dollars we cannot find the fortitude and the leadership to deal with a freeze in this area. We are talking about a total of $6 million in the three amendments being offered.

We had to borrow last year about $150 billion—and that is with a "b," by the way—and that was to pay the interest on the national debt. We do not have that money. We literally have got to go out and borrow the money. That means that next year we have an additional $150 billion in bonds now earning interest, so it is kind of paying interest on interest.

The estimates are that without Gramm-Rudman—and it is now questionable as to whether we are going to meet the Gramm-Rudman targets—by 1992 the interest on the national debt would be some 40 percent. That is bankruptcy in anybody's business, whether it is here in the House, whether it is your household budget, or whether you are running a business.

Interest is the most regressive tax in the world. Why? It comes literally out of the mouths of poor people. When we pay interest, we pay interest to people who can afford to buy Treasury bonds and Treasury bills. Do we know who those people are today? The Japanese and the West Germans. They are literally decapitalizing this country under our noses.

Mr. Chairman, I cannot believe that the gentleman cannot find the fortitude to show the leadership to freeze the appropriations. It may be symbolic but at least it would show the public that we mean to balance the books and eliminate annual deficits.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I might say in response to my colleague's amendments that I agree with part of his amendments, but I am not sure I agree with the entire block, although if I had the kind of authority I would wish for around here, I certainly would move in the direction of much of that which the gentleman is recommending.

In part, our problem is frustration with a process that is well established. Much of the expenditure the gentleman has mentioned by way of his amendments comes to us by way of the House Administration Committee for automatic assumptions of appropriation. That would not suggest, however, that the committee as well as the House has not tried to restrain itself.

The gentleman indicated that from the day he and I arrived on the floor in 1979 we began holding back on increases in numbers of personnel, particularly in our personal staffs. Indeed we may note in the report that the agencies of the legislative branch requested funding for 216 new positions for fiscal year 1988. Five have been allowed. Further, the recommendations are included in the bill, and the actions of the agencies will result in some 55 positions under the staffing level currently authorized in fiscal year 1987.

We are attempting to go in the right direction. But indeed I share with the gentleman his frustration about this process. We started from the wrong plateau in 1979. For many, many years particularly our committee staffs were at levels that should not in my judgment have been allowed. Nonetheless, we should deal with the process where we find ourselves in the beginning. In this case I feel the subcommittee chairman has been most diligent in attempting to hold back those in the House and outside the House who would expand our spending, particularly our personnel spending.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from New York [Mr. DIOGUARDI] for his excellent amendment. I intend to support it. I think it is important. It goes far beyond the savings in dollars that he proposes.

As the gentleman has pointed out, this House has had an increase in spending over the last several decades that is of monumental proportions. It is not just the personal staffs, but there has been an explosion in committee staffs. At times there has been some committees where we have seen a drop in the workload and we have seen an explosion in personal staffs. Let us put a label on it. This is not just legislative work. What this has become is a patronage function that ill serves this House and ill serves this country.

The reason this amendment is so important is not just that it freezes outlays in the legislative area for these kinds of salaries; it is because it sets and example for this Nation. It says to this country that we are willing to do our part to hold expeditures in this area to what they were in the prior year. As a matter of fact, the proposal of the gentleman from New York is a very modest one, because he not only takes into account what was appropriated last year but he takes into account the supplemental as well.

□ 1655

This is not a cut. This simply says we are going to go 1 year without increasing spending in this area. To me that seems like a responsible effort, but understand what it means beyond that.

It means that this House has the gumption and the courage to set an example; and that example, if we follow up in the rest of the Federal budget, can make a major difference toward turning this country around and toward restoring through progress and prosperity.

Mr. DIOGUARDI. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. Mr. Chairman, I yield to the gentleman from New York [Mr. DIOGUARDI].

Mr. DIOGUARDI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we all know that the budget process does not work in the House. There have been so many attempts to amend it, and that same process is creeping into the appropriations process here.

I spent 22 years in the private sector dealing with budgets and financial matters, and the only question I hear asked in the House here when it comes to budgeting and appropriations is, what did we spend last year.

We seem to take a very simplistic, quantitative approach, not a qualitative approach, to what we need. We seem to build our budgets from the fifth story down, not the ground up. It is time that we change that.

A group of my constituents from my district came down, and they biked from Westchester County to raise the public awareness level about the homeless. We have 3,000 homeless people in my district.

We must set our priorities, so the moneys in this body are spent where they are really needed.

I cannot believe the gentleman from California [Mr. FAZIO] can resist a reduction of $6 million at a time when the homeless population is growing, at a time when, since 1981 housing programs have been cut by close to 65 percent, and yet incredibly, committee funding has risen by more than 50 percent. That to me is ridiculous.

We all know what this card is. It looks like an ordinary credit card. Many people back home do not know what this card is.

It is a card that we use in our voting terminals here in the House to vote. This has become the most expensive credit card in the world. This card has no limit.

If we, or our spouses, get a card from our vendors, like American Express, Diners Club, Master Charge, and they tell us that we have reached our $2,000 or $5,000 limit, we know that economic reality has arrived.

But not so with this card. Last year we reached $2 trillion in national debt; and what did we do? We kept raising the limit, the debt ceiling, and said, pass it on to the kids, let them pay for it.

There is a credit-card mentality in this country, and it should stop right now, because this is the only constituency for this bill, the Members of Congress.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. Mr. Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, its only constituency is right here in this institution; and as one of the three co-equal branches of Government that our Founding Fathers established in the checks and balances of the Federal decisionmaking process, it is important that we protect the legislative branch from incursions, from reductions that will severely limit our ability to exercise those checks and balances.

We are talking about an institution that has, with respect to clerk hire, that is employees on the office staffs of individual Members, less now than we had in 1980, and in terms of committee staff, less than we had in 1978.

As far as freezing budgets, the Legislative Subcommittee, working with others, particularly the Committee on House Administration, has attempted to work in the same direction. If you want to use the term freeze, we certainly have done that.

We have not allowed for the kind of growth in staff that occurred in the 1960's and the 1970's. Those days are over.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Serving in the position of chairman of the Subcommittee on Accounts on the Committee on House Administration, in the last 3 years we have brought before the House in a bipartisam nature, both the majority and the minority, and I want to emphasize that, we have brought before the House our legislation each year; and when we had the mandatory cuts from Gramm-Rudman, there was no question, a 9.1-percent cut.

We had the committees repeatedly since then complain to us that we stripped them of their personnel, their ability to do certain things.

We have an awful lot of sensitive items that each of these standing committees, and the select and the special committees, had to perform.

We had one committee, and I will not mention any committee by name, but we had one committee that laid off immediately a certain number of employees, in the neighborhood of 14. Nobody commended them for it. They just had to lay them off.

For instance, we had an emergency occur, and it occurs regularly throughout the session. Take the nature of an impeachment where no money is in there, and the committees have to constrain themselves in the handling of that impeachment, because there is no money available.

Sometimes we catch it in the supplemental, and sometimes we do not.

I can assure the gentleman that in the past, and on a bipartisan basis, the Subcommittee on Accounts has been very careful in analyzing all of the needs; and the record is very clear.

When we had a cut, it was cut. When the increases were there, they were very reasonable. Everything must be justified, so in taking a position on the floor against the amendment, I want to commend the committee for being fair, yet frugal, because it did not give an awful lot of leeway there.

If we are going to work within what is there, I think it is a reasonable amount, and I do not think there is any fat in there.

If there were, on a bipartisan basis, I am sure, it would be excised immediately.

Mr. Chairman, this amendment would reduce the recommended appropriation for "standing committees, special and select." The appropriation recommended by the Subcommittee on Legislative Branch Appropriations will provide sufficient funds for the standing, special, and select committees of the House to conduct studies and investigations necessary to discharge their legitimate legislative and oversight responsibilities.

However, Members should be advised that this appropriation cannot be expended in fiscal year 1988 without a specific authorization for each committee. Such authorizations are made through the adoption by the House of committee expense resolutions pursuant to House rule XI, clause 5. Thus, the real control of expenditures in this appropriation account occurs during the policymaking act, which is the adoption of an authorization to expend funds in the form of a specific allocation among the committees.

The subcommittee on accounts, which I am privileged to chair, is the place where this policymaking process begins. Over the 3 years that I have chaired this subcommittee it has presented to the House in each year a bipartisan committee expense resolution. In fact, each omnibus committee expense resolution has been adopted by overwhelming margins on the House floor: in 1985, 254–158; in 1986, 385–11; in 1987, 280–117. These voting margins for the past 3 years clearly indicate that the House has supported these authorizations which allocate funds and provide for their immediate disbursement. I can assure the proponent of this amendment that I shall make every effort, as in the past, to bring a bipartisan committee expense resolution again to the floor during fiscal year 1988.

This amendment, on the other hand, would impair the authorizing system and unnecessarily interfere with a rational and fiscally responsible committee budget review process that has worked exceptionally well. The subcommittee needs the reasonable amount recommended by the Legislative Branch Appropriations Subcommittee. It should be noted that in the past 2 years, the subcommittee has kept its authorization within the available appropriation. If this appropriation is enacted, the subcommittee will be able to continue to adhere to this fiscally sound policy.

Just as the Legislative Branch Appropriations Subcommittee reviews all the budgets submitted from the various legislative branch entities, the Subcommittee on Accounts reviews all the budgets submitted by the standing and select committees of the House with the exception of the committees on appropriations and budget. It reviews a total of 26 budgets. In 1987, in making its determinations, the subcommittee did not use any set mathematical formula. Instead, it evaluated each budget proposal on its own merits. Proposed spending levels in each of the respective budget categories and anticipated workloads were examined very carefully. Increased funding was based on such factors as the pay comparability increase, merit raises, increased travel plans, and the need for additional personnel.

The final product, presented to the House for consideration, directed most of the large dollar increases to major legislative standing committees which had justified substantial workloads for 1987 to the subcommittee. Some examples are as follows:

First, the Ways and Means Committee was granted an increase. This committee is one of our most important committees with its major responsibilities over the Tax Code, international trade laws, Social Security, Medicare, SSI, and unemployment compensation. In 1987, this committee is undertaking some of the most important pieces of legislation in the 100th Congress—comprehensive trade reform, welfare reform, and legislation involving Medicare catastrophic insurance. Thus, the large increase was justified. It should also be noted that in 1985, this committee was granted a 22-percent increase as it prepared tax reform legislation.

Second, the Committee on Armed Services was given an increase. Historically, this committee has not received a comparatively large increase despite its broad jurisdiction over all military programs.

The staffing level has been way below other committees with major legislative jurisdictions. In 1987, this committee presented a solid justification that it needed additional staff positions to support the committee's increased workload in all areas but specifically in the areas of investigations, military procurement, analysis of defense issues in general, and national security policy.

Third, the Committee on Foreign Affairs was authorized at a higher level than in 1986 due to a strong justification provided to our subcommittee.

Foreign affairs policy issues are among the most important issues facing this Congress and the country. This committee is channeling and focusing its efforts in the areas of arms control, international terrorism, and human rights. Additional funds were needed to support intensified studies and investigations in these areas.

Fourth, the Judiciary Committee was awarded an increase based on the demonstration of an increased workload for 1987. In addition to several major reauthorizations, the committee will be devoting considerable time and resources to overseeing the implementation of significant legislation enacted during recent Congresses, such as the Immigration Reform and Control Act of 1986, the Omnibus Drug Enforcement, Education, and Control Act of 1986, and the administration of the comprehensive Crime Control Act. In addition, the Subcommittee on Accounts approved a spe-

cial $300,000 authorization in a supplemental expense resolution to enable this committee to conduct an impeachment investigation of a Federal judge.

However, I must add that not every committee was granted a large increase. Some small committees and all the select committees were held to low percentage increases to account only for COLA's and inflation. Additionally, the subcommittee held the funding for HIS to the 1986 level in order that the Committee on House Administration might have the opportunity to make a review of the activities, functions, and direction of HIS.

The key point is that if this amendment is adopted, it will restrict the subcommittee's flexibility in making judgments on budgetary needs that are definitely uncertain at this time. Additionally, it may further impair the subcommittee's ability to respond to the need for special investigations of an institutional nature such as impeachment investigations as may arise from time to time.

In conclusion, I would urge my colleagues to reject this amendment. This amendment affects an appropriation account that is different from the other House appropriation accounts in that the authorization for its allocation and disbursement is made yearly through the adoption by the House of committee expense resolutions. Any vote on the expenditure of funds in this appropriation account should be made at that time when the committee budget review and policymaking process is completed. In this particular appropriation account, the time to establish and control spending levels is during the consideration of the committee expense resolution as reported by the Committee on House Administration. To limit the funds today before the process has begun and before we know the specific needs of the committees would impair a very workable and fiscally responsible committee budget review process. This is the one appropriation account that you have the opportunity to control every year when the authorization for the allocation and availability of funds is set. Let us not, today, unwisely and unnecessarily restrict our options. I urge the rejection of this amendment.

Mr. DIOGUARDI. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. Mr. Chairman, I yield to the gentleman from New York.

Mr. DIOGUARDI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from California mentioned levels that are the same going back to 1979 in one instance, and 1977 in the other.

The gentleman is talking about permanent staff. Investigative staffs have grown out of hand here. It is difficult to draw the line when these people are used on investigative staffs and in other areas.

We do not keep time reports the way we do in the private sector. I spent 22 years in an organization where I had to account for every hour of my time, so it could be properly charged to certain kinds of activities.

If we did an audit, we would find that we have got people crossing all over the place, and I am not calling for an audit.

All I am calling for is an acknowledgment that leadership begins in the House. We have people without roofs over their heads.

Mr. GAYDOS. Mr. Chairman, reclaiming my time, from 1985 to 1986, we cut the standing staffs by over 100 individuals, so it is not a record of increase upon increase.

I suggest that the facts show a 25-percent workload increase. All these things were thrust before our committee.

I just want to make the point to my friend, and I do not question his motives in offering this amendment, but I want to make the point to the gentleman that there is a second consideration in this particular area. The House Administration Committee, through the Accounts Committee combs this, very closely analyzes all requests coming in. In fact, there is another appropriation made. It is actually an appropriation.

So I would suggest to my good friend that he is cutting in the wrong areas, particularly since when we come back on the floor, and the whole House votes on it, it is always done on a bipartisan basis.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the DioGuardi amendment to reduce committee staff funding to the fiscal year 1987 level. Although this amendment does not offer a panacea to the runaway spending that this body often embraces, it is a needed step in the right direction.

In addition, as we consider this bill today, I find it ironic that the House always seems to find time to approve its own legislative branch appropriation while we consistently avoid, delay, and fail to approve many regular appropriation bills before the end of the fiscal year. Although we are presently moving many appropriation bills, this is certainly an exception rather than a rule. Continuing resolutions have become a fact of life.

In this regard, I remember back to other fiscal years when we brought the Government grinding to a halt while Congress drafted a continuing resolution to fund most Federal departments and programs. I have always found this event to be a pathetic exercise and I have always found it offensive that Congress continued to operate, to keep its lights on and its elevators running while we told the rest of the Government to go home and raised fears in the senior citizen community as to the issuance of Social Security checks.

The point of my discourse is that I think the legislative appropriation bill should take a back seat to the people of our Nation. I think we should exercise restraint in our spending—as embodied in the DioGuardi amendment—and I think we in Congress should discharge our duties to the Nation before making certain that our own funds are secure.

On this latter point, I have introduced a resolution (H. Res. 73) which requires that the 12 other regular appropriation bills be considered and approved by the House and Senate before it would be in order to consider the legislative branch appropriation bill.

It would not be germane for me, under the prevailing rules of the House, to offer my resolution as an amendment to this appropriation bill. However, I would invite my colleagues to join in my resolution or at least think about the irony that we commit today. Today, in this appropriation bill, we take care of ourselves, our branch of government, the Congress. Why should we always be first in line? Or even fourth in line as we are today? Why shouldn't we face bankruptcy at the end of the fiscal year along with everyone else?

Maybe that won't happen this year. I hope it won't. But it is undeniable that it has been the practice in the past.

I say let's show our commitment to fiscal restraint by supporting the DioGuardi amendment and further, let's change the rules of the House and demonstrate that Congress is willing to wait for its own funds until it has finished the business of this Nation.

Mr. LEWIS of California. Mr. Chairman will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague from Florida yielding.

I must say that my colleague makes a very important and worthwhile point. I hesitate to suggest that the reason for this bill being handled in such an efficient manner in terms of our schedule is because of the dynamic leadership on both the majority and the minority side of this committee.

On the other hand, and more seriously, this bill does reflect but one-tenth of 1 percent of our total appropriations process and because it does not have a lot of the emotion attached to it that health and welfare programs or defense might have, it is a lot easier to get through the budget process.

The gentleman's point, being a good one here, also speaks to the budget process itself, which indeed is undermining the expediting of the appropriations work that should be the fundamental work of this House.

I might say further that within this amendment is one piece of it that each Member can address himself to, if he or she will; that is that within the package is approximately $406,000 for

each Member's office allowance for his own personnel that he has the privilege of administering individually. If he would, I would suggest to the gentleman from New York and to the gentleman from Florida, each Member can restrain himself, in spite of the fact that we have appropriated 11 percent less than the total amount requested in the budget for this category; nonetheless, each Member could restrain himself and save a lot of money, whether this amendment should pass or should not pass.

Mr. DIOGUARDI. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. Certainly, I yield to the gentleman from New York.

Mr. DIOGUARDI. Mr. Chairman, I appreciate the comments of the gentleman from Florida and his support for the bill.

I just would like to reiterate that we are talking about a body that now employs 31,000 people.

Now, I cannot believe that if we really studied how those people are put to work and used around here that we could not find a way because of the deficits we have today to make it run more efficiently.

When we talk about reducing this authorization, I know how important this body is. I am not trying to damage the work that is done by this important body, but we have got to take into consideration what is going on in the world today and we have other priorities as well to think of.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BILIRAKIS. Mr. Chairman, I yield to the gentleman from New York [Mr. DIOGUARDI] if he has not finished his statement.

Mr. DIOGUARDI. Well, Mr. Chairman, just in conclusion, it just seems to me that when we look around at society and we see the problems that we have with housing and the homeless and the environment, that in prioritizing, and it seems we do not do a good enough job of prioritizing, that is why we need Gramm-Rudman and that is why we still need it. We need some kind of discipline imposed upon this body, because we are not good at strategic planning. The only strategic plan I have seen since I came here 3 years ago was Gramm-Rudman, a very simple 5-year ratchet-down device to get the deficit down to zero annually by 1991. We are not doing that.

So it seems to me we have got to look at all those priorities and this should be at the bottom of the totem pole when it comes to the other priorities, like the homeless.

Mr. BILIRAKIS. Hard choices must be made, Mr. Chairman, before future generations of Americans are further burdened by the epic proportions that this deficit has been allowed to reach. I believe that the DioGuardi amendment and my bill, House Resolution 73, will force Congress to more seriously weigh the results of its spending habits.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. DIOGUARDI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DIOGUARDI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 224, not voting 54, as follows:

[Roll No. 224]

AYES—155

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bilbray
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Martin (IL)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Pashayan
Penny
Petri
Pickle
Porter
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Snowe
Solomon
Spence
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—224

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Bevill
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Brennan
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gibbons
Gilman
Glickman
Gonzalez
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Horton
Howard
Hoyer
Huckaby
Hughes
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Parris
Patterson
Pease
Pelosi
Perkins
Pickett
Price (IL)
Price (NC)
Quillen
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Torres
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—54

Akaka
Anthony
Aspin
Berman
Boner (TN)
Bosco
Brooks
Brown (CA)
Clarke
Crockett
Daniel
Davis (MI)
Dornan (CA)
Dowdy
Flippo
Florio
Ford (TN)
Frenzel
Gejdenson
Gephardt
Gordon
Grant
Hefner
Hochbrueckner
Holloway
Hubbard
Kemp
Kennelly
Leland
Livingston
Manton
Miller (CA)
Miller (OH)
Moody
Murtha
Nagle
Obey
Panetta
Pepper
Pursell
Rahall
Roemer
Rostenkowski
Roth
Schulze
Smith (FL)
Smith, Denny (OR)
Smith, Robert (OR)
Tauzin
Thomas (GA)
Torricelli
Towns
Watkins
Wolpe

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Frenzel for, with Mrs. Kennelly against.

Mr. Holloway for, with Mr. Anthony against.

Mr. Denny Smith for, with Mr. Leland against.

Mrs. BENTLEY, Ms. SLAUGHTER of New York, and Mr. APPLEGATE changed their votes from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise this afternoon to discuss an amendment which will be offered in a few minutes by the gentleman from Pennsylvania [Mr. WALKER]. The amendment suggests that the House is concerned about the quality of the ethical standards and that the House is interested in the joint leadership of both parties appointing a commission of six distinguished Americans from outside the House to look at the ethical standards of the House and the process of ethics in the House and to report back.

I am rising at this time to discuss the prospects of such an amendment, to explain why such an amendment seems appropriate at the present time.

I appreciate very much the advice and counsel of appropriate officials of the House in walking through how to discuss a very difficult issue, because it is important that the House both have the freedom to discuss and at the same time remain a workable legislative body.

□ 1735

I would suggest every Member, if they would look, in this 200th anniversary of the Constitution, at The Federalist Papers, as edited by Clinton Rossiter and look at the introduction where Rossiter talks very honestly at the end about the great lesson of the American Constitution and he says:

> Not every great political theorist has cared much for free and popular. Of those who have cared, not everyone has been candid enough to expose its diseases, or hopeful enough to counsel a broad scheme of prevention. The Federalist is a famous work in political science because it does just that, because it mixes candor and hope, realism and idealism, in a message to all friends of liberty wherever they ply their honorable trade. And the message of The Federalist reads "No happiness without liberty, no liberty without self-government, no self-government without constitutionalism, no constitutionalism without morality—and none of these great goods without stability and order."

I would encourage every one of my colleagues to look carefully at the report of the Committee on Standards of Official Conduct, House of Representatives, April 9, 1987, Investigation of Financial Transactions Participated In and Gifts of Transportation Accepted By Representative FERNAND J. ST GERMAIN." I cite this report because it is the one report of this Congress which is debatable and discussable on the House floor.

This report is 1,405 pages long. It is detailed, it gives a record of one particular set of problems. It is worth every Member looking at because there are at least 10 similar allegations in the news media. When you boil down the report as I did in two pages, it lists in this particular case, item after item of clear concern. "Consistently understated," "incorrectly reported," "was not correct," "violating House rule," "admonishes all Members to avoid situations," "inaccurately reported income," "never disclosed the transaction" and so forth, eight times in this particular report.

Let me suggest to my colleagues that as you read the various newspaper and magazine articles, as you look at the assertions it is clear that the Walker amendment to bring in outside reputable people is an important step in the right direction to establish the kind of rules which any other body of this importance would establish not because any single member of the Ethics Committee has failed, but because the very nature of comity in the House makes it difficult, virtually impossible, except in the most extreme situations, for members of a legislative body such as ours to truly police ourselves.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. Let me just suggest, all of us recognize that we face in the Nation a fundamental crisis of ethics, whether it is Wall Street, Marine guards, the executive branch, the legislative branch, the trade in illegal drugs or a range of behaviors which threaten this Nation.

All of us recognize that the rules of the game are changing, that things people could once do and run for President they could no longer do, that activities that were once accepted as part of the trade are no longer accepted and the challenge to this House is simple: Are we going to slowly and methodically over the next couple of years be worthy of being the 100th Congress, be worthy of the 200th anniversary of the Constitution, are we going to reach out to America at large and ask for the best advice and counsel we can get, or are we going to hide from the reality that as ethical standards change in the Nation, they have to change in the House and that we have some things we have to clean up and some standards we have to set.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

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

Mr. WALKER. I thank the gentleman for yielding, because I do think it is important that the Members understand that the amendment to which he refers is a sense of the House amendment, that it does not in fact put any disciplinary authority in such a bipartisan commission, but in fact they would have investigative power and they would have the main power of suggesting reforms to the House.

In other words, what we are doing is laying the groundwork to allow ourselves to do something about an ethical morass.

I thank the gentleman very much for his presentation.

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

Mr. GINGRICH. I yield to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. I thank the gentleman for yielding.

The bill, the amendment as it is drafted, as I understand it—and the gentleman knows that he and I are good friends and we have worked on things together and we look forward to working together on things in the near future. Mr. Chairman, I should like to ask the gentleman, since the amendment seems to be ambiguous, could the gentleman enlighten me and other Members as to the constitution of this commission, who will appoint, who will be the members? I should like to have some detail on that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think it is important to tell the gentleman exactly what our understanding is. We are in the process of drafting authorization legislation that would go to those points. The commission that we envision would be a six-member commission, three appointed by the Speaker and three appointed by the minority leader from distinguished citizens outside the country—or from outside the Congress and that they would be individuals then who would pick their own chairman and we would empower them with certain powers.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. GINGRICH] has again expired.

(On request of Mr. WALKER and by unanimous consent Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. I continue to yield to the gentleman from Pennsylvania.

Mr. WALKER. And the concept behind this is they would provide the House with a range of information that it needs to ultimately make the decisions on its own. It would not be a decisionmaking commission.

Six members, three appointed by the Speaker and three appointed by the minority leader.

I thank the gentleman.

Mr. PASHAYAN. Could these members be Members of this august body?

Mr. WALKER. The concept that we have is we are going to try to reach beyond the problem of collegiality. One of the things that we think has made a problem for our people on the Ethics Committee who work so hard and make very difficult determinations is the fact that they operate in a process here which depend upon collegiality and comity.

What we would hope is we can bring in the outside experts that would allow us to see ourselves as others see us and would make recommendations based upon that kind of standard.

So it would be our hope that the people we would bring in would in fact be true outsiders.

Mr. GINGRICH. If I may reclaim my time to conclude: All I say to my colleagues is it is very important that we begin the process. Obviously the minority leader and the Speaker would have to work out the details; obviously they would want to come back and recommend to the House; obviously they would want to come back for authorizing authority in more detail. But this afternoon we have an opportunity to send a signal that we are aware that there are severe problems, that we believe those problems need a serious and rigorous examination and that we are committed to getting the best talent and the most honorable people in America to give us advice so that the 100th Congress can truly be worthy of the kind of Congress the Founding Fathers wished their country had.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that the remainder of the bill, except for lines 1 and 2 on page 32 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill is as follows:

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $50,062,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $329,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $52,418,000.

ALLOWANCES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For allowances and expenses as authorized by House resolution or law, $189,047,000, including: Official Expenses of Members, $81,523,000; supplies, materials, administrative costs and Federal tort claims, $20,119,000; furniture and furnishings, $1,005,000; stenographic reporting of committee hearings, $550,000; reemployed annuitants reimbursements, $1,118,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $84,110,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, restaurants, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000: *Provided*, That effective upon enactment of this Act, an amount not to exceed $132,000 shall be made available by transfer from the appropriation for "House office buildings, 1987, No year" for deposit in the account established by section 208 of the First Supplemental Civil Functions Appropriations Act, 1941 (40 U.S.C. 174k(b)).

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,300,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $54,529,000, including: Office of the Clerk, $14,917,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $21,180,000; Office of the Doorkeeper, including overtime, as authorized by law, $7,915,000; Office of the Postmaster, $2,517,000, including $48,124 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $16,766 per annum each; Office of the Chaplain, $75,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $716,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $243,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $870,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $3,025,000; six minority employees, $447,000; the House Democratic Steering Committee and Caucus, $721,000; the House Republican Conference, $721,000; and other authorized employees, $1,182,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated in fiscal year 1988 for the House of Representatives under the headings "Committee employees", "Standing committees, special and select", "Salaries, officers and employees", "Allowances and expenses", "House leadership offices", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. (a) One additional employee is authorized for each of the following:

(1) the House Democratic Steering and Policy Committee; and

(2) the House Republican Conference.

(b) The annual rate of pay for the positions established under subsection (a) shall not exceed 60 percent of the annual rate of pay payable from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,197,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,071,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,359,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed twelve assistants on the basis heretofore provided for such assistance; and (5) $963,600 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,543,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,752,000, to be disbursed by the Clerk of the House: *Provided*,

That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further,* That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further,* That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1988 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, $110,000,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act: *Provided,* That funds appropriated for such purpose for the fiscal year ending September 30, 1987, shall remain available until expended.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,040,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One-hundredth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $20,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,000 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under section 1886 of the Social Security Act as amended by section 601 of the Social Security Amendments of 1983 (Public Law 98-21), and those necessary to carry out the duties of the Director of the Office of Technology Assessment under part B of title XVIII of the Social Security Act as amended by section 9305 of the Consolidated Omnibus Reconciliation Act of 1985 (Public Law 99-272), $16,435,000: *Provided,* That none of the funds in the Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further,* That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study, except that funds shall be available for and reimbursement can be accepted for salaries or expenses of the Office of Technology Assessment in connection with the assessment required by section 101(b) of Public Law 99-190.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $18,148,000: *Provided,* That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $6,123,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $10,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $13,024,000, of which $360,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $3,308,000.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $31,563,000, of which $8,010,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $25,400,000: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1988.

ADMINISTRATIVE PROVISIONS

SEC. 103. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

SEC. 104. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $43,000,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which

is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $70,900,000: *Provided,* That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That, to the extent that funds remain from the unexpended balance of fiscal year 1984 and fiscal year 1985 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriation Act, 1988".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,295,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including the Speaker's Civic Achievement Awards Program, subject to authorization, development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $147,635,000, of which not more than $5,000,000 shall be derived from collections credited to this appropriation during fiscal year 1988 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $5,000,000: *Provided further,* That, of the total amount appropriated, $4,944,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $19,431,000, of which not more than $7,000,000 shall be derived from collections credited to this appropriation during fiscal year 1988 under 17 U.S.C. 708(c), and not more than $931,000 shall be derived from collections during fiscal year 1988 under 17 U.S.C. 111(d)(3) and 116(c)(1): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,931,000.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $37,390,000.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $6,010,000, of which $4,781,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $101,390 of which $23,900 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

SEC. 204. No funds shall be expended by the Library of Congress for the purpose of providing long-term special study facilities for profit or non-profit business enterprises until guidelines for such use are approved by the Joint Committee on the Library.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $6,965,000, of which $365,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $666,000, of which $533,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $117,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying publications to the Depository Library and International Exchange Programs, $25,300,000, of which $5,500,000 representing excess receipts from the sale of publications shall be derived from the Government Printing Office revolving fund: *Provided,* That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of eight passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further,* That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent

to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further,* That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and expenses" together may not be available for the full-time equivalent employment of more than 5,237 workyears.

ADMINISTRATIVE PROVISION

SEC. 205. Funds authorized to be expended by the Government Printing Office for fiscal year 1988, not to exceed $27,500, shall be available without regard to the 25 per centum limitation of section 322 of the Economy Act of June 30, 1932, as amended, for the repair, alteration, and improvement of rented premises.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $334,777,000: *Provided,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board: *Provided further,* That $50,000 of this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the U.S. General Accounting Office in Washington, D.C., in 1992, to the extent that such expenses cannot be met from the trust authorized below: *Provided further,* That the General Accounting Office is authorized to solicit and accept contributions (including contributions from INTOSAI), to be held in trust, which shall be available without fiscal year limitation for the planning, administration, and such other expenses as the Comptroller General deems necessary to act as the sponsor of the aforementioned triennial Congress of INTOSAI. Monies in the trust not to exceed $10,000 shall be available upon the request of the Comptroller General to be expended for the purposes of the trust.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the term "program, project, and activity" shall be synonymous with each appropriation account in this Act, except that the accounts under the general heading "House of Representatives" shall be considered one "program, project, and activity", and the accounts under the general heading "Senate" shall be considered one "program, project, and activity".

SEC. 307. (a) Notwithstanding section 105 of title 4, United States Code, or any other provision of law, no person shall be required to pay, collect, or account for any sales or use tax, or any personal property tax, with respect to an essential support activity or function conducted by a nongovernmental person in the Capitol, the House Office Buildings, the Senate Office Buildings, the Capitol Grounds, or any other location under the control of the Congress.

(b) As used in this section—

(1) the term "essential support activity or function" means a support activity or function so designated by the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, acting jointly or separately, as appropriate;

(2) the term "personal property tax" means a tax of a State, a subdivision of a State, or any other authority of a State, that is levied on, levied with respect to, or measured by, the value of personal property;

(3) the term "sales or use tax" means a tax of a State, a subdivision of a State, or any other authority of a State, that is levied on, levied with respect to, or measured by, sales, receipts from sales, or purchases, or storage or use of personal property; and

(4) the term "State" means a State of the United States, the District of Columbia, or a territory or possession of the United States.

(c) This section shall apply to any sale, receipt, purchase, storage, use, or valuation taking place before, on, or after the date on which this section is enacted.

SEC. 308. The Architect of the Capitol and such officers of the House as are designated by the Speaker shall undertake a detailed review of all functions, services, programs, and activities now performed by the Architect of the Capitol and officers of the House pursuant to law or regulation. Such review shall emphasize the rules and laws now governing their activities and the funds and personnel employed to carry out those activities with a view toward reassigning such activities to the Architect of the Capitol or the appropriate House officer. Necessary

management and audit staff from the General Accounting Office shall be used in the determination of what transfers should be made in fiscal year 1988 with a preliminary report to be submitted to the House Committee on Appropriations, the Committee on House Administration, and the House Office Building Commission by the close of business December 31, 1987. A final report shall be submitted by February 15, 1988, and the necessary transfers of funds and personnel shall be undertaken on a timely schedule thereafter. The House Committee on Appropriations shall have authority to transfer such funds as may be necessary between the accounts of the Architect of the Capitol and House officers or the contingent fund as needed to accomplish such actions as recommended in the report and as approved by the House Office Building Commission. This section shall be effective upon enactment.

The CHAIRMAN. Are there points of order directed to any provisions of the bill?

Hearing none, are there any amendments to the bill?

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: On page 31, after line 25 insert the following new section:

SEC. 309. None of the funds appropriated or otherwise made available under this Act may be obligated or extended to implement, administer, or conduct a system for closed circuit viewing or for audio or visual broadcasting of floor proceeding of the House of Representatives pursuant to clause 9 of Rule I of the Rules of the House of Representatives which treats the coverage of special orders differently than the coverage of other floor proceedings.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman and my colleagues, the amendment that we are considering at this moment in the bill I have dubbed as the "Sala Burton/Stewart McKinney Memorial Panning Reform Amendment." The title to this amendment is not one that was developed lightly. Mr. Chairman and Members, it seems to me we ought to focus for a moment on a policy of the House that should be revisited.

My colleagues, you will recall that it was a few years ago at a time during the process of special orders that the debate of the House raised itself to an unusual and tense level of partisan rhetoric. From time to time in the House we find ourselves in confrontation, in a partisan way, almost for the sake of partisanship.

As a result of that, the then Speaker, Tip O'Neill, I believe decided to flex his authority in a direction that went beyond that which is good for the House. Essentially, we began a process known as panning and panning is to use our television cameras to pan the House during special orders when, oft times we are discussing very important items of the House and yet there are relatively few Members of the House present on the floor. They are either in committee or they are indeed in their offices using their televisions to observe the work on the floor and clearing their other legislative business.

Mr. Chairman, if we are going to have that sort of panning in the House, indeed it would logically be argued that one should pan during the entire session of the House, for under normal work conditions we may be carrying on very important legislative business and still Members will be in their committees or they will be in their offices, et cetera, and at a time of critical debate nonetheless, there may be few Members, relatively, on the floor.

We know that is the way the work of the House goes forward.

The point that I want to make is first that such panning draws a negative kind of attention and misunderstanding to the work of the House. It may very well serve to undermine the exercise of free speech of a person in special orders with whom you may disagree. But indeed to pan the House without a further explanation does attack the credibility of the workings on the floor.

□ 1750

That reality was never brought to mind in more crystal clear fashion than recently when we found ourselves working in the House on a memorial in which during special orders we were paying tribute to two of our past colleagues who had served us long and well—Sala Burton and Stewart McKinney. Having passed away, they were being addressed by way of memorial tribute during special orders. To go back and look at that tape and see the panning of the House, which would imply that few or almost no Members cared, when indeed endless numbers of Members participated in those memorial services, with panning it would indicate otherwise. It not only affects the credibility of our House, indeed it greatly affects the credibility of the words that were given that day on their behalf.

Mr. Chairman, I might mention the words of one of my colleagues speaking on the floor in behalf of Sala Burton. The gentleman is standing on the floor at this moment. The gentleman from New York [Mr. WEISS], speaking to the House, indicated: "I think that the entire event from the beginning of moving from the Capitol steps out to Andrews, and then three planes full of people, Members of the House and others, former Members included, and staff people, and the memorial service itself, were a tremendous tribute in recognition of what Sala meant to all of us."

And panning at that moment, there were but few Members on the floor, and in the panning it undermined the trust of the comment of the gentleman from New York [Mr. WEISS] that her services to the House meant so much to all of us.

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. LEWIS of California. I am happy to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank my friend for yielding to me, and I must tell him that I appreciate the fact that he is offering this amendment because he thinks that it is a serious problem that he is addressing and one that he wants to remedy.

But I would suggest that using the names of two of our most respected and beloved deceased Members to try to score legislative points hardly seems appropriate.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(On request of Mr. WEISS, and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman continue to yield to me?

Mr. LEWIS of California. I am happy to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I do not think it is appropriate, I think that the record of the respect in which our dear departed colleagues, Burton and McKinney, were held was reflected not just by the statement by me which the gentleman quoted but by the participation of so many Members, both there on the floor and in the funeral service themselves, with the long trip, the bus ride and the airplane trip that we took.

I would like to suggest to the gentleman that if he really wants to address the question on the merits, he ought to address it on the merits. My recollection is that the reason that this process or procedure of panning was adopted was because there were Members standing on the floor in the well alone, knowing that there was nobody else in the House, who made outrageous statements and charges and then challenged anybody in the hall to refute them, and when there was nobody to refute them because there was nobody in the House, they said, "See? Nobody wants to refute my statement."

Mr. LEWIS of California. Mr. Chairman, I will reclaim my time.

Mr. Chairman, I think the point that should be made here is that panning the House has been, on the one hand, an attempt to undermine the exercise of free speech on those Members who may feel frustrated by the fact that they do not have the sort of platform or voice they would like in the House. That is in part what special orders are about.

But special orders are more than that. We do important work during special orders. Ofttimes we have made bipartisan efforts to raise public attention to questions like human rights in Cuba and like the question of change that is taking place presently in Korea. We have had panning going on that undermines the credibility of those decisions.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 1 additional minute.)

Mr. LEWIS of California. Mr. Chairman, to have panning going on that would undermine the credibility of that special order work was only highlighted for me when I watched the process during those memorial services. These two individuals who served the country so well were friends of mine. To see them being memorialized on the floor, with the panning that was going on, undermined the credibility of that process, and it only makes the point that we ought to revisit our rules and change them so we can assure ourselves of the best possible credibility of the House as we do our work.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have a number of very important issues to touch on tonight before we conclude this bill, so I hope that this amendment and the other amendments can be wrapped up as expeditiously as possible.

I think the most important issue we are dealing with here is the essential responsibility of monitoring the rules of the House as they relate to television under the auspices of the Speaker. When that very momentous decision was made to bring television into the Chamber, it was decided that the Speaker would have responsibility for regulatory control.

The gentleman from California makes the point about what may have appeared to be an insensitivity on our part in regard to memorializing our departed colleagues. I think in his new leadership role the gentleman is in a good position to bring up this issue in a bipartisan leadership meeting. Then it can be decided, perhaps based on the outcome of those discussions, what further modifications would be required. I know that our Speaker is sensitive to the mood of the House and may well decide that some modest adjustment in policy, particularly for eulogies, might be in order. But I do not believe the Members of this body at this point are prepared to override the rules of the House by legislating on this matter in the appropriation bill.

Mr. Chairman, I would hope that we would not need to debate this much longer. I think the gentleman has made a good point. I hope that we do not go to a rollcall vote.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just want to say to the gentleman from California that I think he makes a good point because this amendment, as I understand it, goes way beyond what he is saying it does. It goes way beyond expanding it to tributes; it is going to all special orders.

I think one of the things that the rule the Speaker put in has done that is very important is that it saved this House a lot of money. I think the special orders have been tighter, they have been more bipartisan, and we have not seen the accusations being made against Members. That is really what we wanted to do. It is very costly if we run the cameras all night long and let everybody pretend like they have a forum. If they know they are going to be panned, then people put more time and purpose in them, and they certainly can go forward with them.

I think the gentleman from California makes a good point. If the gentleman would like to bring this to the leadership and say, "Let's do this on tributes," I think most of us would be in agreement. But I think changing it radically and hiding it behind tributes is a real way to open the Treasury. I think there has been a great difference in the cost of running these cameras before and after the Speaker's very fiscally conservative move.

So I thank the gentleman from California for pointing that out. I think we really ought to be very clear about what this amendment does. It is much broader based than that, and I think it allows Members to do all sorts of campaign and partisan rhetoric without notifying others, and that can be very unfair.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend, the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague's yielding.

I would like to follow up by way of making a point. Indeed the gentlewoman suggests that because panning is going on Members prepare better for special orders. That argues for having panning during the regular session, for often we have important bills on the floor, for instance a bill that has to do with military construction, spending hundreds of millions of dollars, and there will be five Members on the floor.

Would the gentlewoman not suggest that her argument includes that?

Mrs. SCHROEDER. Mr. Chairman, if the gentleman wants to bring that up, that is fine, too, but that is not the gentleman's amendment. He is not talking about panning the whole time. He keeps hiding this amendment under other papers.

Mr. LEWIS of California. Mr. Chairman, has the gentleman yielded to me, or is it my time?

Mr. FAZIO. Mr. Chairman, it is my time, and I am happy to yield to both the gentleman from California and the gentlewoman from Colorado.

Mr. LEWIS of California. Mr. Chairman, let me point out that is my amendment. My amendment would do that. It would suggest that these moneys would not be expended unless there was panning during the general session. It would do that.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield further, I think we ought to look at the whole thing. I think we ought to look at the cost savings. I think it is very important to tell the taxpayers that there is a great difference between when we are in session and when we are doing special orders, and I think if we decide to pan during in session, that may be possible. We may decide not even to film during special orders. Maybe we should not do that but should only do it when we are on the record. I think these are very critical things, and in a way the gentleman is misportraying it when he is trying to play on the sympathies of Members about two Members that are deceased and that we felt very strongly about.

So I would say to the gentleman that his amendment does not deal with what he said it does.

Mr. LEWIS of California. Mr. Chairman, I must say that I am startled by this feeling.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, one of the points about special orders is that Members on both sides of the aisle are not always represented. I recall a time when my friend, the gentlewoman from Colorado, and I were mistaken and there was a certain degree of red baiting going on. Of course, we were not here to defend ourselves, nor were there about a hundred other Members who had their personal veracity attacked. So I think that is one reason why special orders to the public ought to be termed as exactly what they are.

Mrs. SCHROEDER. Absolutely.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. HYDE. Mr. Chairman, it is presumptuous to tell this body what it ought to do as a body. Nevertheless, it seems to me in this instance it is clear that at least we ought to not demean each other. The panning of the room during special orders demeans this body. It demeans the Member in the well who is saying something that at least to him or to her is important, and to quantify and qualify special orders in this body as outrageous or as red baiting or as political is not the point.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I will yield in due course.

It is free speech, and that is what this building is all about, brick by brick—free speech. For us to insult each other on a bipartisan basis is stupid. It is foolish. We are criticized by enough people for enough good reasons that we ought not to do that to ourselves.

Special orders are free speech by elected Members of this body, reaching the public out there, conveying a message. Now, if the message is improper, all a Member has to do is avail himself of the same opportunity. But to pan this Chamber and to show that Members are not here, which is what was done in political pique, demeans the process, it puts down the Member, and it ought not to be done.

The other body—and you should pardon the expression—does not do it, but, of course, we do it. It is small, it is pejorative, and it demeans free speech. I suggest that we ought not do that to ourselves. It is that simple.

To restrict normal process to tributes is hypocritical. If the gentlewoman wants to talk about some subject that is dear to her heart, she is entitled to do it, and as Voltaire said, to the death we will defend her right to do it. But she should not be demeaned and put down by panning the room to show that people are not here. They may well be listening on their office television sets. It creates a distorted view, and we are doing it to ourselves. Let the rest of the world do it to us. We should not do it to ourselves.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Colorado, who thinks free speech is too expensive, if I understand what she says.

Mrs. SCHROEDER. No; the gentleman from Illinois is misconstruing the gentlewoman's views. The gentlewoman is not saying that free speech is too expensive, and I think the gentleman knows my credentials on free speech are very strong.

Mr. HYDE. Mr. Chairman, if the gentlewoman will forgive me, why then did she say that the cost of special orders is prohibitive and we should tighten them up?

□ 1805

Mrs. SCHROEDER. Mr. Chairman, if the gentleman who pretends to be a fiscal conservative other places, it is interesting how you shift.

Mr. HYDE. I am a spendthrift when it comes to free speech, I admit that.

Mrs. SCHROEDER. There are two things going on here: No. 1, the regular order of business; and No. 2, there are special orders. Those are two very different things in this House.

Mr. HYDE. It is part of this process, a hallowed, special, sacred part of this process.

Mrs. SCHROEDER. The gentleman is talking about demeaning other Members, and what the gentlewoman from Ohio was talking about, and what I was talking about, and the gentleman from New York was talking about, Members were using those special orders, not notifying other Members that they were going to take that Member's name in vain and stand up here making allegations and saying answer, answer.

Mr. HYDE. Mr. Chairman, reclaiming my time, that is an abuse of freedom of speech, and it ought to be censured by the Committee on Standards of Official Conduct.

I would suggest that the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Ohio [Ms. OAKAR] bring those charges, because no Member should have their motives assailed. That is in the House rules.

Do not shut out free speech, because of being offended by excesses that another Member said.

Mrs. SCHROEDER. We are not shutting off free speech, not stopping special orders.

Mr. HYDE. Just demeaning it by showing no resistance.

Mrs. SCHROEDER. We are saying it is important to show that it is not the regular business of the House, so the people at home understand the difference between the regular business and the irregular business.

Mr. HYDE. I suggest that the trailer says that "special orders are now going on."

Everyone that can read sees that. Even deaf people can see that, special orders.

I suggest we lower this body by that petty, political gesture; and we all know, as well as I know, that is what it is.

I suggest we ought to elevate free speech to the dignity that it ought to have in this body.

Mr. GRANDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was not going to speak on this amendment, and I do not intend to take the full 5 minutes, because I am sure that both members on the Legislative Subcommittee know far more than I do about this.

I do know something about television, and its seems to me we have a technological solution here for what is becoming a political debate.

I would ask both my colleagues on the Appropriations Committee, if we are talking about panning, whether it is during special orders or during legislative business, and the concern is that people who are watching this program are feeling that Members in this body are derelict in their duties, because they are not sitting in their seats. Is it not possible to attach to that trailer a disclaimer that says as much, that the body of the House is being panned, and no Member is sitting there, and that disclaimer says something to the effect, the House is now in special orders, and legislative business is concluded?

Can we not also say in that disclaimer that Members keep in touch with activity on the floor by watching the monitors in their offices, so that at least America knows that we are paying attention?

Is that so difficult to do? Is that so terribly expensive?

Assuming that, the gentleman from Illinois brought this up, a lot of deaf people and people who watch this program can read, would that not go at least a partial way to alleviating the concerns that we are at least responsible for?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. Mr. Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the gentleman's point. It is a very sensitive issue.

Many of the Members are employed in far more valuable activities rather than sitting here watching other Members express that Member's first amendment rights during the time set aside for special orders after the conclusion of legislative business. That is the kind of suggestion that may well be considered by the Speaker.

The level of interest in this issue tonight ought to bring about some bipartisan leadership discussions along these lines. I do not know that has taken place.

I would hope after this debate this evening, it may well take place.

Mr. GRANDY. Mr. Chairman, is it importune to request at this time some kind of a commitment to discuss this?

Mr. FAZIO. Mr. Chairman, if the gentleman would yield further, I am

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not in a position to speak for my Speaker, my leadership.

I do think that the Speaker and the leadership are listening to some points that have been made today, certainly as it relates to eulogies; and I would appreciate that the Speaker and the leadership would be responsive to this legitimate concern when brought to their attention with bipartisan support.

Mr. GRANDY. I hope they are in their office watching, but I would like to get the comments of the gentleman from California on our side who originally proposed this amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. Mr. Chairman, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

I would hope that we could get a commitment from the leadership from the other side of the aisle regarding the suggestion of the gentleman for which I am grateful.

The gentleman is raising the fundamental point of this amendment.

The amendment would provide discretion for the Speaker to pan during the entire session, regular session, as well as not being a right to free speech during special orders.

We know what the numbers are around here. We are attempting to suggest to the House, specifically the leadership, it is time to revisit what we have done with these rules and come to some reasonable accommodation.

It is not my point to attempt to win one vote over another at this very sensitive time in this bill. Nonetheless, the point needs to be made.

Mr. COUGHLIN. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment.

I rise in support of the amendment out of respect for this institution, and we all have a great deal of respect for this institution.

I have been serving going on 20 years, and many of the Members have been serving longer than I have; but I hope at least the debate will have the effect of perhaps examining the fact that by panning the House Chamber when it is empty, we do demean the institution and demean the Members.

Out of respect for the institution, we know where the numbers are on this side, but I would hope there would be some review of the proposals that have been made and the panning of the House so that perhaps we can bring greater respect and not less to the institution.

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. COUGHLIN. I am happy to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I think we all agree that it would have been preferable had the occasion not arisen which warranted the panning provision; but the gentleman will recall that in fact it was done because Members were being demeaned by people who were standing in the well launching political and personal attacks on other Members and then saying that nobody in this Chamber would dare to contradict what they were saying when there was no one else present in the House. That is what was being done. It was not an effort to stifle free speech, but to protect the Members from that kind of foolish conduct that the panning procedure was adopted.

Mr. COUGHLIN. Well, Mr. Chairman, let me reclaim my time if I might.

Mr. WEISS. Of course.

Mr. COUGHLIN. I think there is no desire by any Member to use this to impugn other Members or in any way to challenge other Members, but I think that the right of free speech is important and I think that this House is an important institution.

I hope out of respect for the institution we will try to do something about that.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that we all would have preferred that the panning provision never had to be adopted, but I hope that when the leadership considers this issue, they will provide sufficient safeguards so that we do not have a return to that situation when Members who were not present were being gratuitously attacked and their characters were being assassinated. That is what called forth the panning to begin with.

It seems to me that people on the other side of the aisle ought not to be suggesting that the Democrats took away their right of free speech. What happened is that the leadership protected the rights of Members on all sides from being attacked unfairly when they were not present to defend themselves.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I think one of the other interesting things is that they are trying to page or play these arguments as being against free speech.

I am also perplexed because they are saying that free speech means you only focus on the speaker. In a way, free speech would show the whole Chamber and what is going on. I mean, that is the freest of the free and that shows what is really happening in the government process.

So I think we are switching arguments back and forth here. Nobody is talking of stopping anyone's speech. The question is whether you have the viewers at home understand who is here and who is not here and what process it is, whether it is regular business or whether it is special orders. That is what it is all about.

I think you could make a good argument that that is more free speech than anything else.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to my friend, the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding on that point.

The point is, this amendment will allow for panning if it is done during the regular session as well as during special orders. If you believe in that sort of free speech, let us have it be available for the entire session.

I am frankly disconcerted by the way the gentlewoman selectively supports free speech.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield.

Mr. WEISS. I am pleased to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. No, no. It is that we have several different issues tabled. We have one of pan all the time. We have one of pan none of the time. We have one of pan some of the time. We have another one of pan only when you do not have tributes going on.

Mr. LEWIS of California. The gentlewoman is suggesting that I have opened a Pandora's box here.

The CHAIRMAN. The gentleman from New York has the time.

Mr. WEISS. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. The gentleman is correct. The gentleman is exactly right. I am saying, look, we have opened a Pandora's box. I think it makes an incredible amount of sense to have a bipartisan group sit down and discuss this, rather than here we are debating it with a lot of people having looked at it for the first time.

I think everyone in this body is concerned about free speech. We have been very concerned about the TV. We want to be as open as we can. We believe government is not a fungus. It can thrive in the sunshine. We are all there.

The question is how do you best portray it? That is really the issue.

So why not have a group look at it and bring it to us?

I think the gentleman from California [Mr. FAZIO] is absolutely correct in doing that, because I think tonight to select one amendment over another, over this or over that, is a little bit premature. We have not had that full debate and at this point, as I last

counted, there have been seven different proposals that have come forward.

So I think we really ought to discuss that all and look at all seven of them.

I compliment the gentleman from California for bringing it up. I think it is a good issue and we should bring it up, but I am not sure it should come to a solution tonight.

I think we really need to air all the different views from all different sides that we are hearing as to how we best portray this House and how people can best understand what is really going on here, which is really difficult.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to say that I am not going to take the 5 minutes, because the debate has raised a number of issues.

One of the things that bothers me is that we are reconstructing history. There is the suggestion that the Speaker did this in order to protect Members because Members were being challenged on the floor as if they were here when they were not here to defend themselves.

In fact, it is a myth that has been created. There is not one example that that did occur.

With respect to the words that were stated at that time, they were quotes of Members from the RECORD.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. Not at this time. The gentlewoman had her opportunity to speak.

Mrs. SCHROEDER. Well, the gentleman has said that what we are saying is not true.

The CHAIRMAN. The gentleman from California has the time.

Mr. LUNGREN. Well, Mr. Chairman, it happened to be a controversial time dealing with an effort by some Members of the Congress to present statements that had been made by Members of the other side of the aisle, articulating their overall foreign policy. They were quoting words that other Members had stated at previous times. I understand that was controversial. It was upsetting, but that was the context. It was not an effort in which Members looked to the other side as if they were here.

Also during that period of time Members had sent letters to those Members who would be quoted notifying them ahead of time; but that is beside the point.

The point here is, what are we going to do? I, for the life of me, believe that televising this place is one of the best things we ever did. Perhaps that is because I come from a State that is very far from here and very few of my constituents, particularly young people, have the opportunity to come and see this place. They have to fly or drive across the country, go to the Member's office, pick up a card and then stand in the galleries or sit in the galleries. Television allows them to do that.

We do not say when you sit in the galleries that you cannot look at whether anybody is here, that you can only look at who is speaking.

My point is that if you are going to pan in an effort to show people what happens here, pan during the whole time, show what happens here, and then let us explain to our constituents that many Members happen to be meeting constituents, in their offices watching this debate, in committees and so forth. That is the right thing to do. That is what this amendment says. It says that whatever the procedures are during the regular order of the House will be the same procedures during the special orders. That is all it says; so that if you think it is important for people to see when you are speaking on the floor that nobody is here during special orders, you also ought to think it important when you are speaking on the floor during regular order and nobody is here.

□ 1820

We had eight suspension calendar bills this morning. Virtually nobody was here. If you were watching on television you would not know that, because we only allow television to show the person speaking, the person in the chair, the people at the leadership tables. That is only showing part of the story.

My constituents by and large cannot be here. The folks in the galleries can see that nobody is here. Why cannot people who cannot afford to take the time to fly here see that same thing? All that we are saying is, "Don't make special rules for special orders; make the same rule apply so that no matter who is in the gallery, they're going to see the same thing they'd see if they were home watching on television."

It is honesty. It is showing people what is happening in this House.

Why do we fear that? It took us long enough to come to the television era. Why should we fear to show people that maybe only few Members are here? That is a fact.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, I totally agree with the gentleman. I am delighted that the television era is here. I have no problem with showing the whole process. Where I have problems with the gentleman is that he really misconstrued how we got here.

Mr. LUNGREN. No, I did not.

Mrs. SCHROEDER. He said that a lot of people were notified. They were not. I do not know about the gentlemen, but the Congresswomen all got mixed up, and there were Members down here accusing Congresswomen who had sons that were trying to protect them from the draft that were not even married, there were people down here who were doing all sorts of allegations.

Mr. LUNGREN. If the gentlewoman is saying that this House is fallible, I will stipulate to that. I have yet to find an infallible Member of Congress, including myself or the gentlewoman in the well. Members do make mistakes. But to suggest that Members were standing down there and pointing to somebody and saying, "Why aren't you answering?" is just a fiction. It is a fiction that has been created, and now it is returning here. It is not the case.

Mrs. SCHROEDER. The gentleman is absolutely wrong. It is the case, and I think the gentleman is trying to misconstrue. It did happen, and we have documentation.

Mr. LUNGREN. If the gentlewoman wants to go back and review the tapes, as some have, she will see that that is not true. Some people thought that that was happening; it did not happen.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I might suggest that the gentleman is making a very important point. I would like to follow that by saying that the panning policy when first instituted in the House was not discussed by the bipartisan group which has been instituted to review an established policy regarding television in the House. It seems to me that if the leadership was willing to consider going back to the table and revisiting the purpose of this policy and what we are doing to the institution—I am personally convinced that the Speaker wants to help establish the credibility of this House as much as any Member. We ought to revisit this policy. Indeed, if I could get a commitment to do that, I would seriously consider not taking this matter to a recorded vote.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 1 additional minute.)

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I would be very happy to assure my friend, a member of the leadership, that this question can be discussed at the next bipartisan leadership meeting if that is his intent.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I wonder if I could get a commitment from the leadership that they would take this and call for an early meeting of the leadership on both sides of the aisle to revisit the policy with a purpose of helping using television to establish the credibility of the entire body, not just a selected time portion of the body.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I have had discussions with several members of our leadership who seem to be at this very moment inclined to try to establish an opportunity to discuss this. I certainly would be happy to shake my head affirmatively as I see others shake their head affirmatively, if the gentleman would accept that commitment so that we can get on to other matters.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I have no interest in prolonging this debate. However, I do happen to be the only Member on this side of the aisle who belongs to the Speaker's television committee.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I will say that it has been one of my more pleasant duties in this body when I was appointed to the Speaker's television committee three sessions ago, because it has never met. The television rules were changed unilaterally by the Democrat leadership without consultation of the bipartisan committee for purposes of attempting to even the score politically. I was told that.

When I said, "Why didn't we meet to talk about it," they said, "There was no need to meet. We had decided on what we were going to do anyway."

Now I tell the gentlewoman from Colorado that we do not need to assign it to a group, we simply have to allow the structure that is already in place to function. The problem is that our opponents do it when it is to their political advantage, and they bypass it when it is not. So let us not elevate this to a free-speech discussion, because it is not. It is an ability to use a tool. Our side found out how to use the tool; they decided to take that advantage away.

Now let us talk about being honest and deal in the House, in the Committee of the Whole House on the State of the Union, and in special orders, with exactly the same camera techniques. That is the amendment from the gentleman from California.

I simply think that we ought to vote it up or down. We do not need any more meetings or nonmeetings to decide the policy. I think that this House either ought to grow up or face the fact that we are going to continue to play politics even with the television.

Mr. LUNGREN. Mr. Chairman, on my remaining time I might just say that this is the truth-in-packaging amendment. We either wrap the whole thing in the same cloth, or we just wrap part of it, as we do now. If special orders are recognized, if they are included in the RECORD, as they have been for years and years and years, why treat them differently. If people in my home area cannot get here, why when they watch television should they not get the impression that the House does a lot of its work without people on the floor, but when someone has a special order, they pan and show that nobody is here, and therefore that person is not to be seriously considered. That is what it really is all about.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the last previous 6 years I had the job of supervising the Democrats' special order period. During that wonderful time of the day when most of us would be out away from the Capitol having dinner or attending receptions, I was here on the floor, sometimes to late in the wee hours of the evening. I probably spent more time on this floor on our side of the aisle than anyone, with the possible exception of the gentleman from Texas [Mr. GONZALEZ]. I was grateful that he was here to assume some of my responsibilities for me so I could go out and have dinner on some evenings.

For those Members who are new here, I would observe that the reason that the rule was changed by our former Speaker, the gentleman from Massachusetts, Mr. O'Neill, was because the procedure for special orders was abused by Members from the other side of the aisle. That is my opinion; I do not expect the gentleman to agree with me.

There were two Members particularly that come to mind that were using the occasion of special orders to attack Members on my side of the aisle at times when they were not present to defend themselves. Sometimes they even made scurrilous references to Democratic Members. It amounted to what I would characterize as character assassination.

While we all come here with the obligation to speak our minds and to represent our various points of view, and that is our job, it is not our prerogative to attack the character or the political motives or the sincerity of any other Member. That practice was being done on the other side of the aisle, and that is the reason that the rule was changed by the former Speaker. The order to permit television panning of the House shows the people of this great Nation who were watching the debate who is present on the floor and paying attention to the charges that were being leveled by Members on the other side of the aisle. The TV panning tends to restrain the abuse and should be continued.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it may shock my colleagues on this side of the aisle, but I also believe that worst case makes bad law. That is what this situation results from, worst case. My colleague from Arkansas pointed out the worst case. I am one of those Members whose credibility and integrity were impugned on the floor of this Congress, was challenged by a Member of this body, a person whom I would love to debate anywhere, anytime, under any circumstances, because I would blow that person away.

I am not playing to the audience. I just want to make my point.

But that person challenged when no one was on the floor. That person challenged when this gentleman was not on the floor. So it was indeed worst case.

Worst case makes bad law. This gentleman was not the only person whose integrity and credibility in this body were challenged.

□ 1830

I believe that the person that challenged is not strong enough to challenge on the floor in front of 433 other Members and America, but was able to do it when no one was on the floor. And that is worst case.

So worst case makes bad law. The Speaker decided: Pan the group.

I agree with the gentleman, I think that that is demeaning. I think it does reduce us to a petty body.

But let us go back to the original point. There was a demeaning, petty set of circumstances that gave rise to another demeaning petty set of circumstances. So I agree with the gentlemen on this side of the aisle, that panning should go out the window. But I am not sure this amendment is the way to deal with it, because it is not just panning. What it is also is

how you use, how you use this body after the close of business.

I think when the gentleman from Illinois [Mr. HYDE] said that if a person moves forward and impugns the integrity that they ought to be called before the Ethics Committee and several Members on this side applauded, I did as well, I think that is a good suggestion.

So I think what the gentleman has raised with this amendment is an issue that does need to be dealt with, but I do not think it goes away by voting for or against the gentleman's amendment.

What I would suggest to my distinguished colleague from California is let us make a commitment here that leadership on both sides of this aisle come together to look at how special orders are treated and the question of panning can be dealt with in its totality in the universal nature of the issues that are realities at this moment. It is not just the panning.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, my colleague helps me do something that I desperately would like to accomplish, and that is this amendment was not designed to polarize in a partisan sense the House, but rather to revisit where we have been and maybe get to the heart of the impact of what we have done.

The gentleman makes the point that indeed the worst of law can be made by the worst case, and we are talking here about the fundamentals of free speech, the ability of people to go to a park or indeed if they are elected to come to the floor to express their view as their position as the House allows them to so express that view. To want to undermine or ridicule that expression should not be our purpose, and the gentleman has said that very well.

Mr. DELLUMS. Exactly.

Mr. LEWIS of California. Mr. Chairman, I would hope that we could revisit this issue by way of the Speaker calling many of the leadership together from both sides and see if we cannot change where we have been. But it was important that we make this point today, and the gentleman has helped us to make it.

Mr. DELLUMS. If I may reclaim my time, I appreciate the gentleman's remarks. I certainly as one Member of this body am not part of the leadership of this body but I am a significant Member in this body on this side of the aisle, and I would join the subcommittee chairman, with his credibility and his integrity on the line, and that of other Members who have said that the leadership will sit down to deal with this, because I do not think it is just a question of panning. I think it is the question of how we use and or abuse this process.

I join this gentleman and any other gentleman in this body to make sure that this institution functions with dignity and functions with respect. I have tried diligently to treat every single Member of this body, even people who are arch adversaries, with dignity and respect. Sometimes they have not come back the same way, and in this instance they did not come back the same way.

Mr. LEWIS of California. Will the gentleman yield just for a moment further?

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additonal minute.)

Mr. DELLUMS. I yield to the gentleman from California in the hopes that we can resolve this matter expeditiously.

Mr. LEWIS of California. I thank my colleague for yielding, and again I want to compliment the gentleman on his point. My real point here is to try to appeal to the Speaker, for I know he is concerned about the integrity of this House and its credibility.

Please, Mr. Chairman, bring us together and make some sense out of this rule. Today I think we will see a bipartisan expression of concern about this issue. We have gone too far in undermining the credibility of the House and of free speech in this House.

I thank my colleague.

Mr. DELLUMS. I thank my colleague very much.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say a couple of things for the record here.

First of all, I say to my good friend from California that we will remember I believe in 1984 that I was one of those who refused to use the gentleman's name and in fact it was a Democrat who used the gentleman's name in a special order. I would not use this name.

Second, anyone who wants to go back and read the colloquy with the past Speaker, Mr. O'Neill, will discover that letters were mailed to every person named during the special orders which made the past Speaker very angry, and in fact it was conceded on the floor during a point of personal privilege which lasted for an hour that it was the House mail room which had lost the letter. But letters were mailed to every single Member named.

Third, someone referred to redbaiting. In fact, the report which was later published as the Gregorski Papers, which were used by Jeane Kirkpatrick as the basis for much of her speech about San Francisco Democrats, the entire report was essentially quoting Member after Member, what they said would happen in foreign policy and what in fact happened. It was the words of the Members themselves. It was not any particular reference except that they were wrong, that what they said would happen did not happen.

Fourth, arguments about courage are silly. The two Members on our side who most frequently use special orders are the two Members on our side who are the most willing to engage in debate during the day. We do not object. We are quite happy if any of our colleagues want to come down and debate during special orders or during the day. That is foolish.

Fifth, panning does not make any difference to those of us who think one of our major jobs is to reach America. We have proven that for 3 years. If you want to pan, fine, we will keep speaking and 300,000 people will keep watching. That does not bother us.

It does seem to me from the standpoint of the House we should either pan all of the time and say, hey, this is a large, complex, extended organism, one room of which is the House Chamber, or we should not pan at all. I can live with either one. I just think it is demeaning the House and it is silly.

Finally, two things that were said that I think every Member should think about. Someone said there is more important business. Is there? The day Patrick Henry gave his great speech in Williamsburg, was the more important business the PAC reception, was the more important business earning the honorarium, was the more important business the committee meeting down the hall? I do not know. But it does seem to me that the genius of the House is that every Member, no matter what faction, no matter what ideology, no matter what region, every Member has the right to be heard, no matter how foolish all of us, including this gentleman from Georgia, can be, all of us have the right to be heard, all of us should be heard.

Finally, someone said after the close of business. Let me say to all of my colleagues, America and the free world are going through extraordinary changes. Words have meaning. Certainly my colleague from Atlantic knows that words changed his life, and the gentleman from California, who so eloquently has led us on occasion to think through things we would not otherwise have thought, knows words have not only changed his life, they have changed the world. I am not sure there is a more important business than the right of every minority faction, whether right or left, whether Republican or Democrat, whether black or white, Asian or Indian, Ameri-

can or anything, to come down here and to speak.

So all I am suggesting to the Speaker in that bipartisan panel is decide what best serves the decorum of the House, the world, the people and the spirit of the Founding Fathers, and do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 213, not voting 54, as follows:

[Roll No. 225]

AYES—166

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spence
Stangeland
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOES—213

Ackerman
Alexander
Anderson
Andrews
Applegate
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bevill
Biaggi
Bilbray
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Daniel
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gibbons
Glickman
Gonzalez
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Patterson
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rangel
Richardson
Robinson
Rodino
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Torres
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yates
Yatron

NOT VOTING—54

Akaka
Annunzio
Anthony
Aspin
Berman
Boner (TN)
Brooks
Brown (CA)
Burton
Clarke
Crockett
Davis (MI)
Dornan (CA)
Dowdy
Flake
Flippo
Florio
Ford (TN)
Frenzel
Gejdenson
Gephardt
Gordon
Grant
Hochbrueckner
Holloway
Hubbard
Kemp
Kennelly
Leland
Livingston
Manton
Miller (CA)
Miller (OH)
Moody
Murtha
Nagle
Obey
Panetta
Pepper
Pursell
Rahall
Ray
Roemer
Rostenkowski
Schulze
Smith (FL)
Smith, Robert (OR)
Tauzin
Thomas (GA)
Torricelli
Towns
Watkins
Waxman
Wolpe

□ 1845

The Clerk announced the following pairs:

On this vote:

Mr. Burton of Indiana for, with Mrs. Kennelly against.

Mr. Holloway for, with Mr. Anthony against.

Mr. Robert F. Smith for, with Mr. Leland against.

Mr. Schulze for, with Mr. Towns against.

Mr. Dornan of California for, with Mr. Akaka against.

Mr. BOEHLERT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 7, after line 2, insert the following new section:

SEC. 103. It is the sense of the House of Representatives that the ongoing pattern of questionable ethical conduct within the House is deplorable, and that a special bipartisan commission should be convened for the purpose of investigating this pattern of corruption, and for the purpose of suggesting reforms.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 1 hour to be equally divided and controlled between the gentleman from Pennsylvania [Mr. WALKER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MARLENEE. Mr. Chairman, reserving the right to object, what time did we start the first vote today?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

I think the bill was taken up at 3:30 p.m. I think we had a vote somewhere around 5, 5:30, if I am correct.

Mr. MARLENEE. As long as we are going to have to be here on the floor of the House and we do not know for how long and this is the way the schedule runs, we might as well make it worthwhile.

Mr. Chairman, I object.

Mr. WALKER. Mr. Chairman, will the gentleman yield under his reservation?

Mr. MARLENEE. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I would hope the gentleman would not do that. We in fact did come to an agreement here. It would be very worthwhile, I think, in terms of moving ahead. We have a number of other amendments. I think we are going to be here plenty late anyhow voting. It seems to me on this amendment it would make a lot of sense to go with an hour's worth of debate and at least give it some time limit. We may not even need the hour.

Mr. MARLENEE. Mr. Chairman, regaining my time, we seem to run this

place in a state of confusion. I am not very constrained to withdraw my objection, but I will.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman's request is that debate be limited to 1 hour on this amendment and all amendments thereto, the time to be controlled, one-half hour by the gentleman from Pennsylvania [Mr. WALKER] and one-half hour by the gentleman from California [Mr. FAZIO].

Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER] for one-half hour.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEWIS of California. I was under the impression and I presume that the limitation on debate was upon this amendment.

The CHAIRMAN. This amendment and all amendments thereto.

Mr. LEWIS of California. All amendments thereto? I thank the Chairman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 30 minutes.

Mr. WALKER. Mr. Chairman, I yield myself 5 minutes.

□ 1900

Mr. Chairman, let us understand from the outset what this amendment is. It is a sense-of-the-House amendment, and so, therefore, it is expressing our opinion. It has no legislative content beyond expressing our opinion.

It says that we are concerned and find deplorable an ongoing pattern of questionable ethical conduct in the House, which I think most Members can relate to.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I will ask the gentleman to please allow me to finish my statement. We do have a limitation of time here, so I want to be a little careful with the time.

It says that that pattern is deplorable, and I would hope that most Members can agree that we should deplore the pattern of unethical behavior.

Finally—and I suppose this is what creates some controversy in some people's minds—what it does is suggest that we should have a special bipartisan commission that would be convened for the purpose of investigating the pattern of corruption that has envoloped the House, and for the purpose of suggesting reforms. I can understand that some people would be concerned about that particular provision.

Once again, I say that this amendment does nothing to set that up. It simply expresses our opinion that that ought to be done.

Now, why? Why go to that kind of a process as we deplore that which has become a problem of ethical conduct in the House? Well, first, let me say that it has absolutely nothing to do with any kind of reference to the Ethics Committee and the work that it does. This is an attempt to say to the Ethics Committee that we understand how difficult their job is, that working in the collegial atmosphere as they do in this body, it is difficult for us to give them an assignment to the prosecutor and defender of the House, and with all the other things that go on. We say, "It is very difficult for you to operate behind closed doors exclusively, as we say you must, and then to also assure the public that the House is acting on ethical questions."

But the fact is that that process has led to some very, very difficult preceptions with regard to the public, that the public, too, is concerned about this body and feels very strongly that ethical misconduct in this institution has in fact lowered its esteem.

I think we should be concerned about that. In the 200th anniversary of our Constitution, I think we should be concerned about the fact that many of the American people regard this House as an ethical morass, and I would hope that what we would do is say that we should determine ways and means of clearing it up.

So what this amendment suggests is that we reach outside to a commission that would be made up of distinguished citizens, six distinguished citizens, and that they would come in and investigate the problem.

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

Mr. WALKER. As I told the other gentleman, if you would allow me to finish my statement, it would be very much appreciated.

Mr. Chairman, this commission would come in and investigate the problem we would be facing. These are not individual cases, I might say. That is the assignment of the Ethics Committee. We are not looking for a body that would investigate individual cases. I am looking for a commission that would look at the pattern of the problem around here and say, OK, here is what has gone wrong, and here is what we should do to correct it." It seems that would be something of value for this House to do at this time.

We in this body have an obligation that goes far beyond our own individual service. We have an obligation to be a body that is looked at with respect by the entire country. The laws that we make will only be respected if we are worthy of respect.

It seems to me that one of the things that we can do to assure the public that we are indeed worthy of respect is to try to correct that which has so apparently gone wrong. That is what we are attempting to do with the amendment. I would hope that the Members could approve this amendment saying that we know we have a problem, we want to do something about that problem, and let us move forward and do something that will be meaningful in terms of addressing the problem for the future.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. WALKER. Mr. Chairman, I yield myself 1 additional minute.

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

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

Mr. PASHAYAN. Mr. Chairman, I thank the gentleman very much for yielding.

I appreciate the gentleman's remarks pointing out that this is the 200th anniversary of our Constitution, and I should think that especially in light of the 200th anniversary, as the gentleman suggests, we should be paying particular attention to the Constitution. I should like to read a portion of the Constitution that says that "each House may punish its Members for disorderly behavior," and so forth. It says that each House shall do that.

Does the gentleman really feel that we should delegate that authority?

Mr. WALKER. No, the gentleman has not evidently listened to what I said.

There is nothing in this amendment that suggests we are going to delegate that. We are going to have a commission that is going to tell us how we can get around to the business of doing that job of punishment. The fact is that we do have a standard around here at the present time which basically says, as the old movie Love Story says, "Love means never having to say I'm sorry," but in the House right now I am afraid that we have a standard that says, "Ethics means only having to say I'm sorry."

I would suggest that it is high time that we have some people come in and tell us how we can in fact do the job of punishing the Members for that which is totally unethical behavior. So this is perfectly in line with the provisions of the Constitution. I am as familiar with that as the gentleman is.

Mr. FAZIO. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, let the record show that the last time the House created an outside commission to advise it, it recommended a $120,000 per annum pay raise for each Member of Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, I yield 5 minutes to my friend, the gentleman from California [Mr. DIXON], a member of the Appropriations Committee and the chairman of the Committee on Standards of Official Conduct.

Mr. DIXON. Mr. Chairman, I recognize the spirit in which this amendment is brought to the floor, particularly as it relates to the gentleman from Pennsylvania and the gentleman from Georgia, saying that it is not directed at the Ethics Committee or the Committee on Standards of Official Conduct.

Let me take just a moment to thank those Members who serve on that committee. I would point out to the body that it is the only bipartisan committee in the House by the fact that there are six Republicans and six Democrats on that committee.

I would further point out that I have served on the committee for some 5 years and have acted for some 3 years as the chairman of that committee. In some sense, it is a thankless job, and in some sense it is certainly a very worthwhile job when you feel you are not only protecting this institution, which is very important, but protecting the rights of Members.

I would point out further that in the 5 years that I have served on that committee all of the committee reports adopted have been by a unanimous vote. That means that the six Democrats and the six Republicans have voted for the report. There is one exception to that. One member of the committee felt at one time that he was just too close to a Member of the House, so that he could not vote for the report. We have seen grown men cry on that committee and struggle intellectually to try to do the right thing for the Member and, most importantly, the institution.

Now, the House Rules and the Ethics in Government Act were passed in 1978, and it could not foresee every factual situation that could occur in perpetuity in this House. For the last 2 years we have been dealing with some very difficult areas of financial disclosure and when there has in fact been the violation of a rule.

The gentleman from Georgia stood in this well some 25 or 35 minutes ago and waved a 1,400-page document, a thorough analysis of one alleged misconduct. We examined that document, and if you have the time to read it, you will find that there were extenuating and mitigating circumstances.

Most importantly, what the pursuers of this amendment are disagreeing with, when you listen to them carefully, is not that there has been any coverup on the committee, not that there has not been full disclosure, but they have disagreed with the bottom-line decision that was made and the action either taken by the committee or the lack of action taken by the committee. Now, that is their right to do so. It is certainly their right as nonmembers of the committee or as one who has not digested all of the facts to disagree with the bottom line.

But no one is saying that the committee has not done its jobs, that it has not done an investigation or it has in some way caused a coverup or it has not made a full disclosure, but, rather, they are doing what the gentleman from Georgia did here some half hour ago when he took a 1,400-page document and tried to summarize it on one piece of paper in a minute and a half.

This committee labors long hours to try to come to the appropriate finding based on the facts. I have listened to the critics of the committee, and they are talking about Members of this Congress. Generally they fall into three general groups: one is a group of a few that have been named as subjects of some criminal investigation, and certainly those Members are entitled to their day in court and an adjudication of their case in court before this committee acts.

The second is some general gossip that has been raised to the point of publication in some magazine, and in most of those cases the committee has reviewed it and decided that they were not worthy of investigation.

The CHAIRMAN. The time of the gentleman from California [Mr. DIXON] has expired.

Mr. FAZIO. Mr. Chairman, I yield 3 additional minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, where we have the largest disagreement is where the committee has published a report or taken some action and these Members disagree.

Mr. Chairman, let me address myself to the amendment itself. It says that it is the sense of this House that the ongoing pattern of questionable ethical conduct within the House is deplorable.

There is no ongoing pattern of questionable ethical conduct. Yes, there have been a few Members who have been questioned about their financial disclosure or some potential violation of a House rule, but that does not make a pattern. There are 435 people here, so there is no proof or no showing that there is a pattern.

Second, it says that there should be a bipartisan commission for the purpose of investigating this pattern of corruption. There has been no showing of any corruption. We have clearly pointed out to this body where there has been a violation of a House rule, but that is not to say that the Member is corrupt.

And so I say to the Members, Mr. Chairman, that there has been no showing of any pattern here of unethical conduct.

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Certainly there has been no showing of a pattern of corruption, and this House has the capability, the leadership and the capacity to draw on any resources we want.

If we want to modify our rules as they relate to the Committee on Standards of Official Conduct, so be it, but do not vote for something like this that sounds like motherhood.

You displace yourself if you think that there has been a pattern of unethical conduct. You displace yourself when you think that this House is corrupt; it it not.

I hope we have the courage to vote it down.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

I disagree with the gentleman from California [Mr. DIXON], the chairman of the Committee on Standards of Official Conduct. I was not going to use this, but let me read a few things.

We have had understatement of income on financial disclosure statements, use of campaign funds for personal use, charges of bribery, improper use of the congressional payroll, improper use of the voting card, hiring ghost employees, to give the Members the short list.

That is in fact a pattern this House wants to address.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding.

I do not know the cases that the gentleman is referring to. I saw some material that the gentleman released today at a press conference, but I do not know when those occurred and over what period they occurred.

I do know currently, and for the last 5 years, and I can state that there is no pattern.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his opinion, but the gentleman's opinion is totally different from my opinion, and the opinion of many of the American people.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have sympathy for the problems of the committee; but when recently I asked the committee, based on some rumors, was it true that at the time that the gentleman from Virginia [Mr. DANIEL] was reprimand-

ed, there were 23 other Members involved in the same behavior, none of whom I will cite. The committee said, "We will not discuss that."

In answer to a letter of mine, the committee would answer no questions and had no comment.

The gentleman from Oregon, a former Member, was quoted as saying, the committee had cleared him because the committee had taken no action. The New York Times said the committee cleared the gentleman from Rhode Island and used the term "exonerated."

The gentleman said that the gentleman disagreed with the ongoing pattern of unethical conduct, and that there has been no showing of a pattern of corruption.

My understanding of the House rules is, because of the rules of comity, we cannot in fact on the House floor prove any pattern of corruption, because it is not discussed on the House floor.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. Mr. Chairman, I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

We go by the rules of evidence. I am not a lawyer, but it would seem to me, in order to protect the rights of each individual Member, the committee is not in a position to make evidence or the lack thereof available to any Member of the body that should ask for it until it has concluded and made public its findings.

That is why this is a sensitive position. Only certain Members sit on this committee, and there is a great deal of mutual trust; and it is bipartisan in nature. It is only proper that the committee not willy-nilly provide information to any Member who asks for it.

We probably have tighter procedures now than ever before in our history, not just to protect the rights of individual Members, but those procedures are also designed to protect the entire legislative branch of government and the public in general.

Mr. GINGRICH. I might just say that we are suggesting when there are 10 Members currently being mentioned in the national media for specific allegations, allegations, that to suggest that 6 outside eminent Americans review the process is not too strong a reaction.

That is all we are asking for, not giving them any power except review and recommendation.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this resolution. I think in listening to the comments of the gentleman from California [Mr. DIXON] the chairman of the Committee on Standards of Official Conduct, I think perhaps there may be some information misconstrued here.

I do not know why any Member of this House would object to having some very competent, qualified individuals take a look from the outside in terms of how we govern ourselves in terms of ethical conduct. I do not think anybody should be afraid of that.

If we are afraid of that, the House of Representatives might be in more trouble than it appears.

I have a couple of statistics about what the perception of the American people is about how we are conducting ourselves here in these types of incidents.

This is from the ABC-Washington Post poll.

As recently as 1985, 73 percent of all people polled agreed that to win elections, most candidates for Congress make promises they have no intention of keeping.

Seventy-one percent believe that Congressmen would lie if they felt the truth would hurt them politically.

Seventy percent felt that Members of Congress cared more about special interests than they cared about their constituents. Sixty-four percent felt that most Members of Congress care more about keeping power than they do about the best interests of America.

Frankly, in addition, only 20 percent of the American public rate Congressmen as being ethical. That concerns me.

I gave up a career in business to come here. No Member is maintaining that everybody is perfect.

I think if we are afraid to take a look at the way we deal with this issue in this Congress, we are making a very, very serious mistake.

James Madison in The Federalist Papers foresaw this, He was very clear about it. He said:

> The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess the most wisdom to discern and the most virtue to pursue the common good of society, and in the next place to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.

So Madison in The Federalist Papers addressed this issue. I think so say that the Ethics Committee of the House of Representatives, comprised of 12 members, bipartisan—nobody is accusing anybody of anything else on this issue, it is not a personal attack against the members of the committee. What we are saying is why not look into the procedures in terms of how we deal with ethics in this body.

The point is, if we were doing that good a job in here, this perception would not be the case. Why does that perception prevail? Yet, 98 percent of us win reelection. It seems inconsistent.

Well, the problem with that is that Members do a pretty good job through other things we will be discussing later on in this bill, like the Frank and others, to keep their constituents pretty well informed about how good a job they are doing.

But the point is ethics, in my opinion, is like being pregnant. You either are or you are not. You are not a little bit pregnant. You are not a little bit ethical. That is really the essence of this point.

I object and frankly I am very disgusted when I see this kind of polling data coming out from the American people on Members of this body. It is not to say it is everybody. Of course, it is not everybody. Let us hope not.

We are not even saying it is the individuals who some have alluded to in this debate. What we are saying is that we have a system that because of its nature, we are doing it basically in secret. The Contra hearings are out in the open. We are going to hear from Ollie North next week. We have heard from dozens of witnesses. It is all over America, everything about that scandal, all about Watergate was all over the front pages of the newspapers. But what happens when we get in here? We get a report that is done in private and what is written is what we want to have written and what is seen is what we want to have seen and nobody else does anything, not even the Members of the body.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. Yes, I am glad to yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, the gentleman is suggesting the appointment of a commission to reform or to make recommendations as to the procedures of this House. But how is changing the procedures under which we operate going to change the characters of the Members who are elected by the public?

Mr. SMITH of New Hampshire. Well, if I could reclaim my time, I would answer the gentleman by saying that I think the individuals who are not Members of Congress, who are respected individuals, both political parties, would come on this commission and look in at the way we are doing business. They are not going to go in and look at the chairman's decision on any particular individual. That is not the point of this case.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. FAZIO. Mr. Chairman, I yield 2 additional minutes to the gentleman, if the gentleman will yield.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. I am glad to yield to the chairman, the gentleman from California.

Mr. DIXON. Mr. Chairman, the gentleman makes the point perfectly. It is not the procedure that the proponents of this resolution are talking about. They are disagreeing with the finding that we made. No one has raised anything about there is something wrong with our procedure. We have not heard anyone discuss that.

What they are really discussing is a disagreement with the 12 Members, 6 Republicans and 6 Democrats, as to the bottom line that we came out with. That is their right; but it certainly is not appropriate for this body to say that there is an ongoing pattern of questionable ethical conduct and corruption. It is their right to say that.

Perhaps the gentleman ought to examine what they are saying. They are not talking about something procedurally. Ask them what they want to do procedurally.

We have the capacity in this House to do that. We can draw on any expert at any university anyplace in this world without this resolution.

Mr. SMITH of New Hampshire. But the point is, Mr. Chairman, with all due respect, we are not doing that.

Mr. DIXON. That is the point.

Mr. SMITH of New Hampshire. We are not doing that, Mr. Chairman. There are 71 percent of the American people who say differently.

Mr. DIXON. Because there is no issue about our procedure. Does the gentleman not understand what they are saying? Thay are disagreeing with the bottom line. They are not saying they want procedural reform.

Mr. SMITH of New Hampshire. They want procedural reform. I do not think the gentleman can say that.

Mr. DIXON. The gentleman had better check them again. If they want procedural authority, they would not come in with this resolution. They would not have had a press conference this morning. They had a press conference for procedural reform.

Mr. SMITH of New Hampshire. That was me. I was a member of the press conference.

Mr. DIXON. Then the gentleman is kidding himself.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, are we going to divide the time back and forth? This gentleman thinks there may be a problem here if we use up all of our time and leave time to the other side. If the other side is not going to use time, that is one thing, but this gentleman is not prepared to use all of his time only to leave the whole debate at the end to the other side.

The CHAIRMAN. The Chair will indicate that the gentleman from Pennsylvania has 15 minutes remaining. The gentleman from California [Mr. FAZIO] has 21 minutes.

Does the gentleman from California desire to yield any time?

Mr. FAZIO. Mr. Chairman, I would like to maintain my time at this time. There are seemingly few people on our side who wish to debate this issue, but since there seem to be more on the other side of the aisle, I would be more than happy to let my friend, the gentleman from Pennsylvania, allocate his time. We will then close with those Members who wish to conclude.

The CHAIRMAN. The gentleman from California has 19 minutes remaining.

Mr. WALKER. If the gentleman has no more Members to speak, then he has an obligation to use the time.

Mr. FAZIO. I have very few Members at this point. At this point I do not intend to yield back my time, but neither do I want to seek Members out who may want to comment.

The CHAIRMAN. The Chair will recite that according to the Chair's calculations, the gentleman from Pennsylvania does have 17 minutes remaining and the gentleman from California has 19 minutes remaining, so the time is relatively evenly divided.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. DIOGUARDI].

Mr. DIOGUARDI. Mr. Chairman, I want to commend the gentleman from New Hampshire for his comments and just say, Mr. Chairman, whether you define the issue as procedures or the bottom line, as the gentleman cites, the real problem is that the public is not buying what we are doing here.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. DIOGUARDI. I will not. I just want to get through with my statement.

Why is it that we have a perception in the public that we do not have peer review here in the House? Why is it that there is so much being written and there are so many polls taken that show us in a bad light? Now, it seems to me if we are going to have accountability——

Mr. DIXON. Mr. Chairman, will the gentleman yield to let me respond?

Mr. DIOGUARDI. No, I will not.

If we are going to have accountability here in the House, it involves more than numbers. It involves being accountable for our actions as well.

I think what is being proposed here is a simple mechanism to get real peer review. Maybe our real peers are not other Congressmen. Maybe there is too much collegiality here in the House. Maybe it is time that we looked at what some of the other esteemed professions who get rated very high in public opinion polls do, such as doctors, engineers and CPA's. They have real peer review.

As a matter of fact, there are some professions that are not required to have public oversight boards who have private corporations and private partnerships, but nevertheless impose on themselves that very high standard so that the public can feel that there is credibility in what they do.

So I think there is ample cause to be looking at this issue because the public in my mind has issued a verdict that something is not right here on Capitol Hill.

I commend the gentleman from New Hampshire for his comments.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Chairman, I have a question of my friend, the gentleman from New York. I think that he has raised a very interesting point, peer review. "Peer" means "equal." It seems to me that the people best able to judge their peers are people in like circumstances, and that means Member to Member. What this amendment attempts to do is to delegate to a group of people who are not Members—that is, not peers—some authority to pass some kind of a judgment or to make suggestions on how to pass judgment. I do not think that that is "peer" at all.

I should like to ask a question of my friend as to whether he agrees with me.

Mr. DIOGUARDI. If the gentleman will yield, I think if we are going to look at the real peers that we have, it is the people who vote to get us here. It seems to me that if we are going to establish credibility with the public, at some point we have to get back to a vehicle where the public feels that they have something to say about setting the ethical behavior, or at least monitoring ethical behavior here in the House.

Mr. PASHAYAN. Would the gentleman agree that the people are supreme in this country?

Mr. DIOGUARDI. I would say that we all answer to the people ultimately, yes.

Mr. PASHAYAN. Well, then, how can we be peers to the people? We are under the people.

Mr. DIOGUARDI. Well, the point is that in terms of citizens' involvement it would seem to me that there may be too much collegiality here in the House, and there is not enough introspection going on with respect to ethical review.

Mr. PASHAYAN. I am talking about peer, whether the gentleman agrees if somebody is superior or supreme, as

he says the people are, how then could they be our peers.

Mr. DIOGUARDI. That is not the issue.

Mr. PASHAYAN. I am just asking about the gentleman's statement on peerage.

Mr. DIOGUARDI. We are here, not playing on the words, we are——

Mr. PASHAYAN. I am not playing on the words. I am talking about concept.

Mr. DIOGUARDI. All we are trying to do is to get a vehicle that will allow the public at large to view this body with credibility.

Mr. PASHAYAN. That is the gentleman's opinion, but it is not a peer group.

Mr. DIOGUARDI. Well, the gentleman can define it the way he wants. Right now the public I think deserves better than the current procedure in the House.

Mr. PASHAYAN. I shall rely on Webster's.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, the distinguished chairman of the committee was earlier saying that over the last 5 years things have been this way and that way. I remember back 9 years. I came here as a freshman at a time when we had a Member who was serving who had been convicted on 29 counts of stealing $70,000. He was out on appeal, but he was convicted. Under American law he was guilty. And he was voting on the laws. So you had a convicted felon waiting to be sentenced who was voting.

I had promised for three campaigns as a reform candidate back home in Georgia that I would move on ethics issues, that Congress had problems. In the first session of my first term as a Member for the first time in 50 years we voted an expulsion. It was a difficult and a complicated debate, it was an emotional debate. The Member was not expelled. He ultimately lost his appeals and he went to jail.

Later in that same term Abscam broke out. It was a bipartisan problem. We had a distinguished gentleman on our side who was caught in Abscam. For the first time in the history of the House Republican Conference, we expelled a Member for corruption. It was a deep, bitter, emotional moment.

Later that same year, for the first time in American history, we expelled a Member for corruption. Never before had a Member lost the right to serve in this House for corruption. We have expelled Members for acts that were regarded as treason by Yankees, but there had never been an expulsion for corruption, and in 1980 there was, because the Abscam scandal was so large, affected so many Members, was so clear, the evidence on videotape was so overwhelming, that it was unavoidable.

The question tonight is simple. I understand the pride and hard work, and I think that every Member whom I have known who served on the Ethics Committee has worked hard. They have sweated blood over it. It is a terribly, terribly hard thing to do to judge your colleagues.

But I would appeal to every Member of this House, pull out the collection of clippings which are currently available, and ask yourself, are you proud of the current record? Are you comfortable going home and saying, "We're doing great. We have a clear standard, and our Members are inside that standard, and those who get outside get whacked back into the standard."

Look at all the current clippings. Look at the last 6 or 8 weeks of clippings, and ask yourself, "Do I feel good saying to my children and grandchildren, 'That's the kind of Congress America needs. That is the kind of ethical standard America needs.' "

All that I would suggest is that we have proposed the least dangerous step, not any significant change. All we have said is six eminent Americans—three chosen by the Speaker and three by the minority leader—should look at the process of ethics and should look at the current standard of ethics, and should report back to the House so that the House can then decide whether it should take firmer steps, set clearer lines, draw tighter standards, report in a slightly different way to itself. That is all we are saying.

If you are comfortable with the current press coverage, you are comfortable with the current allegations, you are comfortable with the current problems, you should vote no. This is not your amendment. But if you would like to be able to go home someday and tell your children and grandchildren that in the 100th Congress you tried to make sure that eminent and respectable Americans from the outside, our true peers—because this is a House of Representatives, it is not a House of princes of power—our true peers, could look at us and report, then I would hope that you would vote "yes."

Mr. FAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, is the gentleman from Georgia talking about the executive branch or about this branch when he makes those charges?

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, just three things that the former speaker said. I believe that we came to the House at the same time, sworn in in January 1979, so every experience that he had here, I have shared with him.

More importantly, I suggest that the measure and the standard is not what press clippings are saying. No one who is elected to Congress is ever comfortable with the press clippings. That is not the issue around here, if you feel comfortable with press clippings. The issue is whether you feel that there has been a pattern of questionable ethical conduct and that there has been a pattern of corruption. That is what the resolution says. It does not say, "Do you feel comfortable with the press clippings?" So let us keep our eyes on what is occurring here.

This is an idea to generate some more press clippings, and that is not the standard that we should judge this House by.

Mr. WALKER. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has 10 minutes remaining and the gentleman from California [Mr. FAZIO] has 16 minutes remaining.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think that the gentleman from Illinois just helped make a point. If this were the executive branch of government that we were talking about and the kinds of things that have been in the press recently, we would not only have a special prosecutor looking into the matter, we would have the matter before a congressional committee, we would probably have formed a select committee to have the matter on television every afternoon, we would be going at it full force, and so on. The fact is that around here the process though when charges are made in this body, it goes behind closed doors too often not to ever be heard of again.

That is exactly the point. We hold one standard for ethical conduct in the executive branch; we hold ourselves to a totally different ethical standard here.

What we are saying is that it is high time to bring some people in and have them say to this House what the proper ethical standard is that we ought to be adopting.

I disagree vehemently with the characterization a little while ago that we are not interested in procedures in how we take this on. That is absolutely wrong. We are interested only in the process, only in the procedures. That is the reason for the formation of the special commission.

Mr. FAZIO. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. BENNETT], a former chairman of this committee.

Mr. BENNETT. Mr. Chairman, some years ago I was of the opinion, and still am, that there are things that some Members of the Congress have

done that ought to be looked at by their peers in Congress to see whether they are proper things to do.

I did not have in mind and Congress did not have in mind that we were going to have a separate judicial system. After all, every Member of Congress is subject, like every other American citizen, to be tried for any crime or any corruption that he may be a party to. He is not exempt from being tried in criminal court for anything that he may do that is contrary to law.

The thing that I tried to bring about was a committee which would look into the gray areas of our performance, things that we probably should not be doing, not criminal matters, but things that were improper in upholding the high standards of this House.

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We created a committee and it was perfected by other Members in the subsequent Congress.

I have served twice as chairman of the committee. I think it is a good thing to have such a committee, but I think there is no possible way in which we are going to keep down criticism of this House. There is no way to do that.

There are people who design to throw mud at Members of Congress for the purpose of electing specific people, or because it makes good advertisement for whatever they have in mind doing. And so I myself must say I come up today in opposition to the amendment primarily because I think it is a condemnation of Congress which Congress does not warrant.

This is not a corrupt body. Nobody that has brain one would say that it is. It is not.

That does not mean that we might not have the reputation for being corrupt or incompetent. The press might well make us look that way. But you know it is not true.

I had not prepared myself to talk on this matter, but I really think, and I will conclude on this, I consider myself so fortunate that I have served here now almost 40 years. What a wonderful thing my constituents allowed me to serve in this wonderful institution, the House of Representatives. I am so touched by the fact that they have allowed me to do that.

But this House has never been corrupt while I have been here, never; never been bordering on it. There have been individual people. That is true in the ministry, that is true in the artistry fields, it is true in mechanics, it is true in big business. There are corrupt people in all measures of life.

But as a matter of fact, probably we are the least corrupt of any similar group of 435 people in the United States. Why? Because every 2 years we have to be inspected by people who want to beat us as we come here, and every nuance of our lives is inspected, every foible, every mistake. We are all full of mistakes. Nobody is perfect. There was only one person perfect.

Mr. Chairman, I will conclude by saying may I plead with you, do not condemn Congress as a corrupt body. It would be a lie to do that. This is an honest body. I do not know of anybody that is in this House that is corrupt. There may be some that are. They will follow the course of going through the Ethics Committee. It will be found out.

So I would just say to you think seriously before casting an affirmative vote for an amendment which would condemn this body as being corrupt when as a matter of fact it is one of the finest institutions America has ever brought forth.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me say to the gentleman from Florida [Mr. BENNETT], there are a lot of fine people that work in the District of Columbia government too, and just last Friday this body in its appropriation bill condemned the District of Columbia government as being corrupt. Are we going to have a different standard for the District of Columbia government than we do here?

The gentleman from California [Mr. DIXON] will indicate that we modified the amendment. We modified the amendment to just refer to individuals. I would tell the gentleman that is exactly, that is exactly what is in this amendment. This amendment does not call the House corrupt, it says there is a pattern of corruption within the House, so that is in fact a very great difference.

The fact is if my colleagues do not believe that there is a pattern of corruption within the House they can feel very comfortable voting against this amendment and I think they should. The fact is that I do not think they will find very many people that would agree.

Mr. FAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I have served in this House now for 32 years. Before that my dad served for 23 years. I have never seen an amendment offered in this body which was less representative of the facts.

The gentleman in his amendment charges the House with an ongoing pattern of ethical conduct which he says is deplorable. I want to tell the gentleman about a few things.

I have heard some comments about how the House has no supervisory mechanism. Clearly a Member who would make that kind of a statement has never taken the trouble to inform himself what goes on inside of this body.

Each Member has to submit reports on his campaign expenditures to the Federal Election Commission. A failure to file them, or to file them properly, or to file them truthfully, is a criminal act. They are reviewed by the agency and they are reviewed by every lobbyist in this town. They are reviewed by the Department of Justice and they are reviewed by the executive branch.

Each Member annually must file a statement of his assets, earnings, income, expenditures, and he must do the same thing with regard to his wife and his children.

Every 2 years a Member of this body has to go through an election in which every question affecting his personal and professional conduct is held up to public scrutiny.

Somebody said there is no device where people can review the behavior of a Member. A Member's campaign is the public review of that which he does during his service.

This is an honorable body, it is an honorable body of honorable men. Its behavior is the most public and publicly scrutinized behavior of any group in our society.

I would tell my colleague who is the author of this amendment that I will be waiting outside this Chamber, or I will yield to him inside this Chamber for purposes of his identifying any wrongdoing or any pattern of deplorable ethical conduct if he can lay finger upon it.

Mr. WALKER. Will the gentleman yield?

Mr. DINGELL. I will tell the gentleman that the Ethics Committee is available upstairs. Its chairman is on the floor right now. So if the gentleman is aware of improper behavior, he can identify that improper behavior.

The CHAIRMAN. The Chair would ask the gentleman to suspend so that the Chair might caution the Members that it would not be proper and would be in violation of the rules for any characterization to be made of any individual Member.

Mr. DINGELL. Mr. Chairman, I will convene the press outside so that the gentleman can feel free to identify any wrongdoing of which he is aware.

Let me simply observe to my colleague this: The gentleman from Pennsylvania [Mr. WALKER] appears to have evidence of great wrongdoing which he cites in his amendment. I will challenge the gentleman to tell us whether he has scrutinized the behavior, whether he has made any reports to the Attorney General's office, whether he has made any reports of misbehavior to the Ethics Committee, whether he has made any reports of misbehavior to the Federal Elections Commission or any of the other bodies

charged with enforcing the law insofar as behavior of Members of the House.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. WALKER] has 8 minutes remaining and the gentleman from California [Mr. FAZIO] has 9 minutes remaining.

Mr. WALKER. Mr. Chairman, it is my understanding that we have an agreement we will both use 2 or 3 minutes to close debate and yield back the balance of the time.

Mr. FAZIO. The gentleman is correct.

Mr. WALKER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have had an emotional debate here. I hope Members will go back and read what the resolution says, because what it says is that there is a pattern of questionable ethical conduct within the House and that we in fact deplore that.

Do we want to do less than deplore that which we know is going on?

Before I read to the gentleman a list of things that have already been found by the committee in many instances, the understatement of income on financial disclosure statements, and so on, a very serious matter that the committee itself said would constitute a violation of the rules. We know of hiring of ghost employees, improper use of voting cards, improper use of congressional payroll. Those are things where the committee has found this pattern.

What we are saying is it is time to begin saying flatly that we deplore it. But what we are also saying is that it is difficult for this House in its collegial atmosphere to do something about really reforming ourselves in ways that reflect well on ourselves.

So what we have suggested in the amendment is a special bipartisan commission to be convened to investigate the pattern, not the individual cases, to investigate the pattern and tell us how we ought to reform ourselves to better meet a standard that the public expects of us.

I think that is asking the minimum amount, not the maximum, and for all of the emotion it seems to me what we are really saying here is that we need to clean up our act. That is fine.

To say that this House is a corrupt institution as such, I do not believe that. The Constitution did not establish a corrupt body. But we do in fact have some problems within this body that need to be corrected, and what we are suggesting is it is time to make those corrections.

So I would urge the House to adopt the amendment and say let us correct what has gone wrong.

Mr. FAZIO. Mr. Chairman, I apologize to the gentleman from Pennsylvania, but since our discussing closing debate I have learned that the gentleman from South Carolina [Mr. Spence] wanted to speak.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE] and then I will conclude in a minute or two, if that is acceptable to my friend, the gentleman from Pennsylvania.

Mr. SPENCE. Mr. Chairman, I guess I have been a member of the official committee we are talking about longer than anyone on either side. I have served as ranking member under four or five different chairmen. As has been pointed out, it is the only committee we have which is bipartisan.

I wanted to say this about this committee and the ones I have served with over the years, the members and the chairmen, it has been bipartisan, it has not been partisan. I would not have remained on the committee had it been partisan. I hate to see partisanship involved.

The committee has a very difficult job. It has to serve as judge, jury, prosecutor, grand jury, you name it. That is difficult.

We have the problem of protecting the image of this House and also the image of the personalities of this House whose names could be destroyed by leaking the mere fact that they were being talked about before this committee in executive session. We have to operate in executive session.

Many cases which have been talked about have not been decided yet. The jury is still out. I do not know what is going to happen in these matters.

I am proud of our record looking back over the years, Abscam, the Korean cases, cases involving individual Members. There has been a long record, not just these recent cases.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. SPENCE] has expired.

Mr. FAZIO. Mr. Chairman, I yield 2 additional minutes to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I do think that our procedure could be improved upon. We have tried to do it before. There is a way to do it. The leadership could get together, agree on a committee to propose rule changes. We might need two committees instead of one. We have talked about that so that we could divide up the responsibilities, one to act as a grand jury and one as a regular jury.

But this amendment is not the way to do it. This is like saying you are against sin, which we all are, and branding ourselves, and beating ourselves on the chest before the whole world, and then calling in somebody else, who we do not define, to do our job for us.

We need to clean up our own House if we are going to be respected. I want us to be respected. This is not the way to go about it.

□ 1955

Mr. FAZIO. Mr. Chairman, I have nothing more to add.

Mr. Chairman, I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 77, noes 297, not voting 59, as follows:

[Roll No. 226]

AYES—77

Archer	Herger	Rinaldo
Armey	Hiler	Saiki
Baker	Hunter	Saxton
Ballenger	Inhofe	Schaefer
Bartlett	Ireland	Schulze
Barton	Johnson (CT)	Shaw
Bentley	Kolbe	Shumway
Bereuter	Konnyu	Skeen
Boulter	Kyl	Smith (NE)
Brown (CO)	Lagomarsino	Smith (TX)
Coble	Lewis (CA)	Smith, Denny (OR)
Courter	Lewis (FL)	Smith, Robert (NH)
Dannemeyer	Lightfoot	Solomon
DioGuardi	Lott	Stump
Dreier	Lujan	Sweeney
Fawell	Lukens, Donald	Swindall
Fields	Mack	Thomas (CA)
Gallo	Martin (IL)	Vander Jagt
Gekas	McCandless	Vucanovich
Gingrich	McEwen	Walker
Goodling	McMillan (NC)	Weber
Gradison	Michel	Weldon
Grandy	Moorhead	Young (FL)
Gregg	Murphy	
Gunderson	Nielson	
Hastert	Oxley	
Hefley	Packard	

NOES—297

Ackerman	Carr	Durbin
Akaka	Chandler	Dwyer
Alexander	Chapman	Dymally
Anderson	Chappell	Dyson
Andrews	Cheney	Early
Applegate	Clay	Eckart
Atkins	Clinger	Edwards (CA)
AuCoin	Coelho	Edwards (OK)
Badham	Coleman (MO)	Emerson
Barnard	Coleman (TX)	English
Bateman	Collins	Erdreich
Bates	Combest	Espy
Beilenson	Conte	Evans
Bennett	Conyers	Fascell
Bevill	Cooper	Fazio
Biaggi	Coughlin	Feighan
Bilbray	Coyne	Fish
Bilirakis	Craig	Foglietta
Bliley	Crane	Foley
Boehlert	Daniel	Ford (MI)
Boggs	Darden	Frank
Boland	Daub	Frost
Bonior (MI)	Davis (IL)	Gallegly
Borski	de la Garza	Garcia
Bosco	DeFazio	Gaydos
Boucher	DeLay	Gibbons
Boxer	Dellums	Gilman
Brennan	Derrick	Glickman
Broomfield	DeWine	Gonzalez
Bruce	Dickinson	Gray (IL)
Bryant	Dicks	Gray (PA)
Buechner	Dingell	Green
Bustamante	Dixon	Guarini
Byron	Donnelly	Hall (OH)
Callahan	Dorgan (ND)	Hall (TX)
Campbell	Downey	Hamilton
Carper	Duncan	Hammerschmidt

Hansen	McGrath	Savage
Harris	McHugh	Sawyer
Hatcher	McMillen (MD)	Scheuer
Hawkins	Meyers	Schneider
Hayes (IL)	Mfume	Schroeder
Hayes (LA)	Mica	Schuette
Hefner	Miller (WA)	Schumer
Henry	Mineta	Sensenbrenner
Hertel	Moakley	Sharp
Hopkins	Molinari	Shuster
Horton	Mollohan	Sikorski
Houghton	Montgomery	Sisisky
Howard	Morella	Skaggs
Hoyer	Morrison (CT)	Skelton
Huckaby	Morrison (WA)	Slattery
Hughes	Mrazek	Slaughter (NY)
Hutto	Myers	Slaughter (VA)
Hyde	Natcher	Smith (IA)
Jacobs	Neal	Smith (NJ)
Jeffords	Nelson	Snowe
Jenkins	Nichols	Solarz
Johnson (SD)	Nowak	Spence
Jones (TN)	Oakar	Spratt
Jontz	Oberstar	St Germain
Kanjorski	Olin	Staggers
Kaptur	Ortiz	Stallings
Kasich	Owens (NY)	Stangeland
Kastenmeier	Owens (UT)	Stark
Kennedy	Panetta	Stenholm
Kildee	Parris	Stokes
Kleczka	Pashayan	Studds
Kolter	Patterson	Sundquist
Kostmayer	Pease	Swift
LaFalce	Pelosi	Synar
Lancaster	Penny	Tallon
Lantos	Perkins	Tauke
Latta	Petri	Taylor
Leach (IA)	Pickett	Torres
Leath (TX)	Pickle	Traficant
Lehman (CA)	Porter	Traxler
Lehman (FL)	Price (IL)	Udall
Lent	Price (NC)	Upton
Levin (MI)	Quillen	Valentine
Levine (CA)	Rangel	Vento
Lewis (GA)	Ravenel	Visclosky
Lipinski	Regula	Volkmer
Lloyd	Rhodes	Walgren
Lowery (CA)	Richardson	Waxman
Lowry (WA)	Ridge	Weiss
Luken, Thomas	Ritter	Wheat
MacKay	Roberts	Whittaker
Madigan	Robinson	Whitten
Markey	Rodino	Williams
Marlenee	Roe	Wilson
Martinez	Rose	Wise
Matsui	Roth	Wolf
Mavroules	Roukema	Wortley
Mazzoli	Rowland (CT)	Wyden
McCloskey	Rowland (GA)	Wylie
McCollum	Roybal	Yates
McCurdy	Russo	Yatron
McDade	Sabo	Young (AK)

NOT VOTING—59

Annunzio	Ford (TN)	Murtha
Anthony	Frenzel	Nagle
Aspin	Gejdenson	Obey
Berman	Gephardt	Pepper
Boner (TN)	Gordon	Pursell
Bonker	Grant	Rahall
Brooks	Hochbrueckner	Ray
Brown (CA)	Holloway	Roemer
Bunning	Hubbard	Rogers
Burton	Jones (NC)	Rostenkowski
Cardin	Kemp	Smith (FL)
Clarke	Kennelly	Smith, Robert (OR)
Coats	Leland	
Crockett	Livingston	Stratton
Davis (MI)	Lungren	Tauzin
Dornan (CA)	Manton	Thomas (GA)
Dowdy	Martin (NY)	Torricelli
Flake	Miller (CA)	Towns
Flippo	Miller (OH)	Watkins
Fiorio	Moody	Wolpe

□ 2010

The Clerk announced the following pair:

On this vote:

Mr. Rogers for, with Mr. Torricelli against.

Messrs. STANGELAND, McCOLLUM, and BILIRAKIS changed their votes from "aye" to "no."

Mr. RINALDO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CARPER

Mr. CARPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARPER: Page 15, after line 13, insert the following new section:

SEC. 105. Each of the amounts provided under the heading Architect of the Capitol, beginning on line 11, page 12, through line 19, page 14, and on page 21, lines 10 through 16, shall be reduced by 2.8 percent.

Mr. CARPER. Mr. Chairman, this is the first of three amendments that the gentlewoman from Connecticut [Mrs. JOHNSON] and I will offer to this bill.

As I said earlier during the general debate on the legislation, our intent is to decrease or to cut by one-half the increase in spending in this particular appropriation bill. The increase in spending in the overall bill is about 5½ percent. The effect of the adoption of our three amendments in the aggregate would be to cut by one-half the 5½-percent growth in this appropriation bill over 1987 to 2.75 percent.

The first of the three areas I would like to cover is that introduced by this particular amendment, and that is the budget of the Architect of the Capitol. The work of the Architect of the Capitol is important work. We acknowledge as much because in fiscal year 1987, this fiscal year, we have appropriated almost $80 million to the Architect. With that money the Architect provides maintenance on the Capitol structure in which we are gathered tonight, on the Capitol Grounds, on the House office buildings, on the Capitol Power Plant, and the Library building and grounds.

I recognize the importance of the Architect of the Capitol. On the other hand, in a year when we are freezing and cutting many parts of our budget, including many aspects of this particular bill; in a year in which we are limiting the growth of our own legislative offices to roughly 3 percent; in a year when we are talking about limiting the growth of committee funding to about 3 percent, it is difficult for me in my own mind to justify an increase of 10½ percent for the Architect of the Capitol.

This amendment before us tonight provides for 70 percent of that recommended increase. This amendment provides for an increase in 1988 of 7½ percent. That is over two times the increase that each one of us will have to operate our own congressional offices.

This amendment is crafted in a way whereby the Architect may use his discretion to determine where the cuts may be made. For example, I do not know if it make sense for us to spend roughly $200,000 to repaint the dome of the Capitol. I am willing to let the Architect make that decision.

I do not know that it makes sense to spend a little over one-half of a million dollars to install voice fire alarm system and a smoke detection system here in the Capitol and in our House office buildings. I would leave that to the discretion of the Architect.

I do not know that we need to spend $50,000 for new sidewalks on the House side of the Capitol. I would leave to the Architect that decision.

This amendment does not micromanage. It gives to the Architect the discretion for making those fine decisions.

Again this bill before us today calls for a 10½-percent increase in the funding for the Architect, in addition to the $78 million the Architect is already receiving. That is an increase three times that allocated to us as Members of Congress. I believe 10½ percent is too much. If this amendment is adopted, 7.3 percent would be made in order.

Mr. Chairman, I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Given the rather esoteric nature of the internal makeup of the Architect's budget, I would hope that we could have a relatively short debate on this amendment. I will try to be brief.

I think it is important for the Members to know that we are, first, attempting to direct the Architect's activities. We have seen some criticism of the Architect recently, and I think to a great degree it is warranted. The last thing we ought to be doing at this point is, as the gentleman says he is doing in his amendment, giving the Architect discretion as to where he spends money. I think it is important that we continue to exercise line-item control to indicate where we think funds should be spent.

But I agree that we have to be cautious about spending in this area. In fact, we rejected over $9 million in requests made to us by the Architect and approved over $7 million—that is less than half—with respect to the buildings and grounds aspects of the Architect's budget. Of that amount, over $4 million—$4.7 million, to be exact—is for salaries, cost of living, merit, benefits, the new retirement program, health and life insurance, and related mandatory items. We are only allowing a few essential projects to move forward.

First of all, we are allowing smoke detectors and fire alarms in Cannon, Rayburn, and the Capitol. Second, we are continuing the Longworth fire

safety program and improving our electrical and telephone wiring.

We have also allowed funding to complete the energy conservation program, which we are told will save us millions of dollars in energy costs. We have funded the repair of our coal furnaces at the powerplant, and we are repainting the Capitol dome. That is something that needs to be done, something that we thought should be done in light of the 200th birthday of the Constitution and the convening of the first Congress.

We are trying to keep the Capitol and office buildings in decent shape, but this budget does not allow even for inflation in many areas such as paint and soap and even toilet paper. We are not allowing any increase for annual maintenance.

This amendment will—and I want to underscore this—will cause further deterioration to the physical plant. We are allowing some anyway, but this will cause further deterioration and perhaps subject the public, our staff, and our guests to danger from fire and other types of potential catastrophe.

Mr. Chairman, I urge the Members to defeat this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I urge my colleagues to support this amendment as well. These are difficult times, and we have to take seriously increasing a budget 10 percent. We ought to consider this modest proposal that will allow a 70-percent funding of a function that allows many discretionary items.

I appreciate the comments of the chairman of the committee in regard to all of the projects that he and his committee denied the Architect of the Capitol the resources to accomplish. Nonetheless, there are many discretionary expenditures in this proposal which could be modified and deferred to another year and thereby enable the House to take upon itself the responsibility to reduce the rate of growth of spending and thereby to achieve a deficit reduction goal that many of us share.

□ 2025

We cannot reduce the deficit, particularly with new taxes, if the new taxes are not coupled to expenditure reductions.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I thank the gentlewoman for yielding.

The gentlewoman, of course, is making a good statement about taxes and budget deficit reduction; but the gentlewoman has also made a statement about discretionary funding for certain items.

I think that the gentlewoman does not understand that each of these items was examined in very, very specific ways by the members of the committee; and there is no way that we can cut when we are trying to put in fire safety.

There is no way that we can cut when we are putting in new telephone wiring that will save us a great deal of money in the long run.

There is no way that we can possibly avoid taking care of the coal furnaces and the coal powerplant. If the gentlewoman would specify some area which the gentlewoman has examined which the gentlewoman thinks that moneys could be cut, certainly this committee would be happy to hear them.

I know of no items that the gentlewoman from Connecticut and the gentleman from Delaware [Mr. CARPER] are suggesting that are discretionary at all.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I recognize the care with which this committee made their decisions, and the long-range implications of, for instance, voice fire alarm systems.

We have lived in these buildings for decades, and we can do without voice fire alarm systems for another year or two years, if necessary.

We are not recommending that this budget have no increase, but we are recommending that a 10-percent increase be reduced to 7 percent.

I personally am very strongly opposed to the $150,000 study about whether we ought to have more elevators in the Cannon and Longworth Buildings, because even if we come to the conclusion that we need more elevators, they are enormously expensive to install; and with a $200 billion deficit, I would oppose it, so I am not saying that there are wasteful projects on the whole in this budget.

I agree that in the long run fire alarm projects are worthy, but what I am saying is that if we, the Congress, reduces the rate of increase in every budget by one-half, we will be able to propose to the American people $18 billion in real cuts without asset sales, to be coupled with $18 billion in revenues, to accomplish $36 billion in deficit reduction.

Since our economic future depends on that deficit reduction, I think it is mightly important, and this is the kind of modest reduction of conservative action that must be taken, if we are going to accomplish that long-term goal. It is not a body blow to the maintenance of the Cannon and Longworth Buildings and the Rayburn Building.

It is painful in the sense that we cannot do some things which are nice and necessary, but the larger issue of coupling revenue increases with expenditure reductions is so important to the discipline of this body, to our presence, to the respect with which the international community views us. Remember, we are the ones in the International Monetary Fund that are requiring that every debtor nation in the world take serious steps, and so we have got to demonstrate that we have the discipline to control the rate of spending growth, and couple that with revenue policies.

The CHAIRMAN. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

(On request of Mr. TAUKE, and by unanimous consent, Mrs. JOHNSON of Connecticut was allowed to proceed for 3 additional minutes.)

Mr. TAUKE. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield to the gentleman from Iowa.

Mr. TAUKE. Mr. Chairman, I thank the gentlewoman for yielding.

First, I want to commend the gentleman from Delaware [Mr. CARPER] and the gentlewoman from Connecticut [Mrs. JOHNSON] for this amendment.

Let me clarify a couple of things. First, this amendment does not call for a freeze in spending, does it?

Mrs. JOHNSON of Connecticut. No.

Mr. TAUKE. It does not call for a cut in spending, does it?

Mrs. JOHNSON of Connecticut. No; it does not.

Mr. TAUKE. It calls for a 7.3-percent increase in spending over last year?

Mrs. JOHNSON of Connecticut. Correct.

Mr. TAUKE. This is less than over a 10-percent increase called for by the members of the Committee on Appropriations in the account for the Architect of the Capitol, is that correct?

Mrs. JOHNSON of Connecticut. That is correct.

Mr. TAUKE. I might just say, Mr. Chairman, in my humble view, that the Architect of the Capitol is not doing such a wonderful job in the delivery of services, so we ought to throw more money at that particular office, but perhaps that really is beside the point, because we are talking about here whether or not this account can get by for a year with only a 7.3-percent increase in spending.

Mr. Chairman, if the gentlewoman will yield further, as you know, we have been offering on a bipartisan basis a number of amendments to cut spending across the board.

Now, this amendment is part of three specific amendments which if adopted would negate the necessity for an across-the-board reduction. Is that correct?

Mrs. JOHNSON of Connecticut. That is correct.

Mr. TAUKE. So if Members want to avoid the across-the-board reduction

to bring this appropriations level down, then what they should do is support the specific reductions that are contained in this amendment and the two that will follow.

This amendment calls for limiting the increase to only 7.3 percent.

Mrs. JOHNSON of Connecticut. That is correct.

Mr. TAUKE. Mr. Chairman, I thank the gentlewoman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly to oppose this amendment.

Frankly, I have a great appreciation for the work that is being done by the gentleman and the gentlewoman involved in the review of this subcommittee's work. Indeed, this has been a tough year for us as well. In the category we are dealing with here, we did appropriate some $7 million, not quite that, but close to $7 million under the request of the Architect.

We too, share in the endless complaints about the work of the Architect. We, too, share in the complaints about the way your offices are being cared for.

We, too, are concerned about the grounds of the place and, indeed, I am very concerned about the length of time that has gone by when we failed to put in appropriate wiring and fire control devices in buildings like the Longworth Building.

Indeed, it is time to get tough; but frankly, in this category, generally with the Architect this year and in our subcommittee bill, we have been tough.

I would suggest once again that we should be reminded that our expenditures are easy to target. It is very easy to say, "Let's put it off until tomorrow."

In this case, I urge the House to recognize that the subcommittee has tried to do its work. Indeed, we have drawn a line that reflects that which we think is of the greatest need in terms of the Architect's reponsibilities.

Mr. FAZIO. Mr. Chairman, will my friend yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman yielding.

I would like to reminded the Members that we brought a freeze budget out last year. The fact that a lot of these architectural improvements are deferrals from prior years is the result of the fact that we had brought out tight budgets year after year. We have rejected more than half of the requests made by the Architect this year. Some of these seem to be beyond the point where it would be responsible for us to defer them still another year, particularly in light of the birthday of the Congress. We thought after a decade we needed to have the dome painted, for example.

We still have PCB's in some of our transformers. We did not add additional funds for this project because we are not satisfied that the Architect yet has a plan to carry out that clean up, but they must be cleaned up and next year I hope we can include the funds that will allow us to be safe from that problem, all of us, tourists as well as those who work here.

We have many problems in this building and the other House buildings that go straight to the maintenance funds that are being attacked by this amendment. This amendment has been described as allowing the Architect to make decisions about where he spends the money.

Although I will insist the architect receive the approval of the Committee in deciding on how to allocate this reduction, I agree with the criticism. The gentleman from Iowa [Mr. TAUKE] indicated that earlier. I would make sure, though, that we direct exactly where these dollars should be spent and not give him the additional discretion.

Mr. LEWIS of California. I mentioned, Mr. Chairman, that in this category in dealing with the Architect's budget, the subcommittee cut the architectural requests in total across the board some $18.8 million. We have been very tough on the Architect.

I must say that within our subcommittee we battled and eventually came to a compromise.

I appreciate the gentlewomen's position here.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, the point has been made a number of times that the gentleman believes the Architect needs the direction of line items control and that our amendment would cut his budget too broadly.

I would just remind the gentleman that in conference and at other times we have the power to realign those cuts and make them more specific as we choose.

Mr. FAZIO. Mr. Chairman, will the gentleman yield on that point?

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

Mr. FAZIO. Mr. Chairman, we will not have the ability in conference to deal with House items. We make final decisions right here on the floor. There is no further improvement that could be made, because the Senate will not adjust the funding for House office buildings.

Mrs. JOHNSON of Connecticut. My mistake, Mr. Chairman. I withdraw that comment.

Mr. LEWIS of California. That is OK, the gentlewoman looks good.

Mrs. JOHNSON of Connecticut. But I would add that it is trusting the Architect with only very little authority to give him this small measure of discretion.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I would like to compliment the chairman and the ranking member of the Appropriations Committee for cutting the Architect's request down substantially.

You know, tonight if we were looking here for a modest increase to buy some scrubbing brushes and brooms, I think all of us who have to live in these filthy buildings would support it. Even the front of the Capitol does not get hosed down on weekends, it looks like. There is always mud on the steps and the place really looks rotten; but I would suggest that if you look carefully at that budget that you are going to find that it is not more cleaning people. It is not more scrubbing brushes and it is not more brooms that is causing the increase.

I think we need only to look out the front door, where I understand we spent $400,000 on flower pots. Look at the west side of the Capitol, if we want to take the word of the Architect.

Now, it is very nice to find that the Architect is right now coming in $27 million below the budget on the West Front reconstruction of the Capitol, but I would like to remind this committee that it was the Architect who came in with such a bloated figure and he came in with only one thing in mind, and that is so we could create an extension on the Capitol, which we soundly defeated and went ahead with the reconstruction.

We in the Congress have to depend upon the people in the administration and the Architect, as they are in management and they are in a better position to make judgments; but we also must remember the history. In this situation, history tells us that the Architect comes in with a very large budget, which I am not sure he even believes himself.

While I am on this matter, I would like to ask either the ranking member or the chairman of the committee exactly what will happen to the funds that are saved on the reconstruction of the west front of the Capitol. Will they come back to the Treasury or will they go to other projects on the Capitol grounds?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I am glad to yield to my friend, the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the position the gentleman is taking. I would remind the gentleman that the Architect does

serve at the pleasure of the President of the United States.

I have had some serious questions about some of the ways the money has been administered within the responsibility of the Architect. That is why we have been so tough on him in this bill.

But remember, this is our house. For God's sake, I hope we will recognize that our house is not in very good shape. Indeed, unless we get a handle on the way we are caring for the place, the way we are securing the place, the way we are protecting it in terms of fire, we could be in deep trouble. I do not want to be in the position of saying, "I told you so," after the fact.

Mr. SHAW. Well, Mr. Chairman, if I might reclaim my time, I do have a question that is out there that perhaps someone could answer.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I am happy to yield to the gentleman from California.

Mr. FAZIO. Well, Mr. Chairman, it would remain available until expended and there is nothing else that it could be spent on unless approved by the Congress.

Mr. SHAW. Nothing else, except the reconstruction on the west front?

Mr. FAZIO. That is correct.

Mr. SHAW. So he cannot recycle the money and go buy another piece of property over on one side of the Capitol or the other?

Mr. FAZIO. Not with the Architect avoiding coming to Congress. If we were to appropriately agree to some other allocation in a normal legal manner under our regular procedures, then yes; but otherwise, no.

Mr. SHAW. Mr. Chairman, I thank the gentleman for that information.

Mr. Chairman, just in closing, I would like to say that I agree with both gentlemen from California. This is our House. This is a symbol of democracy for the country and we should not cut short, but that does not mean we should not watch the Architect and watch expenditures, because I think that is very important.

I would like to commend both gentlemen for the work they do, even though I am going to vote to cut it further. I think the work they have done on this particular amendment and this particular bill is commendable.

□ 2040

Mr. TRAXLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, without going into the merits of the amendment, just let me correct some misimpressions. I would not want everyone to go away thinking that a gentleman who holds one of the most distinguished positions in America as far as architects are concerned is an incompetent. The committee chairman and the ranking minority member have explained some of the differences and the reservations that they may have about certain aspects of his job performance. It would be totally inappropriate in my judgment to leave Members with the view that the current Architect is without virtue and competency, because he indeed is.

Look, the west front was a decision that was made by this body. The Architect had a different recommendation. This body rejected that and the Senate rejected it, and we decided to proceed with the renovation project.

No one has any plans for the west front. There is no way of knowing—there was no way of knowing at the moment that this body and the Senate approved the renovation funds as to what those final costs would be. We had no way of knowing. That appropriation was the best educated guess that the finest engineering consultants could give us. There was not an overplenishment there, simply an honest and let me say good-fortune error, a misjudgment that no one could have made any differently. If there was an error, it was on the side of prudence, because that wall out there is 2 feet thick and it is some 200 years old in places.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am delighted to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to remind the gentleman that the experts were telling us around $47 million. The Architect told us that it was going to cost $69 million, so he would have come in triple of where we are.

I do not mean to beat up on the Architect. He has fine credentials. He was high in his professional organization before he came here. But I am saying when you are talking about dollars, you have to watch him.

Mr. TRAXLER. Would the gentleman also agree that the Architect cannot buy property, that only the Congress through statute and appropriated funds can do that?

Mr. SHAW. I thought so, until he bought a piece of property across from the Democrat club a couple of years ago.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I do not want to get onto tangential matters, but when you are talking about the competence of the Architect, no one wants to charge him with incompetence. But I ask, is the Architect responsible for the deplorable maintenance of the building of the U.S. Congress?

Mr. TRAXLER. In my judgment the Architect has the responsibility for maintaining the buildings in the appropriate fashion, and the committee, both the chairman and the ranking minority member, have brought that to his attention. They have done a commendable job in that regard. Some of the moneys that are involved in this are maintenance funds as well.

Mr. PEASE. If the gentleman will yield further, I find it hard to vote for an increase in the funds for the Architect of the Capitol when one has to be literally ashamed to bring constituents into our office buildings and our Capitol.

Mr. TRAXLER. Is the gentleman suggesting that the way that you clean up the area is to cut the Architect's budget?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I think that the gentleman brings up an important point. I have been quoted in very critical terms about the Architect's operation and cleaning up, particularly the Speakers' lobby and other areas on the House side.

In this bill, section 308 requires a study of the role of the Architect as well as the House officers as to their responsibilities. With GAO's involvement, we will sort this out and hopefully have a better job of keeping the buildings clean in a more accountable way, and one that may even save some money. But I would urge the gentleman not to take his frustrations out on this bill and this budget.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I am pleased to yield to the distinguished gentlewoman, a member of the committee.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Chairman, I would like to join my remarks with those of the gentleman in the well, to praise the Architect of the Capitol for the good work that he has done in the most proficient manner in which he is so well schooled.

The extension of the west front is certainly one of the areas in which we should be very proud. The renovation and restoration of the Library of Congress building is another area of which we should be very proud. And the replenishment of the statue, the Bartholdi statue, which was accomplished in house at a very small amount compared to the estimates that had been received from outside sources is something of which we should all be very proud.

So I thank the gentleman for pointing out the good aspects and the splendid architectural reputation of the Architect of the Capitol.

Mr. TRAXLER. I thank the gentlewoman for her remarks, and I am in complete agreement with them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CARPER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARPER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 161, not voting 58, as follows:

[Roll No. 227]

AYES—214

Andrews
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Byron
Callahan
Campbell
Carper
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Cooper
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
DeLay
DeWine
Dicks
DioGuardi
Dorgan (ND)
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Feighan
Fields
Fish
Gallegly
Gallo
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Gray (PA)
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Hefner
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Kanjorski
Kasich
Kennedy
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lloyd
Lott
Lujan
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Martin (IL)
McCandless
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Neal
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Penny
Petri
Price (NC)
Ravenel
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Yatron
Young (FL)

NOES—161

Ackerman
Akaka
Alexander
Anderson
Applegate
Atkins
Badham
Beilenson
Bevill
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Bustamante
Carr
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Coughlin
Coyne
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Espy
Evans
Fascell
Fazio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gibbons
Gonzalez
Gray (IL)
Green
Hall (OH)
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Howard
Hoyer
Jeffords
Jones (TN)
Jontz
Kaptur
Kastenmeier
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
Mica
Mineta
Moakley
Mollohan
Morrison (CT)
Mrazek
Murphy
Myers
Natcher
Nelson
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pelosi
Perkins
Pickett
Pickle
Porter
Price (IL)
Quillen
Rangel
Regula
Richardson
Rodino
Roe
Rose
Roybal
Russo
Sabo
Savage
Scheuer
Schulze
Schumer
Sikorski
Skaggs
Skeen
Smith (IA)
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Synar
Torres
Traficant
Traxler
Udall
Vento
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Yates
Young (AK)

NOT VOTING—58

Annunzio
Anthony
Aspin
Berman
Boner (TN)
Brooks
Brown (CA)
Bunning
Burton
Cardin
Clarke
Crockett
Davis (MI)
Dornan (CA)
Dowdy
Flake
Flippo
Florio
Ford (TN)
Frenzel
Gejdenson
Gephardt
Gordon
Grant
Hawkins
Hochbrueckner
Holloway
Hubbard
Jones (NC)
Kemp
Kennelly
Leland
Livingston
Manton
Martin (NY)
Miller (CA)
Miller (OH)
Moody
Murtha
Nagle
Obey
Pepper
Pursell
Rahall
Ray
Rhodes
Roemer
Rogers
Rostenkowski
Smith (FL)
Smith, Robert (OR)
Stratton
Swift
Tauzin
Torricelli
Towns
Watkins
Wolpe

□ 2050

The Clerk announced the following pairs:

On this vote:

Mr. Frenzel for, with Mr. Hawkins against.

Mr. Holloway for, with Mr. Leland against.

Mr. PORTER changed his vote from "aye" to "no."

Messrs. DUNCAN, WALGREN, OLIN, DICKS, and HEFNER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments to the bill not precluded by clause 2 (a) or (c) of rule XXI?

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 3, line 23, after "Members", insert the following: "(including expenses of printing of extraneous matter inserted in the portion of the Congressional Record entitled "Extensions of Remarks" for which a cost estimate of the Public Printer is required (other than printing done under general leave requested by the floor manager of a measure))".

□ 2105

Mr. FAZIO. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SHAW. Mr. Chairman, I shall not take my 5 minutes. The amendment that I offer clarifies a certain portion of the code, it clarifies that Members may pay for the printing of extraneous matters printed in the CONGRESSIONAL RECORD from their own office expense accounts. It does not mandate that Members pay for this printing.

Mr. Chairman, the current exemptions are retained. What I am speaking of, and what this amendment is, it purely goes to the printing of extraneous matters into the CONGRESSIONAL RECORD.

As all the Members know, we have paid tens of thousands of dollars on many, many occasions for the printing in the CONGRESSIONAL RECORD of accounts and extraneous material, none of which happened here in the House and none of which is the original work of the Member proposing the matter to be included in the RECORD.

The CONGRESSIONAL RECORD itself costs the taxpayers $500 per page.

I firmly believe that if any Member wants a long list of stuff put in the CONGRESSIONAL RECORD exceeding two full pages, that he should do so and do so by paying it out of his own office account, not paying for it out of the funds that are available to all the Members of Congress.

Out of comity we have in many occasions not taken objection. However, I believe that we are going to find that more and more objection is going to be made to the payment of the price for the material that is put in the RECORD and therefore this gives the Member an alternative to pay for it out of his own private funds.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, should the point of order not be sustained, I would offer an amendment to the amendment of the gentleman which would provide further that estimates of the cost of printing extraneous material in the CONGRESSIONAL RECORD shall cover only the actual incremental costs of such printing.

Now there has been some discussion about my offering of the collection of the Boland amendment debates over a 5-year period and the method of reporting the estimates of the cost of that is totally erroneous. The actual cost, for example, is only $10,700, although under the present system of taking the annual operating cost and prorating that, in effect, by days, it presents to the Congress and to the American people an erroneous impression. I think it is time for Members of Congress and the American people to get the exact cost of added extraneous material to be published in the CONGRESSIONAL RECORD and it is my intention to offer this amendment to the amendment of the gentleman in the event it is not held subject to a point of order.

Mr. SHAW. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. FAZIO] intend to press his point of order?

Mr. FAZIO. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentleman will state the basis for his point of order.

Mr. FAZIO. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part, "No appropriations shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law." And there is no authorization for this way of funding our printing.

The amendment therefore violates clause 2 of rule XXI and I ask for the Chair's ruling.

The CHAIRMAN. Does the gentleman from Florida [Mr. SHAW] wish to be heard on the point of order?

Mr. SHAW. Mr. Chairman, I would concede the point of order and would ask unanimous consent to withdraw the amendment.

Mr. Chairman, I would like to say that I hope the Committee on House Administration would look into this matter. I think it is something of great importance and I think it also would come up with great savings in printing should the Members have to, in most cases, come up with the money out of their own House accounts. I, therefore, would suggest they would not spend that money.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman like to see a reform of the present system so that the actual added cost of publication of inserted extraneous material should be reported?

Mr. SHAW. I think it should be done on a very exact basis, particularly if it is coming out of the individual House account.

The gentleman from Arkansas has obviously looked into the matter and has a different opinion than the existing rules of the House.

Mr. ALEXANDER. Under the rules, of course, that is optional that Members may take the printing out of their own account or they may have it paid for under the regular account. But I agree with the gentleman that a different method of estimating the cost of printing should be reformed because under the present system it causes a great deal of confusion.

Mr. SHAW. I would say to the gentleman when we are talking about taxpayers' dollars, we ought to be as exact as we possibly can be.

Mr. ALEXANDER. Mr. Chairman, the question of the cost of inserting extraneous material for publication in the CONGRESSIONAL RECORD is an important one, I support the idea of reforming cost estimates regarding insertions of extraneous material into the RECORD. The estimates should cover only the actual incremental cost of such printing. I offer the amendment: "To provide that estimates of cost of printing extraneous material in the CONGRESSIONAL RECORD shall include only the actual incremental cost of such printing."

There has been great confusion about cost estimates of inserting material into the RECORD. For example, my recent insertion of the Boland amendment collection was originally estimated at $197,382, but the true added printing costs of the insertion's material turned out to be $10,400. I have explained my reasons for the insertion in my remarks made while introducing the Boland collection on June 15, but here I will focus on the question of cost estimates.

It is a disservice to Members of Congress and to the American people to continue the current procedure of estimates. This problem would be solved if the practice is reformed to cover only the actual incremental cost of printing extraneous material.

Currently, the figures are based on fixed, annual estimated operating costs prorated over an entire year. Government Printing Office officials have said they would have been working anyway during the time they printed the Boland amendment collection.

The cost estimate of the collection's cost was partly based on the erroneous notion that there would be substantial typsetting costs. In reality, the pages were electronically retrieved from previous copies of the RECORD, and there were no typsetting costs incurred in doing that. On that score alone, the estimate was off by roughly $24,000.

The GPO Public Printer has said in a letter to me that "since this material had been printed before, we were able to save the cost of keyboarding those 402 pages" that were inserted. "The actual added cost," the GPO Printer said, "of paper for the 402 pages which appeared in the daily CONGRESSIONAL RECORD is approximately $10,400."

Reform of the method of assigning cost estimates is essential to avoid confusing the public in the future. In the case of the Boland amendment collection, some of the discussion of my action focused on the question of the inflated cost estimate. Most thoughtful Americans would have preferred that the discussion focus on the substance of my decision: My effort to make it possible for the American people to judge the credibility and legality of the President's defense that the Boland amendment does not apply to him or to the National Security Council.

Many analysts of American public affairs endorsed the insertion even before it was established that the initial reports of the $197,000 figure is misleading. The Washington Post, for example, contended in an editorial that the original estimate "is said by some to be high and likely to be recalculated downward. But even if the original figure holds, we think it's as wise an expenditure of funds of the CONGRESSIONAL RECORD as we've heard of in some time. The volume will be an invaluable source book in the angry debate over the genesis and development of United States-Nicaragua policy, a debate that could surely profit from the introduction of more facts and better history."

In another example of favorable commentary on the collection, the Arkansas Gazette said that administration apologists "will bash United States Representative BILL ALEXANDER to their heart's content" over the insertion, but "what they clearly don't want to recognize is the finding of researchers at the Library of Congress, who compiled the 3½-year history of debate over Contra aid, that the Boland amendment does indeed apply to President Reagan and his National Security Council."

The Boland collection will be a valuable contribution to the study of American constitutional law. For example, University of Arkansas Law Prof. Rodney A. Smolla wrote me a letter saying, "The criticism you have received in some quarters based on the printing cost is utterly frivolous. It is a small price to pay for facilitating an informed and intelligent debate over one of the most important policy and constitutional issues of the decade * * *. Your action was a credit to our State."

In the end, my efforts on this issue has won considerable approval from many people in Arkansas, after some initial confusion caused by the focus on inflated cost estimates. I would hope that my colleagues and people throughout the country will come to understand the facts about the cost estimates. However, it is sad that a substantial portion of the original debate focused on the distracting issue of cost. Many people who read the original national press reports may never take the time to focus on the true issue: the legislative

intent of Congress in passing the Boland amendment.

Mr. Chairman, if we could reform the cost estimates involved in insertions into the CONGRESSIONAL RECORD, we would no longer suffer from confusion such as we had after the Boland collection. In the era of the Iran-Contra scandals, we have had enough misinformation about the great public issues facing the Nation. We should not confuse the American people further by continuing a practice that gives them erroneous information about what it costs to provide them with a historic debate concerning our system of law and our Constitution.

The CHAIRMAN (Mr. HUGHES). The Chair wishes to advise the committee that the gentleman from Florida [Mr. SHAW] has conceded the point of order and has asked unanimous consent to withdraw the amendment.

Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there other amendments to the bill not precluded by clauses 2 (a) or (c) of rule XXI?

AMENDMENT OFFERED BY MR. CARPER

Mr. CARPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARPER: Page 25, line 10, strike "$334,777,000" and insert "$327,636,000".

Mr. CARPER. I thank the chairman.

Mr. Chairman, this is the second of three amendments the gentlewoman from Connecticut [Mrs. JOHNSON] and I will be offering this evening. This one effects the budget of the General Accounting Office. In 1987, we will have appropriated $311 million to the General Accounting Office. I will say that again: This year we have appropriated $311 million to the General Accounting Office.

I realize there are some Members of this body who are not particularly appreciative or fond of the job the General Accounting Office does for us and for our country. For those who may feel that way, I beg to differ. I personally believe the GAO does a good job. We ask much of them and I think they generally respond with a solid effort.

Last Friday I spoke with the Comptroller General, Mr. Bowsher, and explained to him what I am trying to do. While he objected to this specific amendment, he certainly acknowledged the need for reducing the deficit. To the extent that we could do it on the spending side, I believe it is fair to say he gave that his blessing. He told me that thanks to the work of the General Accounting Office over the last year that over $15 billion of taxpayers' money will have been saved. That is a substantial saving, nothing that we want to sniff at.

If we accept that savings as a fact, it means that the over 5,000 employees of the General Accounting Office have contributed a very substantial way toward reducing our deficit. With that in mind I do not believe it makes sense to reward that kind of effort by cutting the budget of that agency. The Appropriations Committee does not propose to cut the budget of GAO in 1988.

The Appropriations Committee has proposed roughly 8-percent increase in the budget of GAO. The amendment Mrs. JOHNSON and I will be offering here today also provides an increase in the budget of GAO, an increase equal to 70 percent, 70 percent of that recommended by the committee itself.

The increase that is made possible by this amendment is an increase of 5½ percent in 1988 over 1987 appropriations. If this amendment is approved, GAO will still receive the $311 million. In addition to that they will receive almost another $20 million, a 5.5-percent increase; not a 7.5, not an 8-percent increase as envisioned by this committee, but a substantial increase nonetheless.

I might say in conclusion, colleagues, 5½ percent is two times the increase that you and I will have to fund the operation of each of our individual congressional offices next year. Five and a half percent increase is two times the increase that we will have to make our committees function properly throughout 1988. Again, this is not a cut, this is an increase. This is not an increase of 8 percent, this is an increase of roughly 5.5 percent.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr CARPER. I would be happy to yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, unless I am mistaken in the last amendment that the gentleman carried having to do with the Architect of the Capitol, he decreased his percentage of increase provided by the subcommittee from 10.4 to 7.3 percent. The gentleman indicates GAO's increase is 7.6 percent. The cut of the gentleman obviously would cause GAO's adjustment to be considerably below that of the Architect of the Capitol. Frankly, I enjoyed the gentleman's concern and I do share the gentleman's concern about the Architect. But the GAO does a very fine job for the House.

I think most Members think their work is a credit to the House.

Mr. CARPER. Reclaiming my time, I too believe that GAO's work is a credit to the House. The question is not are we going to be cutting them? The question is not how much of a cut? The question is how much of an increase.

I suggest a 7.5-percent or 8-percent increase when we have a deficit of the magnitude we do may be a bit steep. I am hopeful that the House will see fit to provide an increase, but an increase of 5.5 percent for GAO in 1988.

Mr. LEWIS of California. The gentleman must be aware, we did cut GAO's request by some $44 million.

Mr. CARPER. Yes, I am.

Mr. Chairman, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word. I rise in support of this amendment. I will be very brief, because I understand my colleagues' concern about the lateness of the hour.

This amendment must be seen in the context we just passed, of that amendment and the one to come. Together they will make the very modest reductions in this section of the budget which, when combined with equally modest actions in other sections, will enable us to provide genuine spending reductions which, coupled with revenue increases, will achieve the deficit reduction goal that so many of us have supported, of $36 billion.

Mr. Chairman, I urge my colleagues to support the Carper-Johnson amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, very briefly I want to make very clear that this committee has provided that $23 million increase in the face of requests for over $70 million. We did so because in looking very closely at the details of the GAO budget, we concluded they had some extraordinary expenditures that could not be ignored.

For example, they have $4.7 million in increased office rental to the General Services Administration. There is no way they can ignore that. They are under a requirement to pay it; no flexibility.

We have a new retirement system. I have said this earlier. It is important for the Members to realize that Treasury is no longer providing for our overall retirement payments. Each agency is having to match contributions of their employees under the FERS system.

So we have a sizable amount of money that has to be provided for pay, retirement, and other kinds of cost of living-related items. They are fixed, related to the number of employees on the job.

This agency has increased responsibilities under Gramm-Rudman. We all rely on it more in times of deficit spending to find more waste and other opportunities to make savings.

I would simply conclude by saying that this is a reasonable increase. It is a little bit more than most other agencies get and therefore it has been singled out by Mrs. JOHNSON and Mr. CARPER.

But this overall budget is very tight. We have allowed increases of this magnitude only when warranted on the detailed justification.

We did not bring a bill to the floor so that it could be cut for cosmetic or symbolic reasons.

Mr. Chairman, I urge a "no" vote on this amendment and support for the committee which has kept faith with the Members.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the savings of this amendment will be far less to the Government and the people of the United States than the cost of its adoption.

Let us take a look at what it is that the General Accounting Office does. It performs audits of expenditures in the Government. It performs the duty of advising the Government of the economic conditions and how well the country is going to comply with the original goals under Gramm-Rudman, a very important function.

□ 2120

It performs performance audits on the behavior of Federal agencies. It provides opinions with regard to what is being done by Federal agencies, whether it is efficient, whether it is a proper expenditure of money in conformity with law. It makes determinations as to whether expenditures of public money are in accordance with law and whether those expenditures are in accordance with the appropriation acts of this Congress. It gives judgment to congressional committees about the behavior of Federal agencies in carrying out the laws. It also performs audits on expenditures. It ferrets out waste, fraud, and abuse.

The cuts here, because of the way the law works, will go through and not impair the extraordinary expenditures that are required by law and with which the appropriation is expected to deal by increasing funds so that the functioning of the agency will be unimpaired.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am delighted to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to associate myself with the gentleman's remarks.

Indeed our report would indicate the savings and collections as a result of GAO's work amounted in the 1986 year to some $18 billion. To cut the Architect because many are unhappy with the work is one thing, but to reduce this agency way below the percentage that is given to the Architect seems to me to belie the purpose for which the legislative branch is appropriating funds in the first place.

Mr. Chairman, I appreciate the gentleman's comments.

Mr. DINGELL. Mr. Chairman, the gentleman has said it better than I could say it. We cut this and we are forfeiting a chance to retrieve some additional portions of the $18 billion which we will need to retrieve this forthcoming year with regard to waste, fraud, and abuse.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Virginia.

(Mr. PARRIS asked and was given permission to revise and extend his remarks.)

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I, too, wish to associate myself with the remarks of the gentleman from Michigan [Mr. DINGELL].

Mr. SIKORSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Minnesota.

(Mr. SIKORSKI asked and was given permission to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Chairman, I rise in opposition to the amendment, and I wish to associate myself with the remarks of the gentleman from Michigan [Mr. DINGELL].

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say that if the gentleman from Texas [Mr. BROOKS], the chairman of the Government Operations Committee, were on the floor tonight, I am sure he would support everything the gentleman has said.

I want to say that it is a knee-jerk reaction sometimes to want to cut spending, but we are cutting a very vital ingredient in the operations of Government by cutting the GAO. I support the stand of the gentleman from Michigan [Mr. DINGELL].

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I just wish to associate myself with the comments of the gentleman from Michigan [Mr. DINGELL] and say that some of the most vital investigations we have done with regard to the Moscow Embassy, the Marine guards, and health care in the United States today has come through the GAO. We are cutting off our own nose to save a few dollars here. We have saved billions of dollars due to their work.

Mr. DINGELL. Mr. Chairman, the gentleman is correct. If this amendment is adopted, the House is chargeable with having burnt next year's seed corn because that is what this amendment is the equivalent of. What we are doing is essentially wasting money from an essential expenditure which is very much in the public interest.

Mr. Chairman, I urge that the amendment be rejected as wasteful, as curtailing the ability of the Government to actually supervise its own efficiency and the propriety of the expenditure of the taxpayers' funds.

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I fear that the representation that was given of the amendment is simply incorrect. The amendment allows for a 5½-percent increase in expenditures over the current year. That is more than the increase the Members of the House are receiving for their budgets, more of an increase than the committees are getting, including the oversight committees, more than they are receiving for their budgets. This does not cut any staff people. It allows for 5,100 staff people in the General Accounting Office.

I just wish that I could have the dollars that would come to me if all of the times I have been told that this is a saving amendment, that if we just spend a little, we will get more back, would indeed come true. Of course, we are being told here again that if we will just spend a little more, then we will save some in the outyears.

Mr. Chairman, the 5½-percent increase that is allowed under this amendment is a reasonable expenditure to save in the outyears, but somewhere along the line we have to say that the increases that are being recommended go above and beyond what is reasonable. We, in looking at this appropriation, have concluded that this increase of 8 percent is a little above and beyond what is reasonable given our current fiscal circumstances.

Mr. Chairman, I urge the Members to support this amendment in order to save dollars now, recognizing that we are still giving a 5½-percent increase to an agency that performs a needed service.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just want to correct the record. We are not funding them with 5,100 employees. We have already in this bill not allowed them to fill almost 60 positions. I believe it is 58 positions.

Mr. TAUKE. I am sorry. Then it is 5,042 positions.

Mr. FAZIO. They will have to absorb a number of mandatory costs whether we adopt this amendment or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CARPER].

The amendment was rejected.

The CHAIRMAN. Are there any other amendments to the bill not precluded by clause 2 (a) or (c) of rule XXI?

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUNGREN: Page 31, after line 25, insert the following new sections:

SEC. 309. Subsection (c) of section 130 of the joint resolution entited "Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes" (approved October 1, 1981; Public Law 97-51) is anmended by striking out "Effective" and by inserting in lieu thereof "(1) Except to the extent provided by paragraph (2), effective" and by inserting at the end thereof the following new paragraph:

"(2) If all general appropriation bills for any fiscal year have not been presented to the President for signature under section 7 of Article I of the Constitution before the beginning of that fiscal year, then the appropriation contained in paragraph (1) shall not be effective with respect to such fiscal year.".

SEC. 310. It shall not be in order in either the House of Representatives or the Senate to consider the general appropriation bill making appropriations for the legislative branch for any fiscal year unless and until all other general appropriation bills for such fiscal year have been presented to the President for signature under section 7 of Article I of the Constitution.

Mr. LUNGREN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] reserves a point of order on the amendment, and the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes in support of his amendment.

Mr. LUNGREN. Mr. Chairman, this amendment is basically a simple proposition. I call it the paper performance amendment. It basically says that if those of us in the Congress do not do our job of getting all the appropriation bills done on time, that is, before the beginning of the fiscal year, then we should not be voting on the legislative appropriation measure. In other words, it says that as elected Representatives, we should take care of the people's business before taking care of our own.

The amendment is in two parts. The first part says that if we do not complete the 12 major appropriation bills, go through conference, and send them to the President before the fiscal year begins, the automatic appropriation that exists now in legislation for Members' salaries will not be effective for that fiscal year.

I have supported on this floor and in committee increases in pay for Members of Congress. I have taken a lot of heat for that, but I happen to think that we ought to be paid what we are paid now, and I think that increases are appropriate. What I find is that people back home are not so much opposed to increases for Members as they are that we get paid when they think we are not doing our job. The record of the Congress over the last number of Congresses with respect to doing the appropriations business in appropriation bills is horrendous, and it gets worse and worse. We go to continuing resolutions and we try all sorts of things to get out of this. We try Gramm-Rudman fixes and all sorts of things, and nothing works.

This says that the automatic appropriation we have that pays our salaries will not be effective if we do not first pass the 12 major appropriation bills. Additionally, it says that the legislative appropriations cannot be the first, the second, the third, the fourth, or any of those other bills in consideration; it has to come after the first 12.

The State of Missouri has that provision now. The Show Me State says that all the other appropriation bills have to be completed; then the legislative appropriation bill is in order. This does not cut a thing. It is not aimed at pay raises. It does not make fun of Members of Congress for asking for a living wage. It does say that we ought to have some sort of mechanism that forces us in our own interest and in the interest of our staff to do the business of passing the appropriation bills when it is supposed to be done.

Mr. Chairman, this is not anything more controversial than saying that we are exposing ourselves to the same realities that our constituents face in their everyday lives. If those whom we represent do not do their basic work, they do not get paid.

I am not one who tries to poke fun at the Congress. I am proud of this institution, but I am afraid that in some ways we have not acted in accordance with our own rules and in accordance with the mechanism we have established for doing the people's business, and we have brought disdain upon ourselves. It seems to me that with a famous economist such as the recent Nobel Prize winner coming up with the ideal of public choice, we realize that you have to establish incentives within a governmental system so that Members who represent their constituencies will act in ways they want to act; in other words, to say you have to build the incentives for fiscal responsibility that Members take to heart, this is the simplest, most direct way I can find.

Mr. Chairman, I have been informed by the chairman of the subcommittee that a point of order lies against this amendment. I would hope that he would not press that point of order. I do not bring this up just to discuss it tonight, but I do this because it cannot be raised in any other way.

We went through a crisis of sorts over the pay raise. Some did not want to talk about it. I felt it was important to talk about it. Nevertheless we are going to come to another crisis when it comes up again. I think we have to take steps to show our constituents that we are serious about doing their business, and when we cannot get out the 12 major appropriation bills to appropriate the funds to do the people's business through their Government every year, it is very difficult to go home and say we are doing the job.

Continuing resolutions are no longer an exception; they are the rule. Nobody likes them, but we do it every year. Maybe this small step will help us move in the right direction so we might be able to do the people's business and not be embarrassed when we go home and talk about the fact that we do receive a rate of pay for the work we do here.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. FAZIO] intend to press his point of order on the amendment?

Mr. FAZIO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] will state his point of order and the basis for his point of order.

Mr. FAZIO. Mr. Chairman, this amendment violates the Rules of the House in several instances, as follows:

First, it goes beyond the bill under consideration, amending the continuing resolution, and as such is not germane. This is a violation of rule XVI, clause 7.

Second, the amendment constitutes legislation on an appropriations bill and as such is in violation of clause 2 of rule XXI.

Third, in effect, this amendment amends the Rules of the House, a subject which is under the jurisdiction of the Committee on Rules.

For these reasons, I respectfully request the point of order be sustained.

The CHAIRMAN. Does the gentleman from California [Mr. LUNGREN] desire to be heard on the point of order?

Mr. LUNGREN. Mr. Chairman, I would have to concede that this is legislation on an appropriation bill. Unfortunately, this is the only manner in which this subject seems to be able to be raised.

I would hope that at some point in time we could look at this mechanism or something similar to it so we can get our house in order and get Members on a track where they can explain what it is we do here and so they do

not have to be embarrassed about saying, yes, Members deserve a rate of pay commensurate with the work they do.

It seems to me that the concern of some people is that they do not think the work we do is commensurate with the rate of pay we are receiving.

Mr. FAZIO. Mr. Chairman, if I may be heard briefly, let me just say that the gentleman knows how much respect I have for him. I know that he has publicly advocated pay raises, and I am always ready to work with the gentleman on any matter.

The CHAIRMAN (Mr. HUGHES). The Chair is prepared to rule.

The gentleman from California [Mr. LUNGREN] has conceded the point of order raised by the chairman of the subcommittee, the gentleman from California [Mr. FAZIO], and the point of order is sustained.

AMENDMENT OFFERED BY MR. SMITH OF NEW HAMPSHIRE

Mr. SMITH of New Hampshire. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Hampshire: On page 9, line 14, strike "$110,000,000" and insert in lieu thereof "$91,423,000".

Mr. SMITH of New Hampshire. Mr. Chairman, this is a freeze amendment. It is quite simple. It freezes the official mail costs for Members. It saves $18.5 million by reducing the amount in the bill by $110 million to last year's level of $91.4 million. The increase in this bill is 20 percent over all other aspects of the bill.

□ 2125

It is pretty easy to see where the priorities are around here, 20-percent increases versus much smaller increases in other aspects of the bill.

The question we face here is whether we want our constituents to support such an increase, whether they will support such an increase when we just ask them to fork over $19½ billion in new taxes.

This is a small way to give some of that money back to the taxpayers, and I believe that the amendment is totally justified.

Let us look at some of the statistics. In 1984 Congress sent out 924 million pieces of mail, and I emphasize sent out; but they only received 224 million, so do not come back and say to me that we simply have to respond to our constituents' mail.

We are doing that to the tune of about five times greater. In 1985, Congress sent out 584 million pieces of mail, but only received 225 million pieces.

In 1986 Congress sent out 751 million pieces of mail and received 180 million.

Moreover, it is estimated that we will send out over 700 million pieces of mail in 1987, and perhaps as many as 1 billion pieces of mail in 1988.

From 1974 to 1984, in that decade, congressional mail multiplied four times as fast as the entire volume of mail in the United States of America, four times as much as the entire volume of mail in America.

Total mail volume in the United States increased by 47 percent, while congressional mail increased 193 percent in the United States.

If my amendment is not adopted, mail costs will have increased from $47 million in 1978 to $110 million for 1988.

It will have more than doubled in less than a decade. How much do you need? How much do you want? How much do you want to take from the American people after adding $19.4 billion in new taxes on them this year in the budget with a projection of adding another $40 or $50 billion more in taxes by the time we get through the next 3 years.

In short, I am asking Members of Congress in this body to sacrifice a couple of mailings a year in order to save some money. That is all I am asking. Seventy-five percent of what we mail, 75 percent, goes out for newsletters, mail that we initiate, not mail that we are responding to.

At a time when we find ourselves forced to even sometimes do it, and many times just talk about it, cut defense, cut Medicare, cut Social Security and all the things we talk about, the environment, you name it, we have no problems with that, but increasing the funds, 20-percent increase, I say to the American people, a 20-percent increase in our own mail fund.

I will point out in conclusion, I have been here 2½ years; and I have had eight mailings, eight newsletters, far below what we are required to do, and I am back, so maybe I should not have to worry about it so much.

With that, I let my case rest, Mr. Chairman, and yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is unfortunate that the gentleman from New Hampshire who has just spoken did not take a moment to talk with the minority Members, if the gentleman does not trust the majority Members who have jurisdiction over this mailing.

The numbers the gentleman sent out in the gentleman's Dear Colleague letter were woefully inflated, so extraordinary that we thought the gentleman would clearly straighten them out by the time this got to the floor.

The gentleman went up from 500 million which is 300 million above the truth, to 900 million; and we have no notion at all about how we would ever get a figure of that kind.

The plain fact is that the numbers the gentleman just gave us are just not true.

Let us talk about the 20-percent increase. What causes an increase in the mail generated in to and out of the House?

We have done an exact count by years going back to 1972, and what the majority and the minority leadership were involved in in this exercise. We went through this with the gentleman who was then with us who is now in the other body, and went over it, up and down; and the leadership on both sides was convinced that they were barking up the wrong tree with the approach that they were taking.

In 1972, the House of Representatives received 14,600,000 pieces of mail. Does that sound like a lot?

In 1985, that had gone up to 225 million pieces of mail, incoming mail every calendar year.

In 1985, we received 225 million pieces of mail, and the gentleman in the gentleman's "Dear Colleague" letter to the Members said that we sent out 584 million pieces in response.

The truth of the matter is that we sent out 354 million pieces. Let us see how the House has been performing on mail going out compared to mail coming in.

In 1972 when computers were new around here, we received 14,600,000 pieces, but the House mailed 231 million pieces of mail.

You see almost 10 times as much as came in.

By 1985, we received 225 million pieces of mail and did not even send back twice as much mail as came in; so that means that instead of every incoming piece of mail generating 8 or 9 pieces, it was only generating 1½ pieces.

If you look constantly—and I will be glad to put these figures in the RECORD when we go into the full House, so everybody can see year by year—a very interesting thing has been happening. There has been a very constant but persistent and uninterrupted increase in the incoming mail.

There has been at the same time an increase in the outgoing mail, but the percentage of the outgoing mail against the incoming mail has improved consistently year after year, not gone down, so if you are talking about the Members generating mail unduly, you are on the wrong track. We are not responding as voluminously as we did 10 and 15 years ago to a much smaller amount of mail.

Now, the really sad part about the gentleman's amendment is that I suppose if you asked him what he really is doing, and the gentleman from Delaware [Mr. CARPER] as well, who is joining, as I understand with this, they will tell you that they want to reduce the deficit.

Well, let me tell you that the gentleman's amendment does not reduce the deficit one penny, and let me explain why. A good many Members seem to forget that the U.S. Postal Service is under the unified budget on budget and if you go back and look, and I will put this in the RECORD when the House rises, in the GAO report that was given in response to the inquiry of the gentleman from Texas in 1985, it will point out that under the law the amount of money that the Post Office is entitled to for handling franked mail is whatever we appropriate, not what they send the bill to us for, but whatever we appropriate. That is all they get. There is no deficit in our account. We do not owe them anything. We could appropriate $25 million, and they are paid, except that that agency then has to eat the difference.

So all you do with the gentleman's amendment is look like you are cutting costs for the Members' mailing, but you shift them to everybody else that is using the mail by giving it to the Post Office to make up the deficit and you do not change the net numbers on the deficit. It is a total loss. You take $15 million off this bill, looking like you have done something. You can go home and crow about that if you want to, but you have just increased the deficit in another on budget agency, the Post Office, by exactly the same amount of money.

And if indeed we do not appropriate enough money to pay for the mail that we use, there is a shortfall and the Post Office cannot come to us for that shortfall. It has to turn to all the other rate payers. Next year sometime you will be staring at your constituents when they tell you, "Is it true that we are going to have a 25 cent stamp?"

Well, if you vote for this amendment, you tell them yes, because every time we had a chance we dumped some more cost on the rate payers and the Post Office.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. SMITH of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman for yielding. I will be very brief.

In response to the chairman, I would point out that the chairman has said now that the increase in postage is going to be because of my amendment. Let that go down for the record.

The truth of the matter is if the Postal Service has to eat the cost of mailing, Mr. Chairman, with all due respect, it is because we did not exercise frugality in this body in terms of cutting back on the unnecessary and unsolicited mailings.

One final point regarding the statistics which the gentleman questioned that he had a problem with the U.S. Postal Service, because that is where the statistics came from.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield to me for a very brief response?

Mr. ARMEY. Mr. Chairman, I yield very briefly to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, if you want to know how much mail is coming into the House of Representatives, you do not have to go outside. Just go down to the post office. They have the records showing how much you and I and everybody else mailed in the House last year. They will total it up for you. They will total up how much mail come in and was delivered to you. You do not have to ask the post office department. They do not run the post office in the House of Representatives. The House Postmaster does. That is where our numbers come from.

Mr. Chairman, I include the following material earlier referred to:

Calendar year	Incoming mail volume	Outgoing mail volume	Cost
1985	225,000,000	354,291,751	$45,308,146
1984	200,000,000	540,341,000	62,788,000
1983	153,000,000	335,650,314	40,306,625
1982	145,000,000	505,533,050	59,894,236
1981	161,000,000	262,281,213	29,686,213
1980	120,000,000	400,129,816	43,421,682
1979	113,000,000	239,734,399	27,729,087
1978	100,000,000	334,065,000	35,109,000
1977	52,700,000	353,475,752	42,784,950
1976	51,560,000	294,869,543	38,340,515
1975	47,718,903	212,890,050	24.508.846
1974	41,905,750	223,617,840	21,781,570
1973	40,600,000	207,001,419	18,709,109
1972	14,600,000	230,282,524	18,422,602
1986	180,000,000	(1)	(1)
1987	(1)	(1)	(1)

[1] Not available.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, May 2, 1986.

Hon. DON NICKLES,
U.S. Senate,

DEAR SENATOR NICKLES: This letter is in response to the inquiry dated March 10, 1986, signed by you and Senators Phil Gramm, Dan Quayle, and Pete Wilson, as to whether the Antideficiency Act (31 U.S.C. § 1341-1351) is violated when the cost as billed by the Postal Service of delivering congressionally franked mail exceeds the amount appropriated in a given fiscal year. In this respect, you point out that the amount appropriated for congressionally franked mail for fiscal year 1986, after reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), is $95.7 million while the estimated cost of handling congressional mail during the fiscal year is $146 million.

The Antideficiency Act prohibits an officer or employee of the Government from making or authorizing an expenditure or obligation in excess of the amount available in an appropriation or fund for the expenditure or obligation. It also prohibits commitments for the payment of money in advance of an appropriation unless otherwise authorized by law. 31 U.S.C. § 1341. For the reasons which are explained in greater detail in the enclosed Office of General Counsel staff discussion paper, we conclude that no violation of 31 U.S.C. § 1341 is incurred when the cost of handling franked mail exceeds the amount appropriated by the Congress to pay the Postal Service for handling the franked mail. This practice is authorized by 39 U.S.C. § 3216(c) which makes the lump-sum appropriation made to the legislative branch for payment to the Postal Service full payment for all matter mailed under the frank. Furthermore, absent later appropriations for additional costs incurred by the Postal Service for delivery of franked mail, the Postal Service is entitled to receive no more than the amount already appropriated by the Congress for fiscal year 1986 for payment for handling franked mail, as reduced by any sequestrations under Public Law 99-177.

Sincerely yours,

MILTON J. SOCOLAR,
(For Comptroller General
of the United States).

OFFICE OF GENERAL COUNSEL STAFF
DISCUSSION PAPER

The evolution of the congressional franking privilege is discussed in the following passage from the report of the Senate Post Office and Civil Service Committee prepared in connection with Congressional franking reform:

BACKGROUND

"History

The word 'frank' is derived from the Latin francus which means 'free.' The franking privilege denotes the right of a governmental official to send matter through the public mails free of postage. This privilege, as it applies to Members of Congress, is older than the Declaration of Independence itself, having been enacted by the Continental Congress on November 8, 1775. On October 18, 1782, the franking privilege was extended to letters, packets and dispatches to and from Members of the Continental Congress.

Franking Laws 1789 to Present

The First Congress enacted in 1789 practically the same laws as were in existence under the Continental Congress. In 1792, the law was changed to specifically include the Vice President, Members of the House and Senate, and assistants.

During the 1800's the franking privilege enjoyed by the Congress was alternatively broadened and limited depending upon the mood of the citizen. In 1845, legislation was passed conferring the right of the Secretary of the Senate and Clerk of the House of Representatives to use the franking privilege.

Due to alleged excessive abuses, the franking privileges for Congressmen were discontinued for a few years in the mid-nineteenth century.

Little was done until 1957 when the uniform date was established for termination of the right to use the frank by former Congressmen [on] June 30 following the expiration of their term of office. * * * The privilege, with but the one exception, has continually been in effect for nearly 200 years.

Justification

The reasons underlying the franking policy are fundamentally sound. Free transmission of letters on governmental business is directly connected to the well-being of the people because of the nature of the legislative function. The franking privilege serves as an aid and auxiliary in informing the populace since most Members of Congress

would be unable to afford correspondence with their constituency in the absence of the privilege. It may also be stated that the use of franked mail for official business also provides an efficient means of posting since the Postal Service is not required to stamp and cancel franked mail." S. Rep. No. 93-461, 93d Cong., 1st Sess. 2 (1973).

The current statutory authority for Members of the Congress and others to use the franking privilege is set forth generally in chapter 32 of title 39, U.S.C. and 2 U.S.C. § 31b-4 (1982).

While use of the franking privilege means that costs are not paid by those entitled to use the frank, the costs obviously must be borne by someone. Until 1953 all costs connected with the frank were borne by Post Office Department appropriations. These appropriations were funded by postal revenues and when these were inadequate, the deficit was made up out of the general fund of the Treasury. In 1953 the Congress first authorized lump-sum appropriations to pay the postage on mail sent under the frank. Act of August 15, 1953, ch. 511, § 2, 67 Stat. 614. Since the use of the frank itself was not limited, the practice initially followed was for the Post Office Department to request payment in the appropriation request submitted for the fiscal year following the fiscal year to which the billing applied. Congress then appropriated amounts it deemed sufficient based upon its determination of the propriety of the billing.[1] The amount appropriated was also immediately made available for payment to the Post Office rather than awaiting the beginning of the fiscal year of the act in which it was contained in order to make the funds available as soon as possible. This practice continues today.

In 1970, the United States Postal Service was established and the Post Office Department was abolished by the Postal Reorganization Act. Pub. L. No. 91-375, Aug. 12, 1970, 84 Stat. 719. The Postal Service at its first opportunity requested that Congress change the timing of payments to the Postal Service for its handling of franked mail. The Postal Service desired to shorten the time elapsed between when it handled the franked mail and when it received payment related to handling the franked mail. Thus it requested an end to the practice of requesting payment in the fiscal year appropriation following the fiscal year during which the service was rendered and upon which the request was based. Under the proposed new system, quarterly billings would be made based upon estimated volume. These estimated billings would be adjusted at the end of the fiscal year based upon actual volume.

Appropriations would thereafter be requested in advance based upon Postal Service estimates similar to the way Government agencies request operating appropriations. While the billings would be reconciled with actual volume of franked mail handled upon close of the final quarter, actual payments could not exceed appropriations. To address the problem of shortfalls caused by Postal Service under estimates in its initial budget request, or changes in the method employed by the Postal Service to determine its billing to the Congress, the Congress also adopted the practice of adjusting the final quarter's billing through use of the next fiscal year's appropriations. However, no requirement was imposed upon the Congress to appropriate funds to cover the adjusted billings and no effort was made to limit the use of the franking privilege.[2] In fiscal year 1982, the Postal Service began monthly billings for franked mail based upon one-twelfth of the amount of the appropriation for "Official Mail Costs" made for the fiscal year. The Postal Service also provides quarterly reports to show actual usage and to revise its estimate of actual yearly costs. Total billings may not exceed the amount appropriated. Any shortfalls are to be considered during the following fiscal year's appropriation request.[3] This is the current procedure.

DISCUSSION

At the time that the Postal Service proposed the change to the payment procedure to decrease the time between its rendering the service and receiving payment, Congress amended 39 U.S.C. § 3216 to provide:

"§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege * * * by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a member of the house), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. * * *

(c) Payment under subsection (a) * * * of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith."

Subsection (c) of this provision was new and for the first time expressly stated what had been implied since 1953—that regardless of the cost incurred by the Postal Service in handling franked mail, the amount the Congress appropriated to the Postal Service would be considered payment in full for that service.

Accordingly, exercise of the franking privilege without regard to amounts appropriated for payment to the Postal Service for this service is authorized by law and thus not a violation of 31 U.S.C. § 1341.[4] Members, therefore, are authorized to use the franking privilege and the Postal Service is required to handle franked mail regardless of the amount appropriated by the Congress for "Official Mail Costs." Should the actual costs of handling franked mailed exceed the amount appropriated (as reduced by any sequestrations under Public Law 99-177), no violation of 31 U.S.C. § 1341 would occur since the amount appropriated is as a matter of law deemed full payment for all matter sent under the frank. Therefore, if the amount billed exceeds the amount appropriated, the Postal Service should be paid only the amount appropriated, the Postal Service should be paid only the amount appropriated as reduced by sequestration unless additional funds are provided by a supplemental appropriation.

Mr. ARMEY. Well, Mr. Chairman, if I might use my remaining time, I rise in support of the gentleman's amendment.

I understand the difficulty we have here with the manner in which this is accounted for, but it seems to me if I listened to the gentleman from Michigan correctly that he has suggested if we fail to pass this amendment, we then face the opportunity to go home and tell our constituents that in the interest of making our best public relations statement to them, where we do in fact and where our constituents do in fact recognize that we do, define our public image through our own written franked mail, that we were unwilling to reduce the monies budgeted for that purpose and that we are unwilling to cut back on that incumbency advantage in the election process.

One of the great American political tradition is when you are unhappy with what you are getting from Washington, you have an opportunity to go

[1] See H.R. Rep. No. 1557, 87th Cong., 2d Sess., accompanying the Legislative Branch Appropriations Bill for 1963, 8 (1962); *Legislative Branch Appropriations for 1962 Hearings before the Subcommittee of the Committee on Appropriations House of Representatives*, 86th Cong., 2d Sess. 273-274 (1961); H.R. Rep. No. 1607, 86th Cong., 2d Sess., accompanying the Legislative Branch Appropriations Bill, 1961, 4-5 (1960); and *Legislative Branch Appropriations for 1961 hearings before the Subcommittee of the Committee on Appropriations House of Representatives*, 86th Cong., 2d Sess. 293-296 (1960).

[2] See H.R. Rep. No. 92-937, 92d Cong., 2d Sess., accompanying the Legislative Branch Appropriations Bill, 1973, 10-11 (1972); *Legislative Branch Appropriations for 1973, hearings before a Subcommittee of the Committee on Appropriations House of Representatives*, 92d, Cong., 2d Sess. 840-845 (1972); *Legislative Branch Appropriations, 1973, Hearings before the Senate Appropriations Committee*, 92d Cong., 2d Sess., 449-460 (1972). Rule XLVI of the House of Representatives limiting use of the frank by Members of the House under 39 U.S.C. § 3210(d) (relating to mass mailings) was adopted by the House on March 2, 1977 (H. Res. 287, 95th Cong., 123 Cong. Rec. 5952-5953) and currently constitutes the only limitation upon the amount of the use of the frank that we are aware of.

[3] See *Legislative Branch Appropriations for 1982 Hearings before a Subcommittee of the Committee on Appropriations House of Representatives*, 97th Cong., 1st Sess. 345-346 (1981).

[4] We note that the appropriation for "Official Mail Costs" in the annual Legislative Branch Appropriations Act is deemed postal revenue by virtue of 39 U.S.C. § 3216(a). Postal revenue is required by law to be deposited to the Postal Service Fund, 39 U.S.C. § 2003(b)(1), and immediately appropriated to the Postal Service, 39 U.S.C. § 2401(a). Since the fund is a no-year revolving fund, it is available to pay all expenses incurred by the Postal Service in carrying out its authorized functions no matter when they are incurred. Thus the appropriation for "Official Mail Costs" once paid to the fund is available for payment of expenses of the Postal Service no matter when they were incurred.

We also note that 39 U.S.C. § 410(a) provides that Federal laws "dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds" do not apply to the exercise of powers by the Postal Services unless as provided by 39 U.S.C. The Antideficiency Act is not one of the laws listed in 39 U.S.C. § 410(b). No other provision of title 39, U.S.C. expressly makes the Antideficiency Act applicable to the Postal Service.

Thus it is clear that the Antideficiency Act is inapplicable to the Postal Service when billing Congress for handling franked mail.

to the polling place and kick the rascals out; but when the taxpayers find the rascals conducting their campaigns, as it were, with the taxpayers' dollars and are unwilling to cut that, it seems to me to be under the Code of Election Reform.

Now, in addition to that, according to the gentleman from Michigan, we have the opportunity to tell our constituents that we are unwilling to vote to reduce our excessive use of the mail. We all know that it is done but are willing to allow excessive mailing by some Members to be part of the reason why the taxpayers will pay an increased postage rate to write to us in order to protest what it is we do here?

I think the gentleman is asking for a responsible reduction in expenditures.

The fact of the matter is that $10 million of this money is carryover from the nonelection year to the election year.

I believe that we can in the interests of a fair contribution to the budget reduction process allow that carryover to go back to the taxpayers and perhaps achieve a reduction in postage use.

I ask the Members to vote yes on the amendment. Let us show our taxpayers, our voters and our constituents, that we are willing to carry our fair share of the burden, rather than to see them have an increase in postage rates borne at least in part out of our lack of willingness to exercise restraint.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding.

I just want to say once again for the record that frankly I think it would be helpful to develop this symbol in the House that would discourage Members from just going to the maximum. Such a symbol might serve to discourage Members not to go to the maximum extreme in terms of their own mailing habits.

□ 2150

Last year the Members did restrain themselves. We have a pattern for some reason, which I can understand, of more spending on mail during an election year. I am not sure that that has to be the pattern. Nonetheless, the debate is very interesting, and we appreciate all of us having a chance to participate in it at this wonderful hour.

Mr. ARMEY. Mr. Chairman, if I might make a final statement, again I think that this is a point where the Appropriations Committee bears an unfair burden of the legislative process. We really need to go to authorizing committees, and should do that later too.

AMENDMENT OFFERED BY MR. CARPER TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW HAMPSHIRE

Mr. CARPER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows

Amendment offered by Mr. CARPER to the amendment offered by Mr. SMITH of New Hampshire: Strike "$91,423,000" and insert "$100,000,000".

Mr. CARPER. Mr. Chairman, I will not take my 5 minutes. I just want to briefly explain the amendment.

Mr. Chairman, this year we have appropriated to us by this bill $80 million to handle our postage costs—$80 million. With the amendment to the amendment offered by the gentleman from New Hampshire [Mr. SMITH] we will enable ourselves to increase mailing costs in 1988 by 36 percent. With my amendment to Mr. SMITH's amendment we will permit ourselves to increase mailing costs by 36 percent in 1988. Without either of our amendments we will basically be increasing or providing for an increase in mailing costs as much as 50 percent—50 percent.

I think that 50 percent is a bit high. I think that 36 percent is a bit high, but it is a darn site better than 50 percent.

I urge the adoption of my amendment to Mr. SMITH's amendment.

Mr. SMITH of New Hampshire. Mr. Chairman, I rise in opposition to the amendment to the amendment.

Mr. Chairman, the gentleman from Delaware has been a leader here all day in cost-saving measures, and I command him for his leadership in that area. I respect the intent of his amendment, but I must reluctantly speak against it, because I believe that in this particular category the American people would like to see us set an example, and we are not doing that.

This particular section of the bill which asks for a 20-percent increase—a 20-percent increase—is just too much, and I think that we ought to show some restraint around here, and the best way to do that and to set some example is to say that we are willing to accept a freeze, accept a freeze to mail to the very constituents who are asking us to cut the budget and to balance the budget and to reduce the debt.

I might point out that in so doing we are not going to be cutting back on answering their mail. We are cutting back on the unsolicited mail that they are not asking us to send to them anyway. So I will reluctantly oppose the amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could have the attention of the Members, perhaps we can get through this point.

No one could have defended the existing postal system that we have been working under better than Chairman FORD. I simply would say that if the Carper amendment is adopted, and I can reluctantly support that, I think that we will have reached the equilibrium that Members seek.

There is no question that we have got to continue to be tight-fisted personally in each office and institutionally as the House in how we handle our mail. Through jawboning in the last year we have reduced our mailing costs by 36 percent. I think that that is something that the House should be proud of. We met our Gramm-Rudman target even though we faced a supplemental increase of some $50 million. In the face of Gramm-Rudman we rejected the supplemental increase and we lived within the budget imposed on us after the Gramm-Rudman cuts, $95 million. We should be proud of that.

To keep our focus on continually reducing our mailing costs, I am willing to accept a reduction that I do not think is appropriate but which clearly is the will of the body. So I recommend we agree with the amendment to the amendment by the gentleman from Delaware.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CARPER] to the amendment offered by the gentleman from New Hampshire [Mr. SMITH].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. SMITH], as amended.

The amendment, as amended, was agreed to.

AMENDMENTS OFFERED BY MR. SWINDALL

Mr. SWINDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWINDALL: Page 13, line 24, strike "$31,563,000" and insert in lieu thereof "$31,482,264."

Mr. SWINDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SWINDALL. Mr. Chairman, I have a second amendment, and I ask unanimous consent that my amendments be considered en bloc.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. SWINDALL: Page 31, after line 25, add the following new section: "SEC. . No funds appropriated in this Act may be used to hire new staff to operate the elevators in the Cannon and Rayburn House Office Building."

Mr. SWINDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that the amendments be considered en bloc?

There was no objection.

Mr. SWINDALL. Mr. Chairman, these amendments are really simple and very straightforward. They seek to delete $80,736 that would otherwise be appropriated to fund six automatic elevator operator positions.

Mr. Chairman, these amendments are certainly not new. In fact, they have a long and less than illustrious history in this House. They date back to 1983, when the gentleman from Colorado [Mr. BROWN] sought to eliminate all 14 automatic elevator operators, and each year we have sought, time after time, to eliminate all 14.

I have good news for my brethren in the House. This year we are not going to try to eliminate all 14, but rather we are going to try to eliminate the salaries of 6, which would affect only 10 positions.

Mr. Chairman, the reason for this very significant change is, last year number of individuals raised a consideration that those particular elevators that are operated by automatic elevator operators located in the Longworth Building really have a unique problem because the Longworth Building's elevators are antiquated and in fact need that type of assistance. So this year we have eliminated any type of language that would require those particular operators to be eliminated.

What this does do is eliminate six positions, part-time, 30 hours a week; each are $13,456. I would anticipate that the same arguments this year would be made that have been made in the past, specifically that we are dealing here first with handicapped individuals. I would simply counter by saying that there has been more than a 90-percent attrition level in these particular positions each and every year, so clearly if there are any handicapped individuals, those individuals would not have been leaving as part of that 90 percent.

Second, I would say that if we would like to find positions for such individuals, we ought to find productive positions, rather than these type of positions that really do not offer anything other than, I suppose at best, a fairly costly convenience.

So, Mr. Chairman, I ask my colleagues, given the major change that has been made in this bill, to support this particular amendment, because I think again that it would be fairly symbolic to the American people if we were willing to reduce our own budget by virtually $80,000 so as not to fund positions that are unquestionably totally unnecessary.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all let me indicate to the Members that we have already——

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I just want to comment that regardless of rumors to the contrary, the level of temperature in the air is not a result of the Architect turning off the air-conditioner.

Mr. FAZIO. I appreciate the gentleman's point.

Mr. Chairman, we have already eliminated 103 operators in our elevator system. We are down to a very limited number. They earn $13,000 a year. Most of them are senior citizens or handicapped individuals. We have only a few requirements left. We will not be adding any more. Members understand the requirement to get to the floor very quickly when we have votes.

□ 2200

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, just very briefly, as the gentleman will recall from the previous votes, this would not require any individuals to be fired, simply not rehired. That is a very critical part of this language.

Mr. FAZIO. I appreciate that, if the gentleman will allow me to complete my remarks. The gentleman is a humanitarian and I appreciate his sensitivity.

But we do need these few people, 8 in the House office buildings, 15 in the Capitol, only 23, we do need them to maintain our business place.

I urge a no vote on the amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I want to say that I offered this amendment, I would say to my friend from Georgia, in 1977. But we have been successful in reducing by 90 percent the number of elevator operators, and truthfully, we have hundreds of thousands of tourists that come to our building every year.

Mr. FAZIO. Actually, its more like 2½ million visitors.

Mr. GLICKMAN. We have gotten this done, and we have made an incredible amount of progress, largely through the efforts of the gentleman from California [Mr. FAZIO], and the gentleman from California [Mr. LEWIS], and we have not gotten it down to an adequate number of people that can take care of us during rollcall votes, and the hundreds of thousands of tourists.

So, as one who has championed the gentleman's cause in 1977, I would say we have saved the taxpayers of this country an incredible amount of money by reducing this by 90 percent, and I think the people of this country, particularly our constituents, like to know that they are going to be handled satisfactorily when they come in our buildings.

So I would say I have accomplished what I wanted to, and I would urge support for the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I urge my colleagues to join with the gentleman from Kansas [Mr. GLICKMAN] in declaring victory and defeating this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Georgia [Mr. SWINDALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SWINDALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 235, answered "present" 1, not voting 56, as follows:

[Roll No. 228]

AYES—141

Andrews	Grandy	Morrison (WA)
Archer	Gregg	Nelson
Armey	Hall (TX)	Nielson
Badham	Hansen	Olin
Baker	Harris	Oxley
Ballenger	Hastert	Packard
Bartlett	Hefley	Pease
Barton	Henry	Petri
Bilirakis	Herger	Price (NC)
Bliley	Hiler	Regula
Boulter	Hopkins	Rinaldo
Brown (CO)	Houghton	Rogers
Buechner	Huckaby	Roth
Bunning	Hunter	Roukema
Byron	Hyde	Rowland (CT)
Callahan	Inhofe	Saiki
Carper	Ireland	Saxton
Chandler	Johnson (SD)	Schaefer
Chapman	Kasich	Schneider
Cheney	Kolbe	Schuette
Coats	Konnyu	Schulze
Coble	Kyl	Sensenbrenner
Coleman (MO)	Lagomarsino	Shaw
Combest	Lancaster	Shumway
Craig	Latta	Shuster
Crane	Leach (IA)	Slaughter (VA)
Dannemeyer	Lewis (FL)	Smith (NE)
Daub	Lightfoot	Smith (TX)
Davis (IL)	Lloyd	Smith, Denny (OR)
DeLay	Lukens, Donald	Smith, Robert (NH)
DeWine	Lungren	Snowe
DioGuardi	Mack	Solomon
Dreier	MacKay	St Germain
Duncan	Marlenee	Stangeland
Dyson	Martin (IL)	Stenholm
Emerson	Martin (NY)	Stump
Erdreich	McCandless	Sundquist
Fawell	McEwen	Sweeney
Fields	McGrath	Swindall
Gallegly	McMillan (NC)	Tallon
Gilman	Michel	Tauke
Gingrich	Miller (WA)	Taylor
Goodling	Moorhead	
Gradison	Morella	

Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)

NOES—235

Ackerman
Akaka
Alexander
Anderson
Anthony
Applegate
Atkins
AuCoin
Barnard
Bateman
Bates
Bellenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Bruce
Bryant
Bustamante
Campbell
Carr
Chappell
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Courter
Coyne
Daniel
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gaydos
Gekas
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hamilton
Hammerschmidt
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Madigan
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Myers
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Price (IL)
Rahall
Rangel
Ravenel
Richardson
Ridge
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wortley
Wyden
Yates
Yatron
Young (AK)

ANSWERED "PRESENT"—1

Biaggi

NOT VOTING—56

Annunzio
Aspin
Berman
Boner (TN)
Brooks
Brown (CA)
Burton
Cardin
Clarke
Conyers
Crockett
Darden
Davis (MI)
Dornan (CA)
Dowdy
Fish
Flake
Flippo
Florio
Ford (TN)
Frenzel
Gejdenson
Gephardt
Grant
Hall (OH)
Hawkins
Hochbrueckner
Holloway
Hubbard
Jones (NC)
Kemp
Kennelly
Leland
Livingston
Lott
Manton
Markey
Miller (CA)
Miller (OH)
Murtha
Nagle
Obey
Pepper
Pursell
Quillen
Ray
Rhodes
Roemer
Rostenkowski
Smith (FL)
Smith, Robert (OR)
Stratton
Tauzin
Torricelli
Watkins
Wolpe

□ 2215

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. DARDEN. Mr. Chairman, I was in the Chamber and I respectfully object to the proceedings. I was in the Chamber and it was my intention to vote. I was on my feet while the Chairman was in the process.

The CHAIRMAN. I am sorry to say to the gentleman I did not see the gentleman.

Mr. DARDEN. I respectfully object. I want to be heard on this matter.

The CHAIRMAN. The vote is final at this point. The gentleman may want to make a statement for the record.

Are there any other amendments to the bill not precluded by clause 2 of rule XXI?

Mr. DARDEN. Mr. Chairman, I was in the Chamber. My card was in the machine. I was attempting to cast my vote in this matter and I respectfully object to the vote in that the Chair failed to recognize me. A number of times I specified I was trying to vote. I was present and I respectfully object to the fact that the Chair would not allow my vote to be recorded. It would make no objection to the outcome.

The CHAIRMAN. The Chair can only say to the gentleman that he was obviously where the Chair did not see the gentleman. The Chair does not know when a Member's card goes into the machine, as the gentleman knows. Unless the gentleman was in the well, the Chair would have no way of knowing the gentleman had his card in the machine.

Mr. DARDEN. Mr. Chairman, I ask unanimous consent I be recorded as voting on this issue and that my vote in this matter was "aye."

The CHAIRMAN. The Chair does not have the authority to correct a vote once it has been cast.

Mr. DARDEN. I submit there is no correction because I know what I did and I was here.

The CHAIRMAN. The gentleman may make a statement for the RECORD.

Are there any further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Legislative Branch Appropriations Act, 1988".

(By unanimous consent Mr. FOLEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. FOLEY. Mr. Chairman, I take the floor simply to inform the Members on the schedule for tomorrow. At the conclusion of this bill we will have completed business for today, except for some unanimous-consent requests.

Tomorrow the House will meet at noon and we will have recorded votes on H.R. 2616, the Veterans' Administration Health Care Program; H.R. 1504, the Veterans' Job Training Act; House Concurrent Resolution 141, the promotion of democracy in South Korea; and H.R. 2327, the Veterans' Administration beneficiary travel benefits.

The House will then consider the conference report on the supplemental appropriation. There are 137 items in disagreement. There will be 2 hours of general debate on the conference report.

Following action on the supplemental appropriation conference report, the House will consider the conference report on the homeless bill.

Members should anticipate the possibility of not this late a session, but something that might run over 6 in the evening. A further program will be announced later.

I thank the Chair.

The CHAIRMAN. Are there any further amendments to the bill?

Mr. FAZIO. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose and the Speaker, having resumed the Chair, Mr. HUGHES, 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. 2714) making appropriations for the legislative branch for the fiscal year ending September 30, 1988, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered. There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 228, noes 150, answered "present" 1, not voting 54, as follows:

[Roll No. 229]

AYES—228

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bevill
Biaggi
Bilbray
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Bustamante
Campbell
Carper
Carr
Chapman
Chappell
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Daniel
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gibbons
Gilman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Richardson
Rodino
Roe
Rogers
Rose
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Towns
Traficant
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolf
Yates
Yatron
Young (AK)

NOES—150

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Byron
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Combest
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Dyson
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Glickman
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Inhofe
Ireland
Jacobs
Jeffords
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lloyd
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Petri
Ravenel
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roth
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Williams
Wortley
Wyden
Wylie
Young (FL)

ANSWERED "PRESENT"—1

Darden

NOT VOTING—54

Annunzio
Aspin
Berman
Boner (TN)
Brooks
Brown (CA)
Burton
Cardin
Clarke
Conyers
Crockett
Davis (MI)
Dornan (CA)
Dowdy
Fish
Flake
Flippo
Florio
Ford (TN)
Frenzel
Gejdenson
Gephardt
Grant
Hall (OH)
Hawkins
Hochbrueckner
Holloway
Hubbard
Jones (NC)
Kemp
Kennelly
Leland
Livingston
Lott
Manton
Markey
Miller (CA)
Miller (OH)
Murtha
Nagle
Obey
Pursell
Ray
Rhodes
Roemer
Rostenkowski
Smith (FL)
Smith, Robert (OR)
Stratton
Tauzin
Torricelli
Traxler
Watkins
Wolpe

□ 2230

The Clerk announced the following pairs:

On this vote:

Mr. Ray of Georgia for, with Mr. Roemer against.

Mr. Leland for, with Mr. Dornan of California against.

Mrs. Kennelly for, with Mr. Burton of Indiana against.

Mr. Hawkins for, with Mr. Robert F. Smith against.

Mr. Holloway for, with Mr. Frenzel against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2763, COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-196) on the resolution (H. Res. 215) waiving certain points of order against consideration of the bill (H.R. 2763) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2783, HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-197) on the resolution (H. Res. 216) waiving certain points of order against consideration of the bill (H.R. 2783) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1827, SUPPLEMENTAL APPROPRIATIONS, 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-198) on the resolution (H. Res. 217) waiving certain points of order against the conference report on the bill (H.R. 1827) making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NATIONAL PODIATRIC MEDICINE WEEK

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. 75) to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but I would like this body to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from West Virginia [Mr. STAGGERS], who is the chief sponsor of House Joint Resolution 114, which is comparable to Senate Joint Resolution 75, designating the week of August 2, 1987 through August 8, 1987 as "National Podiatric Medicine Week."

□ 2245

Mr. STAGGERS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to speak on behalf of Senate Joint Resolution 75, the companion measure to House Joint Resolution 114 of which I am the sponsor in the House and which has garnered the majority number of cosponsors to be considered on this floor. The joint resolution would designate the week of August 2, 1987 as "National Podiatric Medicine Week."

In this era of comprehensive medicine the importance of good foot care cannot be overlooked. Every year thousands of Americans suffer from foot-related diseases and injuries and thus depend upon the guardians of the Nation's foot health—doctors of podiatric medicine.

Mr. Speaker, I have a model of a foot before me, and too often we forget about our feet, unless they are suffering from some sort of illness, from a twist, from a sprain, from a break. As the Speaker just told me minutes ago, when you have been on your feet a long time during the day, as we have, your feet begin to hurt, and we should not forget those protectors of our feet.

The professional society which represents the Nation's podiatrists is the American Podiatric Medical Association and they are celebrating their 75th anniversary this year. The passage of this joint resolution would be a fitting tribute to their efforts to reduce the painful number of American bunions, corns and blisters.

This is a bill, even those of you with fallen arches can support. And as it marches toward enactment, 500 million American feet will walk with the comforting knowledge that professional foot-care is available to them through the services of the Nation's dedicated podistrists.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to thank the gentleman from West Virginia [Mr. STAGGERS] for his comments.

As a politician who campaigned door to door, I can understand the value of healthy feet.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. RAHALL). 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. 75

Whereas the American Podiatric Medical Association celebrates its 75th anniversary in 1987;

Whereas foot-related diseases and injuries continue to plague countless Americans, millions of whom seek and require professional care each year;

Whereas basic podiatric medical research offers significant promises for the prevention and relief of numerous foot health complaints;

Whereas doctors of podiatric medicine, as the guardians of the Nation's foot health, are committed along with their medical colleagues to cost effective, high quality, comprehensive patient care; and

Whereas the American Podiatric Medical Association will hold its 75th annual meeting in Washington, D.C., during the week beginning August 2, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of August 2, 1987, through August 8, 1987, is designated as "National Podiatric Medicine Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate 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.

NATIONAL ALZHEIMER'S DISEASE MONTH

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. 15) designating the month of November 1987 as "National Alzheimer's Disease Month," 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. Mr. Speaker, reserving the right to object, I do not object, but would like the Members to know that the minority has no objection to the legislation now being considered.

Mr. LOWERY of California. Mr. Speaker, 80 years have elapsed since a German neurologist named Alzheimer first described the effects of a progressive form of dementia on a 51-year-old patient. Since that time, scientists have come to learn that Alzheimer's Disease is not simply a normal consequence of aging, but rather a deadly neurological disorder that slowly but steadily robs its victims of their ability to function, both mentally and physically.

Although 60,000 Americans between the ages of 40 and 60 have Alzheimer's, the majority of its 2½ million victims are older than 65. It kills 120,000 Americans a year, and among the elderly, it is the fourth leading cause of death and the major source of serious intellectual impairment. Estimates indicate that up to half the Nation's nursing home patients suffer from Alzheimer's and that more than $34 billion is spent each year on caring for all its victims.

As our population ages, the number of Americans afflicted with this disorder will increase and the costs of caring for them will grow dramatically. Within the next 10 years, one out of every three families will be touched by Alzheimer's Disease.

And tragically, no one knows what causes it. However, we are getting closer.

Ten years ago, funding for Alzheimer's research totaled less than $4 million. In 1987, $68 million has been dedicated to the search for a cure. This past February, the Nation received a very promising return on its investment.

Recent research has uncovered important clues about the cause of Alzheimer's Disease. Scientists have identified genetic patterns that accompany an inherited form of the disease. The patterns, called genetic markers, tell scientists aproximately where to look in the maze of genetic material for the gene or genes that may cause the inherited form of Alzheimer's. Other research findings implicate an abnormal protein called amyloid as a potential factor in causing the disease.

This recent flurry of "break-through" reports on genetic factors linked to Alzheimer's disease is rooted in 15 years of research by Dr. George Glenner, a world renowned scientist, who hails from the University of California at San Diego. I commend Dr. Glenner for his diligent research, and applaud the tireless commitment of he and his wife, Joy, to caring for Alzheimer's patients and their families.

Mr. Speaker, we have come a long way in our battle against Alzheimer's disease, but there are many more battles to be fought before the war is won. Sadly, for the victims and families of Alzheimer's, each day is a battle. By declaring November 1987 as "National Alzheimer's Disease Month," it is our hope that those who suffer from Alzheimer's will be comforted, that scientists will be encouraged by Congress' continued commitment

to research, and that all Americans will lend their support to eliminating this tragic disease.

I am proud to have sponsored the House version of this worthy resolution, along with my good friend from South Carolina, BUTLER DERRICK, and I thank all my colleagues who joined us as cosponsors. Mr. Speaker, I urge passage of Senate Joint Resolution 15.

Mrs. MORELLA. 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. 15

Whereas more than two and one-half million Americans are affected by Alzheimer's disease, which is a surprisingly common disorder that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 50 per centum of all nursing home admissions, at an annual cost of more than $25,000,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's disease and recognition of national organizations such as the Alzheimer's Disease and Related Disorders Association may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the month of November 1987 is designated as "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate 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.

EMERGENCY MEDICAL SERVICES WEEK

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. 134) designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would like the House to know the minority has no objection to the legislation now being considered.

Mr. MANTON. Mr. Speaker, I would like to thank the subcommittee chairman, Mr. DYMALLY, for bringing House Joint Resolution 134 to the floor and I would also like to thank the cosponsors of the legislation for their support.

House Joint Resolution 134, which I introduced, establishes the week of September 20-26, 1987, as "Emergency Medical Services Week." This week recognizes the invaluable contributions and dedication of Emergency Medical Services teams across the Nation. EMS teams include emergency medical physicians, nurses, technicians, paramedics, educators, and administrators. In 1985, these committed professionals treated more than 12 million people for life-threatening injuries and illnesses.

The medical community's knowledge and expertise in the field of emergency medicine increases every year. Organizations such as the American College of Emergency Physicians, the National Council of State EMS Training Coordinators and the National Association of Emergency Medical Technicians, help emergency personnel to remain current with the latest developments in emergency medicine. Furthermore, EMS teams work together to improve and adapt their skills as new methods of emergency treatment are developed.

Emergency personnel are a special part of the medical community who are trained to expect the unexpected, who may be called upon to treat any illness or injury and any number of patients. They must make rapid decisions on appropriate treatment and the need for hospitalization, often while working under hazardous conditions. Over the past 20 years, EMS teams have greatly improved their effectivness. In fact, EMS teams have cut in half the death rate for medical emergencies from accident or disease over the past two decades.

During the observance of "Emergency Medical Services Week," communities around the Nation will have the opportunity to honor their local EMS teams and recognize their contributions to the community. Emergency Medical Services Week will also provide a special opportunity for the providers of emergency services to educate Americans about accident prevention and how to best respond to an emergency situation.

In 1983, 1984, and 1986, the Congress voted to recognize the vital public service EMS teams provide. This year we should once again honor EMS teams by proclaiming the third week in September 1987 as emergency Medical Services Week. I urge my colleagues to join me in supporting this important resolution.

Mrs. MORELLA. 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 joint resolution, as follows:

H.J. RES. 134

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel, and reciprocal recognition of training and credentials by the States;

Whereas the designation of "Emergency Medical Services Week" will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating "Emergency Medical Services Week": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 20, 1987, through September 26, 1987, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CZECH AMERICAN HERITAGE WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 51) to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week," 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. Mr. Speaker, reserving the right to object, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

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. 51

Whereas since the immigration of the first documented Czech settler, Augustine Herman, to New Amsterdam in 1633, Czechs and Americans of Czech descent have played a vital role as contributors to United States rural and urban life;

Whereas Czech immigrants, seeking religious, economic, and political freedom, have throughout the years contributed significantly to the arts, sports, education, and commerce;

Whereas Czech immigrants, fleeing the communist regime in 1948 and the 1968 Soviet led invasion of Czechoslovakia, represent the latest in the tradition of Czech immigrants seeking political freedom in the United States, and are particularly noteworthy for their impressive contributions in literature and other intellectual and professional pursuits;

Whereas in the 19th century Czech immigrants established hundreds of gymnastic clubs, known as "'sokols", throughout the United States, and this dedication and aptitude for sports continues and is well embodied in the accomplishments of the recent Czech immigrant, Martina Navratilova, the number one ranked women's tennis player in the world for the past five consecutive years; and

Whereas the state of Nebraska has the largest percentage of Czech descendants per capita, and the town of Wilber, Nebraska, known as the Czech capital of the United States, celebrates its 26th Annual National Czech Festival on August 1-2, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on July 27, 1987, and ending on August 2, 1987, is designated as "National Czech American Heritage Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate 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.

NATIONAL LITERACY DAY

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. 117) designating July 2, 1987, as "National Literacy Day," 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. Mr. Speaker, reserving the right to object, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I would like to take this opportunity to express my support of Senate Joint Resolution 117—a bill designating July 2, 1987, as "National Literacy Day."

Approximately 27 million adults in this country cannot read. This deficiency is estimated to cost the United States $225 billion annually.

Unfortunately, an end to the problem is not within immediate reach. A million children between the ages of 12 and 17 cannot read above a 3rd grade-level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of urban high school graduates read at less than 6th grade-level. Sadly, illiterate children grow up to become illiterate adults.

At a time when we are hoping to revive our competitive position as an approach to the budget and trade deficits, it is more important to pay closer attention to one of the fundamental causes of our diminishing competitiveness.

It is no secret that the inability to read directly affects one's ability to function effectively and profitably in today's society.

Currently, all governmental assistance reaches only 5 percent of the illiterate population. Mr. Speaker, an improvement is critical.

The proclamation made by S.J. Res. 117 is a positive first step in calling greater attention to the illiteracy problem. It would also be an appropriate commendation of the volunteers who have been working to improve the literacy capability of our Nation.

Mr. Speaker, I urge my colleagues to join me in supporting and adopting this measure.

Mrs. MORELLA. Further reserving the right to object, I fully support Senate Joint Resolution 117 (H.J. Res. 251) designating July 2, 1987, as "National Literacy Day."

The information purported in this resolution is an eye opener and truly frightening. Though we are all aware of the existence of illiteracy in our country, the severity of the problem and the effects on society are not so well publicized. We look at illiteracy in other parts of the world but do not focus fully on our need to eradicate this condition in America.

I am fortunate, as a professor of English, to have had students with an interest and a good background in our language. However, I know that some graduate and professional schools have remedial courses in English to help their students overcome basic problems.

A democracy can never flourish if there is illiteracy. We exercise our right to be well informed by defending the first amendment freedom of the press. What good is that if there are 35 million Americans who read at a level which is less than what is necessary to exist in our society and 27 million adults who cannot read at all. There is no place for illiteracy if we want a well-informed constituency.

Mr. Speaker, 85 percent of the juveniles who appear in criminal court are functionally illiterate and there is 47 percent illiteracy rate among our Nation's black young people. Of our Nation's heads of households, half read below the eighth grade level and one-third of mothers on welfare are functionally illiterate.

I reach out to these people who, because of illiteracy, are ridiculed and relegated to a life which does not reflect what this Nation stands for—opportunity and a better life.

I earnestly hope that our benefits in the 100th Congress will help to publicize the need for literacy.

Mr. FLORIO. Mr. Speaker, I would like to thank the chairman of the subcommittee on Census and Population, Mr. DYMALLY, for bringing this resolution to the floor today. I introduced House Joint Resolution 251, the House companion to Senate Joint Resolution 117, to designate July 2, 1987 as National Literacy Day. Last year, the Congress approved my resolution and the President reaffirmed its importance by signing the proclamation designating July 2 as National Literacy Day. I hope to continue calling attention to the large numbers of Americans that cannot function in our society because they are illiterate.

Mr. Speaker, studies indicate that 27 million Americans cannot read a newspaper, cannot fill out a job application, cannot maintain a checkbook or understand the warning label on a bottle of medicine. In short, our Nation has 27 million people that form a class of functional illiterates that are uneducated, untrainable, and economically dependent. And these numbers are growing every year. The Department of Education estimates that, every year, 2.3 million more illiterates, including high school dropouts, unlettered passalong graduates and immigrants, are added to our society.

We are paying a high price in our Nation for this unforunate deficiency. As chairman of the House Subcommittee on Commerce, Consumer Protection and Competitiveness, I am concerned that our Nation's competitiveness is being eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate. There is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money that is allocated to child welfare costs and unemployment compensation.

Social and economic discrimination problems are propounded because illiteracy is highest among blacks and Hispanics. The high percentage of illiterate juveniles in criminal court indicate that illiteracy fosters crime. Of concern to our Nation's strength is the fact that illiteracy directly impacts our military capability. Millions of dollars of damage is still done to expensive equipment because many men and women in the service are unable to read and comprehend even the simplified manuals.

The total costs related to our Nation's literacy are estimated to exceed $225 billion an-

nually. Chronic unemployment is a further problem that illiterate individuals in our Nation need to deal with. Up to 75 percent of the unemployed lack the basic skills to get a job or be trained for a job.

Disturbingly, Federal funding for literacy programs has not been sufficient to address a problem reaching mass proportions. Federal, State, municipal, and private literacy programs have only been able to reach 5 percent of the total illiterate population. The annual amount of money spent by our Federal Government for this problem amounts to $17 per person for a total of $352 million. The Department of Education estimates that only 2 million people are reached annually by these programs.

The total cost of illiteracy to our Nation cannot be measured accurately. However, our Nation is paying dearly in lost productivity and human misery. We hear of sad stories or people suffering tragedies because they could not read: the industrial worker killed because he could not read a warning sign; the mother who gave her sick child pink detergent instead of stomach medicine because she could not decipher medicine labels; the mother who thought she was signing a routine field trip permission slip for her daughter only to discover that whe had relegated her daughter to a home for the retarded.

It is for these reasons that we call attention to the problem of illiteracy in our Nation by designating July 2, 1987 as National Literacy Day. We must begin to recognize this problem in order to find solutions and obliterate illiteracy. I would like to, at this point, commend the thousands of volunteers in our Nation, including Caryl Mackin-Wagner of Focus on Literacy of New Jersey, that are working tirelessly to help illiterate individuals in their communities. Thirty-three States have formed literacy councils and activities by volunteer organizations, colleges and schools are increasing.

I urge the support of my colleagues in this worthwhile effort.

Mrs. MORELLA. 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. 117

Whereas literacy is a necessary tool for survival in our society;

Whereas 35,000,000 Americans today read at a level which is less than necessary for full survival needs;

Whereas there are 27,000,000 adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as 2,300,000 persons, including 1,200,000 legal and illegal immigrants, 1,000,000 high school dropouts, and 100,000 refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas 1,000,000 children in the United States between the ages of 12 and 17 cannot read above a 3rd grade level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of graduates of urban high schools read at less than a 6th grade level;

Whereas 85 percent of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 percent illiteracy rate among black youths is expected to increase to 50 percent by 1990;

Whereas one-half of all heads of households cannot read past the 8th grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1987, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate 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.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the various joint resolutions just passed.

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

There was no objection.

MOTHERS OF POLITICAL PRISONERS IN NICARAGUA

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

Mr. RHODES. Mr. Speaker, the State Department last month issued a circular entitled "Mothers of Political Prisoners," dealing with the "January 22 Movement of Mothers of Political Prisoners" in Nicaragua.

This is an organization of exceptionally courageous people whose sons or husbands are held in political confinement by the Sandinista government, held without being charged, tried, convicted or sentenced of any crime, even the questionable "crime" of speaking out against the state, much less of participating in open or armed resistance against the state. These wonderful, brave people run exceptional risk in order to achieve freedom for their loved ones and liberty for their nation. The article details the repression they have been subjected to as a result of their actions.

Our colleagues, the gentleman from New York [Mr. SCHEUER], the gentlelady from Louisiana [Mrs. BOGGS], and I have visited with members of the January 22 movement, and they have suffered adversely from speaking with us.

Mr. Speaker, I am submitting this article for the RECORD, in hopes that Members can take note that there is a resistance to the Sandinistas that is not armed, is spontaneous, and is one that all Americans can embrace and support. Freedom is their goal, and we should help them achieve it.

MOTHERS OF POLITICAL PRISONERS

Mothers of political prisoners in Nicaragua who joined forces 4 months ago in an effort to bring the plight of relatives incarcerated for violating security laws to the attention of the public have themselves become the targets of reprisal by Nicaragua's Sandinista regime.

Several activist mothers have asserted that they have been detained and interrogated by members of Nicaragua's State Security (DGSE) police. They also said that family members have been harassed, abused, and arrested and that their imprisoned sons, husbands, and brothers have received harsher treatment. The mothers, however, are strong in their resolve to organize for more humane treatment and general amnesty for political prisoners.

The group, which calls itself the "January 22 Movement of Mothers of Political Prisoners," estimates that 10,000 political prisoners are being detained, including prisoners convicted of collaborating with resistance forces and some 2,000 former National Guardsmen. The Ministry of Interior claims a total prison population of 9,691, according to the New York Times.

Approximately 1,500 mothers belong to the movement, although some say that as many as 4,000 women have joined.

The movement seeks to obtain a general decree of amnesty for all political prisoners,

to obtain personal and legal assistance for the political prisoners, and to abolish the Anti-Somocista People's Tribunals (TPAs). The roundly condemned and highly political TPAs have a conviction rate of over 90 percent.

"It is most sensible to organize the mothers to achieve these objectives," said Enrique Sotelo Borgen, an opposition lawyer and member of the National Assembly representing the Conservative Party, who is advising the group, "because this is a regime of terror and in this regime it is the men who run the greatest risks. The majority of the prisoners are poor campesinos [peasants] who lack legal defense." He noted that they want to give at least some protection to the families as well.

Founders of the movement, who met while waiting in line at Managua's two largest prisons to visit inmate relatives, approached Sotelo and others for assistance in organizing the group. The Social Christian Party has taken a position of support for the movement.

"We began to organize because we realized only then could we secure the release of our families," said a former Sandinista militant and one of the movement's founders. "We were motivated to organize. In this country anyone who speaks against the revolution is called a counter-revolutionary. We feel we have a moral responsibility to criticize what we see going on, and the government does not like this."

Chester Alberto Guevara, liaison between the Social Christian Party and the movement, explained that while the group has the protection of the party, not all the women are members of the party.

Affiliation with the movement is not risk-free. "All of these women have been the subject of repression because of affiliation," said Abel Reyes, a legal assistant working with the group.

"Even before the group was formed, we suffered repression," said Silvia Aleman Mejia, one of the group's organizers. "We would go to CPDH [Permanent Commission on Human Rights], submit our statement, and our prisoner relatives would suffer the consequences. We have always run a risk, but because our loved ones are in jail, we are willing to take that risk. We're not doing it for our own relatives, but for everyone in the country who suffers."

According to a complaint filed in a Managua court last week, reported the New York Times, security agents visited Ms. Aleman at her home in Ticuantepe on March 21. She said in her complaint that the agents came "to threaten and intimidate me into stopping my participation in the activities of the January 22 Movement of Mothers of Political Prisoners, or else I would be arrested," the Times reported. "They also told me that in compliance with higher orders, they were warning me not to attend meetings of the committee." She said.

One activist mother who requested that her name not be used, said, "The day after we organized, the State Security occupied my house and took me to El Chipote [prison] for 8 hours. Four State Security agents entered my house. They wanted to find out if this group really existed, and if I belonged to a political party."

Another activist mother who also requested anonymity said she was detained and interrogated at El Chipote for 5 hours. "Some of us were stripped at El Chipote," she said. "While I was there, various people came in. They called on me to make a statement, took photos in various positions, and fingerprinted me."

On March 31, eight State Security agents and their police dogs entered the home of activist Concepcion Salazar Gonzalez, claiming they were searching for "counterrevolutionary documents." The security police struck her pregnant daughter and arrested her younger son, Fanor de los Angeles Salazar, 21. Her eldest son, Domingo Gamali Salazar Fornos, had been arrested in June 1986 and sentenced to 11 years, allegedly for being a member of the Nicaraguan Democratic Resistance Force (FDN), a charge she vehemently denies.

Ms. Salazar was taken into custody and interrogated at El Chipote prison where guards tried to make her sign a document attesting that both her sons were members of the FDN. According to Ms. Salazar, the guards told her she would never see her sons again if she did not sign the paper. They also threatened to torture her sons if she continued her activities in the mothers movement, she said.

Her son's whereabouts were unknown between March 11 and 31, at which time she received word from him. "You see, we must continue to fight," she said. "He is not dead."

The mothers' first effort came in January of this year when they drafted a letter to the Secretaries General of the United Nations and the Organization of American States to seek help for the human rights abuses occurring in the Nicaraguan prison system. The movement currently is drafting its charter; however, it has not been granted the formal legal status required of all nongovernmental organizations.

Although still in its embryonic stage, the movement already has sponsored two assemblies, which drew between 600 and 800 people despite government efforts to quell the demonstrations. The government succeeded in disbanding a third assembly on March 8 by blocking road access to the Social Christian Party headquarters where it was to be held.

"We plan to organize other events and lease a large house where we can meet and house people overnight, but our priority is to continue to fight for general amnesty," said Sotelo.

"The only chance we have is to be organized," added the former militant member of the movement.

Several of the mothers told Times reporter Stephen Kinzer that their sons had been singled out for harsher treatment in jail because news of the movement's activities had reached guards. Kinzer also reported that the movement is preparing a list of cases, which will include "names of some of the prison authorities who take cruel reprisals in the jails."

Some of the prisoners have organized work and hunger strikes to protest prison policies and treatment, according to the mothers. They said that 16 prisoners went on a hunger strike last January to protest State Security's policy of housing common criminals with Sandinista ties with political prisoners to harass and spy on them. "There are many prisoners who refuse to work. They lose visitation rights and are denied food. There also is a group of prisoners who refuse to work because they are not given enough food or water," said one mother.

Another activist mother said her son refused to work "because he was accused of being a murderer, a thief, and against the revolution, and he didn't want to give credence to those accusations."

NICARAGUAN FOREIGN MINISTER AWARDED LENIN PRIZE

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

Mr. INHOFE. Mr. Speaker, since 1979, this body has debated the intentions of the Sandinista party in Nicaragua. Are they Soviet-backed Communists promoting revolution in their democratic neighbors, or are they revolutionary progressives seeking peace and a free system of government?

Recent debates have been marked by increased recognition of the Communist ideology and Soviet and Cuban ties of the Sandinistas. However, several Members and groups such as Witnesses for Peace continue to overlook the very close relationship between the Sandinista commandantes and the Soviet Union.

I would like to bring to the attention of these people two Soviet reports on the event of Nicaraguan Foreign Minister Miguel D'Escoto being awarded the international Lenin Prize. In his remarks, D'Escoto praised the Soviet Union as the "the personification of ethical and moral norms in international relations." Apparently, he has no qualms about Soviet tactics in, for instance, Afghanistan.

Mr. Speaker, I am submitting these two reports for the RECORD, and I urge my colleagues to recognize the Sandinistas for what they are and support the Nicaraguan resistance.

NICARAGUAN FOREIGN MINISTER ON LENIN PRIZE AWARD

[From the "Novosti" newscast]

Soviet journalists accredited in Nicaragua have met with Miguel D'Escoto, eminent state figure and foreign minister of the Republic, on the occasion of his being awarded the International Lenin Prize for strengthening peace among peoples.

[Begin video recording of D'Escoto in Spanish with superimposed Russian translation] I will say frankly that my first reaction was a feeling of a sort of embarassment: Am I worthy of such a high award? But when I felt pride, for my people. You see, the Nicaraguan people are waging a heroic battle for peace in the most difficult conditions. This prize makes us Nicaraguans come into even closer contact with Lenin, that great personality of your state and of all mankind who was the passionate champion of peace. For this reason I am really happy to accept this high award, which is conferred on the Nicaraguan people in my person. I believe that the Soviet Union is a great torch which emits hope for the preservation of peace on our planet. Always in the vanguard of the overall struggle for peace, the Soviet Union has become the personification of ethical and moral norms in international relations. I admire the revolutionary principles and consistency of the foreign policy of the Communist Party of the fraternal Soviet Union, which provides food for deep thought for political and state figures and for philosophers in their search for

paths to a new way of thinking in the stuggle for the preservation of peace.

NICARAGUA'S D'ESCOTO ACCEPTS LENIN PRIZE IN MOSCOW

D'Escoto Brockman, a state figure from the Republic of Nicaragua, has been awarded the International Lenin Prize for Strengthening Peace Among Nations for his outstanding services in the struggle to preserve and strengthen peace. A festive meeting of representatives of the public, at which the diplomat and the winner's gold prize were handed to the Nicaraguan minister of foreign affairs, took place in the Kremlin today.

D'Escoto is active in promoting a foreign policy course which corresponds to the interests of all progressive states, noted Academician Blokhin, chairman of the committee for International Lenin Prizes.

Soviet people are coming out resolutely in favor of the defense of the sovereign rights of the states of Latin America, against any kind of attempts to dictate others' conditions on them or to sow enmity and mistrust between them. This was noted by Chakovskiy, chairman of the Soviet Committee for Solidarity with Latin American Peoples, and by Zaytsev, deputy director of the Latin America Institute of the USSR Academy of Sciences.

D'Escoto expressed his gratitude for the award and noted the International Lenin Prize is a recognition of the selfless struggle of the Nicaraguan people in defense of those principles, the respect for which is necessary so that peace between people will reign on earth. The heads of the diplomatic missions of a number of states accredited in the USSR were present at the meeting.

THE AVIATION TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I have been troubled for quite some time about the huge surplus that has accumulated in the aviation trust fund and has been allowed to grow regardless of the improvements that need to be made in our aviation infrastructure. To collect taxes from those who use aviation under the pretense that those moneys will be used to make much-needed repairs and improvements is a slap in the face of the flying public. I have introduced legislation that would suspend the collection of aviation taxes until the moneys in the trust fund are spent for their explicit purpose. A few months ago, the leading business journal in my district, the Wichita Business Journal, published an editorial in support of my bill and I include this in the RECORD.

[From the Wichita Business Journal, March 9, 1987]

GLICKMAN ON THE RIGHT TRACK ON AIRPORT FUND

A bill introduced by Rep. Dan Glickman, D-Wichita, to suspend the collection of airport and airway federal excise taxes is a piece of legislation long overdue for congressional action.

Unfortunately, if the past track record is any indication, it is likely Congress will delay taking action on the bill. It will take a considerable amount of pressure on members of Congress to get the suspension enacted.

Until the bill becomes law, it is the air traveling public that will continue to be ripped off.

The fund is supposed to be used for airport safety and improvements. There are dozens of projects to improve the safety of the country's airways for which the funds could be used, such as improvement of runways, the air traffic control system and hazardous weather warning equipment.

The airport and airways trust fund monies are collected from taxes on airline tickets, airline aviation, and aviation fuel and tires. Everytime anyone flies in this country, more money goes into the trust fund, which now totals a whopping $9 billion and is expected to reach $12 billion by 1991, according to General Accounting Office estimates.

Glickman's bill would invoke a suspension of the collection of the trust fund's taxes as long as the fund exceeds $1 billion. The effect of his proposal would be that the taxes would be immediately suspended until the fund drops down to the $1-billion level.

The reason the fund has grown to such a huge amount is, in Glickman's words, "gimmickry" on the part of the federal government. The funds are not being spent in order to make the federal deficit look better. Glickman is right in calling this a "perversion of the trust fund."

Besides the obvious violation of the intent of the legislation creating the trust fund, the policy of collecting the funds and not spending them puts a further damper on general aviation.

Glickman points out that suspending the collection of the $10 million a month that goes into the fund "from those who use aviation in America could be a significant shot in the arm to general aviation." Instead of money going to taxes, it could be spent on the purchase of new aircraft.

The Kansas congressional delegation should unite behind Glickman's efforts, and consumer groups should apply pressure on Congress to stop the hypocrisy in the handling of the airport trust fund.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Mr. FOLEY) for today until 10 p.m. on account of official business.

Mr. OBEY (at the request of Mr. FOLEY) for today on account of illness.

Mr. AKAKA (at the request of himself) for today, on account of business in his district.

Mr. LELAND (at the request of Mr. FOLEY) for today, on account of official business.

Mr. WOLPE (at the request of Mr. FOLEY) for today, on account of official business.

Mr. MURTHA (at the request of Mr. FOLEY) for today, on account of official business.

Mr. BOB SMITH of Oregon (at the request of Mr. MICHEL) for today, on account of attendance at a funeral.

Mr. MILLER of Ohio (at the request of Mr. MICHEL) for today and the balance of the week, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

(The following Member (at the request of Mrs. MORELLA) to revise and extend his remarks and include extraneous material:)

Mr. MOLINARI, for 60 minutes, on June 30.

(The following Members (at the request of Mr. DYMALLY) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, on June 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mrs. SAIKI.

Mr. SAXTON.

Mr. FAWELL.

Mr. GILMAN, in two instances.

Mr. CRANE.

Mr. MICHEL.

Mr. CLINGER.

Mr. GEKAS, in two instances.

Mr. WHITTAKER.

Mr. LUJAN.

Mr. BEREUTER, in two instances.

Mr. HANSEN.

(The following Members (at the request of Mr. DYMALLY) and to include extraneous matter:)

Mr. DYMALLY.

Mr. BENNETT.

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 intances.

Mr. BONER of Tennessee, in 10 instances.

Mr. TORRES, in two instances.

Mr. SKELTON.
Mr. LIPINSKI.
Mr. MONTGOMERY.
Mr. FLORIO.
Mr. RANGEL.
Mr. SCHUMER.
Mr. DOWNEY of New York.
Mr. LANTOS.
Mr. THOMAS A. LUKEN.
Mr. KLECZKA.
Mr. TRAFICANT, in three instances.
Mr. MAVROULES.
Ms. OAKAR.
Mr. SLATTERY.

SENATE BILLS, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 104. An act to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

S. 442. An act to amend section 914 of title 17, United States Code, regarding certain protective orders; to the Committee on the Judiciary.

S. 836. An act to amend the Department of Energy Organization Act to authorize protective force personnel who guard the strategic petroleum reserve or its storage and related facilities to carry firearms while discharging their official duties and in certain instances to make arrests without warrant; to establish the offense of trespass on property of the strategic petroleum reserve, and for other purposes; to the Committees on Energy and Commerce, and the Judiciary.

S.J. Res. 40. Joint resolution to give special recognition to the birth and achievements of Aldo Leopold; to the Committees on Post Office and Civil Service and Interior and Insular Affairs.

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 48. Joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 72. Joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 103. Joint resolution to designate October, 1987, as "Computer Learning Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 121. Joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 122. Joint resolution to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 138. Joint resolution to designate the period commencing on July 13, 1987, and ending on July 26, 1987, as "U.S. Olympic Festival-'87 Celebration", and to designate July 17, 1987, as "U.S. Olympic Festival-'87 Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 157. Joint resolution to designate the month of October 1987, as "Lupus Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 160. Joint resolution to designate July 25, 1987, as "Clean Water Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 163. Joint resolution to designate the month of November, 1987, as "National Family Bread Baking Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 165. Joint resolution expressing the sense of the Senate and the House of Representatives that the President is authorized and requested to issue a proclamation declaring June 27th, 1987 as "National Sokol Day in the United States"; to the Committee on Post Office and Civil Service.

S. Con. Res. 38. Concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, Colorado; to the Committee on House Administration.

S. Con. Res. 64. Concurrent resolution to authorize the printing of "Guide to Records of the United States Senate at the National Archives, 1789-1989: Bicentennial Edition"; to the Committee on House Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 626. An act to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, Alabama, and for other purposes.

H.J. Res. 181. Joint resolution commemorating the bicentennial of the Northwest Ordinance of 1787.

ADJOURNMENT

Mr. DYMALLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 30, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1675. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the Board's annual report for the calendar year 1986, pursuant to 12 U.S.C. 1437(b); to the Committee on Banking, Finance and Urban Affairs.

1676. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve and simplify education programs for Indian children and adults, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

1677. 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 $78 million (Transmittal No. 87-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1678. A letter from the Director of Benefits, Farm Credit Banks of Texas, transmitting the annual report for the plan year ended December 31, 1985, for the farm credit banks of Texas pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1679. A letter from the Secretary of Transportation, transmitting the 1986 report on the valuation of the U.S. Coast Guard military retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1680. A letter from the Secretary of the Interior, transmitting the Department's report on the activities carried out under the Federal Coal Management Program during fiscal year 1986, pursuant to 30 U.S.C. 208-2; to the Committee on Interior and Insular Affairs.

1681. A letter from the Chairman, U.S. Sentencing Commission, transmitting a supplementary report to be read in conjunction with the sentencing guidelines and policy statements previously forwarded (Ex. Com. No. 1199), pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1682. A letter from the Interagency Task Force, transmitting the 1986 annual report of the National Acid Precipitation Assessment Program, pursuant to 42 U.S.C. 8903(e); to the Committee on Science, Space, and Technology.

1683. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes, jointly, to the Committees on Armed Services and Interior and Insular Affairs.

1684. A letter from the Secretary of the Interior, transmitting the report and recommendations concerning the future manage-

ment of the 1.5-million-acre coastal plain of the Arctic National Wildlife Refuge, Alaska; constitutes the final record of decision; additional comments received during the Council on Environmental Quality's waiting period will be provided separately, pursuant to Public Law 96-487, section 1002(h); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

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 June 26, 1987, the following conference report was filed on June 27, 1987]

Mr. WHITTEN: Committee of conference. Conference Report on H.R. 1827 (Rept. 100-195). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 215. Resolution waiving certain points of order against consideration of H.R. 2763, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes (Rept. 100-196). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 216. Resolution waiving certain points of order against consideration of H.R. 2783, a bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1988, and for other purposes (Rept. 100-197). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 217. Resolution waiving certain points of order against the conference report on H.R. 1827, a bill making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes (Rept. 100-198). 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. HUCKABY (for himself and Mr. LOTT):

H.R. 2820. A bill to amend the Internal Revenue Code of 1986 to clarify the State income tax treatment of Members of Congress and their families; to the Committee on Ways and Means.

By Mr. McCANDLESS:

H.R. 2821. A bill to expedite certain California land exchanges between the Secretary of the Interior and the Nature Conservancy; to the Committee on Interior and Insular Affairs.

By Mr. OBERSTAR (for himself, Mr. STAGGERS, Mr. FRANK, and Mr. OWENS of New York):

H.R. 2822. A bill to amend the Railroad Retirement Act of 1974 to provide survivors' annuities to certain employees' survivors not currently eligible for such annuities, and to provide for reductions in annuities otherwise due to persons likely to become such survivors and employers; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. FRANK, Mr. STAGGERS, and Mr. HERTEL):

H.R. 2823. A bill to amend the Railroad Retirement Act of 1974 to provide benefits for certain disabled spouses of railroad employees and for certain spouses of disabled railroad employees; to the Committee on Energy and Commerce.

H.R. 2824. A bill to amend the Railroad Retirement Act of 1974 to modify the "years of service" credit for military service; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself and Mr. FRANK):

H.R. 2825. A bill to amend the Railroad Retirement Act of 1974 to provide eligibility for annuities to divorced wives, not currently eligible, who would be eligible for a benefit under section 202(b) of the Social Security Act if their former husbands railroad service were included in employment for the purposes of the Social Security Act; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. STAGGERS, Mr. FRANK, and Mr. HERTEL):

H.R. 2826. A bill to amend the Railroad Unemployment Insurance Act to provide that unemployment benefits and sickness benefits of railroad employees will not be reduced by reason of the receipt of certain unrelated social insurance benefits; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. FRANK, and Mr. STAGGERS):

H.R. 2827. A bill to amend the Railroad Retirement Act of 1974 to provide that any worker with 25 years of service or more shall have a current connection for certain purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT:

H.R. 2828. A bill to establish certain reemployment rights from employees who have lost employment as a consequence of the divestiture of the Bell system, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. OBERSTAR (for himself and Mr. FRANK):

H.R. 2829. A bill to amend the Railroad Retirement Act of 1974 to increase the earnings limit for recipients of certain disability annuities; to the Committee on Energy and Commerce.

H.R. 2830. A bill to amend the Railroad Retirement Act of 1974 to provide for a trial work period in disability situations similar to that provided under the Social Security system; to the Committee on Energy and Commerce.

H.R. 2831. A bill to amend the Railroad Retirement Act of 1974 to eliminate the "last employer" rule, and certain related rules, as they affect the portion of certain annuities commonly referred to as "tier I" and to provide that certain deductions for work be made from such portion; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. HAWKINS, Mr. AKAKA, Mr. ANDERSON, Mrs. BENTLEY, Mr. BLAZ, Mr. BONER of Tennessee, Mr. BRYANT, Mr. CAMPBELL, Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DORNAN of California, Mr. DYSON, Mr. EVANS, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GORDON, Mr. GRAY of Illinois, Mr. HANSEN, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HOUGHTON, Mr. HOWARD, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KILDEE, Mr. LAGOMARSINO, Mr. LELAND, Mr. McCLOSKEY, Mr. MARLENEE, Mr. MATSUI, Mr. MFUME, Mr. MURPHY, Mr. PERKINS, Mr. FIELDS, Mr. RODINO, Mr. ROE, Mr. SAVAGE, Mr. SCHAEFER, Mr. SOLARZ, Mr. STAGGERS, Mr. SUNIA, Mr. TALLON, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. WATKINS, Mr. WISE, Mr. WOLPE, Ms. PELOSI, Mr. REGULA, Mr. STOKES, Mr. MARTINEZ, Mr. KOLTER, Mr. DYMALLY, Mr. SMITH of Florida, Mr. FLORIO, Mr. SCHEUER, Mr. MADIGAN, Mr. HASTERT, Mr. NEAL, Mr. WORTLEY, and Mr. MRAZEK):

H.R. 2832. A bill to authorize and request the President to call and conduct a White House Conference on Child Abuse to be held not earlier than 1989 and not later than 1991, and for other purposes; to the Committee on Education and Labor.

By Mr. SAXTON:

H.R. 2833. A bill to amend title XVIII of the Social Security Act to assist Medicare beneficiaries in understanding their enrollment in health maintenance organizations and competitive medical plans; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHUMER (for himself and Mr. SENSENBRENNER):

H.R. 2834. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to assist States and local governments to improve the accuracy, timeliness, and completeness of criminal justice information; to the Committee on the Judiciary.

By Mr. SUNDQUIST:

H.R. 2835. A bill to direct the Secretary of Agriculture to release certain restrictions on a parcel of land located in Henderson, TN; to the Committee on Agriculture.

By Mr. BEREUTER:

H.R. 2836. A bill to require the Commodity Credit Corporation to pay an interest penalty for late payment of amounts required to be paid or loaned to any person; jointly, to the Committees on Agriculture and Government Operations.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. SIKORSKI, Mr. RITTER, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. OBEY, Mr. YATRON, Mrs. ROUKEMA, and Mr. GILMAN):

H.R. 2837. A bill to amend the Toxic Substances Control Act to assist States in responding to the threat to human health posed by exposure to radon; to the Committee on Energy and Commerce.

By Ms. BENTLEY:

H.R. 2838. A bill to clarify merchant seamen citizenship requirements for U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN:

H.R. 2839. A bill to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

By Mr. HALL of Texas, introduced a bill (H.R. 2840) to waive the statute of limitations to award the Congressional Medal of Honor to Ensign George Gay; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MORRISON of Connecticut.

H.R. 18: Mr. VISCLOSKY.

H.R. 39: Mr. ACKERMAN and Mr. EVANS.

H.R. 80: Mr. CLARKE, Mr. EVANS, and Mr. LAFALCE.

H.R. 306: Mr. SWINDALL.

H.R. 321: Mr. HAYES of Illinois.

H.R. 332: Mr. DE LUGO.

H.R. 341: Mr. BADHAM, Mr. BURTON of Indiana, Mr. DAVIS of Illinois, Mr. HALL of Texas, Mr. HENRY, Mr. INHOFE, Mr. LAGOMARSINO, Mr. MOORHEAD, Mr. PARRIS, Mr. PORTER, and Mr. MARTINEZ.

H.R. 630: Mr. APPLEGATE.

H.R. 637: Mr. MINETA.

H.R. 898: Mr. LEWIS of Georgia.

H.R. 911: Mr. RAHALL, Mr. ROTH, Mr. CROCKETT, Mr. MCDADE, Mr. BRUCE, Mr. WILSON, and Mrs. PATTERSON.

H.R. 933: Mr. ECKART, Mr. LEHMAN of California, Mr. MRAZEK, Mr. WALGREN, Mrs. BOXER, Mr. SWINDALL, and Mr. DURBIN.

H.R. 1090: Mr. RICHARDSON.

H.R. 1154: Mr. BRYANT, Mr. DINGELL, Mr. LEATH of Texas, Mr. REGULA, Mr. ROBINSON, Mrs. ROUKEMA, Miss SCHNEIDER, and Ms. SNOWE.

H.R. 1313: Mr. JOHNSON of South Dakota, Mr. OBEY, Mr. DELAY, Mr. SPENCE, Mr. MARLENEE, Mr. PACKARD, Mr. VENTO, and Mrs. PATTERSON.

H.R. 1327: Mr. RAHALL, Mr. ST GERMAIN, and Ms. KAPTUR.

H.R. 1328: Mr. HOCHBRUECKNER.

H.R. 1516: Mr. COURTER, Mr. MILLER of Washington, Mr. HENRY, Mr. SKAGGS, Mr. LEVINE of California, Mr. DORNAN of California, Mr. PANETTA, Mr. BERMAN, and Mr. DIXON.

H.R. 1662: Mr. RICHARDSON.

H.R. 1729: Mr. BARNARD and Mr. BROOMFIELD.

H.R. 1776: Mr. HUNTER.

H.R. 1782: Mr. DEWINE.

H.R. 1794: Mr. MARTINEZ and Mr. GARCIA.

H.R. 1936: Mr. STUMP.

H.R. 1942: Mr. HOWARD, Mrs. BOXER, Mr. WILSON, Mr. RANGEL, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. EDWARDS of California, Mr. GILMAN, Mr. ECKART, Mr. HAYES of Illinois, and Mr. FORD of Tennessee.

H.R. 1987: Mr. DORGAN of North Dakota, Mr. FORD of Michigan, Mr. SWEENEY, Mr. MCGRATH, Mr. BLILEY, Mr. STOKES, Mr. HAMMERSCHMIDT, Mr. KENNEDY, Mr. MCEWEN, Mrs. MARTIN of Illinois, Mr. CLARKE, Mr. SKELTON, Mr. FEIGHAN, and Mr. BADHAM.

H.R. 2041: Mr. MARTINEZ, Mr. MORRISON of Connecticut, Mr. LEACH of Iowa, Mr. MARKEY, Mr. STUDDS, Mr. ACKERMAN, Mr. FRANK, Mr. MRAZEK, Mr. TOWNS, and Mr. LELAND.

H.R. 2114: Mr. BOEHLERT and Mr. LANCASTER.

H.R. 2146: Mr. RUSSO.

H.R. 2220: Mr. GARCIA and Mr. BORSKI.

H.R. 2221: Mr. GARCIA and Mr. BORSKI.

H.R. 2241: Mr. BURTON of Indiana, Mr. KYL, Mr. RAHALL, Mr. SCHUETTE, Mr. DENNY SMITH, Mr. WALKER, and Mr. PACKARD.

H.R. 2249: Mr. KILDEE and Mr. BOUCHER.

H.R. 2556: Mr. WORTLEY and Mr. HUBBARD.

H.R. 2579: Mr. FROST.

H.R. 2580: Mr. LAGOMARSINO.

H.R. 2607: Mr. TALLON and Mr. KOLTER.

H.R. 2609: Mr. RINALDO, Mr. STOKES, and Mr. BUECHNER.

H.R. 2644: Mr. BOEHLERT.

H.R. 2662: Mr. ROBERTS.

H.R. 2666: Mr. MARTIN of New York, Mrs. JOHNSON of Connecticut, Mr. AKAKA, Mr. GALLO, Mr. BATES, Mr. FLORIO, Mr. DE LUGO, and Mr. FUSTER.

H.R. 2707: Mr. OLIN, Mr. FUSTER, Mr. GARCIA, Mr. WATKINS, Mr. YOUNG of Alaska, Mr. ENGLISH, Mr. DYSON, and Mr. STUDDS.

H.R. 2717: Mr. UDALL, Mr. STUDDS, Mr. BOLAND, Mr. FORD of Tennessee, Mr. MARTINEZ, Mrs. KENNELLY, and Mr. LEVIN of Michigan.

H.J. Res. 52: Mr. SKAGGS, and Ms. SLAUGHTER, of New York.

H.J. Res. 55: Mr. COELHO, Mr. DEWINE, Mr. LAFALCE, Mr. MOORHEAD, Mr. SUNDQUIST, Mr. NELSON of Florida, Mr. HEFNER, Mr. BORSKI, Mr. KANJORSKI, and Mr. DONNELLY.

H.J. Res. 114: Mr. BORSKI, Mr. WEISS, Mr. GEJDENSON, and Mr. RAY.

H.J. Res. 191: Mr. CONTE, Mr. HUCKABY, Mr. LANCASTER, Mr. LEVINE of California, Mr. LUNGREN, Mr. SPENCE, Mr. MCEWEN, Ms. OAKAR, Mr. ANDERSON, Mr. CARPER, Mr. BLILEY, Mr. BOUCHER, and Mr. MARTINEZ.

H.J. Res. 206: Mr. BUSTAMANTE, Mr. GALLO, Mr. MCEWEN, Mr. HARRIS, Mr. BOUCHER, and Mrs. BOXER.

H.J. Res. 255: Mr. CARPER, Mr. DOWDY of Mississippi, Mr. WHEAT, Mr. HAMMERSCHMIDT, Mr. FLIPPO, Mr. LAGOMARSINO, Mr. SISISKY, Mr. HUNTER, Mr. DICKS, and Mr. THOMAS A. LUKEN.

H.J. Res. 268: Mr. BRENNAN, Mr. LOWRY of Washington, Mr. MCDADE, Mr. GARCIA, Mr. CARDIN, and Mr. GUARINI.

H.J. Res. 282: Mr. HENRY, Mr. FAWELL, Mr. ECKART, Mr. STOKES, Mr. BEILENSON, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. DYSON, Mr. BONER of Tennessee, Mr. STALLINGS, Mr. UDALL, Mr. CARDIN, Mr. BADHAM, Mr. MCCOLLUM, Mr. MATSUI, Mr. JONTZ, Mr. FEIGHAN, Mr. AKAKA, Mr. FROST, and Ms. SLAUGHTER of New York.

H.J. Res. 291: Mr. MARTINEZ, Mr. WEISS, and Mr. GARCIA.

H.J. Res. 295: Mr. WISE.

H.J. Res. 309: Mr. GINGRICH.

H.J. Res. 313: Ms. OAKAR, Mr. MARTINEZ, Mr. LANTOS, and Mr. FROST.

H. Con. Res. 5: Mr. STOKES.

H. Res. 110: Mr. BUECHNER.

H. Res. 141: Mr. KENNEDY.

H. Res. 210: Mr. FRENZEL, Mr. SUNDQUIST, Mr. RAY, Mr. LIGHTFOOT, Mr. LAGOMARSINO, Mr. BROWN of Colorado, Mr. ROWLAND of Connecticut, Mr. SLAUGHTER of Virginia, and Mr. DAVIS of Illinois.

EXTENSIONS OF REMARKS

SECRETARY OF STATE FINALLY MAKES A SPEECH ON DRUGS—DELIVERS IT TO HIS STAFF

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. RANGEL. Mr. Speaker, one of the most important fronts in the war on drugs is international narcotics control. Former Supreme Court Chief Justice Warren Burger told me over a year ago that he considered drug trafficking and abuse to be a greater threat to the security of our Nation than communism. I share this belief and have worked as the chairman of the Select Committee on Narcotics Abuse and Control to elevate the narcotics control issue to a higher level of U.S. foreign policy priority.

The select committee has repeatedly asked Secretary of State Shultz to testify before the committee to outline his objectives in international narcotics control and to explain exactly where cooperation on international narcotics control fits in with the Department's overall foreign policy objectives. Instead of appearing himself, he has sent witnesses from the Department's Bureau of International Narcotics Matters [INM]. Although these witnesses have been fine, dedicated, and knowledgeable men and women, they have been narcotics policy specialists and could not, therefore, tell us exactly where in the State Department hierarchy of priorities narcotics control could be found.

I have been extremely concerned about this because I frequently read press reports of the Secretary's statements or see him on TV newscasts and talk shows discussing a wide variety of international issues. But I never see him using these opportunities to make public statements on international narcotics control.

I finally received in the mail this week a copy of a speech made by Secretary of State Shultz, entitled "Narcotics: A Global Threat." Hoping to see that the Secretary had finally made this issue a public priority, I started reading the speech, only to discover that it was an address he had delivered to a Washington meeting of the State Department's staff of narcotics coordinators who manage the Department's narcotics control programs abroad.

Even though this was an internal State Department address, I would like to share this statement with you, so we all may learn just what the Secretary's policy is with respect to narcotics control. First, I would like to make a few observations on the content of his remarks.

The Secretary correctly states that the President signed the Anti-Drug Abuse Act of 1986 into law last fall. This historic legislation, which increased Federal antinarcotics efforts by $1.7 billion, was the product of a strong bipartisan effort in the Congress. The President signed the bill several days before the fall elections in an impressive White House ceremony with a lot of media present.

The Secretary then correctly states that the drug bill increased the State Department's international narcotics control budget to $118 million, nearly double its fiscal year 1986 budget. A very important and relevant point that the Secretary failed to mention was that 6 weeks later the President submitted to Congress his fiscal year 1988 budget proposal which drastically cut Federal antidrug programs by $950 million, including a $20 million, or 16-percent reduction for international narcotics control activities by the State Department.

The Secretary then outlines the recommendations he made to a meeting of U.S. Ambassadors to narcotics producing and trafficking countries. One of those items was "to raise the issue of congressional budget cuts—for foreign aid—in their appearances before American audiences. I asked our ambassadors to make the point repeatedly that false economizing undermines our campaign against drugs."

False economizing does undermine our campaign against drugs—a point well taken and well stated. I wish the Secretary or any of the Ambassadors would make that point to the President.

The select committee has visited all the major illicit narcotics producing countries in the world. We have found that the illegal drug trade is often the single most important threat to the stability and, indeed, the very survival of fragile democracies, particularly in our own hemisphere. Unless our foreign policy begins to place a higher priority on helping these countries combat the threat of narcotics, the day may come when we no longer have to worry about how much foreign aid we give them.

With these thoughts in mind, I submit to you Secretary Shultz' address on international narcotics control:

NARCOTICS: A GLOBAL THREAT

(By Secretary Shultz)

I'm delighted to be able to speak to you this morning. This is an issue of importance. It's one that I've been struggling with as a government official since I was Director of the Budget, and I remember way back in those days. I do feel that somehow we are finally beginning to get somewhere. I feel that more now than I did way back then, and there are many reasons for that.

I'd have to say one of the reasons is the very effective work that our First Lady Nancy Reagan has been doing, because while I'm going to focus here in my remarks on the overseas elements of our program, we all know that it has to be a two-way proposition—we have to be getting at the use of drugs. Nancy has really led the way with her efforts, and the "Just Say No" is catching on. I feel as though this battle can be won, so that's very encouraging for all of us, I think.

I have the opportunity to speak today to our Foreign Service community about an international issue which has so much impact on our everyday lives. Narcotics control is a special job, performance by special poeple. It benefits all of us, and it makes our world a better, safer place to live. Drug abuse is both a moral insult and a national security threat.

In my meetings with leaders of democratic nations, I hear that drug trafficking and abuse are undermining democracy and social institutions. Elected leaders fear that drug traffickers can and will buy elections. Democracy is at stake.

In the United States, drugs are killing our athletes, corrupting our values, and threatening our society. Front page news photos of stockbrokers being led away in handcuffs, charged with trading cocaine for insider information on stocks, drives home the point—drugs are a threat to every sector of our society. No one is safe.

From the boardroom to the locker room, from the classroom to the operating room, someone you may not know, but who could make a difference in your life, may be on drugs. He invests your money. He pilots an airplane. He teaches your children. He performs surgery. He is your child's best friend. He is your son.

In the crucial narcotics control jobs you hold overseas, fighting the business of drugs is something you do every day. Many of you go into opium or coca fields and see the acres and acres of crops that will be processed into the heroin or cocaine that end up on our streets. Many of you work with officials whose motives are not beyond reproach. (See how diplomatic I'm being.) Many of you see, day after day, the toll that drug production, trafficking, and abuse take on developing societies.

We see it at home, too. Drug availability is unacceptably high. Drugs are our number one foreign import. Narcotic profits fuel a huge criminal network reaching into our country from the jungles of Bolivia and Colombia, Laos and Burma. The network involves peasants from Peru, hill tribe farmers from Thailand, chemists from Hong Kong, shipowners from Panama. It has ensnared students on our campuses, jobless young people, Hollywood stars, housewives and halfbacks, rich and poor alike.

Even the producing countries are seeing their citizens fall victim to addiction, just like Americans and Europeans. Lima and Bangkok and Karachi have as many victims now as New York and London, Rome and Detroit. Many of the victims are only children.

Just the other day, I read a news story about a 9-year-old Nigerian boy who was being used as a mule by heroin smugglers. When he was arrested, no one came forward to claim him. He was carrying $3-million-worth of heroin. Like so many other children enmeshed in the narcotics network, he has become a victim.

Someone told a story the other day about a school teacher in The Bahamas who asked the children in her class what they wanted to be when they grew up. Twenty percent

said drug traffickers. This isn't a chapter from a Dickens novel. It's real life, 1987.

I've said on many occasions that narcotics trafficking is the modern-day version of piracy. And it's getting worse, when lawless, greedy drug traffickers try to hold entire countries hostage. They are joining forces with terrorists and guerrillas to pillage and plunder whole societies, destroying the values and institutions of decent people. They have killed scores of judges in Colombia. They tracked down Ambassador Parejo, Colombia's former Justice Minister, in Budapest but failed to silence his eloquence in defense of human values. Traffickers have killed one of our drug agents, murdered journalists, threatened the wives and children of courageous officials.

But the traffickers have discovered that they can no longer get away with murder. The countries under assault are fighting back. International law is being rewritten to arrest the traffickers, separate them from their wealth, and put them in prison. Colombia's extradition of Carlos Lehder to the United States proved to Latin American traffickers that no one—not even a kingpin of the Medellin cocaine cartel—can escape justice when nations work together in defending their people.

We have no illusions. The real war against drugs, an international struggle, is just beginning. The stakes are high, and the challenges are great. This terrible threat is not insurmountable. Right is on our side, and also realistic effort is on our side.

The worldwide supply of drugs is vast. The toll of addicts grows daily. Drug dealing is too profitable. Many officials have been corrupted, but millions of good people everywhere have had enough. Today 20 countries are eradicating narcotics crops. The United States actively assists 14 of them with funding, equipment, and personnel channeled through State's INM Bureau.

More countries are looking to their neighbors for help, and joint vigilance is the watchword. Regional cooperation is beginning to bear fruit.

The United Nations, the Organization of American States (OAS), ASEAN [Association of South East Asian Nations], SAARC [South Asian Association of Regional Cooperation], and the EEC [European Economic Community] have all taken on drug control as a grave international issue. The newly organized OAS antinarcotics commission just met here in Washington. We look to the OAS to organize concrete actions to reduce both the supply and demand for drugs in our hemisphere.

Next month, the UN International Conference on Drug Abuse and Illicit Trafficking will be held in Vienna. This will be a historical gathering of ministerial-level officials from all over the world to study concrete actions for dealing with a worsening global problem. The United Nations is also drafting a new convention against narcotics trafficking that will strengthen international efforts to halt this corrupting trade. Both the conference and the convention are examples of the fine work the United Nations can do and proof that mutual interests can be secured by international cooperation. Both projects are based on the growing realization that no single country can defend itself against narcotics alone.

Regional defense is another area of progress in drug control. The Andean nations of Colombia, Peru, Ecuador, Bolivia, and Venezuela signed the Lara Bonilla treaty last year, pledging to work together against trafficking and to adopt more effective antinarcotics legislation.

In Asia, countries like Burma and Thailand, India and Pakistan have joined the United States and Mexico in frankly discussing the narcotics problem as a serious bilateral issue which affects nations sharing common borders. Let me assure you that as we look overseas for international cooperation against drugs, we're looking for it at home, too. We must put our own house in order. Last November, President Reagan called 21 of our ambassadors home to tell them how the United States is dealing with our drug problem. The national strategy incorporates law enforcement, treatment and rehabilitation, research, prevention, and international cooperation—in other words, a comprehensive program.

The United States has set ambitious goals to get rid of drugs in our schools, our workplaces, our transportation system, our public housing—in other words, to get rid of drugs in our country.

Last fall, the President signed the Anti-Drug Abuse Act of 1986, the most comprehensive antidrug legislation on the books. Title IV of the act expands the Department's international narcotics cooperation program, and the Bureau of International Narcotic Matters received a budget of $118 million for its work this year, nearly double what it received in 1985.

And I must say, when you attract some money, Ann [Ann Wrobleski, Assistant Secretary for International Narcotic Matters], you attract a lot of attention. And all the other bureaus are coming around saying, we're working on drugs, and we can use a little of your money, but you don't give a dime out unless you get your money's worth, do you?

As diplomats, we have a special role to play as part of the national and international strategy. When I met with our ambassadors at the White House a few months ago, I made specific recommendations for action. I asked them:

First, to stress the U.S. commitment to fighting narcotics in their meetings with foreign officials, and I do that, too;

Second, to use the range of available tools, such as extradition treaties, mutual legal assistance treaties to combat narcotics trafficking;

Third, to support the work in the United Nations, particularly the upcoming world conference and draft convention;

Fourth, to encourage other nations to support the UN Fund for Drug Abuse Control;

Fifth, to establish a dialogue among ambassadors to explore regional cooperation on the narcotics issue, sharing information and expertise;

Sixth, to encourage other countries to learn from the American drug experience. I told them that we learned the hard way, but we can help other countries to avoid the same mistakes we made; and

Seventh, I urge all of them to raise the issue of congressional budget cuts in their appearances before American audiences. I asked our ambassadors to make the point repeatedly that false economizing undermines our campaign against drugs.

Without essential MAP [Military Assistance Program] and IMET [International Military Education and Training] funding, adequate development assistance and ESF [Economic Support Fund] funding, our efforts to control narcotics production and trafficking can be rendered meaningless. U.S. foreign assistance helps strengthen democracies. Strong countries can better resist drug traffickers and offer alternatives to their citizens. In the long run, America benefits, as does the rest of the world, from our foreign assistance programs.

In his speech on September 14, President Reagan said:

"When we all come together united, striving for this cause, then those who are killing America and terrorizing it with slow but sure chemical destruction will see that they are up against the mightiest force for good that we know. Then they will have no dark alleys to hide in."

You are a part of this "mightiest force for good." It's hard work. You're on the front lines, day after day, facing discouragement and fighting an uphill battle. But your work is deeply appreciated by the Department of State and by the entire U.S. Government. You are helping to build a climate of outspoken intolerance, as Mrs. Reagan urged in her September speech, against those who live outside the law. We're all depending on you and your work, because you are making the world a better place to raise our children and the generations to follow.

FIRST ANNIVERSARY OF THE SAN GABBRIEL/POMONA REGIONAL CENTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. TORRES. Mr. Speaker, I rise today to recognize the San Gabriel/Pomona Regional Center. This center, which is located in West Covina, CA, will be celebrating its first anniversary on July 17, 1987.

The San Gabriel Valley/Pomona Regional Center has an active case load of 4,500 developmentally disabled children and adults. The term developmentally disabled encompasses many different disabilities including mental retardation, cerebral palsy, autism, and epilepsy.

The 140-member staff of the center serves as a link between persons who are developmentally disabled and the many agencies and professional specialists that provide services to them. The center's staff works with these agencies and specialists in order to design individualized and specialized care for each client. They seek to foster as much independence as each client is capable of achieving.

The center is governed by a 16-member volunteer board of directors. The board is composed of 11 parents, 4 citizens interested in developmental disabilities, and 1 client.

In the past year, the regional center has made significant strides in serving the developmentally disabled population in the San Gabriel/Pomona area. I commend them for their exemplary effort to improve the quality of life for their clients. I am certain that the productivity and dedication that we have seen demonstrated at the San Gabriel/Pomona Regional Center will continue in their second year of service.

VA EMPLOYEES VOICE STRONG SUPPORT FOR THEIR MEDICAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. MONTGOMERY. Mr. Speaker, a controversy over the effectiveness and cost of the Veterans' Administration's medical computer system, known as the Decentralized Hospital Computer Program (DHCP) system, has arisen in the Congress. As chairman of the Committee on Veterans' Affairs, I have scheduled many oversight hearings on this important medical computer system over the past several years and the reports on its effectiveness and costs have been uniformly very positive.

Since our hearing of April 8, 1987, on this important subject, I have received many letters from veterans and Veterans' Administration employees in support of the DHCP.

I would like to share with my colleagues a copy of a letter which I received from Mr. Mel A. Gores, director of the VA Medical Center at Bath, NY, which demonstrates how the VA employees feel about "their" medical computer system. The letter follows:

VA MEDICAL CENTER,
Bath, NY, May 5, 1987.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I am writing to express my concern with some of the actions of your committee regarding the funding for the Veterans Administration Decentralized Hospital Computer Program (DHCP) and the effect upon the system procurements of this fiscal year as well as the impact upon the future directions of data processing within the VA.

As the Director of a VA Medical Center I have first hand experience assessing the effectiveness of many programs which were intended to promote the ability to efficiently manage the delivery of health care to the veteran. The positive impact of DHCP has already been felt at this and other Medical Centers, and this impact has been significant.

The timely implementation of DHCP has permitted our staff to handle a three-fold increase in Ambulatory Care and Outpatient workload over the level of just four years previous. Likewise, it has allowed them to also deal with the rise in Pharmacy and Laboratory workload that such an increase in patient traffic causes. These large increases in workload have been dealt with effectively without any increases in the numbers of personnel involved. These increases in productivity have been achieved without any increases being experienced in the time necessary to process patients during admission or clinic contacts, to report laboratory test results or to process a prescription.

The advent of DHCP has also had a positive effect upon the availability of information to the clinical staff. Our physician, nursing and professional staff have come to rely upon having the computerized history and medication information available to them as it allows them to more effectively manage the treatment programs they choose for their individual patients. The important ability provided by DHCP to quickly analyze the continually changing makeup of our patient population and their lengths of stay has allowed our facility to better incorporate our clinical staff into the overall management of our utilization review, quality assurance and resource management activities by identifying those areas of concern as they relate to their own patients.

When your committee is deciding what limitations, restrictions or rescissions may be placed upon the VA funds for DHCP this fiscal year, you should bear in mind that the gains I have just described are based upon the present system which is designed around the needs of the VA. To stop the progress made so far and effectively stagnate the expansion of similar automation benefits to the rest of the VA organization would be extremely unwise and costly in the long run. I strongly urge that your committee not prohibit in any way the planned DHCP procurements this year, nor in future years, as it is a successfully conceived and managed program with many benefits.

Your attention to this grave matter is greatly appreciated.

Sincerely,

MEL A. GORES,
Medical Center Director.

A TRIBUTE TO BETTY AND JIM WOODFORD

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. SAXTON. Mr. Speaker, Thoreau said, "We need the tonic of wilderness, we can never have enough of nature." And, no one has done more to protect our natural resources than Betty and Jim Woodford, to whom I give tribute.

Betty and Jim have made a great contribution to the New Jersey Pine Barrens for 30 years, where they own and maintain the Woodford Cedar Run Wildlife Refuge in Medford, NJ. Betty and Jim are well-respected members of their community, for they sacrifice their time to preserve and protect the wilderness we all appreciate. Furthermore, they rehabilitate injured and homeless animals. Migratory bird species are charted by Betty and Jim for the National Fish and Wildlife Service, as both Woodfords are certified bird banders.

Woodford Cedar Run Wildlife Refuge is more than just a home for native and endangered wildlife, its environment and natural habitat; it is a forum from which the public is educated through lectures, field trips, audiovisual aids, articles, and publications. Many people have enjoyed touring the 150-acre site, because they are able to see animals, such as ducks, opossums, skunks, squirrels, rabbits, hawks, owls, fox, deer, and raccoons kept as naturally as possible. All wildlife have large and comfortable cages. Some cages have no tops, but rather big trees which tower over the cages. The animals are safe to wander, for the land of the refuge is private, so all wildlife is fully protected. Also, there is an intensive, year-round bird feeding program for all birds, especially those that live in the handmade birdhouses.

Without question, the Woodford Cedar Run Wildlife Refuge is one of the finest in existence. This is a particularly special honor considering the fact that the refuge is a nonprofit project, totally dependent on funds, gifts and awards.

The Woodford Cedar Run Wildlife Refuge has distinguished itself by serving the community in a truly humanitarian manner. I am indeed confident the refuge will continue its excellent service to the community, animals, and people alike.

Mr. Speaker, it is with great pride that my wife, Helen, joins me in celebrating with Betty and Jim Woodford, the 30th anniversary of Cedar Run Wildlife Refuge and the work which they do for all of us, the people of the United States who love our country and the land in which we live.

A BAD IDEA THEN, A BAD IDEA NOW

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. FAWELL. Mr. Speaker, the Education and Labor Committee, of which I am a member, recently approved H.R. 1122, the Economic Dislocation and Worker Adjustment Assistance Act, by a vote of 23 to 11. I voted against favorably reporting this legislation.

This so-called plant closing notification bill does much more than require employees to give advance notice for plant closings and mass layoffs. The real impact of this legislation was clearly stated in a recent editorial which appeared in the Atlanta Journal/Constitution.

The text of the editorial follows:

[From the Atlanta Journal/Constitution June 13, 1987]

A BAD IDEA THEN, A BAD IDEA NOW

A bad idea that has been hanging around in Congress since Rep. William Ford (D-Mich.) introduced it in 1973 looks likely to pass the House and, with Democrats in control of the Senate, to enjoy more favor there than it has had before. This is just the sort of legislation Democrats find it difficult to shun—and ought to shun for their own good, not to mention everyone else's.

Ford's bill would require companies that are planning plant closings or layoffs that would result in the loss of more than 50 jobs to give public notice of their intention 90 days before acting.

The professed aim is to inhibit closings and layoffs. The effect, however, is likely to be just the opposite.

On philosophical grounds alone, the plan is a questionable intrusion into the workings of the economy. As a practical matter, it would run up the costs and hassles of layoffs and plant closings in ways that would make managers quicker rather than slower to jump to such actions.

Where unions are involved, a thousand roadblocks would be thrown in the way of carrying out the actions. Even where there is no union, employee lawsuits seeking to stop the moves would be likely. Certainly, in the 90-day period employees would be less rather than more productive, an additional cost.

No business closes operations or orders major layoffs just for the sport of it. With the costs of the Ford legislation in prospect, employers who come to believe a closing or major layoff is likely to be necessary would be best advised to act on the possibility quickly, while they still have some assets to burn, rather than waiting to see if the operation might be pulled out of its tailspin.

The House Education and Labor Committee has voted 23 to 11 to recommend passage. If Democrats in the House or in the Senate can't restrain themselves from this humanely intended but unwise impulse, President Reagan shouldn't hesitate to veto.

TRIBUTE TO ARTHUR F. MARTINS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. ATKINS. Mr. Speaker, it's my privilege today to give some well-deserved recognition to Arthur F. Martins, who recently retired from the Framingham, MA, Police Department after serving as its chief for over 25 years. Chief Martins has been a public servant in the best sense of that phrase, and leaves his community with a lasting legacy of competent, modern police protection.

Chief Martins is a Massachusetts native, born in 1922 and moving to Framingham in 1930. He attended public schools there, and after serving in the U.S. Air Force from 1942 to 1945, returned to Massachusetts and joined the State police. He left the State police to return to Framingham in 1953, joining that police force, as a patrolman. By 1961, Martins had become the police chief—a position he held until his retirement in April of this year.

How can you measure a police chief's accomplishments? You can look at the detective bureau that was created, the juvenile bureau, the fingerprint technology, the continuing interest in the newest techniques and training for the force. You can look at the exemplary record of the police force in Framingham. But finally, you can recognize that every resident of the town rested just a little bit easier at night because of Chief Martins.

On Tuesday, June 30, Chief Martins' friends, admirers, and supporters will pay tribute to him at a dinner. There will be hundreds of people there, to honor this extraordinary man and his wife, Bridget. But the real monument to his work—to a life dedicated to making his town a safer place to live—are the streets of Framingham, and every patrolman who carries with him the lessons in public service this man taught them. They are all living testimony to his accomplishments and his contributions. I'm proud to have this opportunity to bring his exemplary record to the attention of my colleagues.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote No. 217 on Thursday, June 25. Had I been present on the House floor, I would have voted "no" on the Upton amendment to the Interior Department appropriations bill.

ARMY CHANGE OF COMMAND CEREMONY REMARKS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. SKELTON. Mr. Speaker, Monday, on the historic Summerall Field at Fort Myer, VA, the stewardship of the U.S. Army changed hands. With Secretary of the Army John O. Marsh, Jr., presiding, Gen. John A. Wickham, Jr., retired as Chief of Staff and Gen. Carl Vuono became the new steward of the Army.

The ceremony was a fitting one, paying tribute to General Wickham and his wife Ann. In the new Chief of Staff, our Nation has a man of great ability and vision. I know that all Members join me in wishing General and Mrs. Wickham well in the days ahead, and I know that this body joins me in extending congratulations and good wishes to General Vuono and his wife Pat.

The remarks of the principals are set forth hereafter:

REMARKS OF SECRETARY OF THE ARMY MARSH

Today the Army changes command. An exemplary officer with extraordinary ability steps down.

General Wickham will be succeeded by a new Chief, also a soldier of talent and dedication.

General Wickham, we bid you and each member of your family a farewell filled with pride and thanks. Our country is in your debt.

General Vuono, to you and Pat and your children we extend good wishes and the support of this great Army.

General Wickham, for 37 years you have dedicated your talents, your intellect to the service of your country and the Army.

Your personal courage has been demonstrated on the battlefield. Your ribbons are symbols of bravery and suffering.

You shall leave legacies of doctrine, weapons systems and force structure but your greatest legacy shall be the stamp of your character upon the Army. Your character has been reflected in the quality of your leadership, and the quality of your leadership was reflected in the quality of the Army and the experience of each soldier.

It has impacted on the way they perform their duty. Their pursuit of excellence, their sense of service to our country, and their goals for the future.

In the ranks of the Army are soldiers who some day shall lead this Army. Some shall be the Army's Sergeants, and Sergeants Major. Officers who shall be brigade and division commanders and some who one day shall wear the stars of the Chief of Staff.

Others shall leave the Army for civilian pursuits but because of their Army experience they leave with pride and purpose. Because of your leadership they shall take with them a set of values that shall enrich their lives as craftsmen, teachers, physicians, public officials. They are the leaders of the next century.

Their future service to the Nation, General Wickham, shall be your greatest legacy.

Thank you for your service to our Country.

ADDRESS OF GENERAL WICKHAM

Secretary and Mrs. Marsh, General and Mrs. Vuono, civilian aides to the Secretary of the Army, distinguished guests, and soldiers of the total Army here today:

There is much symbolism today in this ceremony and the soldiers arrayed before us. The total Army is represented in the formation. The National Guard and the Army Reserve, and many Army civilians are in our midst. Such as Joe Cribbins; we see the role of the NCO Corps as signified by the command sergeant major and the other fine NCOs standing before us; and, we see the continuity of leadership and the role of civilian authority in our great country as signified by the passing of the colors from me to Secretary Marsh to General Vuono. We are truly blessed.

After 41 years in the Army, the time has come to hang up my uniform and retire from active duty. For my beloved wife, Ann, and me, this is a day of emotions. But also one of thankfulness for our many blessings. Truly our cup runneth over.

Secretary Marsh, thank you for your generous remarks today and particularly for the vibrant leadership you have blessed the Army with over the past six years. You and I have travelled a long way since 1973 when we first served in the Office of the Secretary of Defense. You are the longest serving Secretary in the Army's history and, in my view, are the greatest. Thank you, my very good friend, for your unwavering support and the opportunity to serve at your side.

Thanks also to Jim Ambrose, the Under Secretary of the Army, Max Thurman, the Vice Chief of Staff, and Art Brown, the Director of the Army staff. They, and the entire Army staff, have been superb.

General Vuono, over the many years we have known each other, you have had my full trust and been a source of seasoned advice. The Army is blessed to have a man of your character. Breadth of experience, and capacity for positive leadership. With Pat at your side, the total Army family will be led by a very special first family. I am proud to turn over the Army flag to a man with the vision necessary to ready the Army for the next century.

I am thankful for the lifelong support and love of my best friend, my wife, Ann, and for the support of my children. Lindsey, now married to Infantry Captain Bill Harner and mother of our first grandson; my oldest son, John, now in law school; and, our youngest son, Matthew, who is a hydrologist with the State of Arizona. Without their encouragement and love, my service really would not have been possible, particularly after being wounded in Vietnam. Thanks also to friends and family who have come long distances for this occasion.

My family's gift to me continues to be their willingness to let me serve. My wife's gift to the Army has been her commitment to strengthen the values and support of

Army families. She has served in her own right.

The Army has been good to me. Its given me and the family room to grow. To "be all that we could be." Three people have had great impact on me: SFC Putman, my first platoon sergeant, who taught me about positive leadership, technical competence, and caring for soldiers; General Harold K. Johnson, a former Chief of Staff who I once worked for, taught me about character, about "the personal in personnel," and caring for families; and finally, General Creighton Abrams, another former Chief of Staff, who taught me about the warrior ethic, openmindedness, and innovation. I am thankful for their influence on me.

We as a people have much to be thankful for. We have peace, opportunity, and the freedoms laid out in our Constitution. We are blessed with today's Army that contributes significantly to deterrence and protects American interests around the world.

The Army is a strategic force, and its capability has been strengthened greatly in recent years. We have the best people ever. Better equipment, superb training, and far better support capabilities than ever before. Although we are a small Army given the extent of assigned missions. We are a good Army. Probably the best Army in the world, and we are moving toward greatness.

Of course, the difference between a good Army and a great one is simply the quality of people and the quality of leadership. I have tried to nurture a climate of command with leadership that cares, mentors, and allows our soldiers, as well as their families, the freedom to grow so that they can capitalize on their God-given talents.

We are developing "standard bearers" who can reach out to our soldiers, civilians, and family members, touch their souls and turn them on so that they can "be all they can be." Standard bearers are like soldiers of an earlier era who carried unit standards in battle for all to guide on. Today, they are the leaders of character for all seasons who provide role models of personal and professional standards of excellence.

Our challenge has always been to provide ethical, caring leadership that sparks the Army's greatest strength—its people and their spirit.

Finally, let me leave you with two messages. One is a message to all in the Army who will face the challenges and dangers of the future. The other message is to all those in our country who ultimately support us.

As a young man, I memorized the sentry's order to "take charge of this post and all Government property in view." My message to the total Army is:

If you like the progress that has occurred and what you see throughout the Army today. Then "take charge" of this progress and apply it responsibly to the betterment of the Army for the future.

If soldiers and leaders like the modern equipment and facilities in their hands today, then insist that our soldiers care for it as if they owned it. That's what stewardship means.

If our leaders like our doctrine for combat, then they must assure that our training, our readiness, our tactics and our operational art breathe reality into it.

If our soldiers and our leaders feel encouraged by the mentoring climate of command, emphasis on values, and the ethical and caring leadership in the Army. Then they must see to it that this climate lives on to touch future young men and women entrusted to our care.

If you like the fact that successful Army safety programs are saving lives, limbs and equipment, then you must continue to develop a "sixth sense" of safety in our soldiers.

If soldiers and families like our family programs, you must insist they be continued; you must make them work to the benefit of the Army, and you must volunteer to help when needed.

And if soldiers and officers like the quality of our NCO Corps, then you must continue to give NCOs the authority, responsibility and schooling to lead.

My second message is for all Americans and the Congress who support everyone in uniform and their families. The Army today has completed only one-third of its equipment modernization. Moreover, the programs which support our soldiers and their families are fragile. These programs must be sustained. As a people, we must resist the perennial siren call which urges doing less for defense today. Because we did enough yesterday, and we can take peace for granted tomorrow.

Unfortunately, the lessons for history tell us otherwise. The pace of technology and the broad spectrum of threats facing our interests around the world require keeping up our defenses and keeping in uniform dedicated, patriotic, strong men and women.

The soldiers standing before us are perfect examples. They are the finest that America has to offer. When the bugle sounds. They will answer the call. They will safeguard liberty, and they will keep us and our children free. As I retire as Chief of Staff, U.S. Army, I am most proud of our soldiers, their spirit, and their patriotism. I salute you.

ADDRESS BY GENERAL VUONO

Secretary Marsh, General and Mrs. Wickham, distinguished guests, representatives of all services on parade, friends, and fellow soldiers.

I am deeply honored to accept the stewardship of the Army from General John Wickham. His career and his tenure as Army Chief of Staff, represent lasting contributions to our Army and our Nation.

General Wickham has provided inspired leadership to all of us. Among his many accomplishments, several stand out:

The army has made great strides with our sister services in improving our joint combat capabilities.

There has been a steady transformation of the Army toward a force better able to respond across the spectrum of potential conflict.

And we have seen unprecedented improvements in programs to care for our soldiers and their families, those of us who have seen his vision unfold, know it to be timely, encompassing and right on the mark.

I pledge that we will continue to build upon the momentum achieved in General Wickham's tenure in all areas critical to our Army.

John and Ann Wickham have been great role models for all of us and special friends to Pat and me.

On behalf of the soldiers, civilians and their families throughout the Army, Pat and I wish them good fortune and God speed.

For those of us who follow, the foundation on which to build is a solid one.

We have a superb Army—of outstanding young men and women. We must continue to attract, equip, train and retain them; and provide them with competent professional, officer and noncommissioned officer leaders.

Those leaders must have a single focus—to train soldiers for battle, so they are ready if called upon by our Nation.

The Army flag, passed to me a short while ago, is heavy with the reminders of our purpose; heavy too with the remembers of the non-negotiable standards of our profession.

Many share in the formidable responsibility for setting and maintaining those standards:

The combined arms of the total Army: Active Forces, Army Reserve, and Army National Guard All represented on this field.

Our sister services, their representatives also before us today. And our superb civilian force.

All of this team share a central purpose "to provide for the common defense."

I am proud of today's total Army and applaud the great work that has gone before. I am dedicated to and enthusiastic about pursuing together a shared vision for the United States Army.

CRIMINAL JUSTICE INFORMATION IMPROVEMENT ACT OF 1987

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. SCHUMER. Mr. Speaker, today I am introducing the Criminal Justice Information Improvement Act of 1987. The purpose of this bill is to provide grants to State and local governments to improve the quality of the records maintained by their law enforcement authorities. These include arrest records, criminal history information, and data on stolen vehicles. Although these records are maintained by the States, they are shared with other States, the Federal Government, and private employers through the FBI's National Crime Information Clearinghouse [NCIC].

This bill is the result of over 2 years of negotiations with a variety of groups interested in the issue of data quality. It has the support of law enforcement agencies, SEARCH, and the ACLU.

At hearings held by the Subcommittee on Civil and Constitutional Rights, chaired by Congressman DON EDWARDS, the importance of data quality, and the contribution that this bill will make toward improving data quality, was clearly recognized. The testimony stressed that high quality data promotes the effectiveness of law enforcement programs, ensures fairness to criminal record subjects, and protects citizens' privacy and other constitutional rights, improves services to noncriminal justice agencies, including Federal personnel security efforts, and promotes the accuracy and completeness of criminal justice statistical research efforts.

The need for this bill is confirmed by a number of studies that have demonstrated widespread problems with data quality. In 1982, the Congressional Office of Technology Assessment reported that in its survey of 41 States only 65 percent of arrest records included information on final dispositions. A 1984 study by SEARCH confirmed this finding.

In addition, OTA audits of Federal and State criminal history records found that approximately 20 percent of them contained erroneous information.

This problem, however, goes beyond mere statistics. Inaccurate or incomplete data has very real consequences. Testimony presented at the subcommittee's hearing described these consequences. One tragic incident was described by Patrick J. Doyle, director of criminal justice systems for the State of Florida.

Several years ago, a Connecticut police officer was killed after stopping a car driven by a man who had been wanted for more than ten years. The officer was able to obtain the man's driver's license without incident. The driver took no action immediately because he had been checked on numerous occasions in the past without incident. The officer, in the meantime, took an unusually long time on the radio because after the wanted check, which indicated "no want," the officer's sergeant called to arrange a meeting after the traffic stop. The time required to handle the second radio message caused the driver to believe that he had been discovered. When the officer attempted to return the license, the driver shot and killed the officer. The driver did, in fact, have a wanted record on file. However, no match was possible because the date of birth had been entered incorrectly.

There are also numerous examples of individuals being detained or incarcerated because they were mistakenly believed to be wanted for crimes. Testimony presented by Jerry Berman of the ACLU described a couple of these incidents:

Terry Dean Rogin was arrested on five separate occasions in Michigan and Texas after he lost his billfold in Detroit and a year later a person using Mr. Rogin's identification was linked to two murders and robberies in Los Angeles. Following his first arrest, Michigan police unsuccessfully sought to persuade the Los Angeles Police Department to amend the NCIC entry.

The bill I am introducing is intended to help prevent a recurrence of these situations. It authorizes the Department of Justice's Bureau of Justice Statistics to make grants, totaling $5 million per year for 5 years, to State and local law enforcement agencies for particular actions aimed at improving criminal justice information. Grants may be used to fund 12 specific activities that have been demonstrated to result in the improvement of data quality. In addition, recipients must meet the data quality goals they are required to establish in their applications if they are to receive continued funding. Finally, recipients must contribute at least 25 percent of the cost of the funded program.

Mr. Speaker, ensuring the most accurate, timely, and complete criminal justice record information has been a Federal goal for well over a decade. In addition, by 1981, 49 States have enacted legislation requiring State and local criminal justice agencies to implement procedures to promote accuracy and completeness in criminal history data. Some States have, in fact, undertaken very substantial programs to improve data quality. However, despite these noble goals and the efforts made to date, we still have a long way to go before we reach the standard of accuracy the public has a right to expect. My bill is an attempt to help achieve that standard.

1987 CHICAGO MERCANTILE EXCHANGE MAYORAL SCHOLARSHIP WINNERS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. LIPINSKI. Mr. Speaker, in order for our businesses and government to work together to move ahead and meet the demands of tomorrow, it is necessary that more attention be given to the work of our students. I believe our students, who are the future leaders and essential components of our business and government system, deserve increased recognition. To assist in this effort, I have initiated the Fifth Congressional District Mercantile Exchange Mayoral Scholarship Award Program.

While only in its second year, this program has proven to be both innovative and successful. On Tuesday, May 19, a luncheon to honor this year's five outstanding high school students was held. They were recognized for being instrumental in promoting academic excellence in their respective schools. Each recipient received a $500 scholarship award.

Mr. Speaker, the following students have been selected as the 1987 Chicago Mercantile Exchange Mayoral Scholarship winners: Mr. Clarence J. Murzyn, Jr., Curie Metropolitan High School of the Arts; Mr. Pedro Morales, Farragut Career Academy High School; Ms. Maribel Navarrete, Benito Juarez High School; Ms. Renata Grzegorzak, Thomas Kelly High School; and Ms. Tracey Swiatek, John F. Kennedy High School.

INVOKE WAR POWERS

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. DEFAZIO. Mr. Speaker, the United States is in the 37th year of a constitutional crisis. President Harry Truman precipitated the crisis when he introduced U.S. troops into the Korean conflict without congressional authorization. His administration advanced the bizarre theory that "the President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof." Though previous Presidents have engaged in military adventures without congressional authorization, none have claimed an inherent power to make war in the absence of that authorization.

The framers of the Constitution, by granting the power "to declare war [and] grant letters of marque and reprisal" to Congress, clearly intended that the power to initiate war, whether declared or undeclared, would reside in the legislative branch of government. The sole exception lies in the President's right to repel sudden attacks on the United States. The President is named the Commander in Chief and as such, his authority is limited to the conduct of wars authorized by Congress. James Madison spoke for virtually all of his colleagues when he wrote, in a letter to Thomas Jefferson:

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care, vested the question of war in the Legislature."

Until the 20th century, Presidents acknowledged and respected the constitutional allocation of war powers. President Buchanan, to cite one example, stated in a message to Congress:

The Executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.

During the first 40 years of this century, unauthorized Presidential use of military force became more prevalent. However, at no time did any President assert that to great lengths to characterize his incursions into Latin America as "neutral interpositions", intended to protect American lives and property, and requiring no congressional authorization.

The constitutional crisis came to a head with the Vietnam war and the passage of the Gulf of Tonkin resolution. Congress handed the President a blanket grant of warmaking authority and in so doing, failed to fulfill its constitutional responsibilities. Only two Members of Congress voted against the resolution, Senator Wayne Morse of Oregon and Senator Earnest Gruening of Alaska. It is worth quoting Wayne Morse's remarks:

I believe history will record that we have made a great mistake by subverting and circumventing the Constitution of the United States * * * by means of this resolution. As I argued earlier today at some length, we are in effect giving the President * * * warmaking powers in the absence of a declaration of war. I believe that to be a historic mistake.

History has certainly vindicated the Senator from Oregon.

The War Powers Resolution, passed in 1973 over President Nixon's veto, was a response not only to the excesses of the Executive during the Vietnam war, but also to the near-total abdication of responsibility during that period on the part of the Congress. The bill was intended to "insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations."

Unfortunately, Presidential compliance with the consulting and reporting requirements of the law has been nonexistent. The judicial response has been equally disappointing. President Reagan's predilection for the unauthorized use of military force and his plans in the Persian Gulf make it imperative that Congress act to restore the constitutional system of checks and balances.

In the House report accompanying the War Powers Resolution of 1973, the word "hostilities" was defined as encompassing "a state

of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict." The words "imminent hostilities" denote "a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict." There can be little doubt that President Reagan's decision to use United States naval forces to protect reflagged Kuwaiti tankers will greatly increase the likelihood of a United States-Iranian military confrontation.

The President has failed to properly consult with Congress regarding his plans. Consultation does not mean informing Congress after the fact. He apparently has no intention of abiding by the reporting requirements of the War Powers Resolution, despite the obvious risks inherent in his use of U.S. naval forces in the gulf. Congress has a responsibility to act. If it does not, it acquiesces in the continued erosion of its war making power.

Besides being an arrogation of power, the President's decision to expedite the reflagging of 11 Kuwaiti tankers is bad policy. It can be read as an abrupt shift in the United States' long-standing policy of neutrality in the Iran-Iraq war. Kuwait is not neutral in the war. It supports Iraq financially and is its principal conduit for war materiel. Iraq has apparently gone so far as to mount attacks against Iran from Kuwaiti territory, triggering Iranian complaints at the United Nations.

It is my view that the reflagging brings the United States perilously close to a state of active belligerency in the Iran-Iraq war. It could well provoke an attack on a United States naval vessel or an American response. Unfortunately, the administration does not seem to have considered the possible strategic consequences of an American attack against Iran.

Iran, not Kuwait or Iraq, is the strategic prize in the Persian Gulf the Soviets have sought for 200 years. A single, retaliatory strike against an Iranian target could strengthen extreme anti-American elements in Iran during the post-Khomeini period. A more massive and prolonged retaliation could encourage an Iranian accomodation with the Soviet Union or even embolden the Soviet Union to recapture Iranian territory it occupied at the end of World War II. It is my view that the risks inherent in a tilt toward Iraq far outweigh the possible benefits.

The President's policy in the Persian Gulf is ill-defined and poorly conceived. Furthermore, the reflagging plan carries clear risks both to U.S. interests in the region and to U.S. military personnel. It represents yet another usurpation of congressional war powers. If we in Congress wish to have a role in formulating policy in this vital region, and if we are seriously interested in restoring the balance between the executive and the legislative branches of government, we must take action which will force the President to comply with the letter and the spirit of the law. The best tool we have to do that is the War Powers Resolution and I call on my colleagues to use it.

A TRIBUTE TO JESSE L. CARTER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Jesse L. Carter, a very special resident of my 17th Congressional District. He is being honored for his enormous contributions to the Most Worshipful Benevolent Grand Lodge AF&A Masons of Ohio as a past grand master. I am greatly pleased to be able to stand on the floor of the U.S. House of Representatives and salute this outstanding human being.

In 1955, Mr. Carter elevated himself to the position of master mason in Emanuel Lodge No. 64, and eventually clawed his way to becoming worshipful master in 1964. After 9 years of diligent work and numerous contributions as a member of the Benevolent Grand Lodge, he was elected grand secretary in 1970 and served for 7 years. After 2 years training as deputy grand master, he was elected grand master in 1980 and spent 3 exhaustive years leading the Benevolent Grand Lodge into becoming the outstanding organization that it is today. His slavish devotion and decades of labor were recognized by the Grand Masonic Congress when they selected him "Master Mason of the Year" in 1980.

Mr. Carter was born in Youngstown, OH and graduated from the Rayen School in 1948, and that same year began his employment with the Republic Steel Corp. His red-blooded patriotism moved him to fight in the Korean war, and he was honorably discharged when the war ended in 1953. In 1960, Mr. Carter helped tear down the walls of segregation and injustice in Youngstown when he became the first black person appointed to the Youngstown Fire Department. He skillfully maneuvered his way to his present position as administrative assistant to the Youngstown Fire Chief. He is married to the former Corey M. Mosley, and is the father of two wonderful sons—Jesse L. Carter, Jr. and Phillip J. Carter.

Although Mr. Carter is active in countless organizations, the Benevolent Grand Lodge remains his first love. He currently serves as a member of the Past Grand Masters Council, whereby he can impart his knowledge and sagacity to the grand lodge and present grand master as their adviser and wise man. Mr. Carter is truly deserving of the recognition being bestowed on him. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in paying tribute to the dynamic leadership ability and very admirable character of Mr. Jesse L. Carter.

OIL IMPORTS THREATEN NATIONAL SECURITY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. PICKLE. Mr. Speaker, I want to bring to the attention of my colleagues a column in last week's Washington Post entitled, "We Can't Count on Oil From the Gulf."

This article makes an excellent case for the need to address our growing dependence on foreign sources of oil.

It seems ironic that or Nation is willing to spend billions of taxpayer dollars to protect oil production in the Persian Gulf and yet any effort to protect our domestic production brings strong objections from the Administration and some of my colleagues in Congress.

Why is it that our country appears willing to risk going to war to protect Persian Gulf production but will do nothing to slow or reverse the dramatic decline in our own oil production?

This current national policy makes no sense whatsoever.

I ask that the following article be included in the RECORD:

[From the Washington Post, June 24, 1987]

WE CAN'T COUNT ON OIL FROM THE GULF

(By Lloyd Bentsen)

Opponents of the Energy Security Act say it would give U.S. presidents too much power and that the legislation, which would cap our growing dependence on imported oil, addresses a nonexistent national security threat.

They should pay more attention to events in the Persian Gulf.

This legislation is incorporated in the trade bill reported by the Senate Finance Committee in May which the Senate is debating this week. It does not expand authority U.S. presidents have had for more than three decades, under section 232(b) of the Trade Expansion Act. If enacted, in fact, it may well mean that no U.S. president would be called on to use far more awesome powers to protect our national security interests. The Persian Gulf situation gives us a whiff of what those powers entail:

With the stroke of a pen, the president may soon "reflag" 11 Kuwaiti tankers as U.S. merchant vessels. This action, which would put us squarely on the side of Kuwaiti ally Iraq in the Iran-Iraq war, is being contemplated at the insistence of the emir of Kuwait, who threatens otherwise to turn to the Soviet Union for assistance.

In the wake of the attack on the U.S.S. Stark, the president has increased the presence of U.S. air and naval forces in the Persian Gulf.

The president has ordered U.S. forces to man their battle stations while convoying ships in the Persian Gulf.

The president's powers under the Energy Security Act would be puny by comparison with these actions and others he may be forced to take if we fail to limit our dependence on Persian Gulf oil.

The legislation would work this way. Each year the president would be required to prepare a three-year projection of U.S. energy supply and demand patterns. If in any of those years the level of imports threatens to exceed 50 percent of the oil consumed in

this country, the president must draw up a program for holding dependence below that level.

The legislation requires the president, in preparing this program, to use authority U.S. presidents were granted more than 30 years ago.

Sens. Robert Packwood and Bill Bradley [op-ed, June 22] argue that the Energy Security Act "fails to distinguish among sources of foreign oil. Clearly," they say, "oil from the Persian Gulf is less secure than oil from our neighbors in Mexico, Canada and Venezuela."

The shocking truth is that our imports have already climbed so high that we could not meet our present need for imported oil even if we bought every barrel produced by Mexico, Canada and Venezuela.

Since this is the case, what happens as our need for imports increases in the years ahead?

The fact is that as our dependence on foreign oil grows, the vast bulk of that new oil must come from the Persian Gulf and the Persian Gulf alone.

Our dependence on foreign oil is today at about the same level it was in 1973, when the first Arab oil embargo hit. When our dependence rises to 50 percent, our vulnerability to another oil embargo will be substantially higher. A repetition of the 1973 embargo would cut real income in the United States by more than $700 billion over five years, cause our inflation rate to double and increase unemployment by 25 percent.

Opponents assert that the Energy Security Act would be used by presidents to run roughshod over environmental laws and to impose gasoline rationing.

Both these claims are wrong. In the more than 30 years of its existence, section 232(b) has never been used to suspend environmental regulations. It would make no sense for a president to respond to this legislation by selling oil and gas leases on environmentally sensitive lands such as the Arctic National Wildlife Refuge. It would take more than a decade for these lands to come into production, while he would have three years or less to show results.

As to gasoline rationing, a Draconian step to allocate limited supplies of fuel, opponents have it backward. Rationing would be much more likely if the Energy Security Act were defeated and our dependence on uncertain foreign imports were allowed to soar past the 50-percent mark.

Opponents have an obligation to propose an alternative for protecting their constituents from increasing vulnerability to a foreign oil cutoff as our dependence on imports rises.

As of now, though, the only alternative to the Energy Security Act is continued reliance on a market dominated by OPEC and a return to gunboat diplomacy.

(The Writer is a Democratic senator from Texas.)

STATE RADON PROGRAM DEVELOPMENT ACT OF 1987

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, today I am introducing legislation to provide Federal technical and financial assistance to States to establish or expand programs to respond to radon pollution.

At a time when many of the environmental hazards we confront are manmade, it is somewhat ironic that much of the Nation's radon pollution is a natural phenomenon produced by soil and rock. Nevertheless, this colorless and odorless gas poses a serious health threat when it enters homes, schools, and offices through cracks, pipe seals or other avenues, and attaches itself to the lungs of the thousands of Americans exposed to it. The Environmental Protection Agency has cited radon gas as the No. 1 enviornmental cancer risk. EPA estimates that radon causes up to 20,000 lung cancer deaths annually. Researchers have identified homes in which radiation levels from radon are the equivalent of having a Three Mile Island accident occur in the neighborhood once a week, and whose water supply is contaminated to a level equal in effect to smoking seven packs of cigarettes a day.

In 1986, Congress enacted the Radon Gas and Indoor Air Quality Research Act, recognizing the need to determine the scope and effects of radon pollution. Several agencies and States have also allocated resources to this problem. Unfortunately, the EPA, which indisputably should be a leader in assessing radon pollution, spent only slightly more in 1986 than the State of New Jersey to abate this problem. State-by-State radon pollution measurements found by recent research suggests to me that current efforts are grossly inadequate. Moreover, considering that 5 to 10 million homes may have hazardous levels of radon gas—it is clear that we cannot afford to allow this situation to be lost in a bureaucratic shuffle, fall victim to a shortsighted budget-cutting drive, or be given low priority bureaucrats who lack sufficient funding or impetus from the Congress.

Currently, while at least 20 States have acknowledged serious radon problems, none has the resources necessary to respond effectively to the situations in their States. New Jersey, Pennsylvania, and a handful of other States which have very serious problems have responded with limited State programs, but these would benefit from short-term grants. The dosimeters which detect radon pollution are not costly, and many of the hazards encountered can be abated by solutions which are neither elaborate nor expensive actions as simple as locating and patching leaks in pipes and walls, or improving ventilation systems. But localized problems are not being solved as they should be because efforts are not coordinated.

My bill, the State Radon Program Development Act of 1987, and companion legislation introduced into the other body by Senators MITCHELL and CHAFEE, seek to establish the framework necessary for the EPA to provide the assistance that States need to abate radon pollution. Under this legislation, $3 million is authorized annually for EPA to design and implement training programs to teach State and local officials proper radon detection, monitoring, and mitigation techniques; help the States to establish or augment their own programs to deal with current radon pollution; establish a national clearinghouse on radon-related information; and certify radon measurement devices and demonstrate such technology. The EPA will also administer a $10 million grant fund for each of fiscal years 1988, 1989, 1990 which will provide assistance to States in their efforts to build effective radon-related programs. Under this latter provision, grants will be available for certain activities including radon surveys, development of educational materials, purchase of laboratory equipment and measurement devices. Federal assistance will be limited to 75 percent of the cost of the State program in the first year, 60 percent in the second year, and 50 percent in the third year. No State shall receive more than 10 percent of Federal funds available in any fiscal year.

Finally, while we have some data that indicate hazardous levels of radon contamination in schools, we do not now know how prevalent this problem is because the necessary research has not been undertaken. This legislation provides an additional $1.5 million to EPA to conduct a statistically significant survey of school buildings in the country to determine the level of radon contamination in schools.

Mr. Speaker, I strongly believe that this legislation responsibly addresses the Nation's No. 1 environmental cancer risk. I urge my colleagues to join me and support this important legislation.

TRIBUTE TO THE WORLD AFFAIRS OF NORTHERN CALIFORNIA ON ITS 40TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. LANTOS. Mr. Speaker, I would like to call to your attention and to the attention of this House the outstanding accomplishments and public service of the World Affairs Council of Northern California, which is celebrating its 46th anniversary this year.

For 40 years the nonprofit, nonpartisian World Affairs Council of Northern California has brought facts and information about the most important issues in world affairs to average citizens in the bay area and northern California. The council's conferences, study groups, seminars, lectures, and publications have proven invaluable in promoting public education and the study of international issues in northern California.

The council regularly hosts American and foreign experts on international issues, policymakers, and diplomats who are closely involved in today's crucial issues. The council's list of distinguished speakers includes names like Philippine President, Corazon Aquino, former United States President Jimmy Carter, South African archbishop and Nobel prize laureate, Desmond Tutu, Chinese Premier, Zhao Ziyang, and French President, Francois Mitterand.

Speakers who appear under auspices of the council and the 6,500 items in the council's library are available to citizens of all ages. In addition to serving the adults of northern California, the council makes its resources avail-

able to teachers in order to enrich the international education of bay area students.

Mr. Speaker, it is essential that our foreign policy be firmly grounded in the will of the people, and the people must be fully and fairly informed. For 40 years the World Affairs Council of Northern California has worked to be certain that the people of the bay area are informed and knowledgeable in international affairs.

Mr. Speaker, I would like to thank the council for 40 years of service to the people of northern California, and I congratulate the council, its leadership, and its members as they celebrate this anniversary.

A TRIBUTE TO DORIS LAVERNE MYERS

HON. JAMES A TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Ms. Doris Laverne Myers, a very special resident of my 17th Congressional District. Grandma Myers, as she is known to all who love her, is a wonderful human being and will be celebrating her 88th birthday on July 30, 1899. It is with great pride that I take the floor of the House of Representatives to salute this warm and beautiful person.

Grandma Myers was born in Youngstown, OH, on July 30, 1987. She has lived in the Mahoning Valley all of her life, and currently resides in Kinsman in Trumbull County. She has the love and devotion of her entire family, which includes three children—Helen, Allan, and Carol, 10 grandchildren, and 18 great-grandchildren. Unfortunately, her husband, Mr. Allan Rowe Myers, died in 1959. It should be noted that as the owner of Clover Farm Store in Kinsman for 44 years, Mr. Myers was an industrious and very successful person.

Grandma Myers was extremely active in the literary organization called the "Bay View Club" and in the Eastern Star Lodge of the Masonic Temple. One of the happiest moments of Grandma Myers' life happened in 1982 when she was chosen the Senior Queen of Kinsman. She is well known throughout the Kinsman area for her avid interest in baseball.

I have met Grandma Myers and consider her to be one of the kindest persons that I have ever met in my life. It is my deepest and most sincere desire that her next 88 years are as happy as her first 88. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in recognizing the truly admirable character and outstanding accomplishments of Ms. Doris Laverne Myers.

LIZ CARPENTER'S REFLECTIONS FROM THE GRASSROOTS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. PICKLE. Mr. Speaker, in 1942, Liz Carpenter came to Washington, DC, to be a newspaperwoman. She spent many years covering the Capitol and has become a part of this city and it a part of her. Liz Carpenter has written a book "Ruffles," about her years in the White House as Lady Bird Johnson's press secretary and more recently has written "Getting Better All the Time."

Through these books Liz Carpenter shares her experiences and her charming, unique wit. She always amuses and educates an audience with one of her speeches. She gave one such speech to the National Press Club, June 25, 1987. Mr. Speaker, Texas is proud of Liz Carpenter and I am glad to share her speech to the Press Club with my colleagues and ask that it be printed in the RECORD.

Dear old friends, colleagues of the press: How great thou art! How great it is to return after ten years and to find you are still here in the town where "try to remember" has become the national anthem. Like Rip Van Winkle, I rub my eyes in wonder at Washington today. Like George Bush, I wonder where I am and where I have been all this time.

It is gratifying that so many of you haven't forgotten me. But how many of you really remember what a President was doing August 8, 1986. Forgetting, of course, is a bad thing . . . remembering to forget is good politics.

It seems like only ten years ago, the speed limit was 55. Today it's 65 and so am I. I'm observing the limit, but I warn you I'm accelerated. I am picking up speed, but at my age, that's about all. Well we are all into aging. That sex symbol, Paul Newman is 62. Ben Bradlee is 66. Why am I so glad to know that?

If I have any claim to this podium, it is because this National Press Building has been a big part of my life for forty years. From FDR to Jimmy Carter, I had the pleasure of watching Washington through eight Presidents, and a whole convey of Vice Presidents and a gaggle of Attorneys General. I am a pre-television, pre-word processor, pre-pill, pad and pencil reporter.

When I came here that summer of '42, Franklin Roosevelt was President and Eleanor was making news and newspaper jobs for women. I was 22 when I first walked into this building . . . journalism degree in hand, virtue intact. I still have my journalism degree. I was a brunette then, and so naive I thought the "body politic" was a candidate's wife.

I made the rounds looking for a job, wide-eyed at the mastheads on the doors. The New York Herald Tribune, Look magazine, Bascom Timmons News Bureau, they had leaped out at me from the pages of my journalism textbook and here they were in real life. I had been given a trip to Washington as a graduation present so I wouldn't marry some yankee soldier stationed in Texas. (We still had yankee soldiers in World War II), and I didn't. I married the boy from back home, also a reporter, and we were swept up into covering this magnificant marble Capitol. "Grandaddy and grandchild of all the main streets of America, in which evil men do good things and good men do evil in a way of government so delicately balanced that only Americans can understand it and other they are baffled." Remember? That was the description our fellow reporter, Allan Drury, gave in his novel that we all wished we had written.

Reporting is a marvelously romantic profession and here in this building, we worked, launched a family, a career, and life. Of course, we had Potomac Fever! This is heady stuff. Uncle Sam in all his glory and a press pass to every thought and action. Every few years when things got dull, there were new faces, new Presidents and first families to cover and analyze.

I had become a reporter in spite of the advice of my first editor. Why is it we never encourage anyone to go into our profession? I remember his warning, "You don't want to be a newspaperwoman. It's the most underpaid and oversexed profession in the world." Of course, he never did anything to disprove it. Later, he went on to work at the Miami Herald.

So here I am back in town, stunned by headlines of shenanigans on Wall Street, Washington, the pulpit. What happened? Oh, in the past, we always had probes and investigations but it was friendlier like a good gynecologist. Come to think of it, that's what politics is coming to.

In the good old days, hanky panky was—

A midnight leap into the Tidal Basin;

A Congressman losing his pacemaker at the Marriott;

Drew Pearson and Joe McCarthy in a fist fight at the Sulgrave Club;

Harry Truman firing General MacArthur;

President Eisenhower removing the squirrels from the White House lawn so they wouldn't tear up his golf tee;

Arthur Schlesinger jumping into Bobby Kennedy's swimming pool with his clothes on;

LBJ showing his scar;

Watergate and the overgrown little boys tiptoeing around Foggy Bottom to bug the other gang;

Ham Jordan tossing amaretto and cream down the cleavage of an ambassador's wife.

But today, news has gone hog wild and you get the blame for telling it.

Today, I had hoped to bring some jokes and gag lines, but all the cutesy Gary Hart quips and puns about Iranamuck have been said. There's nothing left. Time was when I knew every nuance, every player, every quip around the press table, but I am no longer "au courant." I would like to report what they are saying and thinking in the middle of the Bible Belt where I come from, (not below the Bible Belt where pious people seem to be straying).

In my own Lake Woebegone, my hometown of Salado, Texas (population 1,380 when everyone is home), we called a town meeting and even named it "understanding evil." Our local psychiatrist says someone needs to, now that evil is so stylish. It seems like a compassionate approach to a timely subject to help us know what's going on.

At the first meeting, we studied the problem of cocaine and Wall Street. Our local banker said, "Well, I've been wondering why Dow Jones is so high and now I know."

At the second meeting, we tried to understand the White House and the Contras. The Democratic chairman claimed he had seen it coming. "What do you expect from a crowd with so many Reagans and Regans and Bakers and Bakkers they can't decide how to pronounce them or spell them. Hell,

we've just got it straight that Iran and Iraq are two different countries." Or are they? I haven't read today's papers.

At the third meeting, we tried to understand about Jim and Tammy Faye. Our local minister was in charge, and was he embarrassed. He just bowed his head in prayer, "Lord, forgive us that it would be a preacher who made 'Love Lifted Me' a porno song."

In our moment of truth, we realized "Bringing in the Sheaves" has a whole new meaning on the national level!

Actually, we grassrooters should be paying more attention. But in Texas where chapter 11 is a way of life, we have been too busy learning how to be broke.

And I have been busy aging and reflecting on life. It began on my Medicare birthday. Yes, a funny thing happened on my way to, hopefully, heaven. My back went out and I couldn't get out of bed, so I began to think—what did it all mean, what did I learn in taking up space on this Earth for sixty-five years.

And that set me doing what any of you could and should do, i.e. write an accounting of life as you have known it. Write it for your descendants if no one else so they won't keep making the same mistakes, and, of course, so they can know you.

As my fellow Texan, Bill Moyers, points out "You can't ignore the rear view mirror, every story is the consequence of events often unremembered but always inescapable. But alas, what is happening this hour seems to be our sole criterion for judgment and action."

He is amazed to find some young people who ask, "Who is this follow Churchill you are always quoting?"

So it is with individuals. We are shaped by our genes, our roots, our education and experiences, by being tested on the trial fields of life. Ask yourself, what has life taught me and you find you're in debt to a wide circle of people and experiences.

I am so lucky. Life has always led me where things are happening, where people are exhilarating, where actions and laughter come quickly. When I took time out to ponder it, I had a book. At 65, I am proud to say, I mastered a word processor, graduating from the Underwood upright which had served me so well through my newspaper days, and I began to write: "Today I am sixty-five years old. That seems like a lot to my grandchildren. They look at my white hair and think 'old,' maybe everyone does. But for me, it seems like nothing at all. I am still the same person I have always been, the child wading in the creek, writing school songs, attending the university, going to Washington as a cub reporter, covering the Hill and the White House, then working in the White House, and finally coming home to lead a new kind of life as a widow."

I began to ask myself the question: "What is home? Roots, trappings, family, work, love. What is home for me? Five houses take shape, walls come alive, porches and rooms reach out to touch me, from the house where I was born to my last lap house, my happy hour house overlooking Austin. This Press Building is very personal to me, part home, echoing another time, another me. I never pass this Press Building cornerstone, laid by Calvin Coolidge, with what was undoubtedly a very short speech, that I don't think of his last day in office. He strolled outside the grounds of White House with a friend who asked in whimsy, "Who lives there?" Coolidge replied, "no one." But in truth, we all do. It is that sense of possessiveness which we all have about Washington whether we sit in the seat of the mighty or watch from the grassroots.

I recommend this exercise of reflectioning for everyone. We witness in our life span so much history and there is more time to reflect on it. Most of us will live sixty years after we are twenty. Some of us will even get to hear Willard Scott say happy birthday when we reach 100. He barely bothers with the 90 year olds any more.

We have just begun to probe what this new gift of time offers. Obviously there is more time to learn and, as John Gardner points out, it's what you learn after you know it all that counts. We learn how to change careers and interests several times. We learn how much friendship really counts, how to widen our circle of friends by being one. We seize new ways to serve. Like Van Gogh, I do not think we were put on this Earth to be merely honest or simply happy. We were put here to realize great things for humanity. This provides a sense of purpose so necessary to happiness. Then, we learn how humor is essential for perspective about ourselves. And we learn to avoid congenital complainers.

Age is very liberating. Grey hair is a license to say what you think. And what is happening beyond the mesmerizing Potomac? What is taking shape at this very moment? I am here to tell you:

(1) An almost superhuman effort is underway to save education. We simply have to redefine national defense to include education. The States are awash with emergency committees to put our priorities where they belong, off the sports field and into well financed classrooms. Otherwise we lose our world markets.

(2) There is a real antagonism towards soaring costs of political campaigns. Voters are drained by fundraisers and disgusted by the failure to put a lid on campaign costs which breed payoffs, and place a price on acts of public service.

(3) There is a graying of the peace movement. You hear it in the songs: "And May We Have Peace on Earth and May It Begin With Me." "We Are the World, We Are the Children." We are also supposed to be the responsible adults.

The Contra hearings have won a lot of TV armchair peacemakers. The spectacle of hired gun runners, war profiteers, Swiss bank accounts and munitions makers is terrorizing. If Robert Sherwood hadn't used the title "Idiot's Delight" for his anti-war play, we could use it now. Back in Salado, even our local rifle association knows guns and missiles kill people, whether they are made in the USA or the USSR.

When I came to this town, there were 70 foreign nations represented here. Now there are about 160. Yet even as the world grows more crowded we have not found the way to make it more peaceful. It has been said the cold war set America's political maturity back two generations by creating an unreasoning fear of the Soviets which fuels the arms race. No one can know for sure whether this is so. Looking back, it was pretty silly not to let Khrushchev go to Disneyland. It may be just as silly not to believe Gorbachev is for real. Yet, the only person brave enought to say it was Gregory Peck.

Out there in the grassroots, these are the stories waiting to be covered. Never have throughtful journalists been so needed.

I assure you that dismay over national events has not created apathy. People are looking for answers and optimistic that we shall find them.

What saves us in a time of unthinkable shenanigans? What saves us when the system falters, the leaders go awry?

I used to think the only enemies of democracy were poverty and ignorance. But age and experience have taught me it is also the poverty of the rich and the ignorance of the learned who know the rules and wink at them. One thing our political history proves is that despite the headlines, behind the headlines, there are values that endure, people who don't follow the latest trends. The great movements for justice did not come from Washington but from the grassroots, scattered voices banding together to form coalitions for civil rights, equality for women, a humane environment, peace. Indeed the very reason pollsters were born was to search out the early signals that are alive in this country.

So we keep on trying. What keeps us spellbound, ever hopeful, as citizens and as reporters in this free democracy with its free press, are the surprise endings.

Fifty years ago, we had a terrible depression who would have thought it would be the aristocratic country squire from Hyde Park to give us a social conscience and put government and the country to work?

We survived a massive war and who would have imagined it would be the cocky high school graduate haberdasher from Independence wise enough to lift Europe out of the ashes of that war?

And in the aftermath, that it would be the military man who would check the excesses of the Pentagon's military industrial complex?

It was the wealthy swashbuckling Boston Lancelot who rallied us to ask what we could do for our country, and enobled public service as a career.

No Harvard or Stanford graduate gave us our agenda for education. It came from the Johnson City graduate of a small State teachers college, the same Texan who put civil rights into law and action.

It was the commie hunter from California who made us recognize Red China.

The Michigan football center who opened up access lines to government.

The Christian Southern Baptist who brought the Jews and Arabs to the altar of the peace table.

Maybe, just maybe, it will be the jingoistic hawk, who will bring us into an arms control treaty and lay down the swift sword. Wouldn't it be nice if the world announced a universal peace party and everyone RSVP'd.

Yes, surprise endings to the continuing story of trials and failures, of scandals and shortcomings, in this ever trying unfinished democracy of ours.

Andy, I want to present the first copy of my book to the National Press Club Library, so I can keep on being part of this building. The title of my new book is getting better all the time. Look at that cover girl. I'll let you in on a secret. The hair is real but the wrinkles aren't. They were airbrushed in to make me look more mature.

In closing, I offer you and everyone this toast:

here's to your ability
to have the agility
to take your virility
into your senility.

(Liz Carpenter is a journalist and author of "Getting Better All the Time," to be published by Simon and Schuster, July 14, 1987. Her book "Ruffles and Flourishes," 1970) concerns her years in the White House as

press secretary to Lady Bird Johnson. She is a senior consultant for Hill and Knowlton, Inc.)

LEGISLATION CALLING FOR A WHITE HOUSE CONFERENCE ON CHILD ABUSE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. RICHARDSON. Mr. Speaker, I rise today, along with 72 of my colleagues, to introduce legislation calling for a White House Conference on Child Abuse. I am pleased to say that this important legislation enjoys the support of the National Education Association, American Federation of Teachers, and many other child advocacy groups.

Every 4 hours in this country a child dies from being abused. Child abuse is a growing cancer in our society—we must move swiftly to stop this menacing disease. Last year alone, deaths related to child abuse increased by 23 percent. Since 1976, substantiated reports of child sexual abuse have increased over 650 percent. The House Select Committee on Children, Youth, and Families reports that from the period 1981 to 1985 child abuse increased nationally by 55 percent.

The Department of Health and Human Services estimates there are a million cases of abuse and neglect each year. Two thousand of these children will die this year from being beaten, raped or otherwise mistreated. About 60,000 children are seriously injured. Another 6,000 end up with permanent brain damage. Most will be permanently scarred.

While there are many noble efforts underway nationally to heighten public awareness of this growing crisis, it is still far from the forefront of our consciousness—a White House conference will be an important first step toward focusing attention and developing solutions to a problem which is plaguing our young people.

The effects of child abuse are overwhelming. Some victims of child abuse have been found to exhibit physical trauma and are more likely than the general child population to suffer from psychological problems. It is argued that child abuse may manifest itself in both short- and long-term problems such as emotional learning disorders, poor school performance, and in suicidal and delinquent behavior. It is also argued that children who are abused are more likely than nonabused children to become abusers, creating a cycle of abuse through generations of families. These outcomes represent both social and economic costs for society as well as for children.

A White House conference brings public attention to an issue like no other forum. There are thousands of children out there that have been abused but have buried their experience, either out of fear or out of an inability to face the insurmountable pain associated with the experience. This conference will show that America cares about these children. The Conference will not only open our eyes, but will bring together the best and brightest thinkers on child abuse to develop solid legislative initiatives to combat child abuse.

I would like to thank the chairman of the full Committee of Jurisdiction, Mr. HAWKINS, for his support in this effort. I urge my colleagues to cosponsor this critical legislation.

CONGRATULATIONS, CHUTI TIU, AMERICA'S 1987 JUNIOR MISS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. KLECZKA. Mr. Speaker, it is with great joy and pride that I acknowledge Ms. Chuti Tiu, winner of the America's Junior Miss Pageant on June 20, 1987.

Ms. Tiu is a resident of West Allis, WI, in the Fourth Congressional District, which I represent. Chuti is not only a beautiful young lady, but she is most deserving of this accolade, having worked hard and long to develop her extraordinary talents and scholastic abilities. I had the pleasure to meet Ms. Tiu in February of this year when she traveled to Washington as a participant in the Presidential Classroom Program. It is hard to imagine a more qualified representative of the best in America's young women.

The Fourth District congratulates you, Chuti, on this outstanding accomplishment. You have made us all proud.

A TRIBUTE TO THE CARELINK PROGRAM AND ST. ELIZABETH'S HOSPITAL MEDICAL CENTER OF YOUNGSTOWN, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to the CareLink Progam and St. Elizabeth's Hospital Medical Center. This is a new nationwide program for adults over the age of 62. It was developed by Catholic hospitals to assist people in times of illness and to help them maintain good health as well. Membership is free and the potential benefits are enormous. Every health care facility associated with this outstanding program offers these benefits.

St. Elizabeth's CareLink program offers an excellent example of the advantages open to its members. Some of these benefits include free insurance counseling, meal discounts at St. Elizabeth's cafeteria, and a physician referral service. Additional services such as a health education program, an informational newsletter, and a notary public service are offered. A reduced parking rate, gift shop discounts, and free hearing tests are also available. This wide array of benefits justifies CareLink's claim as a "Fellowship of Caring."

This program and St. Elizabeth's Hospital Medical Center illustrate two institutions that care about people not only as patients, but as human beings as well. It is easy to attain membership in this program, and the potential advantages that CareLink offers are numerous. I am proud to have a health care facility such as St. Elizabeth's Hospital associated with this program, and it is with special thanks that I pay tribute to these two fine organizations.

GERMAN TRIAL FOR HIJACKER NOT NECESSARILY A SETBACK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. BEREUTER. Mr. Speaker, many of my colleagues have expressed outrage at the decision of the West German Government not to extradite known terrorist, Mohammed Hamadi, to the United States for trial. Hamadi is accused of killing U.S. Navy diver Robert Stethem during the hijacking of TWA flight 847. On June 22, 1987, the Omaha World Herald published a very thoughful editorial on this subject which I commend to my colleagues' attention. The editorial follows:

GERMAN TRIAL FOR HIJACKER NOT NECESSARILY A SETBACK

The United States wouldn't necessarily lose if West Germany, instead of the United States, conducted the trial of Mohammed Ali Hamadi, the Lebanese Shia Moslem charged with the slaying of a passenger on the hijacked TWA airliner in 1985.

U.S. Attorney General Edwin Meese has urged Bonn to extradite Hamadi to the United States. Americans have good reason for wanting to have the trial here or alternatively, for wanting the West Germans to prosecute Hamadi energetically. The man Hamadi is accused of killing was a U.S. Navy diver, Robert Stethem.

The West Germans have dithered, perhaps because of their concern over the safety of two West German hostages in Beirut, who, their kidnappers have said, will die if Hamadi is extradited. In the past few days, however, West Germany has indicated that it is serious about putting Hamadi on trial.

Trying Hamadi in the United States could demonstrate that the United States is willing to take risk to bring terrorist to justice. But that has been demonstrated before. A West German trial could demonstrate that the Germans also are willing to do their part. That, in the long run, could be just as important as another demonstration of American determination.

Such an argument has been advanced by Martin Kramer, a visiting fellow at the Washington Institute for Near East Policy, in an article written for the Washington Post. If the West Germans put Hamadi on trial, Kramer wrote, Bonn would have to take extra precautions to prevent terrorism during the trial. "The West Germans would come to see this as their war, too," Kramer wrote. That he said, is "an American political goal of the first order."

In the past two years, terrorists have been captured and put on trial in France, Britain and Italy. These nations have demonstrated little tolerance for terrorist acts within their borders. If the West Germans bring Hamadi to trial and do a good job of it, the result could be another significant chapter in the war against terrorism.

TRIBUTE TO ALAN T. DICK, EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. GEKAS. Mr. Speaker, Saturday, July 11, 1987, will be remembered as a very special day in the life of one young man from my district. Alan T. Dick, son of Ted and Mary Dick of Liverpool, PA, has earned Boy Scouts' highest award—the Eagle Scout, which he will receive before family and friends at a ceremony in his honor.

Alan, a member of troop 222 of the United Church of Christ, Liverpool, earned his distinguished Eagle Award after sponsoring a walkathon in which $732 was raised for Jerry Lewis' Muscular Distrophy Telethon. Alan conducted the first ever walkathon in honor of Michael Huffman, a local man inflicted with this disease.

Alan joined the Cub Scouts in January 1979 and moved on to Boy Scouts in October 1982. He is also a brotherhood member of the Order of the Arrow.

A member of the Newport High School football and baseball teams, Alan also distinguished himself as an 11th grade honors student. In his community, Alan belonged to the Teener Team last year. He is presently a member of the Millerstown and Hunter Valley Sportsmen's Club as well as a youth group member at the Lutheran Church of the Good Shepherd.

I would ask my colleagues in the U.S. Congress to join me in extending congratulations to Alan Dick for earning this worthy and special award. I wish him great success in his future endeavors.

NEW MEXICO SPE PICKS ENGINEER OF THE YEAR

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. LUJAN. Mr. Speaker, today I'd like to recognize the New Mexico Society of Professional Engineers and, in particular, the society's selection of Robert E. Witter, PE, as its 1987 "Engineer of the Year." Bob Witter is a constitutent of mine who lives in Albuquerque. He is president of Robert Witter & Associates, Inc., an Albuquerque-based engineering consulting firm. The honor was bestowed on Bob during the NMSPE's annual meeting held in early June in Cloudcroft, NM.

Mr. Witter holds both a Bachelor of Science and a Master of Science in Electrical Engineering from New Mexico State University, Las Cruces. He was formerly employed by Plains Electric Generation and Transmission Cooperative, Inc., in Albuquerque and by Continental Divide Electric Cooperative, Grants. Bob is a member of the National Society of Professional Engineers, the New Mexico Society of Professional Engineers, the Institute of Electrical and Electronics Engineers [IEEE], the American Academy of Forensic Sciences and a charter member of the National Academy of Forensic Engineers. Bob is a registered professional engineer in the States of New Mexico, Arizona, Colorado, Texas, and California.

He and his wife, Joyce, live in Albuquerque with their three daughters, Larissa, Robin, and Cara.

IN OPPOSITION OF PLAN TO PRODUCE M-1'S IN EGYPT

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. MAVROULES. Mr. Speaker, in these days of ill-advised weapons sales to Iran and escalating tensions in the Persian Gulf, it is inconceivable that the administration would now allow Egypt to produce the M-1 tank.

In no way do I mean to equate our good friend Egypt with Iran, however sending to Egypt the means to produce what may be the finest, most sophisticated tank in the world could well escalate hostilities in the region and present some major problems for Mr. Mubarak. Unfortunately, this questionable move could severely damage our friendship with the Egyptians; A friendship and trust for which President Carter worked so hard at Camp David.

The lack of quality control in Egypt when it comes to producing weapons systems is well known. The multitude of American jobs that will be lost by producing the M-1's in Egypt rather than the United States is disheartening.

The timing and strategic purpose of this plan raise many questions.

How will our friends in Israel react to such an increase in Egyptian firepower on land?

Is Libya such a grave threat that we have to send the best tanks in the world to Egypt?

But more specifically, should we be sending such sensitive technology abroad, especially to the Middle East? What happens if, God forbid, moderate elements are forcibly displaced in Egypt?

These are all questions to consider.

We in Congress should take time to carefully study some of the possible ramifications of this plan. Keeping in mind the times in which we live and the unpredictability of the Middle East, it would seem that a good measure of caution would be in our best interests regarding the implementation of this proposal.

A TRIBUTE TO NICOLE JOHNSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. HALL of Texas. Mr. Speaker, Nicole Johnson, a talented and motivated fifth grader from Tyler, TX, has won the Daughters of the American Revolution National Essay Contest.

Nicole won the local contest sponsored by the Mary Tyler Chapter of the Daughters of the American Revolution, and went on to win the State, the South Central Division and the National competition for fifth graders.

Nicole wrote her essay as if she were Thomas FitzSimons, a Pennsylvania delegate to the Constitutional Convention, writing a letter to Mr. Robert Johnson, editor of the New England Daily Journal, explaining why the constitution should be ratified.

Mr. Speaker, in this year that we are celebrating the bicentennial of the Constitution, I want to share this moving narrative with the Congress.

I urge the ratification of the proposed Constitution to our United States. For four months now, debates have heated the domains of Independence Hall in Philadelphia. The result has been a new plan of government: A supreme law of our land—The United States Constitution.

The government established by the Articles of Confederation has not been strong enough to govern our new nation. For example, it lacks an executive branch and a system of national courts. Our present government cannot regulate trade between the states or tax their citizens. It has been little more than an assembly of the representatives from our 13 states.

In 1780, after the Revolutionary War, our nation entered a period of unstable commercial and political times. Gradually conditions have become worse, especially since 1783. Each state seems to be acting like an independent country; it runs its own affairs exactly as it sees fit, with little concern for the needs of our Republic. The states are circulating their own currencies, most of which have little value. Some neighboring states are taxing each other's goods.

There are many reasons we need a new plan of government. Great Britain has refused to reopen the channels of trade that the colonies had depended on for their economic well-being. The state legislatures have refused to pay the debts they had taken on during the war. Some states have even passed laws that allow debtors to get out of paying their obligations. The worst thing, however, is that some men are thinking of fighting again in order to settle and solve our problems. I refer to the rebellion just a few months ago in Massachusetts. Fortunately, the militia put down Shay's Rebellion.

George Washington and I have often asked ourselves if we, as colonies, rebelled in vain against the tyranny of King George. The other representatives feel as we do. We agree that now is the time to put an end to the troubles that seen to beset us, and bring peace and order by forming a new national government. This government of the people, for the people, and by the people will command respect at home and abroad.

Please take a close look at some of the respected delegates who have helped write this proposed new law of our land: George Washington, "first in war, first in peace, and first in the hearts of our countrymen;" Benjamin Franklin, who inspired us all merely with his presence; Alexander Hamilton, who can express his views so strongly no one can resist; and James Madison, whom we call "The Father of the Constitution" because of his splendid speeches, negotiations and compromises. These voices and many others are too important to be ignored.

All of the delegates have considered past experience. They have gone all the way back on English history since King John approved the Magna Carta in 1215, and all of our own history since the first assembly of representatives met in Jamestown in 1619.

The proposed constitutional government has emerged from hundreds of years of trial and error.

The new constitution is strong enough to meet any obligation. It is safe enough to respect the liberties of our people. It will unify our nation, and provide a sound foundation for our future. Our nation will grow and prosper under this new plan of government.

I had the pleasure of escorting Nicole and her mother, Mrs. Aron Louis Johnson, through the Capitol and have them as my guest in the Congressional Dining Room. Also, in the great tradition of Tyler, the rose capital of the world, I presented her a bouquet of roses which had been provided by Tyler rose growers.

Mr. Speaker, I am pleased that as we adjourn today, we do so in appreciation of Nicole Johnson.

TRIBUTE TO FRED W. ALVAREZ

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. RICHARDSON. Mr. Speaker, as a Representative of New Mexico and former chairman of the congressional Hispanic caucus, I wish to bring to the attention of my colleagues the achievements of a native of my State, Mr. Fred W. Alvarez, who was recently confirmed by the Senate as Assistant Secretary of Labor. In my opinion, the administration could not have chosen a person better qualified to serve in that position.

A native of Las Cruces, NM, Mr. Alvarez attended the New Mexico Military Institute, and received degrees from Stanford College in 1972, and Stanford University Law School in 1975. After his graduation from law school, he clerked for Chief Justice LaFel E. Oman of the New Mexico Supreme Court before returning to California to practice with the National Labor Relations Board as a trial attorney. He then practiced with the Sutin, Thayer, and Browne law firm in Albuquerque, specializing in equal employment and labor relations law, before becoming a commissioner of the Equal Employment Opportunity Commmission where he has served for the past 3 years.

With this appointment, Mr. Alvarez becomes one of the highest ranking Hispanics in the Reagan administration. I believe that Mr. Alvarez, with his experience in labor law and equal opportunity employment issues, will contribute significantly to the labor department and will bring to it a proven commitment to fairness in employment for all Americans.

I applaud Mr. Alvarez for his outstanding record and look forward to his service with the Department of Labor.

The material follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF INFORMATION,
Dallas, TX.

NEW MEXICO NATIVE CONFIRMED BY SENATE TO HIGH-LEVEL LABOR DEPARTMENT POST

Labor Secretary William E. Brock today hailed the swift Senate confirmation of Fred W. Alvarez as assistant secretary of labor for employment standards.

Alvarez, 37, an attorney, is a native of Las Cruces, N.M. He was a commissioner of the Equal Employment Opportunity Commission for three years before President Reagan nominated him for the sub-Cabinet post. He now becomes one of the highest ranking Hispanics in the Administration.

Brock said Alvarez "brings to the Department of Labor solid administrative and enforcement experience and a strong commitment to equity and decency in employment for all Americans."

In his new position, Alvarez will head the Labor Department's largest agency, the Employment Standards Administration, which has over 4,000 employees. It includes the Wage and Hour Division, the Office of Federal Contract Compliance Programs and the Office of Workers' Compensation Programs.

Alvarez has a well established labor law background. Before joining the EEOC, he was in private practice in Albuquerque specializing in equal employment and labor relations law. Prior to that he was a trial attorney with the National Labor Relations Board's regional offices in Oakland and San Francisco. He started his professional career as a law clerk to Chief Justice LaFel E. Oman of the New Mexico Supreme Court.

A 1966 graduate of the New Mexico Military Institute, Alvarez received a B.A. degree with honors in economics from Stanford University in 1972 and a law degree from Stanford in 1975.

He was admitted to the California and New Mexico state bars and has served as a faculty member for the Council on Legal Educational Opportunities and as a member of the Stanford Law School Board of Visitors.

He is a member of the American Bar Association's Section of Employment and Labor Law.

Alvarez succeeds Deputy Under Secretary Susan R. Meisinger, who is returning to private industry. She will be vice president of government affairs for the American Society for Personnel Administration. Meisinger served as deputy under secretary of the agency since February 1984.

ORTEGA SHOWS HIS COLORS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. BEREUTER. Mr. Speaker, recently, the Omaha World Herald published a thoughtful editorial concerning Nicaraguan President Daniel Ortega's recent admission that Nicaragua had supplied arms to the rebels who are trying to overthrow the Government of El Salvador. I commend to my colleagues' attention the Herald's admonition that the United States remain wary of Sandinista-Soviet connections.

ORTEGA SHOWS HIS COLORS

Nicaraguan President Daniel Ortega has a habit of departing from the script that some of his North American supporters have held out for him to read.

If he followed the script, he might come off as a populist Christian reformer who is dedicated to improving his country's literacy rate and medical care, a sort of social democrat who has no interest in exporting his revolution to other Central American countries or building stronger ties with Moscow.

Ortega must have jolted some of his U.S. supporters two years ago when he visited Mikhail Gorbachev in Moscow just after a congressional debate on contra aid—a debate during which Congress was assured that it was silly for Americans to be concerned about a Managua-Moscow link. The same year, his image as a populist reformer was damaged when he and his wife, who were in New York to attend a meeting of the United Nations, used a Diners Club credit card to purchase $3,500 worth of fashion eyeglasses from an optician on Manhattan's Upper East Side.

Recently, moreover, if Ortega's remarks in an interview were correctly reported by a Mexican newspaper, Ortega admitted for the first time that Nicaraguan army officers supplied arms to the rebels who are trying to overthrow the government of El Salvador. His remarks may very well have been demoralizing to Americans who ridiculed the State Department when it raised similar concerns.

It is becoming clearer that Ortega's regime is a jerry-built social-fascist system with some aspects of Cuban communism thrown in. It is not a Stalinist regime of the Eastern European model. Much of the economic activity is still controlled by the private sector. Elections have been held, although some of the political parties were openly handicapped by state interference.

At the same time, it would be inaccurate to portray Ortega and his fellow Sandinistas as just a group of reformers who are in trouble with the U.S. government only because their motives are misunderstood by a Red-baiting U.S. president. Each time Ortega departs from the script, he reinforces the reasons for the U.S. government to be concerned about his Soviet links and the possibility that the Sandinistas would try to export their revolution to surrounding countries.

VOTER HALL OF FAME

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. GEKAS. Mr. Speaker, the right to vote as one pleases and the knowledge that the vote will count—and be counted—form the cornerstone of our democratic system of government. Our society is set apart from totalitarian societies in which individual freedom is subservient to and limited by the wishes of a dictatorial individual or party.

Because our constitutional system of government rests on the premise that the people elect their own government, the American electoral process functions not only to determine winners, but also to confer legitimacy upon them and to hold them accountable to the public they have been selected to serve temporarily.

The great Commonwealth of Pennsylvania has established a "Voter Hall of Fame" to honor citizens with exemplary voting records. Membership to the "Hall of Fame" is open to all Pennsylvania registered voters who have voted consecutively in every November election for which they were eligible for at least 50 years. Candidates must also agree to encourage the registration of new voters.

Mr. Speaker, today I would like to recognize the constituents from my congressional district who have earned a place in the Pennsylvania

Voter Hall of Fame. Those inducted into the Hall of Fame include: Myrl A. Griffith, Harrisburg; Richard C. Guise, Harrisburg; Charles O. Long, Harrisburg; Marion M. Ober, Harrisburg; and Anna P. Talmadge, Harrisburg.

I am pleased to recognize these citizens for exercising our most precious freedom faithfully, year after year, in elections for Government representatives on the local, State, and national levels. They deserve our praise and recognition.

A TEST FOR GLASNOST

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. MICHEL. Mr. Speaker, the respected Christian Science Monitor recently carried a story raising interesting questions about the idea of glasnost, or openness, in the Soviet Union.

The front page story told of an "apparently unprecedented disclosure" in which Nikolai Shmelyov, described by the Monitor as "a senior staff member of the Institute of U.S.A. and Canada Studies" stated, during a "closed-door lecture to Soviet academics" that 17 million people passed through Stalin's labor camps and 5 million families were deported during Stalin's collectivization of agriculture.

This report, it seems to me, is a test of Mr. Gorbachev's seriousness when it comes to glasnost. If he is serious, he will allow Soviet media to disclose all of the facts that are now known in the West and previously undisclosed facts from Soviet sources about the Communist regime's atrocities in the 1930's and 1940's.

Glasnost can be taken even more seriously if there is a concerted effort by the Soviet courts to bring to justice anyone in the Soviet Union who in any way may have participated in or benefited from the atrocities committed by the party during that time. It is simply historically incorrect to blame it all on Stalin. He had henchmen just as Hitler had and some of them are in positions of party power right now. Glasnost demands that names be named, facts be made public, and let Soviet citizens judge for themselves.

The same principle holds true for the captive people of the Soviet Union. If glasnost means anything it must mean official recognition on the part of the present rulers of the Soviet Union that their party was responsible for the deportation and murder of millions of innocent human beings in Latvia, Lithuania, Estonia, and Ukraine, to mention just a few nations or regions savagely repressed by the Communist Party, U.S.S.R.

I would very much like to see Mr. Gorbachev openly state the true facts of just who was responsible for what happened in the Soviet Union in the 1930's and 1940's. If—as is usually the case—Mr. Gorbachev answers by saying the West also has much to answer for, I say: Let's present the facts to a candid world. Let the world judge just which system has visited more misery upon its own people.

The first step in such a process could be to count the number of books published in the United States that deal with historic errors, crimes and injustices in the Western world. The Soviet Union can then allow the same number of books to be published in the Soviet Union, but these books will disclose the history of the Soviet errors, crimes, and injustices since 1917. Surely nothing could be more fair than that.

At this point I wish to insert in the record "Top Soviet Denounces Stalin's Gulags," from the Christian Science Monitor, June 16, 1987.

TOP SOVIET DENOUNCES STALIN'S GULAGS

[In a closed meeting, A soviet analyst revealed that Stalin sent 17 million to labor camps. The disclosure seems to be part of a Gorbachev push to reduce rigid Stalinist economic control.]

(By Paul Quinn-Judge)

In an apparently unprecedented disclosure, a prominent soviet economist has said that 17 million people passed through Joseph Stalin's labor camps and 5 million families were deported during Stalin's collectivization of agriculture.

Nikolai Shmelyov, a senior staff member of the Institute of USA and Canada Studies, gave the figures during a closed-door lecture to Soviet academics last week. The Monitor obtained a tape of Mr. Shmelyov's remarks, given at a research institute attached to the Communist Party Central Committee.

Although Stalin died in 1953 and his cult of personality was denounced three years later, no official figures have ever been given for the numbers of people imprisoned in camps (gulags) or killed during his rule. Such discussion of the topic is extraordinary. (In a rare public demonstration, Latvians yesterday protested Stalin's deportation of thousands of their countrymen.)

Mr. Shmelyov presented the data to support an attack on what reform-minded economists call the "administrative system"—the inefficient approach to economic management and planning that is expected to come under attack at the next party plenum. The plenum is scheduled for late this month.

Shmelyov's lecture, which follows hard on the heels of a controversial article by him on economic policy in the monthly Novy Mir, indicates that activist academics and writers are intensifying their campaign in support of Mikhail Gorbachev's reforms.

Shmelyov and other leading economists are essentially calling for the de-Stalinization of Soviet economic planning. They are calling for the return to a more flexible—and they assert more Marxist—form of economic planning based on the policies pursued by Vladimir Lenin during the period of the New Economic Policy, which lasted from 1921 to 1928.

Stalin's "immoral system of management" had a catastrophic effect on agriculture, industry, and the war effort, Shmelyov said. Without Stalin's brutal collectivization, without the labor-camp system, and without "the badly waged, and nearly lost Finnish war [1939-40], then I am deeply convinced that there would never have been a second World War, at least on our territory," he said. The death of 20 million soviet citizens during World War II could also arguably be viewed as an indirect result of Stalin's methods, he theorized.

The figure of 17 million labor-camp inmates was "unofficially known to many," Shmelyov said. And he criticized unnamed "recent theoreticians" who had tried to justify Stalin's mass repressions in the 1930s on the grounds of economic efficiency.

"What did the 17 million people who passed through the system produce? Two canals, the expediency of one of which is very dubious. Tree-cutting, which could have been achieved much more cheaply by hired labor. And gold on the Kolyma River," in Magadan, in the far northeast of the Soviet Union, Shmelyov said.

The population handbook for Magadan region in 1939 gave a figure of 3.3 million, Shmelyov noted. The handbook for 1959—some three years after the closure of most labor camps—showed a population of 300,000. But the 300,000 people, working with the same technology, produced 1½ times as much gold, he said.

Shmelyov was equally scathing about other measures imposed by Stalin. The collectivization of agriculture had created a "monstrous machine" that led to the deportation of 5 million peasant families—accused of being rich farmers. Grain production dropped 40 percent after collectivization, he said.

The revelations will be welcomed by supporters of radical reform, who have argued recently that the classic system of centralized planning is not only inefficient and unproductive, but has little to do with real planning.

But the information will be deeply resented by others. During a recent visit to Magadan, a group of Western journalists pressed the party chief for a figure of the labor-camp population under Stalin. The official, Alexander Bogdanov, responded angrily that "this period is over, this page of history is closed. I don't see why we have to keep talking about it."

Shmelyov's estimates of the camp population are as high as many Western figures. A number of Western sources estimate that there was an average of 7 million to 8 million people in the camps in any given year between 1937 and Stalin's death. There have also been estimated that the death rate in Kolyma—with nine-month winters, permafrost, and temperatures that dropped as low as minus 76 degrees F.—may have reached 30 percent.

ANTISEMITISM IN NICARAGUA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. CRANE. Mr. Speaker, as the debate over Nicaragua heats up, and the Nation focuses on aid to the Nicaraguan Freedom Fighters, I would like to call your attention to the occurrence of a specific form of religious persecution in Nicaragua—Sandinista anti-Semitism—which threatens to spread itself beyond the borders of Nicaragua.

Once, the Jewish community in Nicaragua was a flourishing and successful community. Today, however, it no longer exists, a direct result of orchestrated anti-Semitic terror and intimidation perpetrated by the Sandinista government, under the direct orders of the three Sandinista stooges, the Ortega brothers and Interior Minister, Commandante Tomas Borge. Though the Jewish community was the smallest religious group in Nicaragua, it was also the most persecuted religious group, at the height of the Sandinista revolution and when the Sandinistas came to power.

It is interesting to note that the National Jewish Coalition held several press conferences in 1986 with former Nicaraguan Jews who were subject to Sandinista anti-Semitism and forced to flee their homes and their country. Yet, the major media repeatedly failed to cover these press conferences, and thus, the egregious, Nazi-like crimes and tactics of the Nicaraguan Sandinista government went unreported to the rest of the world.

As the leading nation in the free world, it is both the duty and responsibility of the United States to do all that it can to expose this unacceptable state of human rights violations and attempt to eradicate this situation. In view of this, I would like to include the attached article, "Persecution in Nicaragua," by Debbie K. Schlussel, which appeared in the January 1987 issue of the Michigan Review. This article goes into depth about the extreme persecution of the Nicaraguan Jewish community by the Sandinista government and the motivations behind this.

[From The Michigan Review, January, 1987]

PERSECUTION IN NICARAGUA

(by Debbie Schlussel)

This is the story of how a nation and its ruling regime persecuted its Jewish population to such an extreme that the entire Jewish community was driven from the land. This oppressive government is neither Inquisition Spain, nor Czarist Russia, nor even Nazi Germany. Rather, the totalitarian state described here is none other than Sandinista Nicaragua, the current chic cause of the Left.

The totalitarian regime of Nicaragua's "elected" president Comandante Daniel Ortega has committed many atrocities in carrying out its strict policy of religious suppression. Any sign of religious expression is not tolerated by the Sandinista dictatorship, and is swiftly obliterated. The Sandinistas represent a specific threat to the many Central American Jews. Before the Sandinista revolution, anti-Semitism in Nicaragua was virtually non-existent. However, as the Sandinistas gained strength, so, too, did anti-Semitism.

The story of Sandinista anti-Semitism is one which most Americans remain unaware. Until recently, the media have failed, perhaps deliberately, to even mention it, lest they shatter the mythical saintly image of the Sandinistas.

The Nicaraguan government began its campaign of anti-Semitism in the quasi-official government newspaper Nuevo Diario. Jews were blamed for the crucifixion of Christ, using the "myth" of the chosen people to massacre Palestinians, and using financial power to gain control of the United States. The articles referred to Judaism as the "theology of death" and "Synagogues of Satan," and rehearsed old canards similar to those of the Klu Klux Klan and Lyndon La Rouche that "world money, the banks and finance are in the hands of descendants of Jews, the eternal protectors of Zion."

Flagrant anti-Semitic acts—the firebombing and burning down of the Managua Synagogue during Sabbath prayer services, with its congregants trapped inside by the Sandinista soldiers, the confiscation of Jewish property, the arbitrary detention and arrest of Jews—were committed by the Sandinistas as their revolution was at its height and once they were in power. The Sandinistas soldiers, after they set the Managua Synagogue afire, shouted, "Death to the Jews! What Hitler started, we will finish!"

Meanwhile, laws were enacted that enabled the government to confiscate Jewish property on the spurious grounds that the owners had either abandoned it or were unable to manage it. Oscar Kellerman, a member of Nicaragua's former Jewish community, tells of the effects of the new laws, "They told us to get out, and they confiscated our property when we left. But when you are told that you either lose your property or your life, there is really no choice!" Since then, Jews have tried to regain their property and return to their homes, but the Nicaraguan government has directed the courts not to act on any request by a Jew seeking to return to Nicaragua. Yet, the government claims that Jews are always welcome there.

Elena Gorn, 32, who lives in Hollywood, Florida, stated that her father-in-law, Abraham Gorn, the recognized leader of the Nicaraguan Jews, was arrested shortly after the Sandinista takeover on what she felt were trumped-up tax charges. Mr. Gorn, then 75, was ordered to sweep the streets while jailers taunted him with anti-Semitic jokes. After a week, according to Ms. Gorn, he was released. Yet, a month later, police officers raided his house and told him that the house, his businesses, and all his possessions were being confiscated. He left the house with only a robe over his pajamas and sought asylum at the Costa Rican embassy. He now lives in Costa Rica.

The Anti-Defamation League (A.D.L.) of B'nai B'rith, the President of the United States, the State Department, and many in Congress have documented and proven consistent Sandinista acts of anti-Semitism. Yet, leftist ideologies such as one Rabbi Balfour Brickner of the Stephen Wise Free Synagogue, no proven authority on foreign affairs or anti-Semitism, continues to deny that Sandinista anti-Semitism has ever existed. Perhaps Brickner's extreme liberal bias has blinded him from the facts of Sandinista anti-Semitism, and has caused him to make these most fanciful claims. How does Brickner know that anti-Semitism was never sponsored by the Sandinista regime? That's easy—the Sandinistas told him so!

Rabbi Brickner is correct when he says the Managua Synagogue remains intact. Since the firebombing, the synagogue has been seized, repaired, and converted into a center for Sandinista youth. The building is now covered with Palestinian Liberation Organization (PLO) posters and smeared with anti-Semitic graffiti.

Now, Jews elsewhere in the region have reason to worry as the Sandinistas try to spread their revolution to other countries. The April 1985 capture of Mauricio Palacio, a Sandinista-trained terrorist, in Costa Rica, must have sent chills up the spines of the Jews there. The terrorist told police of an elaborate plan to kidnap the leaders of the Costa Rican Jewish community.

Many Nicaraguan Jews, who found refuge in the U.S., believe that the Sandinista campaign to eradicate its Jewish population was staged in order to repay a long-standing debt to the PLO. The Sandinistas have a history of involvement with the PLO. The PLO maintains a fully accredited "embassy" in Managua with a ranking representative who holds the title of "ambassador." Currently, there are three Sandinista-run bars in Managua that cater exclusively to PLO members.

During a ceremony marking the Sandinista takeover, Nicaraguan Interior Minister Tomas Borge declared, "We say to our brother (Yasser) Arafat that Nicaragua is his land and that the PLO cause is the cause of the Sandinistas." Arafat replied, "The links between us are not new. Your comrads did not come to our country just to train, but also to fight. Your enemies are our enemies." To demonstrate the joint efforts of the PLO and Sandinistas against Israel, a bomb exploded in the Israeli embassy in San Salvador. The People's Revolutionary Army claimed responsibility and said the bombing was in "solidarity with the Palestinian people."

Arafat's statement was not mere rhetoric. The Sandinistas are proud to have fought in the Middle East with the PLO. They have made a martyr out of Patrick Arguello Ryan. Arguello, who was killed leading the PLO hijacking of four airplanes in 1970, has a Nicaraguan power station named after him. Many of the current Sandinistas are trained in PLO camps. As a Sandinista spokesman told a Kuwaiti newspaper, al-Watan, in 1979, "In the early 1970s, Nicaraguan and Palestinian blood was spilled together in Amman and in other places during the "Black September battles.'"

In Ann Arbor, fantastically naive praise and excessive kudos are bestowed upon the Sandinistas by quite a few of the University's faculty, who use their lectures as vehicles for spreading disinformation about the current state of human and civil rights (there are none) in Nicaragua. Specifically, lecturers Hugh McGuinness and Tom Will use their class, "Biology 101. Biology and Human Affairs," as a forum for their political opinions on this issue, as well as others. Furthermore, the coursepack for this course presents a radical viewpoint, fueled by partial facts, distortions, and even outright lies. In a unit supposedly dealing with farming and agriculture, one article, entitled "Nicaragua: Give Change a Chance," distorts the issue of Sandinista anti-Semitism. This article was written by Medea Benjamin, Joseph Collins, Kevin Danaher, and Frances Moore Lappe for the Institute for Food and Development Policy, in 1984. While this article is an anachronism, there are several other defects inherent in its arguments concerning Nicaraguan anti-Semitism.

First, the article's authors state, "We have found no evidence of people being persecuted for their religious beliefs." Perhaps this is because by 1984, virtually all Nicaraguan Jews had been forced to flee from the existing terrorism. There were none left for Benjamin et al to interview. Indeed, the article quotes Roland Najlis, referred to in the article as a Nicara Jew, as saying that the Jews "emigrated" because "they were Somocistas. . . None were expelled from the country for being Jewish." The article fails to mention that Najlis, while of Jewish birth, told the New York Times that he is an atheist, and thus has not encountered any persecution for practicing religion.

Another factor to consider is that Najlis' statements are taken from Agenda, the magazine of the New Jewish Agenda, a far-left "progressive" Jewish organization. This group often advocates positions at variance with the rest of the Jewish community. The New Jewish Agenda delegation to Nicaragua refused to acknowledge most of the claims of the Nicaraguan Jews who fled, for unapparent reasons. However, the delegation's report does recognize some of the incidents as fact.

The Sandinistas represent a real threat to all Central American Jews. What will happen if the Sandinistas forcefully spread their ideology beyond Nicaragua's borders?

What will become of the Jews of Costa Rica, Honduras, Guatemala, and El Salvador? All Americans have an interest in convincing their elected officials that Sandinista aggression must be recognized and halted. Americans cannot sit idly by as Central American Jews face the threat of official anti-Semitism, exile, and even annihilation!

TRIBUTE TO THE HONORABLE CHARLES SCHUMER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Ms. OAKAR. Mr. Speaker, an outstanding article appeared in today's Wall Street Journal about my colleague CHARLES SCHUMER. It highlights his many talents and I'd like to share it with you.

The article follows:

[From the Wall Street Journal, June 29, 1987]

BACKBENCHERS LIKE SCHUMER LEAP TO THE FORE IN HOUSE WHERE SENIORITY IS SOVEREIGN NO MORE

(By Jeffrey H. Birnbaum)

WASHINGTON.—In some circles in Japan, Rep. Charles Schumer is known as "Hurricane Schumer."

That's because the 36-year-old lawmaker is responsible for a provision in the trade bill that would prevent Japanese-owned companies from underwriting U.S. government securities unless Japan opens its government securities markets to U.S.-owned concerns.

It is remarkable that the New York City Democrat, who only arrived in Congress in 1981, is known at all. Not long ago, congressmen who had served perhaps half-a-dozen or more two-year terms would still find it tough to get anything important done in a House ruled by seniority.

Rep. Schumer's success on this securities provision and other important pieces of legislation illustrates a fact of the modern House of Representatives: that backbenchers with drive can wield real power. Once largely ruled by a small number of old barons, the House today is a more wide-open, multifaceted place where a younger member with energy and aggressiveness can make a mark.

"It makes no difference what your seniority is nowadays; it's a question of how much you want to be involved," says Rep. Tony Coelho of California, who is already the third-ranking Democrat in the House though he was first elected just two years before Mr. Schumer. "You don't have to wait around to have influence. Entrepreneurs do very well."

To be sure, some exceptionally aggressive and talented young lawmakers were able to accomplish things relatively soon even when seniority made that difficult. Sam Rayburn, who became speaker, and Richard Nixon, for example, both managed to make names for themselves at very early stages in their House careers. But they were the exceptions for their time.

These days, younger members like Rep. Schumer are a force to be reckoned with.

Procedural changes after the Watergate scandal in 1973 removed the stranglehold on power once held by senior lawmakers; chairmanships are now elective positions. But more than formal rules have opened the door for junior members. For one thing, television has given a voice in policy making to almost any member. For another the complexity of issues confronting Congress has allowed innovative members to carve out their own niches within the formal committee structure.

"It is now the norm of the institution for a back bencher to make a difference," concludes Norman Ornstein, a congressional expert at the American Enterprise Institute, a Washington think tank.

Mr. Schumer is only one of a long list of influential Democratic lawmakers who came to the House in the 1980s. Others include Rep. Buddy MacKay of Florida, who plays an important role on budget matters, Rep. Mel Levine of California on Persian Gulf security, Rep. Dave McCurdy of Oklahoma on aid to the Contras, Rep. Barney Frank of Massachusetts on judicial questions, and Rep. John Spratt of South Carolina on military questions.

TOUGHER FOR REPUBLICANS

Though it is tougher for House Republicans, since they are in the minority, some junior GOP members have made a splash, including Rep. Connie Mack of Florida on the budget, Rep. Steven Bartlett of Texas on housing matters, and Rep. Michael DeWine of Ohio on the Iran-Contra investigating committee.

Rep. Schumer has played pivotal roles in a diverse array of legislation. From his seat on the usually sleepy House Banking Committee, he began his drive to open Japan's securities markets as well as a separate movement to reduce credit-card interest charges. In addition, he helped save most of the state-and-local tax deductions from tax-revision's knife last year, and he also got involved in the last Congress's landmark immigration-law overhaul.

His secret for success is a combination of seemingly limitless energy and a knack for dealing directly both with his colleagues and with the news media. "I have never seen anyone like that guy," says Republican Sen. Alan Simpson of Wyoming, who worked closely with Rep. Schumer on the immigration bill. "I don't know whether he ever slows down; there is an audible hum about him."

For Rep. Schumer's detractors, the hum is sometimes shrill. Some of his colleagues say privately that the lawmaker from Brooklyn can be too pushy. Some resent his careful cultivation of the press and his frequent citations in newspapers and appearances on television. "He gets a little persistent and a little overbearing sometimes," says Rep. Butler Derrick (D., S.C.). "But he can diffuse that with his humor."

Rep. Schumer believes that persistence pays. Lawmakers, particularly junior ones like himself, he asserts, must use all the resources available to get their points across. "You need to work extremely hard to make legislation go," he says.

HOURS SPENT ON LOBBYING

Hard work on hot issues is Rep. Schumer's forte. When he identified the government-securities market as an issue, for example, he and his allies spent many hours lobbying every Democratic member of the Banking Committee in the House and the Banking Committee in the Senate—until they had enough votes to attach the measure to the trade bill. The success of that effort led to his recent visit to Japan, where he was treated like a visiting dignitary and dubbed "Hurricane."

The Harvard-educated congressman also has learned that legislation needn't always be enacted to have an effect. Soon after he began to publicize his credit-card legislation on television news shows, several big New York banks announced that they were lowering their interest-rate charges on credit cards.

Rep. Schumer's clout has been augmented—and his image softened—by his association with three, more senior Democrats who share a Capitol Hill town house with him when Congress is in session. "We tend to give him some guidance so he doesn't end up going off the edge," says Rep. Leon Panetta of California, one of the three.

The house mates have made potent legislative combinations. Reps. Schumer and Panetta developed compromises that led to the enactment of last year's sweeping immigration law. Rep. Schumer enlisted the aid of another house mate, Rep. Marty Russo of Illinois, to save most of the deductions for state and local taxes in last year's tax overhaul. The third house mate, Rep. George Miller of California, serves with Rep. Schumer on the high-profile House Budget Committee and gave Rep. Schumer the idea for the credit-card legislation.

Rep. Schumer's activities have gained him respect among his colleagues and piqued the interest of outsiders. Some politicians have talked to him about running for mayor of New York City. But Rep. Schumer says he likes it in the House. "There aren't just five big issues, there are 500," says the exuberant Rep. Schumer. "There's a need here for lots of people to be involved."

A COUP D'ETAT FOR THE TELECOMMUNICATIONS TROIKA?

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. SLATTERY. Mr. Speaker, there haven't been many revolutionary causes around the Congress lately, but one may be brewing in Washington's scorching summer heat. A foreign dictator won't cause this one. Instead, regulatory problems created by U.S. District Court Judge Harold Greene's decision on several motions to modify the AT&T consent decree may serve as catalyst for this revolution.

The timing and the content of Judge Greene's actions are certainly critical issues. However, some of us in Congress are beginning to ask a more fundamental question that goes beyond the specific outcome of Judge Greene's expected decision: Who's in charge of implementing congressionally mandated telecommunications policy?

I'm concerned that after all the dust settles following Judge Greene's decision, we won't have clearly articulated policy for regulators to follow. What we'll have is a continuation of the telecommunications troika—and not a single-minded one at that—consisting of the court, the Department of Justice and the FCC. This costly, confusing, and sometimes contradictory regulatory regime should be seriously reexamined.

No one at the time of the AT&T divestiture expected the Federal courts and the Justice Department [DOJ] to continue such an active role in regulating the telecommunications business. The Bell companies filed over 100 MFJ

waivers during the last 5 years, requesting clarification of decree provisions. No one, not the Justice Department, nor the judge, nor the Congress anticipated this kind of micromanagement of the industry.

Over the past several years, the courts and the DOJ have addressed a variety of telecommunications policy questions. Can a Bell company provide time and weather information; can cellular providers offer voice storage and retrieval services; can a Bell company provide private inter-LATA services for a Government customer? The list could go on. These are important national telecommunications policy questions and, under the current regulatory regime, the appropriate Government entity to determine these matters is unclear.

The potential for future jurisdictional problems are as great or greater. Let's say the judge grants certain portions of the motions to allow the Bell companies to enter new lines of business. What new regulations will the court attach? How will these new regulations mesh with FCC guidelines? The answers are unclear. Judge Greene's actions may answer some questions only at the expense of creating a host of new ones!

Congress must decide if the current system of shared Federal telephone regulation is in the public interest. Congress established the Federal Communications Commission in 1934 to be the expert agency to deal with these matters. The Commission has this expertise; the Federal courts do not. The Commission can take a broad view of the needs and requirements of the entire telecommunications industry and its consumers; the Federal courts cannot. Congress created the Commission and the Commission is subject to legislative oversight; the Federal courts are not.

Evidence almost 10 years old was the basis for Judge Greene's apparent rejection of the FCC's competence to regulate the telecommunications industry—evidence presented when the industry structure was radically different and when the FCC itself agreed it was unable to competently regulate the predivestiture AT&T Co. Times have changed, the industry structure has changed, and the FCC has changed. We should not allow 10-year-old facts frustrate Congress' desire for coherent regulations.

As the events of the next several months unfold, I hope my colleagues consider these broader questions in determining legislation related to the AT&T consent decree. To modify an adage, what we have here is a situation where too many cooks may be spoiling the regulatory broth—or at least confusing things so much that no one's really in charge. Congress needs to take charge. One expert Government agency should implement our policies, not a telecommunications troika.

INFORMING CONSUMERS ABOUT HOME EQUITY LOANS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. PRICE of North Carolina. Mr. Speaker, I will soon introduce legislation which will provide consumers with better information about home equity loans. Home equity loans pose unique disclosure problems for current truth-in-lending law and my bill will ensure that home equity loans are subject to disclosures similar to those of other mortgage products so that consumers have the ability to make prudent credit decisions. It will also include provisions to stop misleading advertising which has been used by some financial institutions in promoting this new type of credit. I am submitting for the RECORD a recent Newsweek article by Jane Bryant Quinn which documents the rising popularity of home equity loans, outlines their potential benefits and dangers, and suggests some guidelines that will help consumers make more informed decisions.

YOUR GUIDE TO HOME EQUITIES

(By Jane Bryant Quinn)

Should you or shouldn't you open a home-equity line of credit? At first glance, it looks like the deal of the decade: low interest rates, low monthly payments, flexible terms, tax deductions. A lot of borrowers truly cannot do any better.

Yet, in one of those ironies typical of banking, home-equity credit lines are perfect only for people who don't really need them—and pure poison for people who do.

In a nutshell, this loan is a second mortgage against your house. But you don't borrow all the money at once. Instead, the bank gives you a large line of credit—the amount depending on your income, the size of your first mortgage and the value of your house.

To take out a loan against your credit line, you merely write a check or put down a special credit card. Repayment schedules are incredibly loose, often lasting 20 years or more. Many borrowers will simply carry their loans until the house is sold and repay the principal then.

SIZE OF THE PRINT

Much of the advertising for home-equity lines of credit has also been incredibly loose, with the relevance of the information inversely proportional to the size of the print. Here's what a borrower needs to know:

1. The true cost. Most lenders charge closing costs just as they would on any other mortgage, although that varies by state. There may be origination fees of 1 to 3 percent and annual fees of $15 to $100. All these charges run up the effective interest rate, says Prof. Richard Morse of Kansas State University (chart)—so much so that other types of loans may actually be cheaper. The best home-equity lines carry no, or low, upfront fees.

2. How much money you need right now. Most borrowers open the largest credit line possible, on the assumption that it can't hurt. But it can hurt, in two ways:

First, your closing costs depend on the size of the credit line; the larger the line, the more you pay. If you then borrow only a small amount of money, your effective interest rate snowballs. Take, for example, a $10,000 loan against a $75,000 credit line at Chemical Bank. In New York (where fees are high), the five-year interest rate would be 19.5 percent, Morse says. Second, on your credit history, the total amount of your credit line is treated as an outstanding loan, even if you haven't borrowed against it. That could keep you from getting a lower-cost loan somewhere else.

3. Whether you can handle a big variable-rate loan. A majority of credit lines float with the prime lending rate—running from .5 to 3 percentage points higher. If interest rates rise, so do your payments.

As a practical matter, the cost of a rate rise might be small. On a $15,000 loan, a jump from 10 to 15 percent might add only $44 to your monthly payments (if you're repaying on a 10-year schedule). You'll be squeezed a little harder, however, if your first mortgage also carries a variable rate. And you'll hate it, if inflation goes to 20 percent.

To protect you from payment shock, a few lenders are putting caps on their rates. Some promise that you'll pay no more than an extra 2 to 5 percentage points over five years; some rates stop rising at 16 to 20 percent. And then there's Marine Midland in New York. Under its "cap," you can be charged an extra 4 percentage points a year—not much inflation protection there.

Here and there, you'll see credit lines with fixed interest rates. A Wells Fargo Credit Corp., headquarters in Scottsdale, Ariz., you might pay 12.75 percent plus closing costs. But the guarantee lasts only for five years. After that, you have to worry about rising rates all over again.

4. How fast you repay. Lenders love all borrowers who repay slowly—because it means you'll pay them more. For the first five to 10 years, you may have to pony up only the interest owed. After that, the principal falls due and you'll probably have to refinance (watch the bankers rub their hands in glee). When loans are amortized, your minimum payments might cover only a few dollars of principal every month, creating a nearly perpetual debt. To avoid these costs, you must make larger payments than required.

I love good home-equity lines for borrowers who: repay quickly; have cash reserves to eliminate the loan if interest rates get too high; substitute home-equity borrowing for more expensive credit cards; have incomes secure enough to cover rising payments. "Money is money," says David Wyss of Data Resources, Inc. "Borrow as cheaply as you can."

But I hate them for borrowers who: can afford only the minimum payments (because they're living beyond their means); are adding to debt rather than substituting one form of borrowing for another; have uncertain earnings; spend more than 35 percent of their income repaying loans.

The squeezed middle class will be the most tempted by credit lines, even though the tax deductions are more limited than the ads imply (check this out before borrowing). What they like most is the idea of stretching out consumer debt over 20 years. But look at it this way: if you can't pay off your regular credit cards, everyone gets mad. If you can't repay your credit line, they foreclose.

THE REAL COST OF CREDIT

The true interest rate on home-equity loans is higher than you think, counting fees and closing costs. Here's what you might pay for $10,000 borrowed against a $25,000 line of credit, assuming current rates. Fees vary, depending on your state.

Lender	Starter rate (percent)	Normal rate (percent)	Upfront cost	Effective rate [1] 6 years (percent)	Effective rate [1] 10 years (percent)
Merrill Lynch	None	10.25	$885	15.1	13.2
Beneficial	None	11.25	$640	14.4	13.1
Chemical Bank	None	10.25	$905	14.4	12.6

Lender	Starter rate (percent)	Normal rate (percent)	Upfront cost	Effective rate [1] 6 years (percent)	Effective rate [1] 10 years (percent)
Wells Fargo	6.63	9.88	$792	14.5	12.8

[1] Including annual fees.

INTRODUCTION OF GOSHUTE BILL

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 29, 1987

Mr. HANSEN. Mr. Speaker, this bill which I introduce today corrects perplexing land problems affecting a small Indian tribe located in my district along the west-central border of Utah. The members of the Confederated Tribes of the Goshute Reservation have lived for more than 80 years within a designated area beset with various boundary problems and uncertainties. While these difficulties have been recognized for some time, no congressional action has yet been taken to resolve them. This bill is virtually identical to one which I introduced late last term. Time constraints made passage impossible at that time, but I am confident that the House of Representatives will be able to consider this matter and take action during this first session of this term. Passage will constitute an important first step toward ending the problems which these people have faced for several generations.

The Goshute Reservation, which consists of approximatley 95,000 acres, straddles the Utah-Nevada border about 40 miles south of the city of Wendover. When established by executive orders shortly after the turn of the century, the reservation's legal description contained an error which created a strip of land running through the middle of the reservation approximately one-quarter mile wide and 8 miles long. Technically, this strip, today, is owned by the United States and is administered by the Bureau of Land Management. The bill would change the status of the strip to be reservation land held in trust by the United States for the tribe.

Among the other provisions of the bill are sections which will place the tribal cemetery—now owned privately by the tribe—in trust status along with surrounding BLM land. Other sections will combine surface and subsurface interests where such are now split between tribal and Federal ownership.

I believe that this bill is noncontroversial and will meet with the support of the tribe, the non-Indians in the area, and affected government agencies. Last year, I met personally with members of the tribal government and with members of the neighboring non-Indian community. Their concerns and interests have been carefully noted and are reflected in the draft of the bill which I introduce today. Through the process of meeting with the public and receiving their comments, I believe I have been able to eliminate the possibility of local objections to the bill.

In addition, I have worked closely with representatives of the Department of the Interior in the Bureau of Indian Affairs and the Bureau of Land Management and have accepted their suggestions to improve the bill. I have also incorporated the suggestions of the various agencies of the State of Utah which are interested in the bill.

I hope that this bill will see prompt action by the House of Representatives to make passage possible before we adjourn this year.

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 Tuesday, June 30, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 1

9:30 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on the declining affordability of home ownership and special problems of first time homebuyers.

SD-538

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider S. 305, to improve the administration of the commodity distribution program of the Department of Agriculture, and to extend the eligibility forms of assistance for school lunch programs, S. 64, to provide for paid advertising for Florida-grown strawberries under marketing orders, and other pending calendar business.

SR-332

Environment and Public Works

Environmental Protection Subcommittee

Business meeting, to mark up proposed legislation to provide for more effective clean air quality standards.

SD-406

Joint Economic

To continue hearings to review the current status of the national economy.

SD-562

2:00 p.m.

Judiciary

Constitution Subcommittee

To resume hearings on S. 558, to revise the procedures for the enforcement of fair housing under title VIII of the Civil Rights Act of 1968.

SD-226

JULY 2

9:30 a.m.

Joint Economic

To hold hearings on the employment/unemployment statistics for June.

SD-628

10:00 a.m.

Joint Economic

To continue hearings to review the current status of the national economy.

SD-628

JULY 7

9:30 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.

Commerce, Science, and Transportation

To hold hearings on the nomination of T. Allan McArtor, of Tennessee, to be Administrator of the Federal Aviation Administration, Department of Transportation.

SR-253

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 8

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Gerald J. McKiernan, of Connecticut, to be an Assistant Secretary of Commerce, G. Wayne Vance, of Virginia, to be General Counsel of the Department of Transportation, and Dale A. Petroskey, of Michigan, to be an Assistant Secretary of Transportation.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

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

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 9

9:30 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

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Martha O. Hesse, of Illinois, to be a Member of the Federal Energy Regulatory Commission.
SD-366

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 10

9:30 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 13

9:30 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

JULY 14

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for military assistance programs.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

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.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1006, Geothermal Steam Act Amendments of 1987.
SD-366

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 735, to revise certain provisions of the Land and Water Conservation Fund Act of 1965.
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.
2172 Rayburn Building

JULY 15

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 747, to establish a motor carrier administration in the Department of Transportation, and S. 861, to require certain actions by the Secretary of Transportation regarding certain drivers of motor vehicles and motor carriers.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
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.
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

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
Ocean Policy Study Subcommittee
To hold joint hearings on global climate change.
SR-253

Energy and Natural Resources
To hold hearings on proposals to resolve certain problems relating to the storage of high-level radioactive waste, including S. 1007, S. 1141, S. 1211, and S. 1266.
SD-366

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

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

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

JULY 17

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1277, to revise certain provisions of the Communications Act of 1974 regarding the responsibilities of broadcasting licensees.
SR-253

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on environmental and safety issues at the Department of Energy's defense materials production reactors.
SD-366

JULY 20

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1277, to revise certain provisions of the Communications Act of 1974 regarding the responsibilities of broadcasting licensees.
SR-253

JULY 21

9:00 a.m.
Office of Technology Assesment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 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.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 7, to provide for protection of the public lands in the California desert.
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

JULY 22

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to review infrastructure issues.
SD-406

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.
Commerce, Science, and Transportation
To hold hearings on the nominations of Darrell M. Trent, of Kansas, Robert D. Orr, of Indiana, and Charles Luna, of Texas, each to be a Member of the Board of Directors of the National Railroad Passenger Corporation.
SR-253

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 23

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

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.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To resume hearings on S. 7, to provide for protection of the public lands in the California desert.
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

JULY 24

9:30 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 27

9:30 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

JULY 28

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.
S-126, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation to create an independent Federal Aviation Administration.
SR-253

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

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

JULY 29

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study to examine plastic pollution in the marine environment.
SR-253

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

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

JULY 30

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
S-126, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 582 and S. 876, bills to provide for improved air transportation to small communities.
SR-253

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

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

JULY 31

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 889, to provide for fair marketing practices for certain encrypted satellite communications.
SR-253

AUGUST 3

9:30 a.m.
Select on Secret Military Assistance to Iran and the Nicaraguan Opposition
To resume 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

AUGUST 4

9:30 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

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

AUGUST 5

9:30 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

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

AUGUST 6

9:30 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

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

AUGUST 7

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
SD-192

9:30 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

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

CANCELLATIONS

JUNE 30

10:00 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1380, to provide a statutory definition of insider trading under the Federal securities laws.
SD-538