SENATE—*Tuesday, August 4, 1987*

The Senate met at 11 a.m. and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

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

Let us pray:

The Lord is my shepherd. I shall not want * * *.—Psalm 23:1.

Loving God, those precious words of King David, so familiar to all of us, remind us of constant daily benefits so routinely received that we fail to acknowledge them and be thankful. We slept in comfortable beds last night. Many had no place to sleep. We were able to get out of bed. Many did not. We wanted to get out of bed. Many did not. We enjoyed the luxury of bath or shower. Many have no water to drink. We had a good breakfast. Many did not. We came to work. Many had no work to come to. We can see and hear and think and feel and walk. Many cannot. Most of us always have more than we need of everything. Many never have enough of anything they need. Faithful Father in heaven, our lives are filled with blessing. Many of us live as though You are nonexistent and unimportant. Forgive us, Gracious God, for our negligence in appreciation. Help us to be thankful. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 4, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use.

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

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

OVERALL THE CONGRESS HAS REDUCED REAGAN SPENDING REQUESTS

Mr. PROXMIRE. Mr. President, recently President Ronald Reagan visited my State of Wisconsin to tell the people of my State how wasteful, how irresponsible, how downright reckless the Congress was behaving in spending the taxpayers' money. One Wisconsin paper carried a massive front page picture of my distinguished colleague Senator BOB KASTEN holding a giant, billboard-size credit card with President Reagan manning a king-size pair of scissors, presumably in the process of clipping Congress' huge spending down to size. Apparently President Reagan is carrying this—Congress is spending the Nation into ruin—campaign all over the country, shouting from the rooftops as only a President can about the extravagant, playboy ways of this Congress.

Now, I am a Democrat and President Reagan is a Republican. But I see nothing at all wrong with the President's rhetoric. He has every right to do this. In fact, he has a duty to go out and tell the American people how wasteful the Congress has been. He is right. He is telling the truth. But he is not telling the whole truth. In fact, he is leaving out the most important part of this story. He is not telling what to his Republican audiences would surely be an astounding fact. And that is that the President has in his 6 years in office actually called for more spending than the Congress.

Ponder that for a long minute, Mr. President. The President's budget sets the pace for spending by this Government. Oh, yes, indeed, the Congress has the constitutional right to modify that Presidential budget: to adopt it precisely as the President sends it to us in the Congress, to increase what the President requests or reduce it. We the Congress—not the President—have the final word. The buck stops with us. So the Congress must assume the final, ultimate responsibility for spending and for the deficit. That is a test for the Congress. The Congress has, indeed, flunked that test. We have flunked and flunked miserably. But, Mr. President, if we have flunked, how has the President done on this spending test? Let us take a look at the record. President Reagan has sent a budget to the Congress that provides the basis for final congressional action for 6 years: 1982 through 1987, inclusive. The President has modified his requests from time to time with requests for supplemental spending.

During these 6 years has the Congress increased or decreased Presidential spending requests? If the Congress had given the President precisely what he called for in spending, would we have balanced the budget? Would he have sharply reduced the deficit? Or, Heaven forbid, is it possible this irresponsible Congress actually cut the President's budget request? Answer: The Congress actually reduced the President's controllable spending requests by $26.6 billion. If we subtract $7 billion in Reagan rescission requests on which the Congress refused to act, we end up with Congress reducing President Reagan's spending requests by a net of $19.6 billion. So if the President had his way, and if the Congress had given the President exactly the budget he requested, the national debt would be $19.6 billion bigger today than it is. What's more, the Congress is doing better and the President is doing worse as time passes. In the 2 years, 1982 and 1983, the Congress did indeed, increase the spending requested by President Reagan. But in the 4 years 1983 through 1987 the Congress reduced the President's spending requests by enough to make up for that earlier

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

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excess and actually net over the full 6-year period $19.6 billion less spending.

The real difference between the President and the Congress is not in spending. Both are almost equally at fault with a slight edge in extravagance going to the President. The difference is in priorities. The President has, indeed, restrained the Congress in its social spending. The Congress has restrained the President in military spending. Obviously, what we need for a responsible fiscal policy is either to futher restrain spending on both social and military programs or to raise taxes or to do both.

How ironic. Here we have a President who is travelling around the country denouncing the Congress for irresponsible spending although the Congress has actually reduced his budget requests. And let no one forget that the President has more to say about the size of the Federal Government budget than anyone else. He sends the Congress the original document. He can fight against congressional increases in spending with all the expertise of the great spending departments of our Federal Government. They are all his to command. He can bring public pressure to bear on Members of the Congress through his unmatched access to television, radio, and the press. When he travels around the country he commands public attention like no one else. And this President is very highly skilled as a communicator and a master of the media. The President also has the ultimate power over congressional spending—the veto. If he disapproves of a spending bill, if it is too high, he can veto it. All he needs is a one-third plus one of either House and the spending bill the President opposes is dead. The President's Republican Party has more than one-third of the House and more than one-third of the Senate.

So what sense does it make for a President to blame the Congress for any excessive spending? Can't he veto any spending bill? He can indeed. Can't he sustain that veto by simply rallying his Republican troops in either House of the Congress? Of course he can. And especially what sense does it make for a President to refuse to share the blame with Congress when the Congress has cut his spending by billions of dollars?

RECESS FROM 12 TO 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon today and 2 p.m.

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

ORDER OF PROCEDURE

Mr. BYRD. This will accommodate the conferences of the two parties. At 2 o'clock today, Mr. President, it is my plan to proceed with the FSLIC conference report. There is a time agreement on that report, so we will dispose of that today. Mr. PROXMIRE, chairman of the Committee on Banking, is here. I think he is very agreeable to proceeding at 2 p.m. with the report.

Mr. PROXMIRE. I thank the majority leader.

We are ready to go, and I think we can handle the report expeditiously. As the Senator knows, it passed the House by an overwhelming vote, and I believe that the Senate will probably adopt it also by an overwhelming vote.

Mr. BYRD. I thank the chairman.

Mr. President, I would hope that we could take up the catastrophic illness legislation today. When the distinguished Republican leader is on the floor, I shall query him as to that possibility. There are no objections on my side of the aisle. There have not been any objections that I know of to taking that up, and I hope we will be more successful than we were yesterday in the effort.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 12 noon and under the same restrictions as heretofore ordered.

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate at 11:20 a.m. recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DASCHLE].

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. The Senate will stand in recess for an additional 30 minutes, without objection.

Thereupon, at 2 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FOWLER].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

MEASURES READ THE SECOND TIME

Mr. BYRD. Mr. President, before the Chair announces the close of morning business, there are two measures on the calendar of bills and joint resolutions read the first time.

The PRESIDING OFFICER. The clerk will read the first measure for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1994) to amend the boundaries of Stones River National Battlefield, and for other purposes.

Mr. BYRD. Mr. President, I object to any further consideration of this measure at this time.

The PRESIDING OFFICER. Objection having been heard, the measure will be placed on the calendar.

The clerk will read the second measure.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 216) to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

Mr. BYRD. Mr. President, I object to further proceedings on this resolution at this time.

The PRESIDING OFFICER. Objection having been heard, the measure will be placed on the calendar.

CONFIRMATION OF DR. ALAN GREENSPAN

Mr. SASSER. Mr. President, yesterday the Senate confirmed Dr. Alan Greenspan as Chairman of the Board of Governors of the Federal Reserve System. It is not everyday that the Senate has the assignment of confirming the nominee for what we understand to be the second most important job in America. Indeed, the Chairman of the Federal Reserve can probably have more impact on the international economic situation than perhaps any single individual.

The overwhelming vote to confirm Dr. Greenspan underscores the belief of many, including myself, that Dr. Greenspan will provide outstanding leadership in his new post. He clearly has the requisite qualifications for this demanding job. He holds a Ph.D.

in economics from New York University. He is an experienced and distinguished economist, having worked in the field for over 40 years. Moreover, he has served with distinction as Chairman of the Council of Economic Advisers, and as a member of the board of directors of some of America's leading corporations. In short, he is more than qualified for the job.

Dr. Greenspan will need his considerable skills in dealing with an economic and political situation today unlike the previous few occasions during which we have considered nominees for the chairmanship of the Federal Reserve. Indeed, the nomination of Dr. Alan Greenspan, and the situation today, does raise a number of particular considerations. In fact, my colleagues and I on the Banking Committee pointed out several issues and raised a number of questions during Dr. Greenspan's confirmation hearing 2 weeks ago. I would like to repeat some of them here today so that they are part of the record on Dr. Greenspan's nomination.

First, many of the members of the committee were concerned that Dr. Greenspan would not be enough independent of the economic and political agenda of the Reagan administration. We wondered if Dr. Greenspan would be able to resist pressure to pursue policies which would not be in the best long-term interest of the American people but might be in the short-term best interests of the administration. Dr. Greenspan answered that he would be able to resist such pressure. I believe that this will be the case.

Second, I wondered if Dr. Greenspan would feel compelled to prove himself as an inflation fighter and clamp down hard on monetary controls, thereby raising interest rates and sacrificing the jobs and home ownership aspirations of millions of Americans. I cannot forget that in 1981 and 1982 there was much concern in Congress, indeed all across the Nation, with regard to the monetary policy of the Federal Reserve. Tens of thousands of businesses were destroyed, thousands of farms were lost, as well as millions of jobs, in pursuit of an economic policy that I think went too far. I am somewhat concerned that the Federal Reserve could still pursue overly rigorous monetary policies with such devastating consequences in the future.

Third, I was curious as to how Dr. Greenspan would address today's economic excesses that are compared by some other economic scholars to those that occurred prior to the stock crash of 1928: for instance, the current takeover craze and the enormous and frightening increase in corporate debt which it has engendered. Mr. President, I am pleased that Dr. Greenspan recognized this great increase in corporate debt—almost $400 billion in 2 years—and attributed it rightly to increased merger and acquisition activity in the economy. He is concerned, as am I, about the impact this increased debt will have in exacerbating the next business downturn. It is reassuring to know that the new Chairman will be focusing on this problem area.

The last major issue on which the committee focused in the confirmation hearing is separation of banking and commerce. We wanted to know that Dr. Greenspan considered to be the proper approach to deregulation of, and expanded powers for, commercial banks. Members of the committee asked Dr. Greenspan if he thought that we are approaching the day when any kind of a company can own a bank and accept federally insured deposits. We asked him what should be the required regulatory safeguards against risk, conflicts of interest and economic concentration, if banking and commerce are combined.

Mr. President, these last few points on the separation of banking and commerce represent areas where I do differ with Dr. Greenspan's ideas. I do not believe, as does Dr. Greenspan, that a simple bureaucratic barrier can be erected with a "financial services" company that would adequately protect insured deposits, as well as prevent conflicts of interest and economic concentration, particularly if such financial powers as the banking, insurance and securities industries were to be combined. The Banking Committee will closely examine these issues in the coming months. Moreover, my colleagues and I on the Banking Committee will closely monitor the Federal Reserve's actions in this area as we deliberate over the future course for our Nation's banking system.

Despite this area of disagreement, I supported Dr. Alan Greenspan's nomination to be Chairman of the Board of Governors of the Federal Reserve System. I have a great deal of respect for his experience, his academic credentials and his ability to become a leader of the world economy. As a member of the Senate Banking Committee, I am looking forward to working with him on the multitude of important issues which face our financial system.

REVIVE THE DRAFT, BREATHE NEW LIFE INTO OUR DEMOCRACY

Mr. HOLLINGS. Mr. President, the word from the campaign trail is that what America needs is new ideas. Well, I am sponsoring legislation that embodies an especially timely new idea—to be exact, and idea whose time came and went, and today has come again. The idea is complusory military service, revival of the draft. And the time for action is now, in the 100th Congress.

Since the early 1970's, we have muddled through our great experiment with a volunteer military. Certainly, in the abstract, it seems desirable to have a military in which everyone serves of their own free will. I do not deny that our peacetime volunteer military consists, by and large, of dedicated men and women.

However, the reality is that this is not a truly voluntary force—any more than a 19-year-old's employment at the corner gas station or at McDonald's is a voluntary job. As a practical matter, for hundreds of thousands of undereducated, unskilled, unemployed young people, the military has become an employer of last resort.

And while its voluntary nature is dubious, there is no question that ours is a less than democratic military. It is a military drawn disproportionately from the lower classes, from minorities, from the undereducated and disadvantaged. If we were to go to war tomorrow, the sons of suburbia would watch it on TV—if they choose to watch it at all—while the sons of the inner city, the sons of rural South Carolina would fight and die in radically disproportionate numbers.

Surely, this is a fundamental injustice. More important, it is a corrupting influence on our democracy. Not, as some originally feared, because the professional military constitutes a dangerous, independent political force. It doesn't. That simply is not a part of our tradition.

No. The corruption of our democracy is more subtle and insidious. The volunteer Army has created a whole generation with no concept whatsoever of service to country. It has permitted young people to tune out politics, in the smug assurance that if conflict comes, they will not have to participate. Conversely, it has created an environment in which our Government can blunder into a war—whether in Beirut or the Persian Gulf or Central America—because influential segments of the middle and upper classes don't give a hoot. After all, it is not their sons who will be called upon to fight and die as a result of unwise policy decisions.

Mr. President, at a future date, I will have more to say on this subject. As I said, I have introduced legislation in the 100th Congress—as I did in the 98th and 99th Congresses—to restore the draft. I look forward to hearings on this bill in the Armed Services Committee. In the meantime, I commend to my colleagues a column by Mark Shields in this morning's Washington Post. His arguments are profoundly on the mark—especially at a time when we contemplate the specter of open warfare in the Persian Gulf.

Mr. President, I ask unanimous consent that the Shields column be entered in the RECORD.

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

"VOLUNTEERS" FOR AMERICA

(By Mark Shields)

In the mined waters of the Persian Gulf, the men and ships of the United States gamble with death. But here in Washington, there is toward that gathering crisis a conspicuous absence of concern. On Capitol Hill and among the leading commentators, the dominant attitude with few exceptions is one of detached passivity. This is not because of preoccupation with the Iran hearings, nor is it a sign of a more worldly tolerance of the use of organized force by the United States. No, the explanation for the disinterest of the powerful is more base: the American establishment has no direct, personal stake in the armed forces of this country.

The American establishment—political and journalistic—lives in a different country from those Americans whose lives are at risk off Farsi Island or those whose lives were ended in a bombed Marine barracks in Beirut. They belong to different classes in proudly classless America. It's a sure bet that any Washington dinner party guest—conservative or liberal—does not personally know a single one of the nearly 2 million enlisted Americans currently in our armed forces, but that the same guest does personally know at least one of the 20,000 Americans who have died of AIDS.

This is an indisputable legacy from Vietnam, the war that imposed no home-front shortages or rationing and demanded no civilian sacrifices. It was a war that made few Americans uncomfortable and no Americans poor. Of course, Vietnam did make 58,135 Americans dead.

In any war, most of the fighting and the dying are done by the youngest soldiers holding the lowest rank. Vietnam was no exception: more than three out of four of the Americans killed there were enlisted men between the ages of 17 and 22 and under the rank of staff sergant. And they came, as do our current defenders, disproportionately from the working-class neighborhoods of our nation.

South Boston was just such a working-class neighborhood of approximately 2,000 draft-age young men during the 1960s. In Vietnam, 25 South Boston sons and brothers died in the service of their country. Between 1962 and 1972, Princeton graduated more than 8,000 men; six of them died in Vietnam. MIT graduated 8,998 during the same period, and two alumni were killed in Southeast Asia. Harvard graduated 12,595 men during those years, and 12 of them were killed in the war. For Notre Dame the numbers were 13,501 graduated and 38 killed.

Public pressure eventually forced U.S. withdrawal from Vietnam. That public pressure mounted then because young men from every social and economic background were at least threatened with service in that war. That particular political reality has been lost on today's peace advocates who make common cause with the Nixon-Reagan policy which rests on the flimsy moral premise that the rich and the educated ought to be exempt from defending the country.

A few passionate opponents of the "all-volunteer" military had earlier warned that such an isolated military establishment, absent the constant civilian infusion of draftees, would be a potential force in American life. Antimilitary alarmists hinted darkly at the prospect of a "Seven Days in May"-type takeover of the government. Such fears proved groundless. But the saga of Lt. Col. Oliver North suggests how a veteran Marine might intimidate a nonveteran like Assistant Secretary of State Elliott Abrams, who as a 1969 Harvard graduate supported U.S. presence in Vietnam for those young men from South Boston.

An exponent of military escalation with personal participation, along with Patrick Buchanan and a number of syndicated anticommunists, Abrams was almost certainly an easy mark for buffaloing by a swaggering combat hero like North, who survived the killing fields of Vietnam while Abrams was viewing the action from the London School of Economics.

We act as a nation when, as a people, we share the obligations and the perils of our common defense. The most fortunate have now imposed a policy that the burden of defending the country is to be in effect the exclusive burden of the less fortunate. Implicit in that policy is the premise that defending our nation is dirty work to be avoided by those who have been given more. Until we repeal the current system, which requires that the nation's defense be provided by young men and women whose names and identity are unknown to the nation's establishment leadership, that establishment will be able to treat national strategy as a theoretical abstraction, not as a specific policy option that could entail the life or death of their own sons and loved ones.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed and, if it is agreeable with the distinguished chairman of the Committee on Banking, that the conference report on the Federal savings and loan legislation be laid before the Senate.

The PRESIDING OFFICER. Morning business is now closed.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will now report the conference report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 27) to facilitate the provision of additional financial resources to the Federal Savings and Loan Insurance Corporation and, for purposes of strengthening the reserves of the Corporation, to establish a forebearance program for thrift institutions and to provide additional congressional oversight of the Federal Home Loan Bank Board and the Federal home loan bank system having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 3, 1987.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PROXMIRE. Mr. President, I rise to address the Senate today with pride in my colleagues on both sides of the aisle; with pride in the product of our mutual efforts, the Competitive Equality Banking Act of 1987; and with pride in the spirit of compromise between the administration and the Congress that made this legislation possible.

As we all know, this legislation closes the nonbank bank loophole, thereby reinforcing the longstanding separation between banking and commerce. It also recapitalizes the Federal Savings and Loan Insurance Corporation in order to restore public confidence in that crucial Federal institution. These are just 2 of the most critical components of the 12 titles comprising this important legislation.

Before reviewing those titles, I want to recognize some of the Members whose efforts this year and in years past made this legislation possible. The man on my right, my friend and colleague Senator JAKE GARN, merits my sincerest appreciation. Despite his deep reservations about some elements of the bill, he has steadfastly supported—and through his efforts improved—numerous other elements of the bill, particularly the FSLIC recapitalization. We should not forget that much of the bill now before us was passed by the Senate in 1984 and 1986 under the leadership of Senator GARN, who was then chairman of the Banking Committee. We must also not forget the crucial role Senator GARN has played during the past few weeks in helping construct a compromise that strengthened the legislation and averted a veto. Senator GARN, for myself and, I believe, for the other Members of the Senate also—thank you for your help.

Appreciation must also be extended to the Senate conferees on this complex and important legislation—Senators CRANSTON, RIEGLE, SARBANES, DODD, and DIXON, for the majority, and Senators HEINZ, ARMSTRONG, D'AMATO, and GRAMM, for the minority. Through the long hours of conference negotiations, they were patient, tough, and constructive. Their individual contributions are reflected again

and again in the provisions of this important bipartisan legislation. For your efforts, on behalf of us all, thank you.

The other distinguished members of the Senate Banking Committee, the members of the House Banking Committee, and the House conferees also merit our highest appreciation. To House Banking Committee Chairman ST GERMAIN and ranking minority member WYLIE we owe a particularly large debt of gratitude. The efforts of these two distinguished legislators in past Congresses as well as this one helped immeasurably in bringing this legislation to fruition.

The Senate and House Banking Committee staffs, led by Ken McLean and Lamar Smith in the Senate and Paul Nelson and Tony Colt in the House, did a superb job. They were ably supported by Rob Dugger, Rick Carnell, and John Dugan. These gentlemen spent literally days and nights and weekends working on this important and complicated bill. In my judgment there are no better staffs in the Congress than the remarkable people who serve these two committees. They were at their best on this banking bill.

Our appreciation, however, is not limited to Members of Congress and our staffs. The efforts of several administration officials, particularly those of Treasury Secretary James Baker, have been pivotal. I think that we all know that there is nobody in the administration who is wiser, more adept and more cooperative in these matters than Secretary Baker. For their contribution to the enactment of this legislation, I extend to these officials my deepest appreciation.

Mr. President, the Competitive Equality Banking Act represents truly the best in bipartisan efforts and addresses a wide variety of financial institution issues. Let me now review the more important of them.

Title I closes the nonbank bank loophole and places restrictions on existing nonbank banks. By reinforcing the separation of banking and commerce, it:

Helps ensure that banks allocate credit impartially and without conflicts of interest; strengthens bank supervision and reduces the risk that banks will become entangled in the problems of nonbank affiliates; helps protect the payments system; reduces the unfair advantages that commercial companies controlling nonbank banks have overregulated bank holding companies and over commercial companies that have no nonbank bank; and reduce the potential for excessive concentration of economic power.

Title II imposes a temporary moratorium on Federal regulatory approval of certain new powers for banks and bank holding companies in order to give the Congress time to make basic decisions about the future structure of financial services. To lay the groundwork for those decisions, the Banking Committee is already holding comprehensive hearings on the issues involved, and I expect that we will bring a bill to the floor later this year.

Title III recapitalizes the Federal Savings and Loan Insurance Corporation. It authorizes the FSLIC Financing Corporation to borrow $10.825 billion which, together with deposit insurance premiums, can be used to resolve problem cases.

Title IV seeks to facilitate the recovery of thrift institutions that are troubled but viable and well-managed. It represents a substantial amelioration of the forbearance provisions passed by the House. Title IV also requires thrift institutions to use generally accepted accounting principles in place of the discredited system of regulatory accounting. I want to commend Senator PHIL GRAMM for his energetic and successful efforts to improve the House bill.

Title V strengthens the authority of the Federal banking agencies to arrange interstate sales of failed or failing banks. It also authorizes regulators to operate failed banks for up to 3 years while seeking to find purchasers for those institutions.

Title VI restricts banks and other depository institutions from placing excessive holds on money deposited by check.

It is the fruit of years of diligent effort by Senator DODD and others. I am sure that many people in the general public will find that this is the part of the bill that is most understandable and most helpful to them on a day-to-day basis.

Title VII gives the National Credit Union Administration additional flexibility in its supervision of credit unions.

Title VIII, authored by Senator DIXON, permits agricultural banks to amortize losses on certain agricultural loans.

It is a real boon to farmers not only in Illinois and Utah and Wisconsin but throughout our country, and I think Senator DIXON deserves special credit for his good work.

Title IX reaffirms the sense of the Congress that federally insured deposits are backed by the full faith and credit of the U.S. Government.

In conclusion, Mr. President, our financial system faces many acute difficulties and challenges. The conference report before us represents our best, bipartisan effort to ameliorate those difficulties and to prepare to meet the challenges of financial modernization. The conference report touches the foundations of our financial structure because the problems and challenges are profound. It is complex because those problems and challenges are complex.

Mr. President, this is not the bill I would have written if I had my way. It is not the bill Senator GARN would have written if he had his way. Indeed, it is not the bill that any Member of the House or Senate would have written if he or she had their way. It is a product of compromise and, like all compromises, it has its good points and its bad points. But on balance, I believe it represents a constructive first step toward solving some of the underlying issues in financial and banking legislation that have stalemated our efforts over the last several years.

I believe the most important and significant contribution made by the legislation is to remove the politically divisive issue of the nonbank bank loophole from our congressional deliberations. The nonbank bank loophole has dominated our agenda far too long. It has pitted bank against bank and made it difficult for the Congress to focus on the broader issue of financial restructuring. With the nonbank bank loophole issue now behind us, I am confident we can move on to the broader issues of financial restructuring.

In particular, Mr. President, I believe we need to take a close look at our policy of separating commercial banking from investment banking in the light of today's financial technology and marketplace. The Glass-Steagall Act may have made some sense 54 years ago when it was put on the books although there is a growing body of historical evidence that the Congress may have overreacted to abuses that were prevalent among all securities firms and not just bank affiliates. In any event, a lot has happened since 1933 and the Congress needs to face up to the policy implications of these changes. The distinction between commercial lending and securities underwriting is rapidly eroding under the pressure of the marketplace. Our task as legislators is to examine these changes and design a system that will serve our economy for the last decade of this century and well into the next century.

We want a system that will provide maximum economic growth and competition consistent with safety and soundness. It is no small task. I look forward to working with the members of the Banking Committee and with Secretary Baker to help achieve this long overdue modernization of our financial system.

I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I thank the distinguished chairman of the Senate Banking Committee for his kind remarks about my work in the committee in the past.

I would note that the chairman and I have had rather an unusual relationship over the last nearly 13 years. We have served together that long on the Senate Banking Committee with our chairmanships almost equally divided. Chairman PROXMIRE was chairman for 6 years. I was chairman for 6 years. Now he has me by half a year but I intend to get that back at some time in the future.

But we have had a unique and friendly relationship. We obviously have not always agreed on the issues but we have agreed a great deal more than we have disagreed.

As a matter of fact, overall on the directions that each of us have tried to go during our chairmanships of the Banking Committee, there have been very, very minor technical differences, and the legislation that I passed several years ago would not have been possible without the help of the Senator from Wisconsin.

So it is a relationship and a friendship that I value deeply, having had that opportunity for 13 years, to work together on the financial services legislation.

Today, Mr. President, I rise in support of the conference report on the Competitive Equality Banking Act of 1987. I do so, not because I believe it promotes either competition or equality. It does not. And certainly I do not like all of its provisions. As the chairman said: He does not like all of them either. I support this bill because we have a crisis in the thrift industry that demands legislation now. The administration and the Federal Home Loan Bank Board asked Congress to address this issue over 16 months ago. The cost to the thrift industry of our failure to respond has now risen to an estimated $10 million a day.

The FSLIC recapitalization provisions of this bill take the necessary first steps to resolve this crisis. They probably are not enough, and we will almost certainly need to do more in the next Congress, but the conference report is a far better effort to address this issue than either of the bills that emerged from the House and Senate.

For this I thank both my distinguished colleague from Wisconsin and our counterparts in the House, Representatives ST GERMAIN and WYLIE, all of whom worked very hard to improve this piece of legislation. We also owe a very special debt of gratitude to the President of the United States and his Secretary of the Treasury, Jim Baker.

The President went to the mat by threatening to veto the very bad piece of legislation that was about to emerge from conference last week. He did this despite a chorus of protests from powerful special interests such as the securities, insurance, real estate, and banking industries. He did not like the low level of funds for FSLIC, the so-called forbearance provisions that tied the hands of the regulators, and the bill's numerous anti-competitive provisions. But in the end he agreed to secure a compromise through the efforts of his Treasury Secretary that would substantially improve the FSLIC provisions and end Congress' long and irresponsible delay in providing needed funds for FSLIC.

Because of these efforts, FSLIC will receive over $2 billion more; the worst elements of the forbearance provisions will sunset in roughly 3 years; and current law will be preserved to make failing thrifts more marketable and thus less in need of FSLIC assistance. There will be no nasty veto fight and no more delays in giving FSLIC funds it sorely needs.

With these improvements I now support this legislation, and I urge my colleagues to do so, too. It is true that the anti-competitive provisions remain, but this was a compromise in the face of an emergency and the best that could be done under the circumstances. As the Washington Post said on August 1, after the compromise, "the banking bill is now greatly improved * * * it is not an ideal bill, but it is adequate * * * within its limits, it makes a valuable contribution to the safety of a national financial system that is now operating under great stress.

Mr. President, I will not describe again at length my objections to the anticompetitive provisions of this legislation, principally in titles I and II. Nor will I argue again that we should have passed a "clean" FSLIC bill first and a more comprehensive version later. Those battles have been fought, and my colleagues know my views on these issues very well.

It is time now to get this legislation behind us and move on. The Senator from Wisconsin has pledged that this conference report will soon be followed by more comprehensive legislation. I have been skeptical, not of his sincerity but of the ability to achieve the result, but I will do everything I can to support him in these efforts. No one has worked harder than I have in the past to realize comprehensive reform, and I pledge to the distinguished chairman that no one will work harder in the future.

I sincerely hope that we can put our differences behind us and work together again to achieve true reform of the financial services industry. While these issues became needlessly partisan during this Congress, which they never were before, I am encouraged by the bipartisan compromise we reached at the end and by the bipartisan efforts of staff in drafting the final version of this bill. We will certainly need to work together if we hope to enact comprehensive legislation. And I think we share the view that the country critically needs this bill to promote competition and to strengthen the safety and soundness of the entire financial system.

I also applaud the chairman for beginning hearings to move on to comprehensive legislation. We have already had three hearings, and two more are scheduled this week. We are seeing some genuinely new ideas surfacing, from New York Fed President, Corrigan's proposal to the financial services holding company proposal to Representative CARPER's bill encouraging State activities. I certainly hope that the hearings will explore these and any other serious proposals for reform between now and the time the Banking Committee marks up a comprehensive bill.

Let me make one final point. The moratorium provisions of this bill, which I have strongly opposed, are in titles I and II. Not surprisingly, the moratorium was broadened in the conference, principally on behalf of the securities industry. But the date the moratorium is scheduled to expire, March 1, 1988, was not extended, and one very significant change was made—the House joined the Senate in adopting the following unequivocal provision in section 203(b):

> It is the intent of the Congress not to renew or extend the moratorium established under section 201 whether or not subsequent banking legislation is passed by the Congress.

I remind my colleagues that a vote for this report and its moratorium is also a vote for this single date of expiration, March 1, 1988. I urge all Senators to work together to forge a consensus to enact comprehensive legislation before then.

Mr. President, I would like to emphasize that I sincerely hope that we will not reach that point in March 1988, the point where we are faced with going ahead with this decision by both the House and the Senate not to extend the moratorium. I do not want the moratorium extended. I would like comprehensive legislation. Again, I will do everything I can to help the chairman of the Senate Banking Committee achieve that result.

Mr. PROXMIRE. Mr. President, before I yield time to the distinguished Senator from Illinois, let me thank the distinguished Senator from Utah for his statement and tell him I am going to do everything I possibly can to prevent any extension of the moratorium past the March 1 date.

I want to tell him that I will certainly cooperate with him to the fullest, and I mean the fullest, in every possible way to act in that limited period of time so we can have a comprehensive banking bill that will provide for a coherent, consistent nationwide banking system and not have to rely on the kind of patchwork that we know we are going to have if the Congress fails to act on banking legislation.

Mr. President, I yield 12 minutes to my good friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, as one of the conferees on the legislation now before us, I want to congratulate the distinguished chairman of the banking committee, Senator PROXMIRE, and the distinguished ranking Republican member, Senator GARN, for their work in forging the compromises that make this action possible.

I also want to congratulate Secretary of the Treasury Baker for his efforts in reaching the agreements that avoided another potential major confrontation between the President and the Congress.

On all too many issues, both the President and the Congress have seemingly lost the will to work things out, preferring instead to blame one another for failures, hoping to score political points. Frankly, I do not believe the country wants that kind of warfare between the executive and legislative branches, and I do not believe we can afford it.

I was pleased, therefore, to see that compromises were worked out, and that a veto battle is now unnecessary. It is true that the administration agreed to work out a compromise very late in the process; in fact, the conference had finished its work before the administration began to negotiate seriously. I hope, in the future, that the administration will see fit to play a constructive role earlier in the legislative process. However, the Treasury Department did act before it was too late, and the compromise that was achieved is a reasonable one.

Like all compromises, it is far from perfect. The amount it provides to recapitalize the Federal Savings and Loan Insurance Corporation—approximately $10.8 billion—is significantly higher than the amount I supported when the bill was first before the Banking Committee. There has been considerable dispute as to how much the FSLIC fund requires. There has been agreement, however, that the FSLIC essentially could not raise and effectively spend more than $5 billion per year, no matter how high the overall amount provided for recapitalization is. Given the FSLIC's past administrative problems, there is ample reason for Congress to maintain tight control over the recapitalization program. Vigorous oversight is needed.

I believe, however, that we would do the savings and loan industry a real disservice if we insist on lower totals than those contained in the compromise. This is emergency legislation, but it has already taken far longer than it should. The Banking Committee reported S. 790, the original Senate bill, back in mid-March. If we were now to send a bill to the President that coud be vetoed, it could be September or October before action on an override would be completed. If an override were not successful, it could take even longer to get a new bill to the President.

Frankly, Mr. President, I think that is a risk we should not take. A veto battle, regardless of its outcome, creates uncertainty, and given the problems facing the thrift industry, it is time to end the uncertainty.

Confidence is a fragile thing. I am pleased we have been able to maintain it during the long period of time it has taken to put this bill together. It is time, however, to resolve the recapitalization issue. We cannot afford putting thrift industry confidence in further jeopardy to continue the dispute over the best level of FSLIC financing. Continuing to fight would hurt our Nation's thrift industry, instead of helping it. I therefore support the compromise, not because it contains the funding level I would propose, but because both the administration and the conferees reached an agreement that will end the uncertainty that has surrounded this legislation for so long.

The bill is still much lower than the President first proposed; it is significantly lower than the bill we passed last year. Both the House and Senate came up from the levels we passed earlier this year, but that is the essence of compromise. Both sides yielded in order to achieve an agreement.

It is also worth remembering that, even though the recapitalization level is higher than many in Congress would prefer, the Banking Committee will conduct the kind of vigorous oversight the program demands.

As important as the FSLIC issue is, however, it is only a part of this important bill. The bill also: Provides a mechanism for returning to the thrifts the amounts they contributed to the FSLIC secondary reserve, closes the nonbank bank loophole, imposes a moratorium on certain nonbanking activities, extends and enhances the powers granted the banking regulators in the Garn-St Germain Act, improves check clearing procedures for bank customers, and provides much-needed assistance for agricultural banks and their farmer-borrowers. The bill's 12 titles cover these issues, and a number of other matters of importance to our financial services industry. I would like to comment on two areas before I conclude.

First, as I am sure my colleagues know, this bill does not attempt to resolve the issues relating to comprehensive financial services reform legislation. In my view, action on fundamental financial services reform is long ovredue. The statutory and regulatory framework is no longer adequate to cope with the changes that have taken place in the marketplace.

I do believe, however, that this bill can help the Congress achieve action on a second piece of legislation that does modernize our banking laws. The moratorium freezes the current situation in place until next March, giving the committees of the Congress time to act. Closing the nonbank bank loophole resolves that issue—which has been the focus of congressional attention for so long—enabling us to focus our attention on the reform issues.

I have no illusions that enactment of a second major banking bill in this Congress is assured. Section 203 of the conference report, though, makes it clear that Congress will not extend the moratorium if we fail to achieve action on a second bill by next March, and I want to serve notice on the Senate now that this is one Senator who will do everything he can to ensure that the moratorium remains what it was originally intended to be—a one-time freeze to permit action on a comprehensive bill. The moratorium is intended to facilitate action; it should not, and must not, be used as a mechanism to avoid making the tough decisions on reform legislation that simply must be made.

I also want to highlight a title of the bill that is particularly important to me: title VIII. The loan loss amortization title. This title creates a program that permits eligible agricultural banks to amortize losses on agricultural loans over 7 years. It is designed to benefit both hard-pressed rural banks and their customers. It creates incentives for banks to restructure loans. Many farmers that are in trouble now can be helped; they can make it if their cash-flow is improved. Current law, however, makes it difficult for banks to renegotiate loans, because they have to recognize the losses all at once. Loan loss amortization, properly used, has the potential to help both banks and farmers, keeping banks active in their local communities and minimizing the number of foreclosures. I was proud to be the author of this provision in the Senate, and I am very pleased that it is included in the conference report.

I simply want to conclude, Mr. President, by reiterating that I think this bill is a good compromise and deserves the Senate's support. It is far from perfect, but it is the best that could be achieved. It avoids another divisive and time-consuming veto fight, and it takes us a step forward toward resolving fundamental financial services industry reform issues. I urge my colleagues to join me in voting in favor of the conference report.

Mr. President, I sincerely thank the chairman of the committee and the ranking member for their support over the years in helping me to finally bring to a point where it is going to the President, with his assurance of signature, title VIII, which I think will probably be the most important thing

Congress does this year for the agricultural communities in America, for the agricultural bankers, and for the small farmers in America. I deeply appreciate their friendship and warm support in connection with this, and I am indebted to them.

Mr. GARN. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. I thank the distinguished Senator from Utah for yielding.

Mr. President, I would like to join other members of the Banking Committee and the conference in congratulating our distinguished chairman and distinguished ranking member for their leadership in producing what I think is a good bill under very difficult circumstances.

I would like to limit my remarks today, since the whole bill is going to be discussed, to the part of the bill I was most directly involved in; the part having to do with recovery of our thrift industry.

First, I think it is important to note that we provide in this bill $10.825 billion to reinvigorate the insurance fund for the savings and loan industry. I hope people understand that this is not a taxpayer bailout. What we are doing is assessing the member institutions, the savings and loans, to generate a cash flow to service a debt that will be incurred by the thrift industry as they go into the financial markets and borrow $10.825 billion to rebuild the FSLIC.

As a result of our action today and the certain Presidential signature on this bill, savings and loan depositors all over the country can be confident that those deposits are now good up to the insured limit.

In my part of the country, that additional confidence is going to be important in stopping the financial hemorrhaging which has plagued our savings and loan industry. But we have done more than initiate a self-help program to rebuild FSLIC. In the Thrift Industry Recovery Act section of the bill, title IV, we have set out a positive program to allow troubled thrifts the opportunity to work out from under their problems. This program sets out new regulations for those areas of the country that have economic problems, allows thrifts that are well managed to work out from under their problems, build up their capital, and become profitable lending institutions again. This will help facilitate the building of new homes and new businesses that many of our troubled parts of the country need desperately to fuel their economic recovery.

I believe that under this bill, financial investors throughout the economy will look at this new blueprint, look at the guidelines we have set out for the recovery of our thrifts, and will decide that they can make money by acquiring a troubled thrift. By doing that we will attract new private capital into the thrift industry, and that will go a long way toward solving the problems confronting our Nation's thrifts.

Obviously, there are going to be savings and loans that will not survive. There will be savings and loans that will be closed. It is my hope that under new leadership, FSLIC can, to the maximum extent possible, use buyouts rather than outright closure of savings and loans. The last thing we need in depressed areas of the country is to have tremendous amounts of real estate dumped on the open market, sold at depressed prices, thereby producing a deterioration of the balance sheets of savings and loans and banks alike.

Finally, I believe we have set out a blueprint that can work. I think this bill is going to allow us to rebuild our thrift institutions. Quite frankly, I do not know whether the $10.825 billion is enough. But I know it is a start. It will allow us to go in and close institutions that cannot survive.

I believe the bill is written in such a way as to maximize the number of thrifts that will survive and minimize the cost to the insurance fund. I think we have been good stewards of the public interest. We have put together a bill that maximizes the opportunity for thrifts to survive and prosper and serve their communities, and I am proud of this bill.

I especially congratulate our leadership on both sides of the aisle that were able to put together a bill, to forge a compromise, to respond to a legitimate Presidential concern, and to go back at the end of the conference and make specific changes that were difficult, but I think they were important and that they improve the bill.

I look foward to the bill being signed into law; but, more important, I look forward to the bill going into effect and setting out a blueprint to rebuild our thrift industry, helping us put people back to work around the country.

Mr. PROXMIRE. Mr. President, before I yield to the Senator from Alabama, I thank the Senator from Texas for his statement, particularly for stessing the fact that the $10.825 billion is not from the taxpayers. A lot of people think this is a bailout by the taxpayers. It is an assessment on savings and loans throughout the country. The taxpayer will not have to pay a nickle for that. I think that is important.

The Senator from Texas played a very important role in this bill, and he was the Senate author of the thrift recovery title.

I yield 3 minutes to the Senator from Alabama.

Mr. SHELBY. I thank the Senator.

Mr. President, I commend the chairman and the ranking Republican member, Senator GARN, for their work in passing this comprehensive bank bill. I think it is the first bill we have been able to pass in quite some time. Although I do not agree with everything in this piece of legislation, I shall support it as an important first step.

At this very moment, FSLIC is bankrupt. As I understand it, the bill before us will infuse $10.8 billion into the thrift industry deposit insurance fund. Such infusion, while not a panacea, represents a giant step toward restoring the soundness of our troubled thrift industry nationwide.

Title I is not perfect. It has more holes than a doughnut. Yet, it does freeze to some extent the activities of existing nonbank banks and allows Congress the opportunity to create a level playing field for all our financial service industries. While some view title I as being anticompetitive, Congress is the proper entity to determine the ways in which our financial service industries may enter new markets, both geographic and financial.

Title II in some respects represents a step backward when our traditional financial institutions should be moving forward and modernizing so that they can meet the demands of consumers and compete successfully globally. Six years ago, only 1 of the 10 largest banks was Japanese. Today, only 1 of the largest 25 is American while 14 of the top 25 are Japanese and 9 are European.

Banks remain restricted from seeking new markets and have seen their market share erode as the financial arms of nondepository institutions provide similar services. This is not to say that I believe that all markets should be open to banks. I do not believe that. The possible conflict of interest and concentration of assets apparent in the insurance and real estate industry persuaded this Senator that full entry into those markets by banks would create an unnecessary risk in the banking industry that we depend on to be safe in this country.

Title II does provide Congress an opportunity to pause, examine the alternatives available and provide appropriate direction. To recapture a sizable presence in the global economy, I believe it follows that our banks must be competitive. Congress should provide that direction by making public policy.

I strongly support the provisions in the bill which protect consumers including new limits on the time banks may hold consumer checks for clearance.

The legislation before us, as I said earlier, is a first step; it sets us in motion a process for reform of the banking laws, and I hope that the chairman and the ranking member of our Banking Committee will again provide us the leadership to do in the

next year a comprehensive valuation of this very important legislation.

Thank you, Mr. President.

Mr. PROXMIRE. Mr. President, I thank my good friend from Alabama. He said that title I has more holes than a doughnut. I remind him that a doughnut has only one hole.

Mr. SHELBY. But it is a big one, Mr. President.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KARNES] is recognized.

Mr. KARNES. Thank you, Mr. President.

Mr. President, I would like to speak in support of H.R. 27. This is certainly one of the most significant pieces of legislation that this Congress will consider this year. I must note at the outset of my remarks that there are portions of this bill that I do not agree with. However, on balance this legislation is worthy of passage immediately and in the opinion of this Senator is long overdo. I also note that many critical banking issues are left unresolved and with the help of my colleagues on the Banking Committee we will address many of these during our deliberations in the Banking Committee during the next weeks.

As a member of the Banking Committee I had the opportunity to hear the testimony and consider the affects of the legislation in great detail. My prior experience as special counsel to the Federal Home Loan Bank Board in Washington and Chairman of the Board of Directors of the Federal Home Loan Bank of Topeka provides me a unique insight into the problems the thrift industry is currently experiencing.

I cannot overstate the significance of this legislation as it affects the thrift industry in this country. The $10.8 billion recapitalization amount of the FSLIC is indeed sorely needed to restore the public's confidence in the thrift industry and to allow the FSLIC to immediately address the task of resolving the 400-plus problem thrifts that are currently operating throughout the country.

I must also note that attention has been given in this legislation to the potential negative impact that may result from attempting to raise these large amounts of funds through the public marketplace; that is, the $10.8 billion. I note and I believe it is important to recognize that this bill has a limitation of $3.75 billion a year as far as the limits of how much can be raised so that the financial marketplace will not be negatively impacted at all by this large amount of money that is needed to be raised.

I compliment the Senate leadership for their expeditious scheduling of this legislation in light of its significance on the industry.

Time is of the essence since the latest estimates are that the troubled thrifts that I mentioned earlier, approximately 400 thrifts, are losing collectively $10.5 million each day that they remain open since the FSLIC has not had adequate funds to deal with those problems. Those kind of staggering daily losses equates to over $3.8 billion per year which should not be allowed to continue, and they will not be allowed to continue.

The profitability of the thrift industry through 1986 is certainly worth noting considering all the negative publicity surrounding the thrift industry. According to the Kaplan Smith report, 74 percent of the 3,247 FSLIC-insured and federally chartered FDIC-insured thrifts were profitable in 1986. Those thrifts with positive GAAP net worths had an adjusted return on assets of 0.74 percent, which is considered quite good. Hence, those thrifts that can be considered for the most part to be healthy and viable performed quite well in 1986. The relatively modest number of operating negative net worth thrifts accounted for only 11 percent of thrift assets; however, they reported adjusted losses in 1986 of $7.1 billion. Mr. President, passage of this legislation will finally allow the FSLIC to resolve those problems and give the profitable, well managed thrifts the opportunity to operate without the daily negative publicity they have had to contend with recently.

Mr. President, another section of the bill is also very important to me and my constituents in the State of Nebraska. I am referring to title VIII called loan loss amortization for agricultural banks. As a U.S. Senator from Nebraska and a third generation Nebraska farmowner, I have a great interest in the availability and cost of agricultural credit. This section of the bill allows qualified agricultural banks to amortize their loan losses over a period of 7 years. I know all my fellow Senators are fully aware of the excessive problems agricultural banks in Nebraska and throughout the country have experienced. Allowing these institutions to spread the losses over this 7-year period of time will alleviate some of the pressure on the many small, rural agricultural lending institutions attempting to provide a steady source of funds to their farm borrowers.

Mr. President, I appreciate the opportunity to convey my feelings on this important piece of legislation. I sincerely hope my colleagues will consider these arguments in support of the bill. This legislation is certainly in the best interests of not only the citizens of Nebraska but all Americans.

Lastly, I congratulate the distinguished Banking Committee Chairman PROXMIRE and distinguished ranking minority member, Senator GARN, who have worked tirelessly to seek solutions to the many great problems and many differences that we have found during the hearing process in this banking and thrift legislation. They are to be complimented for their hard work.

Mr. President, thank you for this opportunity, and I yield the floor.

Mr. DODD. Mr. President, I rise in support of the conference report.

This conference report has been a long time coming, but I think it has been worth waiting for. Many of the issues—from recapitalizing the FSLIC to expediting consumers' access to their check deposits—date back to Congresses past. But even those issues that originated in this Congress—most particularly the provisions designed to give us the time and the ability to consider comprehensive banking legislation to modernize our financial services industries—have had a long gestation period.

Starting with Chairman PROXMIRE's first bill in February, it took until the end of March for the Senate to complete action. Then it took another 6 weeks for the House to act. Thereafter, it took about another month just to get to conference and then more than 6 weeks to reach agreement, draft that agreement and then, last week, reach agreement again—this time with the President—before we were finally able to file the conference report.

We are all exhausted from the effort but I would just like to highlight a few of our actions:

First, the conferees went beyond the provisions of either bill to provide $10.8 billion in badly needed funds for FSLIC. While I do not generally support going beyond the scope of bills in a conference, in this case I think the conferees acted responsibly to head off what otherwise might have been a serious crisis. Now the FSLIC will have both the money and the time to restore public confidence in the Federal deposit insurance system.

Second, the bill will assure that bank customers will have timely access to their check deposits. By September 1, 1988, consumers will have access to their local check deposits after 2 business days and to their nonlocal check deposits after 6 business days. By no later than September 1, 1990, those times will be shortened to no more than 1 business day on local checks and 4 business days on nonlocal checks.

I am particularly pleased with this provision because it solves a problem that I identified 5 years ago. Our Banking Committee conducted the first hearings on the subject in 1982; I introduced the first legislation to remedy the problem in 1983; and, thereafter, the Senate adopted bills in

three successive Congresses. I am confident that the final compromise will assure consumers timely access to their funds without imposing any increased risk of loss on depository institutions.

Third, I want to emphasize with regard to the title I and II provisions—dealing with nonbank banks and the moratorium on new bank powers—that they are process provisions, rather than final legislative solutions. Combined, titles I and II are designed to give us the breathing space to examine in detail recent changes in both the domestic and international financial services arenas and to give us the time necessary to devise comprehensive legislation for the future.

Almost as important as the time gained by these provisions is the political impetus I expect them to provide for future legislation. The expiration on the moratorium will provide incentives for depository institutions, the securities industry, the real estate industry and the insurance industry to push for new legislation, because they will all be unhappy with their positions after the moratorium expires.

Mr. DIXON. Mr. President, I simply want to express my understanding of section 201(6)(2)(c). That provision imposes a moratorium on the operation of nondealer marketplace in options. It includes in its scope lesser included activities involved in operating such an exchange. For example, no bank currently clears options, although they clear many other securities acting as agent. However, clearing options involves much more than clearing other securities. In my view, and I believe in the view of the majority of conferees, clearing options involves activities of such a broad scope that it would amount to operating nondealer marketplace in options, and would therefore be prohibited during the moratorium period.

Mr. SANFORD. Mr. President, I rise to express reluctant support for this bill. While it contains many important provisions relating to issues other than the recapitalization of the FSLIC fund, I must express my objection to the changes that were made to the FSLIC recapitalization plan. These changes were made at the final hour, in a deal going beyond the scope of the level of funding approved by either the House or the Senate.

There is without a doubt a consensus that we must act effectively and decisively to beef up the FSLIC fund. While many argued about the way to do that and how much money should be committed, the Senate Banking Committee, after many hearings and much discussion, agreed upon a recapitalization plan providing borrowing authority of up to $7.5 billion over 2 years. The full Senate then approved that $7.5 billion figure. The House, on the other hand, voted decisively for a cap of $5 billion on the borrowing authority of FSLIC. However, in bowing to pressure from the White House, a new figure of $10.824 was agreed upon in a side arrangement that raises significant concerns about the way our process works.

I had encouraged the Senate to adopt the $7.5 billion figure because I believed then and continue to believe now that borrowing authority of $3.75 billion per year, when coupled with the income from special assessments and investments will provide the FSLIC with more than adequate resources. Indeed, the income from the borrowing plus the special assessment and investment will total almost $6.75 billion per year and that $6.75 billion figure exceeds even the Federal Home Loan Bank Board's projections of what it can effectively spend in 1 year.

I was also concerned about the ability of the Federal Home Loan Bank Board, an agency that has been plagued with administrative problems, to effectively handle the large amount of money being provided to FSLIC. In addition, I believe that many of the problems facing our savings and loan industry are not ones that will be resolved by simply putting more money into FSLIC. I had hoped that in placing a 2 year sunset on the borrowing authority on FSLIC, that the Congress would be given the opportunity to reassess the success of the recapitalization effort before more money was provided to FSLIC.

I must note that most institutions in this Nation are profitable, and many of the profitable institutions are very profitable indeed. Despite this fact, roughly one-tenth of the total are troubled. Some of these troubled thrifts, the well-managed institutions which are the victims of turbulent local economic conditions, will survive, given half a chance. Others, which are not so well managed and may indeed be troubled due to poor management or worse, will and should fail.

Unfortunately the price of their failure, the price in some cases of their folly, will be borne by their survivors. Thus, eager as we might be to resolve the FSLIC's problems, we must consider just how much the thrift institutions of this Nation can afford to contribute to the resurrection of other failing institutions. I submit that the $10.824 billion funding level may be higher than the Congress should go without threatening to undo the success of those healthy institutions which have proved their managerial mettle.

I am concerned that we have granted too much borrowing authority to an agency that has had numerous, well documented administrative problems. However, despite these reservations about the amount of funding for FSLIC agreed to in this compromise, as well as strong concerns about the manner in which the compromise was reached, I do support this bill. I believe that the recapitalization of the FSLIC is crucial to the health of our savings and loan industry, and despite my concerns about the level of funding of the program, I believe this bill deserves our support. I urged my colleagues, whatever their reservations may be, to join me in voting for this bill.

CHARTERED PRODUCTS

Mr. CRANSTON. Section 101(c) prohibits a grandfathered nonbank bank from engaging "in any activity in which it was not lawfully engaged as of March 5, 1987." Is it correct to interpret this provision to mean that if, for example, a nonbank bank held insured deposits on March 5, 1987, and was servicing those deposits, it could solicit and accept additional such deposits after that date?

Mr. PROXMIRE. Yes, that is correct.

Mr. CRANSTON. Further, is it correct that our colloquy of March 26 regarding joint marketing—page S3959 of the RECORD—would apply to insured deposits?

Mr. PROXMIRE. That is also correct.

Mr. CRANSTON. I would like to engage the floor manager in a colloquy concerning section 406 of the legislation. One provision of that section grants to the Federal Home Loan Bank Board new authority to establish minimum capital requirements on a case-by-case basis. I would first like to confirm that this authority is essentially the same as has been granted to the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency by the International Lending Supervision Act of 1983. Is that correct?

Mr. PROXMIRE. Yes, that is correct.

Mr. CRANSTON. It is my understanding that each of those agencies has published a notice of proposed rulemaking for capital maintenance and risk-based capital rules pursuant to the authority granted by the International Lending Supervision Act. Can the gentleman confirm that they have taken such action?

Mr. PROXMIRE. Each of the agencies has sought comment on such proposed rules.

Mr. CRANSTON. I would like to confirm that the gentleman shares my expectation that the Bank Board will also seek public comment through a rulemaking concerning the proper implementation of this new authority and thereafter will promptly publish permanent regulations. Moreover, this authority will not be exercised until temporary or permanent rules have been published in the Federal Register. Is that your expectation, as well?

Mr. PROXMIRE. It is.

HOLDING SHARES IN STREET NAME

Mr. RIEGLE. I worked with the chairman and other members of the committee to secure passage of an amendment clarifying the scope of section 101(c) of the bill relating to the prohibition on acquisitions of more than 5 percent of the shares of other bank or thrift institutions by grandfathered nonbank banks. That amendment was successful. However, since the committee action, I have been made aware of an additional, technical clarification which is needed. It is my understanding that the prohibition on acquiring control of more than 5 percent of the shares or assets of an institution would not generally apply to shares of stock held in street name on behalf of another if those shares are held by a securities firm solely on behalf of a customer, are not voted by the firm, and raise no concerns regarding control. Is that a correct interpretation of that language?

Mr. PROXMIRE. Yes, it is. But I want to emphasize that the firm holding the shares must act only as the agent of its customers, must not have control over the institution in question, must not attempt to exercise such control, and must not vote the shares in question.

CLASSIFICATION OF ASSETS

Mr. CRANSTON. I wish to confirm that the intent of title IV, section 402, paragraph (1) is to ensure that like assets of commercial banks and those of thrift institutions—for example, mortgage loans, home improvement loans, car loans, and other similar investments—shall be treated similarly by both the Federal banking regulators and the thrift regulators. Further, Mr. Chairman, is it your understanding that the conference committee recognized that there are significant differences in assets allowed by the Federal banking regulators and their thrift counterparts?

Mr. PROXMIRE. My colleague, Mr. CRANSTON is correct. The committee recognizes that there are differences in permissible assets allowed by Federal banking regulators and thrift regulators for different types of institutions. This section is not designed to redefine the permissible investments or the assets of a commercial bank or thrift institution or require them to have the same assets but to require a similar regulatory framework where the institutions have the same asset.

SECTION 101(h)

Mr. DODD. At page 121 of the Statement of Managers, there is a description of section 101(h) of the conference report that I do not believe is quite correct. Am I correct that section 101(h) exempts from the definition of a bank a nonbank bank the owner of which publicly announced before March 5, 1987, an intention to sell the institution and the purchaser of which acquires the institution within 180 days of enactment of this act, informs the Federal Reserve Board within 7 days of the purchase of its intention to convert the institution to a credit card bank, and actually converts the institution to a credit card bank within 180 days of purchasing the institution?

Mr. PROXMIRE. The Senator is correct.

THE ATM PROVISIONS OF TITLE VI, EXPEDITED FUNDS AVAILABILITY

Inasmuch as Senator DODD is the sponsor of the Senate's expedited funds availability legislation and was the chief negotiator with the House on the subject during the banking conference, I have a question about the meaning of the sections in title VI that deal with deposits made into proprietary and nonproprietary ATM's.

I understand that special provisions apply to nonproprietary ATM's to reflect the fact that the systems currently cannot distinguish between cash and checks and among different types of checks. I want to make sure I understand the distinction based upon whether an ATM is operated by a receiving depository institution.

Let's assume a consumer makes a deposit at an ATM operated by Philadelphia National Bank for itself and for several other depository institutions. If the depositor's account is maintained at Philadelphia National Bank, then the deposit would be made into a proprietary ATM because the ATM is operated by Philadelphia National Bank.

On the other hand, if the depositor's account is maintained at another institution that is part of the ATM network, then the deposit would be made into a nonproprietary ATM because the ATM is not operated by the depositor's depository institution.

Is that correct?

Senator DODD. Yes; that is correct.

INTENT OF THE SUPERVISORY APPEALS PROCESS—ENHANCE LEGITIMATE DELIBERATION WITHOUT INVITING ABUSE AND DELAY

Mr. GARN. With the chairman's permission I would like to engage in a brief colloquy concerning the supervisory appeals process.

Mr. PROXMIRE. I welcome the opportunity to engage the gentleman on this important provision.

Mr. GARN. We have all spent a great deal of time studying the balance between the need for timely, accurate, and effective supervisory decisions, and the concerns of some thrifts that the current process should be broadened to include some review of supervisory decisions independent of the supervisory agents. I commend the chairman for his leadership in shaping what I believe is the correct balance. I want to make clear that underlying the conference debate was a sense that what we were constructing was more a conduit for enhanced communication between supervisory agents and S&L's than an adversarial process. Evaluating the worth of real estate is hard work and not as precise and objective an analysis as we might wish—reasonable experts may differ. By arranging to have these decisions looked at by another pair of eyes, we intend to achieve greater consensus on supervisory decisions. We do not intend to create obstructions or combat—and, of course, this informal review process would not affect any other recourse available to either party.

Mr. PROXMIRE. The Senator is entirely correct. He and I both attended many meetings and briefings examining concerns of the thrift industry regarding overvalued or undervalued real estate and the always difficult calculation of write-downs. Write-downs are an essential part of the supervisory process. Moreover, they are essential to sound business operation and fiduciary responsibility. However, the write-down is only as accurate as full information and knowledge will allow, and even then, as the gentlemen notes, some difference of opinion may remain. The conferees recognized the supervisory appeals process will not create perfect supervision, but we believe it will help as long as all parties concerned act in good faith and with dispatch. There will be disagreements but we intend for there to be no abuse—this is a process for legitimate deliberation over a class of supervisory determinations. If that occurs, as Congress intends, then the entire supervisory process will be strengthened, its integrity enhanced, and the concerns of S&L's answered.

THE INTENT OF FORBEARANCE—AID THE DESERVING WITHOUT PERMITTING ABUSE BY IMPRUDENT OPERATORS

Mr. GARN. With the chairman's permission, I would like to engage in a brief colloquy concerning the findings and intent of the conference as to the capital recovery provisions.

Mr. PROXMIRE. I would be happy to engage the distinguished gentleman.

Mr. GARN. I have followed the issue of forbearance very closely—attended many hearings and briefings, and studied the record presented to the Congress. I conclude, as we all do, that there are serious problems in the savings and loan industry today. I commend the chairman for his leadership of what I believe to be a responsible and effective response to those problems.

Mr. PROXMIRE. I appreciate the Senator's remarks and acknowledge his invaluable contributions on these issues.

Mr. GARN. As the chairman is keenly aware there are many reasons why we find our savings and loan industry in its current state. First, there

are deep pockets of economic despair in this Nation, and as with some other industries, the thrift industry has been wounded. Our capital recovery plan responds to this plight and I know it carries the endorsement and commitment of the FSLIC and its operating head, the Bank Board, to carry forth our intent—that all well-managed and viable thrifts, with reasonable prospects for recovery and sound business plans, should be permitted and aided in their efforts to recover from their business woes as long as their condition is due, primarily, to the depressed economy.

However, Mr. Chairman, I don't think any of the conferees or any Members of either body of Congress want to give an equivocal message about another class of thrifts that are suffering and causing suffering to their depositors, stockholders, their own industry, the FSLIC itself, and ultimately, to the public and the very integrity of our Federal Deposit Insurance System.

This class of S&L's, and I emphasize for the record that it is a small minority of the industry, has operated thrifts in an unsafe and unsound condition—often engaging in fraudulent and reckless investment strategies, self-dealing, conflicts of interest, and a whole host of otherwise repugnant business practices in violation of statutes, regulations, ethics, their fiduciary duties, and plain decent business standards.

I know, the Senator feels very strongly about this issue, and it is important that the record of this Congress be clear—we have found that a substantial part of the S&L problem is a direct result of this type of misconduct. And we intend to provide no safe harbor for such people. Rather, we want to encourage strong and swift supervisory and enforcement action taken against anyone who would so abuse their thrift charters and the integrity of the FSLIC.

Mr. PROXMIRE. I thank the Senator for stating so eloquently that which I personally believe and which I understand to be the unanimous sentiment of the conferees.

We are pleased with the forbearance provisions, and confident that the Bank Board's regulations will advance our intent—to provide forbearance for institutions suffering through no fault of their own, without permitting a perversion of this provision by those thrift institutions troubled by their own misdeeds.

THE EXCEPTIONS TO THE 2-PLUS-2 EXIT FEE

Mr. GARN. With the chairman's permission, I would like to engage the gentleman in a brief colloquy concerning our understanding of the exceptions of what is referred to as the 2-plus-2 exit fee, whether imposed under section 21 of the Federal Home Loan Bank Act, or under section 407(d) of the National Housing Act.

Mr. PROXMIRE. I would be happy to discuss the provisions with the gentleman.

Mr. GARN. It is my understanding that we are excepting three limited categories of institutions from these preexisting and continuing statutorily prescribed exit fees: First, those that already left the FSLIC system for the FDIC on or before March 31, 1987; second, those that actually filed with or gave notice to the FSLIC, the Bank Board, or a State or Federal banking agency regarding a transaction that would result in their leaving the FSLIC for the FDIC; and third, those that entered into letters of intent or written memorandums of understanding regarding transactions that would result in their leaving the FSLIC for the FDIC. It is my understanding, Mr. Chairman, and the point for which I seek your confirmation, that this third category is intended to include those institutions that formally executed documents evidencing a decision to proceed with the transaction that results in their leaving the FSLIC, and conveyed those documents to parties involved in those transactions.

Mr. PROXMIRE. I thank the gentleman for raising such an important point for clarification, and appreciate the opportunity to make explicit that our intent is to except only those institutions that have, by March 31, 1987, formally executed letters of intent or written memorandums of understanding that indicate their present intent to proceed with the transaction that results in their leaving the FSLIC for the FDIC. Conversely, we do not intend to include in this excepted category those institutions that had, by March 31, 1987, conveyed to the parties in their transactions or developed for their internal consideration less than formally executed decisions to proceed—for example, discussion memorandums, issues papers, or other manifestations of predecisional negotiation and analysis.

Mr. GARN. I would like to engage the floor manager in a brief colloquy concerning one point of section 406 of the legislation. That section provides the Federal Home Loan Bank Board with authority to establish minimum capital requirements comparable to that granted the Federal banking agencies by the International Lending Supervision Act of 1983. I understand section 406 will be an invaluable tool for the Bank Board in fulfilling the public policy goal of raising the capital standards of the thrift industry and I heartily endorse this section. I also understand that section 406 is not intended to preclude the Board from phasing in higher capital levels over time commensurate with the strength of the industry, as determined by the Board.

Mr. PROXMIRE. The Senator is correct. Through the addition of ILSA, the Bank Board, for the first time, will have parity with Federal banking agencies as far as explicit statutory authority to raise minimum capital levels for the industry as a whole and on a case-by-case basis, as appropriate. This is a crucial component of effective supervision of a federally insured industry where capital is the touchstone of financial integrity and a guardian of our insurance guarantee. I agree with the gentleman that the requirements should be phased in, as determined by the Board, taking into consideration the relative strength of the thrift industry. I also note that the phase in of minimum capital requirements industrywide should not restrict and is not intended to inhibit a case-by-case application in the name of safety and soundness.

MORATORIUM ON OPERATING OPTIONS TRADING SYSTEM

Mr. CRANSTON. As a member of the conference committee on H.R. 27, I seek clarification from you about the moratorium provisions of title II. Specifically, I refer to section 201(b)(2)(C) concerning the operation of a nondealer marketplace in options. Am I correct in stating that the application of the moratorium to this particular activity is not intended to restrict banks, bank holding companies, or their subsidiaries or affiliates from providing traditional banking services in connection with all types of securities trades by acting as a custodian or transfer agent, by handling the disbursement of funds, by serving as a clearing agency, or by otherwise acting as an agent on behalf of a customer?

Mr. PROXMIRE. My friend from California is correct. The moratorium on operating a nondealer marketplace in options does not curtail the entities subject to the moratorium from engaging in those traditional banking activities which you have enumerated.

Mr. D'AMATO. I am glad to hear that Chairman PROXMIRE agrees with Senator CRANSTON's understanding of section 201(b)(2)(C) of the legislation because I share Senator CRANSTON's concerns about the exact meaning of this provision. Senator CRANSTON's and my concerns have been adequately addressed by your clarification, Chairman PROXMIRE, which further elaborates on the language contained in the manager's statement in the conference report.

Mr. D'AMATO. Mr. President. I urge my colleagues to support the legislation before us today because it is the culmination of almost a year and half of intense efforts to recapitalize the FSLIC fund.

While the bill contains 12 titles, I believe the most important of these provide direct and immediate benefits to the consumers of financial products and services and the depositors in the Nation's thrift institutions. Ironically,

the provisions which benefit the American consumer the most have received the least media attention. In addition to the recapitalization of the FSLIC fund, these provisions concern the:

Expediting of the check clearing process;

Congressional declaration reaffirming that the full faith and credit of the Federal Government stands behind those depository institutions insured by the Federal Government;

Allowance for extended loan loss amortization for agricultural banks;

Easing of the acquisition of failing and failed institutions so that the depositors of the institutions will not be denied access to their funds;

Payment of interests to the holders of yellow certificates of the Golden Pacific National Bank; and

Performance of studies by the Comptroller of the Currency designed to examine the safety and soundness of thrift institutions and to examine ways to expedite the processing and to minimize the expenses involved with the U.S. Government checks.

Much of the controversy surrounding the bill has dealt with titles I and II. These titles concern the closing of the so-called nonbank bank loophole and the imposition of a moratorium on banks and bank holding companies from engaging in certain activities prohibited by the Glass-Steagall Act. While I do not necessarily support all of the provisions of title I and would prefer a final legislative solution addressing the structure of our financial system rather than the moratorium contained in title II, I believe that the legislation in its current form represents a delicate balancing of greater interests that must be served and served soon.

For example, the warring factions that tend to be involved in the disputes regarding title I and title II involve what I describe as the "big boys." The tremendous disputes involving title I and title II put major commercial entities, domestic banking colossi, big investment houses, big thrift institutions and big insurance firms against each other. These institutions will suffer little, if any, long or short term hardships that may be inflicted by titles I and II of the bill.

I do not believe that the Congress should bow to the pressures exerted by the "big boys" who would like to derail the legislative process because they have failed to receive the favorable treatment which they so fervently sought and erroneously thought they deserved. I believe that the greater good served by this legislation which recommends its passage is found in the other 10 titles of the bill, especially title III, the FSLIC recapitalization plan.

The squabbling and struggling amongst the big boys about the future structure of the U.S. financial system is, at present, insignificant when compared to the threat that a loss of depositor confidence in the thrift industry poses to the financial system. Before we enact legislation designed to provide comprehensive reforms of the financial system, we must seek to ensure that the immediate threat to that system presented by an insolvent FSLIC fund is remedied. We must remember that ultimately regulators do not close financial institutions, lack of public confidence is the cause of their shut down. Comprehensive reform of the system will take more time, the crisis confronting FSLIC is immediate and therefore requires the immediate response provided for in title III and the forbearance provisions contained in title IV of the bill. While I would have preferred to recapitalize the FSLIC fund with an amount of $15 billion, I believe that the $10.825 billion is a vast improvement on the $7.5 billion contained in S. 790 and the $5 billion provided in H.R. 27. Therefore, I am prepared to endorse this legislation despite the screeching and moaning of the big boys who perceive themselves to be somehow wronged by titles I and II because:

First, the other provisions of the bill address problems of direct and immediate concern to the thrift industry and depositors in those institutions and indirectly to those individuals who finance their homes through loans from these institutions and the housing industry which constructs these homes;

Second, the moratorium contained in title II is temporary and expires on March 1, 1988; and

Third, because the members of the Senate Banking Committee have committed to addressing, in the near future, legislative proposals designed to address the structure of our domestic financial system.

Mr. HEINZ. Mr. President, it has been nearly 5 years since the Congress has passed any substantive banking legislation. In 1982, the Congress approved the passage of the Garn-St Germain Depository Institutions Act, a landmark event for America's economically distressed thrift industry. During the ensuing years, however, the Nation's financial services industry has been confronted by a mountain of critical financial issues which, if left unresolved, threatened to become a mudslide of competitive imbalance, regulatory chaos and financial instability and bury the financial services industry.

The legislation, reflected in the conference report before us today, is one that will address some of the more critical problems. It is one that will stabilize the financial services industry. It is one that will provide Congress the opportunity to review and establish national policy concerning the Nation's banking industry. It is one that is critical to the continued strength and viability of that industry. It is one that has my strongest support. It is one which I would unequivocally urge my colleagues to support.

Mr. President, the legislation has been controversial. It has been contentious. It has sparked sharp debate from all quarters. I want to commend Chairman PROXMIRE for his Herculean efforts in moving the bill to the point where it is today. I would note, Mr. President, that many of the provisions of the bill had their genesis under the chairmanship of Senator GARN, who is also to be congratulated for his efforts. Finally, the members of the conference committee are to be congratulated to their willingness to work through some very thorny issues and reach acceptable compromises that will benefit both the financial services industry and the consumers.

Five years ago, a crisis in the Nation's thrift industry prompted the legislation enacted at that time. It is ironic that a second crisis in the same industry; namely, the crisis confronting the Federal Savings and Loan Insurance Fund—is what has brought us back to the legislative drawing board again.

This legislation recapitalizes the Federal Savings and Loan Insurance Corporation. Last year, I noted that the FSLIC was a ticking time bomb. It was. It had been pushed beyond its capacity and, at that time, faced potential bankruptcy, due to the inordinate number of problem cases and mounting losses facing it. The Federal Home Loan Bank Board imposed a special assessment on individual FSLIC-insured institutions but it was not enough to staunch the hemorrhage of the cost of resolution of the growing number of very expensive FSLIC cases and bolster the needed long-term recapitalization of the fund.

As we all know too well, Mr. President, the FSLIC was declared insolvent in the spring of this year. The thrift industry's contributions to the secondary reserves were extinguished. In the absence of any resources, the Corporation could not resolve any more problem cases. Needless to say, the public's confidence in the system was severely undermined, as witnessed by the silent runs on both healthy and ill institutions in the economically troubled areas of the country.

This legislation addresses these problems. It provides an industry-funded plan to recapitalize the FSLIC. The proposal is supported by the administration, the industry and the conferees. It permits bonding authority of $10.83 billion, with $830 million of that amount to be used to restore the industry's contribution to the secondary reserve.

In conjunction with the shoring up of the FSLIC, the bill also extends and expands the Federal regulators' authority to arrange emergency interstate acquisitions of failing institutions. This will enable the regulators to deal with financially distressed institutions in the most effective and orderly fashion. More importantly, it will ensure absolute protections for deposits and full confidence in the financial marketplace.

Needless to say, Mr. President, the long-term recapitalization of the FSLIC Fund was the engine driving this bill. But the state of the FSLIC Fund was and is only the tip of the iceberg. There are other issues that must be addressed not only to guarantee the success of the FSLIC recapitalization plan but also to stabilize the entire financial services industry.

Rapid and revolutionary forces have buffeted the industry in recent years. It is obvious that the Nation is at a crossroad in terms of what its national financial policy and system will be. In light of this, Congress has the responsibility to reexamine the existing statutory framework—most of which has been in place for over 50 years—to determine whether it is still relevant in light of the rapid evolution of the marketplace, technology, and consumer needs. Since the last major banking legislation, however, Congress' role has been usurped by ad hoc deregulatory efforts on a piecemeal basis, whether by regulatory and judicial fiat or by those who have exploited loopholes in the existing law. The result is that while the system is not broken, it has definitely run amok. The situation can best be described by quoting from a familiar passage of a children's book:

> I don't think they play at all fairly, * * * and they all quarrel so dreadfully one can't hear oneself speak—and they don't seem to have any rules in particular; at least, if there are, nobody attends to them—and you've no idea how confusing it all is * * *.

Mr. President, the words of Lewis Carroll's "Alice in Wonderland" are more befitting to the state of the Nation's banking system during this period. New competitors, possessing new competitive advantages, are threatening the entire system, at the expense of the Federal Deposit Insurance System.

The legislation before us addresses some of these critical issues at this time. In my mind, it is the best solution to reestablish the "fair play" and the "rules" and to eliminate the "confusion" by reasserting congressional authority over our fundamental banking laws until we can conduct a comprehensive review of the statutory framework.

How does it do this? Let me elaborate very briefly:

First, the legislation closes the nonbank bank loophole and forces those institutions to play by the rules that the rest of the banks must abide by. This is a crucial component to the legislation. It restores competitive equity to the Nation's banking system by bringing within the parameters of Federal law those entities that are banks in every sense of the word except for purposes of the bank holding company. With certain limited exceptions, firms owning these limited service banks will now be subject to the same regulations governing geographic and product expansion as are bank holding companies.

It is important to note, Mr. President, that closing the nonbank bank loophole does more than bring the firms owning these entities under the umbrella of the Bank Holding Company Act. It eliminates the potential not only for abuse but also for creating a situation fraught with adverse consequences for the system as a whole. It will also expedite the recovery of the thrift industry. Until now, the nonbank bank loophole has given commercial banks and other enterprises a simple and inexpensive way to acquire interstate franchise rights. A very serious result has been the virtual elimination of serious bids for severely troubled thrifts and the undermining of any chance for success of the recapitalization proposal. Closing the loophole and permitting new firms, including entities owning grandfathered nonbank banks to acquire failing thrifts will bring new capital into the struggling industry and assure the long-term recapitalization of the FSLIC Fund.

Second, the legislation freezes until March 1, 1988, the Federal regulators from expanding existing authorities of banks to engage in nonbanking activities. I don't like legislated moratoria, Mr. President, because they don't solve the problems confronting the financial services industry. All they do is buy us time. However, in my opinion, the decision to make new or to change existing policy with respect to banking activities remains solely within the purview of the Congress and not by regulatory or State fiat and loophole leaders. Given the impasse that has existed on the subject as well as the piecemeal erosion of our banking laws, the moratorium was absolutely necessary. This legislation provides the Banking Committee and the Congress with a stable financial environment in which to conduct a thorough and searching review of the statutory framework governing the financial services industry.

I am convinced that the Congress, with appropriate input from all quarters, can and will examine carefully the structure of our financial system and resolve this matter in the 100th Congress. The members of the committee, including myself, have committed themselves to undertake this action. In fact, the Banking Committee has already commenced its review of the existing laws to determine whether they are still relevant and what changes, if any, need to be made in order to ensure the continued viability and safety and soundness of the system. These are complex issues and deserve this type of comprehensive review. The moratorium gives us the time, the information and the expertise to conduct the type of review to which the issue is entitled.

Mr. President, there are other meritorious provisions in this legislation. The bill provides much needed relief for consumers against banks who place unnecessarily long holds on deposited checks. It gives banks—and farmers—beset by problems in the agricultural sector of our economy time to work out troubled loans. It restores confidence in the Nation's Federal Deposit Insurance System by reaffirming the sense of the Congress that the full faith and credit of the United States protects depositors' funds in federally insured institutions.

This is a very good piece of legislation, Mr. President. It resolves the immediate problems facing the industry today. More importantly, it provides the framework to address the upcoming issues. I am proud to have been a participant in the committee, the Senate, and the conference which produced this final product.

Mr. GRASSLEY. Mr. President, the legislative process can certainly be long, some would say cumbersome. However, the framers of our Government intended that lawmaking would be a painful art, and evolution of developing ideas and vision.

Mr. President, H.R. 27, the Competitive Equality Banking Act of 1987 embodies this art. Our colleagues from Wisconsin and Utah, Mr. PROXMIRE and Mr. GARN, know all too well the pain that this art may entail. Their efforts, their vision, their dedication, are appreciated. It is no small task to acquire consensus among the divergent financial groups which have joined in support behind this bill. The bill in its entirety, while not perfect, represents progress in the financial services industries.

In particular, Mr. President, I would like to extend appreciation to Senator DIXON, who sponsored the amendment which became title VIII of this bill. Title VIII provides for 7-year amortization of farm loans in agricultural banks. I am very proud to have joined him, along with 10 other Senators, as a cosponsor of this section.

In Iowa many banks have been closed due to a troubled farm economy. Just last week another Iowa bank, the fifth this year, was closed due to problem agricultural loans. Regulators at FDIC predict that 200 banks nationally will fail before the close of

1987. This deferral period for farm loan losses will not only enable some rural communities to keep their banks open, it will also provide many lenders an incentive to keep productive farmers in business by writing down their debt to manageable levels. This partial solution to the farm crisis will not cost Government a dime, but will provide the farm economy time and flexibility to adjust to a new economic environment.

In support of this provision, I wrote letters to the conferees to urge them to include it in the conference committee report. In further support of this provision, as well as in support of the emergency assistance to the Federal Savings and Loan Insurance Corporation, I have sent a letter to the President to urge him to sign H.R. 27 into law.

So in conclusion, Mr. President, I urge my colleagues to support this bill, as reported out of the conference committee. I believe that it represents a fair compromise among the financial services. Especially, it provides much needed assistance to rural banks.

Mr. GORE. Mr. President, I rise today in support of the conference agreement for the Competitive Equality Banking Act of 1987. This legislation is vital to restore public trust in the stability of our savings and loan institutions.

Title III of the conference report, the Federal Savings and Loan Insurance Corporation [FSLIC] recapitalization, has been accurately described as emergency legislation. This provision would provide $10.825 billion with an annual net borrowing limit of $3.75 billion to recapitalize the insolvent FSLIC. The Federal Savings and Loan Insurance Corporation was $6 billion in the red at the end of last year because of the large number of S&L failures. Furthermore, it is estimated that savings and loans are currently losing $6 million a day. The conference agreement also establishes a forbearance system to keep well-managed but troubled financial thrifts open. I believe that this legislation will prevent a disaster waiting to happen—a taxpayer bailout of the S&L industry—and restore public confidence in the thrift industry.

While emergency legislation may come and go, the most far-reaching effects of the Competitive Equality Banking Act of 1987 will be its long-awaited move toward congressional restructuring of the financial services industry. No longer will judges and regulators determine the rules in a rapidly changing, increasingly technological industry. As the distinction between banking and commerce continues to blur, the global scale of the industry pits U.S. financial institutions against largely unregulated foreign firms: Foreign institutions can get around many U.S. banking laws, yet U.S. firms are being shut out of the playing field overseas. Congress must act to allow U.S. financial institutions to retain their competitive edge.

I have urged Banking Committee members on a number of occasions to enact comprehensive reform of the financial services industry. I welcome my colleagues' pledge to act on this overall issue before the temporary provisions of the Competitive Equality Banking Act of 1987 expire. Even while Congress has been debating H.R. 27, the Banking Committees have been holding hearings concerning issues of the long-term restructuring of the financial services industry. I look forward to working with my colleagues on this critical issue of the long-term health of the financial services industry.

The conference agreement addresses several critical areas: The closing of the nonbank bank loophole except for those in operation on or before March 5, 1987; a moratorium on the ability of banks to sell securities, insurance, or real estate until March 1988; and permitting any financial or commercial concern to acquire an insolvent savings and loan association with assets of $500 million or more. This conference report has garnered widespread support on the whole—even though many groups strongly oppose specific provisions—because it sets the stage for expeditious congressional action on the vital issues of competition within the financial services industry.

Furthermore, the conference agreement contains a long-sought victory for consumers. The check hold provision will allow customers quicker access to their funds deposited in financial institutions. For checks within the same general area, consumers will soon be able to have access to their funds the day following deposit. For checks that were drawn outside the area, a longer waiting period would be required. This provision will put an end to extraordinary delays in the processing of checks by some financial institutions.

I would like to commend my colleagues on the Banking Committees for their hard work in crafting this compromise. I hope that the Senate will pass this measure expeditiously, and the President will sign it into law.

Mr. SASSER. Mr. President, as a member of the Banking Committee I rise in support of the conference report on the Competitive Equality Banking Act of 1987. This bill is the product of several months of intensive work by the members of the Senate and House Banking Committees. It is vitally important legislation.

The bill recapitalizes the Federal Savings and Loan Insurance Corporation, and provides a badly needed infusion of funds to shore up the thrift industry. Although I am concerned that the bill may now provide too much money, too quickly, to an agency that does not yet have a track record of efficient management, I cannot overlook the fact that this action is desperately necessary. The bill and the recapitalization program will restore confidence in the deposit insurance system and thereby avert a potential financial crisis of unprecedented proportions.

The bill also closes the nonbank bank loophole once and for all. By doing so, it stops the entry of unregulated, diversified companies into the banking business. Nonbank banks, creatures of loophole lawyers, had raised regulatory havoc and engendered extensive litigation.

The bill makes a number of advances in consumer protection. Most importantly, it helps the American consumer by providing for a system of expedited check clearing. No longer will financial institutions be able to deny a person access to his money by placing lengthy holds on checks. In addition, in another area where consumers have had problems, the bill places caps on all adjustable rate mortgages and home equity loans.

Lastly, Mr. President, the bill's temporary moratorium on certain regulatory actions by the Federal banking agencies sets the stage for a comprehensive review, by the Banking Committee, of proposals to restructure the financial services industry and of the question of expanded products and services for commercial banks.

Mr. President, most of all, this legislation is a tribute to the tireless efforts and courageous leadership, of my friend and colleague, Senator PROXMIRE. As chairman of the Banking Committee, he guided this bill through an obstacle course of special interests and legislative logjams. Indeed, back in January, when he started this process, most people said it could not be done. They said too much time had passed since the last banking bill and the marketplace had changed too much. According to this view, we either had to do a narrow clean FSLIC bill or we needed to undertake a massive rewriting of the Nation's banking laws.

Chairman PROXMIRE held his ground. He advanced a moderate proposal, and modified it in the Banking Committee in order to form a consensus. He molded this legislative package along the policy lines that he has upheld throughout his long and illustrious career. The Banking Committee accepted it and, I might add, it has changed very little since it was reported by the committee March 10.

This bill puts the safety and soundness of our Nation's depositors foremost. The interests of consumers and competitive equity in the banking industry are protected by a scheme of fair and evenhanded regulation. It helps ensure that future national

banking policy will be made by Congress, by setting forth a framework for comprehensive legislation. But it calls a halt to disquieting trends that had been fostered by loophole lawyers and uncontrollable market forces.

In sum, Mr. President, this bill puts us back on the right track. Again, I congratulate Senator PROXMIRE for his leadership and achievement. I yield the floor.

FSLIC EXIT FEES UNDER H.R. 27, THE COMPETITIVE EQUALITY BANKING ACT OF 1987

Mr. RUDMAN. I would like to take this opportunity to clarify the application of exit fee exemptions under H.R. 27. As I understand it, H.R. 27 requires the financing corporation to assess an exit fee on any insured institution which ceases to be an institution insured by the FSLIC. However, section 21(f)(4)(F) of the measure provides exemptions for institutions which have taken certain steps prior to March 31, 1987. Specifically, section 21(f)(4)(F)(iii) of the bill provides an exemption for institutions which "entered into a letter of intent or a written memorandum of understanding, pursuant to a transaction which will result in the termination of the institution's status as an insured institution in connection with its conversion into, merger with, acquisition by consolidation with, reorganization into, or combination by any means with, an institution the deposits of which are insured by the Federal Deposit Insurance Corporation."

Mr. PROXMIRE. That is correct.

Mr. HUMPHREY. If a savings and loan institution signed a letter of intent with a bank providing for the merger of the two institutions on March 19, 1987, then filed an application with the Federal Deposit Insurance Corporation [FDIC] for insurance of accounts in connection with the proposed merger transaction on April 23, 1987, would this institution qualify for the exemption under section 21(f)(4)(F)(iii), notwithstanding the fact that the proposed merger subsequently fell through in June 1987, if this institution pursues FDIC insurance by modifying its FDIC application?

Mr. PROXMIRE. Yes, it would qualify since the letter of intent was entered into on March 19, 1987, before the March 31 grandfather date, and as part of the process initiated by that letter the institution will change its insurance status to FDIC-insured. Thus grandfather status attaches despite the fact that the original merger transaction was not consumated as announced in June 1987, since the April 23 application to change insurance stems from the March 19 date. But this only applies since the April 23 application to the FDIC, under which the conversion will occur, was filed before the date of enactment of this bill. Thus if conversion does not proceed under the April 23 application—as may be modified with the approval of the FDIC—the institution will lose its grandfather rights.

If the institution retains its grandfather rights, it may proceed with its application notwithstanding the 1 year prohibition on termination of FSLIC insurance under section 306(h).

Mr. RUDMAN. I would inquire of the ranking manager of the bill if this is also his interpretation of this matter.

Mr. GARN. Yes, I agree with the assessment just given by the distinguished chairman, Mr. PROXMIRE.

Mr. RUDMAN. I thank the chairman and the ranking manager.

Mr. HUMPHREY. I too wish to thank the chairman and ranking manager for their assistance in this matter.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I have no other requests for speaking on my side of the aisle, and I am willing to yield back my time.

Mr. PROXMIRE. Mr. President, we have no request on this side, and I yield back my time.

As I understand, the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having now been yielded back, the question occurs on the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—96

Adams	D'Amato	Harkin
Baucus	Danforth	Hatch
Bentsen	Daschle	Hatfield
Biden	DeConcini	Hecht
Bingaman	Dixon	Heflin
Bond	Dodd	Heinz
Boren	Dole	Helms
Boschwitz	Domenici	Hollings
Bradley	Durenberger	Humphrey
Breaux	Evans	Johnston
Bumpers	Exon	Karnes
Burdick	Ford	Kassebaum
Byrd	Fowler	Kasten
Chafee	Garn	Kennedy
Chiles	Glenn	Kerry
Cochran	Gore	Lautenberg
Cohen	Graham	Leahy
Conrad	Gramm	Levin
Cranston	Grassley	Lugar
Matsunaga	Pell	Shelby
McCain	Pressler	Simpson
McClure	Proxmire	Specter
McConnell	Pryor	Stafford
Melcher	Quayle	Stennis
Metzenbaum	Reid	Stevens
Mikulski	Riegle	Symms
Mitchell	Rockefeller	Thurmond
Moynihan	Roth	Trible
Murkowski	Rudman	Warner
Nickles	Sanford	Weicker
Nunn	Sarbanes	Wilson
Packwood	Sasser	Wirth

NAYS—2

Armstrong Wallop

NOT VOTING—2

Inouye Simon

So the conference report was agreed to.

Mr. GARN. I move to reconsider the vote by which the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

MEDICARE CATASTROPHIC ILLNESS

Mr. BYRD. Mr. President, we still have some good working hours left in the day. I would like to inquire of the distinguished Republican leader if we might go to the bill, S. 1127, a bill to provide for Medicare catastrophic illness coverage. I think we have time in the remainder of this week to complete action on this measure if we can get started on it. It is important, not only to the poor and the elderly, but to our other citizens as well.

Mr. President, may we have order in the Senate?

Mr. President, the distinguished Republican leader has been making a very conscientious effort to have this bill cleared on his side. I know that he has been doing that.

There have been some problems there. There are no holds on this side and there have not been any. There is no objection to proceeding with this measure on this side. There were no objections yesterday.

I would like to inquire of the distinguished Republican leader as to what success he may have had on his side in getting this measure cleared for action.

Mr. President, I would like to have order in the Senate.

The PRESIDING OFFICER. Before proceeding——

Mr. BYRD. If the Sergeant at Arms can help us?

The PRESIDING OFFICER. The Chair would request that Senators wishing to converse retire to the cloakroom.

The minority leader is recognized.

Mr. DOLE. Let me indicate to the majority leader that the distinguished Senator from Minnesota, Senator DURENBERGER, is in process of contacting each of the Senators who have holds on the catastrophic coverage bill. He has had some success. I thought I might catch him on the floor. I will have to check to make that determination, but I do know for the moment at least, I would have to object on behalf of another. I have no objection.

This matter was raised this morning at the White House with the President. The President indicated he does support catastrophic coverage. He did recommend legislation. He is concerned about the cost of the House-passed bill and the cost of what he believes are some features of the Senate bill, but, obviously, the administration has nothing to do with when we bring it up. So I will get back to the majority leader.

I do believe there is at least, if not time to finish this bill, there will be time to do a lot of discussions and have a lot of good debate on the bill before we leave here on Friday.

Mr. BYRD. Mr. President, I believe we have time to complete action on this bill before we go out for the August break. I have a responsibility to do everything I can to try to get the measure up.

I am sure that if we can get the measure up that those who have problems, I think, will be under great pressure to try to work together to resolve those problems, and I thank the Republican leader for his efforts. I know that, if he has someone on his side—and I am confident that he does, I have no doubt about that—he is not at liberty to give consent to call it up, but I feel that I have to make the effort. I hope that, if it is objected to, by the Republican leader on behalf of another Senator, that efforts will continue to clear it and, having said that, I ask unanimous consent that the Senate proceed to consideration of S. 1127.

The chairman of the Finance Committee, Mr. BENTSEN, is on the floor right now.

He made a good case for proceeding with this measure on yesterday.

Mr. President, before I put the request formally, I yield to the distinguished chairman of the committee, Senator BENTSEN, for any comments he may have.

Mr. BENTSEN. Mr. Leader, we have had a great deal of time to study this measure and to prepare for debate on it. We have had the committee report printed. In turn, I instruct all staff to handle with priority any call from any Member pertaining to this legislation. We are prepared to go forward with it.

Mr. President, this is a bill that came out of committee by a unanimous vote, 20 to 0, with bipartisan support, very strong support.

Mr. President, the longer we wait means that those who are the least able to afford those kinds of financial sacrifice will be faced with a choice of deciding between food and medical care. It means that we are going to have more and more families who will be financially destitute as they try to take care of catastrophic illnesses.

Mr. President, this is something that was in the President's State of the Union Address as part of his agenda. This further undermines that.

We have no holds on our side. I strongly urge anyone who has a hold on this legislation to give consideration to the fact that they will be out in their State for 30 days and they will have all the interest groups on both sides trying to put pressure on them. I think we ought to address it now and get it done. It is clearly needed and it is good legislation.

Frankly, to those who think if they wait they will have less to contend with, I think they are seriously wrong. I see all the staff diligently pouring over that particular piece of legislation, trying to add further amendments to it. Most of those amendments will cost more money. We are already facing serious problems on the budget and we are trying to settle that.

Mr. President, I would urge that we move ahead with this matter. I think the most contentious issue will be the question on prescription drugs. In turn, I suppose in part there will be the compensation or paying for the catastrophic illness. But those are things that we should be able to reach agreement on without too much debate.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1127, a bill to provide for catatrophic illness coverage, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I will object on behalf of other Senators on this side. Again I would pledge to the majority and the distinguished chairman that we are trying to help in moving this along. I do not have any quarrel with doing that. The distinguished ranking Republican, Senator PACKWOOD, is here. And I am advised that Senator DURENBERGER is in the middle of a meeting and as soon as he completed that he will get back to the distinguished majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I thank the distinguished Republican leader.

VETERANS' EMPLOYMENT AND TRAINING AMENDMENTS

Mr. BYRD. Mr. President, I understand this is a request which has been cleared on the other side of the aisle.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 999, Calendar Order 262.

The PRESIDING OFFICER. The clerk will report.

The legislation clerk read as follows:

A bill (S. 999) to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job training services and programs.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Employment, Training, and Counseling 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 a 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.

SEC. 2. ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) Section 2002A is amended—

(1) by inserting "(a)" before "There"; and

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

"(b) The Secretary shall—

"(1) carry out all provisions of this chapter through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of disabled veterans, veterans of the Vietnam era, and all other eligible veterans and eligible persons;

"(2) in order to make maximum use of available resources, encourage all such programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions;

"(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Administrator with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 612A of this title, apprenticeship or other on-job training programs carried out under section 1787 of this title, and rehabilitation and training activities carried out under chapter 31 of this title, and (B) the Veterans' Job Training Act (Public Law 98-77, 29 U.S.C. 1721 note);

"(4) ensure that job placement activities are carried out in coordination and cooperation with appropriate State public employment service officials;

"(5) subject to subsection (c)(2) of this section, make available for use in each State, directly or by grant or contract, such funds as may be necessary (A) to support (i) disabled veterans' outreach program specialists appointed under paragraph (1) of section 2003A(a) of this title, and (ii) local veterans' employment representatives assigned under section 2004(b) of this title, and (B) to support the reasonable expenses of such specialists and representatives for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Service Institute established under section 2010A of this title;

"(6) monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under this paragraph (5) of this subsection; and

"(7) monitor the appointment of disabled veterans' outreach specialists and the assignment of local veterans' employment representatives in order to ensure compliance with the provisions of section 2003A(a)(1) and 2004(a)(4), respectively.

"(c)(1) The distribution and use of funds under subsection (b)(5) of this section in order to carry out sections 2003A(a) and 2004(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 2003A or 2004 of this title.

"(2) In determining the terms and conditions of a grant or contract under which funds are made available in a State under subsection (b)(5) of this section in order to carry out section 2003A(a) or 2004 (a) and (b) of this title, the Secretary shall take into account (A) the evaluations, carried out pursuant to section 2003(c)(13) of this title, of the performance of local employment offices in the State, and (B) the results of the monitoring, carried out pursuant to paragraph (1) of this subsection, of the use of funds under subsection (b)(5) of this section.

"(d) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Director for Veterans' Employment and Training.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 2003A is amended—

(A) in subsection (a)—

(i) by striking out paragraphs (1), (3), and (5) and redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively;

(ii) in paragraph (1) (as so redesignated)—

(I) by amending the first sentence to read as follows: "The amount of funds made available for use in a State under section 2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State";

(II) in the third, fourth, and fifth sentences, by inserting "qualified" before "disabled" each place it appears; and

(III) in the fifth sentence, by inserting "qualified" after "any"; and

(iii) in paragraph (2) (as so redesignated), by striking our "paragraph (2) of"; and

(B) by striking out subsection (d).

(2) Section 2006 is amended—

(A) in subsection (a), by striking out the last sentence; and

(B) in subsection (d), by striking out "of Labor, upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment,".

(3)(A) Section 2009 is repealed.

(B) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 2009.

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—(1) Section 2004 is amended to read as follows:

"§ 2004. Local veterans' employment representatives

"(a)(1) The total of the amount of funds made available for use in the States under section 2002A(b)(5)(A)(ii) of this title shall be sufficient to support the assignment of 1,600 full-time local veterans' employment representatives and the States' administrative expenses associated with the assignment of that number of such representatives and shall be allocated to the several States so that each State receives funding sufficient to support—

"(A) the number of such representatives who were assigned in such State on January 1, 1987, plus one additional such representative;

"(B) the percentage of the 1,600 such representatives for which funding is not provided under clause (A) of this paragraph which is equal to the average of (i) the percentage of all veterans residing in the United States who reside in such State, (ii) the percentage of the total of all eligible veterans and eligible persons registered for assistance with local employment offices in the United States who are registered for assistance with local employment offices in such State, and (iii) the percentage of all full-service local employment offices in the United States which are located in such State; and

"(C) the State's administrative expenses associated with the assignment of the number of such representatives for which funding is allocated to the State under clauses (A) and (B) of this paragraph.

"(2)(A) The local veterans' employment representatives allocated to a State pursuant to paragraph (1) of this subsection shall be assigned by the administrative head of the employment service in the State, with the concurrence of the State Director for Veterans' Employment and Training, so that as nearly as practical (i) one full-time such representative is assigned to each local employment office at which a total of at least 1,100 eligible veterans and eligible persons is registered for assistance, (ii) one additional full-time such representative is assigned to each such local employment office for each 1,500 such individuals above 1,100 such individuals who are so registered at such office, and (ii) one half-time such representative is assigned to each local employment office at which at least 350 but less than 1,100 such individuals are so registered.

"(B) In the case of a local employment office at which less than 350 such individuals are so registered, the head of such office (or the designee of the head of such office) shall be responsible for ensuring compliance with the provisions of this title providing for priority services for veterans and priority referral of veterans to Federal contractors.

"(3) For the purposes of this subsection, an individual shall be considered to be registered for assistance with a local employment office during a program year if the individual—

"(A) registered, or renewed such individual's registration, for assistance with the office during that program year; or

"(B) so registered or renewed such individual's registration during a previous program year and, in accordance with regulations which the Secretary shall prescribe, is counted as still being registered for administrative purposes.

"(4) Each local veterans' employment representative shall be a veteran. Preference shall be given in the assignment of such representatives to qualified disabled veterans. If the Secretary finds that no qualified disabled veteran is available for any such assignment, such assignment may be given to a qualified veteran who is not a disabled veteran.

"(b) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State.

"(c)(1) The services provided by local veterans' employment representatives shall be subject to the functional supervision specified in section 2003(c)(1)(A) of this title.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, the work of local veterans' employment representatives shall be fully devoted to discharging at the local level the duties and functions specified in section 2003 (c)(1)(B) and (c) (2) through (12) of this title.

"(B) The duties of local veterans' employment representatives shall include providing, or facilitating the provision of, counseling services to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note), are certified as eligible for participation under such Act.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives.".

(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by striking out "to fund the disabled veterans' outreach program under section 2003A" and inserting in lieu thereof "in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans' Employment and Training Service Institute under section 2010A"; and

(B) by striking out "such section" and inserting in lieu thereof "such sections"; and

(2) by amending the sixth sentence to read as follows: "Each budget submission with respect to such funds shall include separate listings of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 2003A(a)(1) of this title and local veterans' employment representatives assigned under section 2004(b) of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

(c) REPORTING REQUIREMENTS.—Subsection (c) of section 2007 is amended to read as follows:

"(c) Not later than February 1 of each year, the Secretary shall report annually to the appropriate committees of the Congress on the success during the preceding fiscal year of the Department of Labor and its affiliated State employment service agencies

in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of veterans. The report shall include—

"(1) specification, by State, of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each such categories, the numbers referred to and placed in jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service;

"(2) any determination made by the Secretary during the preceding fiscal year under section 2006 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

"(3) a report on activities carried out during the preceding fiscal year under sections 2003A and 2004 of this title; and

"(4) a report on the operation during the preceding fiscal year of programs for the provision of employment and training services designed to meet the needs of veterans, including an evaluation of the effectiveness of such programs during such fiscal year in meeting the requirements of section 2002A(b) of this title, the efficiency with which services were provided under such programs during such year, and such recommendations for further legislative action (including the need for any changes in the formulas governing the appointment of disabled veterans' outreach program specialists under section 2003A(a)(2) of this title and the assignment of local veterans' employment representatives under section 2004(b) of this title and the allocation of funds for the support of such specialists and representatives) relating to veterans' employment as the Secretary considers appropriate.".

SEC. 4. PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—Chapter 41 is amended by inserting after section 2004 the following new section:

"§ 2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) After consultation with State employment agencies or their representatives, or both, the Secretary shall prescribe, and provide for the implementation and application of, standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A(a) of this title and local veterans' employment representatives assigned under section 2004(b) of this title and shall monitor the activities of such specialists and representatives.

"(2) Such standards shall be designed to provide for—

"(A) in the case of such specialists, the effective performance at the local level of the duties and functions of such specialists specified in section 2003A (b) and (c) of this title,

"(B) in the case of such representatives, the effective implementation at the local level of the duties and functions specified in paragraphs (1)(B) and (2) through (12) of section 2003(c) of this title, and

"(C) the monitoring and rating activities prescribed by subsection (b) of this section.

"(3) Such standards shall include as one of the measures of the performance of such a specialist the extent to which the specialist, in serving as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note), facilitates rates of successful completion of training by veterans participating in programs of job training under that Act.

"(4) In entering into an agreement with a State for the provision of funding under section 2002A(b)(5) of this title, the Assistant Secretary of Labor for Veterans' Employment and Training personally may make exceptions to such standards to take into account local conditions and circumstances, including the employment, counseling, and training needs of the eligible veterans and eligible persons served by the office or offices to which the exception would apply.

"(b)(1) State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training shall regularly monitor the performance of the specialists and representatives referred to in subsection (a)(1) of this section through the application of the standards required to be prescribed by such subsection (a)(1).

"(2) A State Director for Veterans' Employment and Training, or a designee of such Director, shall submit to the head of the employment service in the State recommendations and comments in connection with each annual performance rating of a disabled veterans' outreach program specialist or local veterans' employment representative in the State.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following:

"2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.".

SEC. 5. WAIVER OF RESIDENCY REQUIREMENT FOR CERTAIN STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 2003(b)(1) is amended—

(1) by inserting "(A)" after "(1)";

(2) by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting in clause (i), as redesignated by clause (2), ", except as provided in subparagraph (B) of this paragraph," after "shall"; and

(4) by adding at the end the following new subparagraph:

"(B) The Secretary, where the Secretary determines that it is necessary to consider for appointment as a State Director for Veterans' Employment and Training an eligible veteran who is an Assistant State Director for Veterans' Employment and Training and has served in that capacity for at least 2 years, may waive the requirement in subparagraph (A)(i) of this paragraph that an eligible veteran be a bona fide resident of a State for at least 2 years in order to be eligible to be assigned as a State Director for Veterans' Employment and Training. In the event of such a waiver, preference shall be given to a veteran who meets such residency requirement and is equally as qualified for the position of State Director as such Assistant State Director.".

SEC. 6. SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS.

(a) BETWEEN THE DEPARTMENTS OF DEFENSE AND LABOR.—Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

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

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide to the Secretary and to the Administrator (1) not more than 30 days after the date of the enactment of this subsection, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve, and (2) thereafter, on the fifteenth day of each month, updated information regarding the list.".

(b) BETWEEN THE VETERANS' ADMINISTRATION AND THE DEPARTMENT OF LABOR.—(1) Section 2008 is amended—

(A) by inserting "(a)" before "In"; and

(B) by adding at the end the following new subsection:

"(b) The Administrator shall require each regional office of the Veterans' Administration to provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the area served by such regional office that offers a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).".

(2)(A) The heading of section 2008 is amended to read as follows:

"§ 2008. Cooperation and coordination".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2008. Cooperation and coordination.".

SEC. 7. RESPONSIBILITIES OF PERSONNEL.

(a) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1)—

(A) by inserting "(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)" after "(1)"; and

(B) by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs";

(2) in clause (2), by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities";

(3) in clause (11), by striking out "and" at the end;

(4) in clause (12), by striking out the period and inserting in lieu thereof "; and"; and

(5) by adding at the end the following new clause:

"(13) not less frequently than annually, conduct an evaluation at each local employment office of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate.".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4), by inserting "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))" after "programs";

(2) in clause (6), by inserting "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clauses:

"(9) Provision of counseling services to veterans with respect to veterans' selection

of and changes in vocations and veterans' vocational adjustment.

"(10) Provision of services as a case manager under section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).".

SEC. 8. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010A. National Veterans' Employment and Training Service Institute

"In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, the Secretary shall establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Service Institute for the training of disabled veterans' outreach program specialists, local veterans' employment representatives, State Directors for Veterans' Employment and Training, and Assistant State Directors for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is further amended by adding at the end the following new item:

"2010A. National Veterans' Employment and Training Service Institute.".

SEC. 9. STUDY OF UNEMPLOYMENT AMONG CERTAIN DISABLED VETERANS AND VIETNAM THEATER VETERANS.

(a) IN GENERAL.—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010B. Special unemployment study

"(a) The Secretary, through the Bureau of Labor Statistics, shall conduct, on a biennial basis, studies of unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era and promptly report to the Congress on the results of such studies.

"(b) The first study under this section shall be completed not later than July 1, 1988.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"2010B. Special unemployment study.".

SEC. 10. SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT.

Clause (1) of section 2010(b) is amended—

(1) by redesignating subclauses (D), (E), and (F) as subclauses (E), (F), and (G), respectively;

(2) by inserting after subclause (C) a subclause, as follows:

"(D) the Secretary of Education;"

(3) by striking out "and" at the end of subclause (F) (as so redesignated);

(4) by adding at the end the following new subclause:

"(H) the Postmaster General; and".

SEC. 11. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) EXPANSION OF ELIGIBILITY.—(1) Paragraph (1) of section 5(a) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) is amended to read as follows:

"(1) To be eligible for participation in a job training program under this Act, a veteran must—

"(A) be unemployed at the time of applying for participation in a program under this Act;

"(B)(i) have been unemployed for at least 10 of the 15 weeks immediately preceding the date of such veteran's application for participation in a program under this Act; or

"(ii)(I) have been terminated or laid off from employment as the result of a plant closing or major reduction in the number of persons employed by the veteran's prior employer, and (II) have no realistic opportunity to return to employment in the same or similar occupation in the geographical area where the veteran previously held employment; and

"(C)(i) have served in the active military, naval, or air service for a period of more than 180 days; or

"(ii)(I) have been discharged or released from the active military, naval, or air service for a service-connected disability; or (II) be entitled to compensation (or but for the receipt of retirement pay be entitled to compensation).".

(2) Section 3(3) of such Act is amended—

(A) by striking out "'Korean conflict'" and "(9)"; and

(B) by striking out "'State', and 'Vietnam era'," and "(24), and (29)" and inserting in lieu thereof "and 'State'" and "and (24)", respectively.

(b) COUNSELING.—(1) Section 14 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) The Administrator and the Secretary shall jointly provide for—

"(A) a program under which, except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 2003A(a) of title 38, United States Code, is assigned as a case manager for each veteran participating in a program of job training under this Act, the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this Act, and periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program;

"(B) a program of counseling services (to be provided pursuant to subchapter IV of chapter 3 of such title and sections 612A, 2003A, and 2204 of such title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(C) a program of information services under which (i) each veteran who enters into a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (I) under subparagraphs (A) and (B), (II) through Veterans' Administration counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of such title) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (III) through other appropriate agencies in the community, and (ii) veterans and employers are encouraged to request such services whenever appropriate.

"(2) No case manager still be assigned pursuant to paragraph (1)(A) in the case of the employees of an employer if the Secretary determines that—

"(A) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this Act; or

"(B) the rate of veterans' successful completion of the employer's programs of job training under this Act, either cummulatively or during the previous program year, is 60 percent or higher.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Administrator with appropriate vocational counseling in light of the veteran's termination.".

(2) Section 7(d) of such Act is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) inserting after paragraph (11) the following new paragraph:

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 14(b)(1)(A) during the veteran's normal workday.".

(c) DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN PROGRAMS OF EMPLOYERS WITH UNSATISFACTORY COMPLETION RATES.—Section 11 of such Act is amended—

(1) by inserting "(a)" after "SEC. 11."; and

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

"(b)(1) If the Secretary, after consultation with the Administrator and in accordance with regulations which the Administrator and the Secretary shall jointly prescribe to carry out this subsection, determines that the rates of veterans' successful completion of an employer's programs of job training previously approved by the Administrator for the purposes of this Act is disproportionately low, the Administrator shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval.

"(2)(A) A disapproval under paragraph (1) shall remain in effect until such time as the Administrator determines that adequate remedial action has been taken. In determining whether the remedial actions taken by the employer are adequate to ensure future avoidance of a disproportionately low rate of successful completion, the Administrator may, except in the case of an employer which the Secretary determines meets the criteria specified in clause (A) or (B) of section 14(b)(2), consider the likely effects of such actions in combination with the likely effects of using the payment formula described in subparagraph (B) of this paragraph. If the Administrator finds that the combined effects of such actions and such use are adequate to ensure future avoidance of such a rate, the Administrator may revoke the disapproval with the revocation conditioned upon such use for a period of time that the Administrator considers appropriate under the circumstances.

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"(B) The payment formula referred to in subparagraph (A) is a formula under which, subject to sections 5(c) and 8(a)(2), the amount paid to the employer on behalf of a veteran shall be—

"(i) in the case of a program of job training of 4 or more months duration—

"(I) for the first 4 months of such program, 30 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during such months;

"(II) for any period after the first 4 months, 50 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during that period; and

"(III) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for such first 4 months pursuant to subclause (I) if the percentage specified in subclause (I) were 50 percent rather than 30 percent; and

"(ii) in the case of a program of job training of less than 4 months duration—

"(I) for the months prior to the final scheduled month of the program, 30 percent of the product of the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during the months prior to such final scheduled month;

"(II) for the final scheduled month of the program, 50 percent of the product of the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay) and the number of hours worked by the veteran during that month; and

"(III) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for the months prior to the final scheduled month of the program pursuant to subclause (I) if the percentage specified in subclause (I) were 50 percent rather than 30 percent.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of such Act is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated)—

(A) by inserting after the first sentence the following new sentence: "There is also authorized to be appropriated, in addition to the appropriations authorized by the preceding sentence, $60,000,000 for each of the fiscal years 1988 and 1989 for the purpose of making payments to employers under this Act."; and

(B) in the final sentence, by striking out "1989" and inserting in lieu thereof "1991"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 8 on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Administrator for obligation for such purpose. The further obligation of such funds by the Administrator for such purpose shall not be required, directly or indirectly, to be delayed in any manner by any officer or employee in the executive branch.".

(e) DEADLINES FOR VETERANS' APPLICATIONS AND ENTRY INTO TRAINING.—Section 17 of such Act is amended to read as follows:

"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 June 30, 1989; or

"(2) for any such program which begins after December 31, 1989.".

(f) CONFORMING AMENDMENT.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(g) DATA ON PARTICIPATION.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on a not less frequent than quarterly basis, collect from the heads of State employment services and State Directors for Veterans' Employment and Training information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, who are referred to employers participating under this Act, who participate in programs of job training under this Act, and who complete such programs, and the reasons for veterans' noncompletion.".

SEC. 12. REVISIONS OF NOMENCLATURE.

(a) SECRETARY OF LABOR.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(7) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003 (a) and (b)(2), 2005(a) (as redesignated by the amendment made by section 6(a)(1)), 2006(a), 2007, 2008(a) (as redesignated by the amendment made by section 6(b)(1)), and 2010(b) are amended by striking out "Secretary of Labor" each place it appears except where preceded by "Assistant" and inserting in lieu thereof "Secretary".

(3) The first sentence of section 2010(b) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 2002A(b)(1) of this title, the".

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000(2), 2002, 2002A(a) (as redesignated by section 2(a)) and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2)(A) The heading of section 2002A is amended to read as follows:

"§ 2002A. Assistant Secretary of Labor for Veterans' Employment and Training; national programs".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training; national programs.".

(c) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2003 and 2003A(b)(2) are amended by inserting "and Training" after "State Directors for Veterans' Employment" and "Assistant State Director for Veterans' Employment" each place those terms appear.

(2)(A) The heading of section 2003 is amended to read as follows:

"§ 2003. State and Assistant State Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training.".

SEC. 13. EFFECTIVE DATE.

The provisions of and amendments made by this Act shall take effect on October 1, 1987.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be discharged from further consideration of the House companion bill, H.R. 1504, that the Senate proceed to the immediate consideration of H.R. 1504, that the Senate strike all after the enacting clause and substitute the language of S. 999, as amended.

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

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to urge all my colleagues to support passage of S. 999—the proposed Veterans' Employment, Training and Counseling Amendments of 1987—as unanimously reported from the Committee on Veterans' Affairs on July 28, which I introduced on April 9. I was delighted to be joined on April 9 in introducing S. 999, and on April 21 in introducing the revised version of it—Amendment No. 160—by Committee members MATSUNAGA and DECONCINI. Joining later as cosponsors were committee members MITCHELL, ROCKEFELLER, GRAHAM, and THURMOND and Senators KERRY, BURDICK, and SIMON.

The bill as reported, which I will refer to as the committee bill, incorporates the provisions of amendment No. 160 and many suggestions of the witnesses at our April 30 hearing, most of which was chaired most ably by Senator ROCKEFELLER. I am very grateful to Senator ROCKEFELLER for the excellent contribution he made to the committee's consideration of this legislation.

CHAPTER 41 AMENDMENTS: VETERANS' EMPLOYMENT AND TRAINING SERVICE

Basically, chapter 41 of title 38, United States Code, provides for veterans' job and job-training counseling and placement service programs, and employment service programs for eligible veterans and certain other eligible persons, and requires that the Assistant Secretary of Labor for Veterans'

Employment and Training [ASVET] provide these services through the Veterans' Employment and Training Service [VETS] within the Department of Labor. The VETS is required to provide a maximum of employment and training opportunities to veterans, with priority given to the needs of disabled veterans and veterans of the Vietnam era. The VETS works in close cooperation with and through individual State employment agencies in order to provide these services.

A further component of the Federal-State relationship in this regard is the provision of Federal funding for DVOP's and LVER's who provide job counseling, training, and placement services to veterans.

In fiscal year 1987, the Department of Labor is funding 1,894 DVOP's at a cost of $69,450,000 and 1,379 LVER's at a cost of $56,983,000. Although the DVOP's and LVER's are fully federally-funded, the persons serving in these positions are employed by the individual State employment agencies and for the most part are located in Job Service offices throughout each State. Current law requires that in each State at least 25 percent of the DVOP's be outstationed.

In addition, SDVET's and ASDVET's in each State are appointed by, report to, and are under the administrative direction of the ASVET. The SDVET's and ASDVET's serve as the representatives of the ASVET in each State in carrying out the ASVET's responsibility to ensure that State employment agencies, through their LVER's and DVOP's, are providing services to veterans in compliance with chapter 41 of title 38, United States Code.

At our Veterans' Affairs Committee's April 30 hearing, witness afer witness stressed that, during a period of severe fiscal restraint and exceptionally keen competition for limited Federal resources, it is imperative that the Federal dollars expended for veterans' employment and training services be stretched as far as possible. Dennis K. Rhoades, director of The American Legion's National Economic Commission, Ronald W. Drach, the Disabled American Veterans' national director of employment, Dr. Robert E. David, executive director of the South Carolina Employment Security Commission, and Ronald L. Sager, the 1983 Outstanding DVOP in the United States, all testified that the best way to accomplish this with respect to veterans' employment and training programs would be to build upon the Federal-State partnership by incorporating additional sound managerial principles into the current $126.4 million nationwide program of LVER's and DVOP's—managerial principles which would promote the approaches needed in order to meet veterans' persistent training and employment needs.

Against this background, the committee bill seeks to provide a comprehensive framework for the creation of a more stable, professional DVOP/LVER work force nationwide to furnish employment referral, counseling, job-training, and related services to eligible veterans.

VETERANS' JOB TRANING ACT AMENDMENTS

The Veterans' Job Training Act [VJTA] is designed to promote training and employment opportunities for long-term jobless Vietnam-era and Korean-conflict veterans through a program of cash incentives to employers to help them defray the costs of employing and providing training to such veterans. The VJTA Program was originally established in 1983 with the enactment of the Emergency Veterans' Job Training Act, Public Law 98-77 and was extended and amended in 1984, 1985, 1986. Our committee bill would amend VJTA to authorize VJTA appropriations of $60 million for each of fiscal years 1988 and 1989 and expand the eligiblity to include veterans of all periods of service and eliminate the length-of-unemployment criterion for certain veterans, and make a number of changes designed to enhance veteran-participants' rates of successful completion of VJTA training.

PURPOSE OF COMMITTEE BILL

Mr. President, the basic purpose of the committee bill, as reported, is to improve the provision of employment, counseling, job-training, and related services and opportunities for veterans through revisions of chapter 41 of title 38, United States Code, and the Veterans' Job Training Act.

The revisions to chapter 41 that we are proposing aim for a more effective, supportive, and accountable relationship between the Department of Labor's Assistant Secretary and the State and Assistant State Directors of Veterans' Employment and Training and the Disabled Veterans' Outreach Program specialists [DVOP's] and Local Veterans' Employment Representatives [LVER's] in the State employment agencies. Our legislation is designed to improve the management of veterans' employment and training programs—specifically with respect to the planning, organizing, staffing, administering, coordinating, budgeting, reporting, and evaluating of such programs by both Federal and State officials. Most importantly, our legislation is designed to enhance the effectiveness of employment and training services furnished to veterans by providing for greater accountability and professional development for our very valuable federally funded work force of 3,275 DVOP's and LVER's across the country.

We seek to build upon the Federal-State partnership for veterans' employment and training services by incorporating sound managerial principles to accomplish the following purposes, among others:

First, creation of a stable, professional work force of 1,600 LVER's nationwide to furnish employment and training services to veterans consistently and effectively without interruption due to the recently experienced annual budget hiatus.

Second, development of performance standards for DVOPs and LVER's by the Secretary of Labor, in consultation with State employment agencies.

Third, creation of a permanent National Veterans' Employment and Training Service Institute to train DVOP's, LVER's, State and Assistant State Directors of Veterans Employment and Training and other personnel in the provision of veterans' employment, job training, counseling, placement, and other services.

Fourth, implementation of annual evaluations of local employment offices by the State Directors along with recommendations for corrective action, as appropriate.

Fifth, authorization for the Secretary of Labor to provide for upward mobility of Assistant State Directors of Veterans' Employment and Training by waiving the 2-year State residency requirement to allow an Assistant State Director with 2 years' experience to be appointed as a State Director in a State in which he or she does not meet the residency requirement, with a preference required to be given any equally qualified veteran who meets the State residency requirement.

Sixth, codification of the requirement in section 653.214 of title 20 of the Code of Federal Regulations for State Directors functionally to supervise the provision of services to veterans by State employment agency personnel.

Seventh, require the State Directors and Assistant State directors of Veterans' Employment and Training to conduct not less frequently than annually evaluations of the services at local employment offices and make recommendations for corrective action as appropriate.

With respect to the Veterans' Job Training Act [VJTA], the committee bill would authorize appropriations of $60 million for VJTA for each of fiscal years 1988 and 1989 and expanding VJTA eligibility by repealing the requirement of service during the Korean conflict or Vietnam era and unemployment for 10 of the last 15 weeks for a veteran who is unemployed as a result of a plant closing or other major employment reduction.

This program has provided over 5,200 veterans with the opportunity to gain the skills and on-job experience needed to help them break away from sustained unemployment and build

more productive lives for themselves and their families.

At the same time, I feel it is vital that we come to grips with the all-too-high noncompletion rate, and our committee bill attempts to do this by adding extensive provisions to improve the counseling services available to VJTA participants and to create a case-manager approach under which DVOP's will be trained to track and assist veterans as they progress through their training programs.

COMMITTEE BILL AS REPORTED

A major purpose of the committee bill is to seek to make more efficient and effective the relationship between individual State employment agencies and the ASVET in order to improve employment and training services for veterans by provding for greater accountability and professional development for the federally funded work force of 3,273 DVOP's and LVER's across the country and stabilizing that number at approximately 3,500.

Specifically, with respect to the Veterans' Employment and Training Service, the committee bill would:

First, require that the Secretary of Labor's administration of veterans' employment, training, and related programs in all cases—unless provided to the contrary—be through the Assistant Secretary of Labor for Veterans' Employment and Training; and expand the requirement that the Secretary coordinate and consult with the Administrator of Veterans' Affairs with respect to the implementation of VJTA and all veterans' employment, job training, and related programs.

Second, require the Secretary to assign a Regional Director for Veterans' Employment and Training to each region in which there is a Department of Labor regional office.

Third, require the Secretary (a) to make available to the States funding sufficient for 1,600 LVER positions, and related reasonable administrative expenses nationwide; (b) to allocate to each State an amount of funds sufficient for the number of LVER's that it had on January 1, 1987, plus one additional LVER, and to allocate funding for the remaining LVER positions up to 1,600 pursuant to a formula based on first, the State's veteran population, second, the number of veterans registerd at local employment offices in the State, and third, the number of full-service employment offices in the State; and (c) to allocate to each State sufficient funding for the reasonable administrative expenses associated with the assignment of the LVER's for which it receives funding.

Fourth, provide that within each State the LVER's would be assigned to local employment offices so that, as nearly as practicable, each office with at least 1,100 registrants would have a full-time LVER and one additional full-time LVER for each 1,500 additional registrants; a half-time LVER would be assigned at an office with at least 350 but less than 1,100 registrants; and at an office with fewer than 350 registrants, the local office manager would be responsible for compliance with provisions in existing law requiring priority services for veterans and priroity referral of veterans to Federal contractors.

Fifth, require that the Department of Labor's annual budget include estimates of the funding necessary for the assignment of 1,600 LVER's and related administrative expenses and for the operation of the Veterans' Employment and Training Service Institute, and data demonstrating compliance with a requirement that the Secretary approve the submission only if the proposed funding level complies with the requirement for the funding to support 1,600 LVER's and certain expenses.

Sixth, require that persons assigned after October 1, 1987, as LVER's be veterans and that preference be accorded to qualified service-connected disabled veterans, and mandate the Secretary to monitor compliance with these requirements.

Seventh, redefine the responsibilities of LVER's so as to require that their work be fully devoted to certain employment, training, and related programs for veterans and that LVER's duties include providing, or facilitating the provision of, counseling services to veterans certified as eligible for participation under VJTA.

Eighth, require the Secretary, after consultation with State employment agencies or their representatives, to prescribe, and provide for the implementation and application of, standards for the performance of DVOP's and LVER's and to monitor their activities.

Ninth, allow the ASVET personally to make an exception to the nationally prescribed performance standards to take into account local conditions and circumstances.

Tenth, require State and assistant State directors for Veterans' Employment and Training [SDVET's and ASDVET's] regularly to monitor the performance of DVOP's and LVER's through the application of performance standards; require each SDVET or designee to submit to the head of the employment service in the State recommendations and comments in connection with the employment service's annual performance rating of a DVOP or LVER in the State.

Eleventh, authorize the ASVET, where the Assistant Secretary determines it necessary, to allow an ASDVET with 2 years of experience to be considered for appointment as an SDVET by waiving the current 2-year-State-residency requirement for appointment as an SDVET but require that preference be given any equally qualified veteran who meets the State-residency requirement.

Twelfth, require the Secretary of Defense to provide to the Secretary of Labor and the Administrator of Veterans' Affairs the list of employers participating in the National Committee for Employer Support of the Guard and Reserve; and require the Administrator to require Veterans' Administration regional offices to provide to appropriate employment offices the names and addresses of employers offering approved training programs under VJTA.

Thirteenth, require SDVET's and ASDVET's to supervise functionally the provision of services to eligible veterans and eligible persons by the State employment services and their personnel, certain other Federal or federally assisted programs, and State programs, and make SDVET's and ASDVET's functionally responsible for the supervision of the registration and placement of veterans under VJTA and responsible for, in addition to engaging in job development and advancement activities, otherwise promoting the employment of eligible veterans and eligible persons in addition to their responsibilities.

Fourteenth, require SDVET's and ASDVET's to conduct, not less frequently than annually, an evaluation of the services provided to eligible veterans and eligible persons at each local employment office and make recommendations for corrective action as appropriate.

Fifteenth, require the Secretary, in determining the terms and conditions of a grant or contract under which funds are made available to a State, to take into consideration the SDVET's and ASDVET's evaluations of the performance of local employment offices and the results of the Secretary's monitoring and supervision of the distribution and use of DVOP and LVER funding.

Sixteenth, require the Secretary to establish, and make available such funds as may be necessary to operate, a National Veterans' Employment and Training Service Institute [NVETSI] for the training of DVOP's, LVER's, SDVET's, ASDVET's, and such other personnel involved in the provision of employment, job training, counseling, placement, or related services to veterans as the Secretary considers appropriate.

Seventeenth, require the Secretary to conduct a study every 2 years on unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era.

Eighteenth, add representatives of the Postmaster General and the Secretary of Education to the Secretary's Committee on Veterans' Employment.

VETERANS' JOB TRAINING ACT AMENDMENTS

The Veterans' Job Training Act [VJTA] is designed to promote training and employment opportunities for long-term jobless Vietnam-era and Korean-conflict veterans through a program of cash incentives to employers to help them defray the costs of employing and providing training to such veterans. The VJTA Program was originally established in 1983 with the enactment of the Emergency Veterans' Job Training Act, Public Law 98-77, and was extended and amended in 1984, 1985, and 1986. I am delighted to have been the coauthor of the 1983 law and the Senate sponsor of the succeeding amendments and extensions. The committee bill contains provisions to amend the VJTA, which would:

First, expand VJTA eligibility (a) eliminate the requirement for service during the Korean conflict or Vietnam era, and (b) to eliminate the requirement of unemployment for at least 10 of the 15 weeks immediately preceding the date of application for a veteran who is unemployed as the result of a plant closing or other major employment reduction and who has no realistic opportunity to return to employment in the same or similar occupation in the same geographic area.

Second, generally require the Secretary and Administrator to provide for case-managers for VJTA trainees by assigning DVOP's as case managers for VJTA trainees and requiring them to conduct a personal interview with each VJTA trainee within 60 days after the initiation of training—employers would be required to agree to provide their VJTA trainees with adequate opportunity during work time to participate—and to make appropriate contact with the trainee not less than monthly thereafter. The purpose of case management would be to avoid unnecessary termination of employment, to make referrals to appropriate counseling, to facilitate successful completion of training, and to follow-up to determine the outcome of the veteran's participation in VJTA. Case managers would not be assigned for trainees placed with an employer which the Secretary determines has an appropriate and effective employee assistance program available to its VJTA trainees, or where the rate of veterans' successful completion of an employer's VJTA programs is 60 percent or higher, either cumulatively or during the previous program year.

Third, require appropriate VA counseling before the Administrator may issue a new or renewed VJTA certificate of eligibility to a veteran who failed to complete a VJTA job training program.

Fourth, require the Administrator and Secretary to expand counseling and information services for VJTA trainees; and require the Administrator, upon the Secretary's determination that an employer has a disproportionately low VJTA completion rate, to disapprove new enrollments of veterans in the employer's VJTA programs until the Administrator determines that successful remedial action has been taken; and authorize the Administrator to condition the reinstatement of approval on the use of a modified payment formula under which payments to the employer for the initial months—up to the first 4—would be reduced from 50 percent to 30 percent of the veteran's starting wage and the amount so withheld would be paid to the employer upon the veteran's completion of the job training program.

Fifth, authorize an appropriation of $60 million for each of fiscal years 1988 and 1989 for VJTA, and extend the deadlines for eligible veterans to apply for, and to enter into, VJTA training by approximately 1½ years.

Sixth, require the Secretary to collect, at least quarterly, data from the States with respect to the numbers of veterans who receive counseling services in connection with VJTA training, are referred to VJTA employers, participate in job training under VJTA, and complete such training and data with respect to the reasons for noncompletions.

Seventh, require that, when VJTA funds which have been obligated in connection with a veteran's entry into a VJTA job training program are deobligated because the veteran leaves the training program before it is completed, the deobligated funds would automatically become available to the VA for reobligation for payments under VJTA.

DESCRIPTION OF PROVISIONS IN THE COMMITTEE BILL

Mr. President, there are 10 substantive sections in our comprehensive committee bill, and, due to the depth and breadth of the scope of this bill, I think it important that I describe in some detail what the bill will do if enacted.

ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAM

Section 2 of the committee bill would first, consolidate in section 2002A of title 38 various provisions of chapter 41 relating to the responsibilities of the Secretary of Labor and Assistant Secretary of Labor for Veterans' Employment and Training [ASVET]; and second, expressly require that, except as otherwise specifically provided, the Secretary must administer through the ASVET all veterans' employment and training programs under the Secretary's jurisdiction and all of the provisions of chapter 41.

The existing requirement—in section 2009(a)(3)—for the Secretary to ensure maximum effectiveness and efficiency in providing services and assistance to eligible veterans by coordinating and consulting with the Administrator with respect to various programs administered by the VA would be recodified in section 2002A and expanded to encompass VJTA. The committee notes that such coordination between the Secretary and the Administrator is essential to the success of the VJTA given that currently the VA is responsible generally for: First, determining veteran eligibility for the program; second, approving participating employers' programs of job training; third, making payments to employers; and fourth, conducting compliance surveys of employers.

The Department of Labor [DOL] is generally responsible for: First, counseling; second, coordination with business and industry; and third, promoting the development of employment and job training opportunities for veterans through employers. Both the VA and the DOL are responsible for conducting an outreach and information program to inform veterans about the employment and training opportunities under VJTA.

Current-law provisions—in section 2003A of title 38—requiring funds to be made available for the salaries and expenses of DVOP's would be recodified in section 2002A and combined with similar, new provisions requiring funds to be made available for the salaries and expenses of LVER's in accordance with the proposed funding formula for LVER support set forth in the amendment proposed in section 3 of the committee bill. A requirement for the provision of funding for DVOP's and LVER's attendance at the National Veterans' Employment and Training Institute would also be made explicit in section 2002A.

The existing provisions—in section 2003A(a)—requiring the Secretary—in effect the ASVET by virtue of the requirement in present section 2009(a)(1) for the Secretary to act through the ASVET—to monitor and supervise the distribution and use of DVOP funding and providing that the distribution of DVOP funding shall not be governed by law or regulations other than the pertinent chapter 41 provisions would also be recodified in section 2002A and expanded to cover LVER's.

Similarly, a provision requiring the Secretary to monitor the appointments of DVOP's and to ensure compliance with provisions requiring preference for certain disabled veterans, would be recodified in section 2002A and, in conjunction with a new provision requiring preference for service-connected disabled veterans in the assignment of LVER's, expanded to cover the assignments of LVER's.

Mr. President, in a provision adding significantly to the accountability of the Secretary for employment programs, the committee bill would re-

quire the Secretary, in determining the conditions of a grant or contract under which funds are made available in a State, to take into account the evaluations of local employment offices in the State conducted by SDVET's and ASDVET's pursuant to section 7 of the committee bill. I note that, at our committee's April 30 hearing, every major veterans' service organization stressed the need for improved monitoring of the furnishing of veterans' employment and training services and for overall accountability by the States to DOL. To this end, the committee has added an additional tool by which the Secretary can require accountability—contract management.

The committee bill would further require the Secretary to employ and assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as Regional Director for Veterans' Employment and Training [RDVET].

Over the last several years, the number of RDVET's has been reduced to seven. The number of DOL regional offices has remained at 10, leaving only VETS with a truncated regional structure among the Department of Labor major programs.

The need for a strong regional VETS structure would be greater under the committee bill than it is under current law. That is because one of the goals of the committee bill is to increase the accountability of State employment agencies—and their federally funded DVOP's and LVER's—in providing mandated services to veterans. A full complement of regional directors would significantly assist the Assistant Secretary and the small national staff in monitoring and enforcing compliance with the new performance standards and functional requirements proposed in the committee bill.

I want to stress that this provision would require only parity, not special treatment, for veterans' programs. In any case in which the Secretary closes an entire regional office, the position of RDVET could be eliminated for that region. However, the Secretary would be required to appoint RDVET's to serve in all 10 regions which now or in the future have Department of Labor regional offices without RDVET's.

LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Mr. President, section 3 of the committee bill would:

First, require the Secretary of Labor to make available to the States funds sufficient for 1,600 LVER positions nationwide and associated administrative expenses, to allocate to each State the number of LVER's that it had on January 1, 1987, plus one additional LVER, and to allocate funding for the remaining LVER positions up to 1,600 pursuant to a new funding formula;

Second, require the head of a States employment service to assign LVER's to local employment offices so that each office with at least 1,100 veteran-registrants would have a full-time LVER and one additional full-time LVER for each 1,500 registrants over the initial 1,100 and each local employment office with at least 350 but less than 1,100 veteran-registrants would have one half-time LVER;

Third, require the local employment office manager to be responsible for ensuring compliance with the provisions of title 38 providing for priority services for veterans and priority referral of veterans to Federal contractors;

Fourth, add a definition of registrants for services;

Fifth, require that each LVER assigned after September 30, 1987, be a veteran and that preference be given to qualified service-connected disabled veterans;

Sixth, add to the statutory duties of LVER's the provision, or facilitating the provision, of counseling to veterans certified for participation in job training under VJTA;

Seventh, require the Secretary to include in the Department of Labor's annual budget submission to the Congress the amounts necessary for the support of LVER's pursuant to the new funding formula;

Eighth, expand the existing requirement for a separate listing in the budget of the proposed number, by State, of DVOP's to include also a separate listing, by State, of LVER's and information demonstrating that the submission complies with the new LVER funding formula provision; and

Ninth, specify that the annual report to the Congress on the success of the Department of Labor and its affiliated employment services will be due on February 1 of each year, and expand the report's scope.

LVER FUNDING

The basic intent of this provision is the creation of a professional work force of LVER's nationwide to furnish employment and training services to veterans consistently and effectively without disruptions due to budget reduction proposals, such as have been proposed in recent years. A stable work force—in this case of 1,600 LVER's—would allow the Secretary to count on year-to-year stability in the staff which furnishes services to veterans and enhance the Secretary's ability to carry out program planning.

Mr. President, Dr. Robert E. David, executive director of the South Carolina Employment Security Commission—and also chairman of the Veterans' Affairs Committee, Interstate Conference of Employment Security Agencies, Inc.—testified in strong support of the steady workforce of LVER's, our committee's April 30 hearing:

> The best feature in the proposal . . . is the guarantee that adequate staff will be provided with some degree of stability. That, Mr. Chairman, is a problem that has afflicted the entire employment security system in recent years—budgets being yo-yo-ed up and down without regard to workload or needs. If this bill can bring stability to the staffing of the Employment Service for veterans programs, then you will have done the veteran, the system, and the nation a very great service. (Emphasis in original.)

The committee bill as introduced proposed a formula that would have required one LVER for each local employment office at which 1,000 veterans were registered during the 12-month period ending on the most recent June 30 or which has a service area in which 5,000 veterans reside. One additional LVER would have been required for each additional 1,500 veterans registered or 5,000 veterans residing in the service area. At the committee's April 30, 1987, hearing, the proposal to establish a statutory funding formula based on both the number of veteran registrants and veteran population received support from all seven veterans service organizations giving testimony. The statement of Dennis K. Rhoades, director of the National Economic Commission of the American Legion, is representative of the support for such a provision:

> We are also pleased to note that S. 999 includes a provision for an additional LVER in a local office for every 1,500 applicants above the 1,000 which mandate full-time status. . . . Anyone who has ever visited in a local employment office in a large city or high unemployment area recognizes that the workload of a conscientious LVER is overwhelming, and that providing each veteran applicant who visits and/or registers in that office with high quality service is nearly impossible. Moreover, it is apparent when one reviews the level of services in a large employment office, the veterans are, as a general rule, underserved. We believe that the additional LVER will greatly alleviate that problem.

Our committee changed the LVER-allocation formula for several reasons: First, to achieve balance, that is, so that the allocation of the LVER work force among the States would take into account the different factors which affect workload: number of veterans, number of registrants, and number of local offices; second, to achieve greater equity, that is, so that the basic formula would provide that each State would receive at least one LVER to help offset the overall reductions in LVER' over the past several years; and third, to achieve continuity, that is, so that the basic, codified formula for 1,600 LVER's would not be subject to annual fluctuation and uncertainty as a result of the budget process that could endanger services to veterans.

This testimony noted above contributed substantially to the provision

adopted by the committee. Under the committee bill, each State—the District of Columbia, Puerto Rico, and the Virgin Islands each being considered a State—would receive funding sufficient to support the number of LVER's which were assigned to it on January 1, 1987—1,379 LVER's in all the States according to the Department of Labor, or an average of 26 per State. In addition, each State would receive one additional LVER for a total of 1,432 LVER's or any average of 27 per State.

Finally, each State would further receive funding to support a percentage of the difference between 1,432 LVER's and 1,600 LVER's, or 168 LVER's, according to a formula giving equal weight to: First, the percentage of all veterans residing in the United States who reside in the State; second, the percentage of the total of all eligible veterans and eligible persons registered for assistance with local employment offices in the United States who are registered for assistance with local employment offices in the State; and third, the percentage of all full-service employment offices in the State. In addition, the committee bill would require that the States also be provided with funds sufficient to cover the administrative expenses associated with the assignment of the number of LVER's allocated to the State under the foregoing formula.

ALLOCATION AND HIRING OF LVER'S

Under the committee bill, LVER's allocated to each State would be assigned to local employment offices within the State in accordance with the various formulas I outlined earlier.

Persons assigned as LVER's after September 30, 1987, would be required to be veterans and preference in hiring would be given to qualified service-connected disabled veterans. I wish to make clear that this provision would not affect current LVER's who are not veterans. A similar requirement already exists, in section 2003A(a) of title 38, with respect to DVOP's and appears to be working very well. The committee views this provision for LVER's as still another opportunity for State employment agencies "to lead by example", as they have by hiring disabled veterans as DVOP's.

The technical revisions in the bill relating to the DVOP disabled veteran hiring preference are not intended in any way to change the structure of, but only to codify, the way that program has been implemented—that preference would be given when there are two qualified candidates for equal merit.

DUTIES OF LVERS

The committee bill would require that the duties of LVER's be fully devoted to discharging, at the local level, the employment, training, and associated duties relating to the duties and functions of SDVET's and ASDVETS. The committee is optimistic that clear language requiring LVER's to serve veterans exclusively will help eliminate any unintentional or deliberate misuse of the time of LVER's. I also wish to make clear here that our committee's intent is not to suggest that only LVER's and DVOP's should provide employment and training services to veterans. According to the Department of Labor, over half of the services provided to veterans by State employment agencies are provided by personnel other than DVOP's and LVER's. We note with approval the conscientious work of State employment agency personnel in this area.

The committee bill requirement that the duties of LVER's include providing, or facilitating the provision of, counseling to veterans certified for participation in job training under VJTA is designed to improve the current 60 percent noncompletion rate under VJTA. I note in Assistant Secretary Shasteen's testimony that he believes LVER's—and DVOP's—can provide this service and that he has directed that such a counseling module be developed at the National Veterans Training Institute in Denver, CO, which trains LVER's and DVOP's.

BUDGETING FOR LVER'S

The committee bill would amend section 2006(a) of title 38 to require that the Secretary include in the Department of Labor's annual budget: First, the estimated funding needed for the assignment and support of 1,600 LVER's and the associated administrative expenses; second, listing data, by State, of LVER's; and third, information demonstrating the compliance of the budget submission with the requirement that the Secretary approve the submission only if the proposed funding level is in compliance with the funding formula for LVER's.

This provision, which replicates for the LVER Program the language currently in section 2006 with respect to budgeting for the DVOP Program, is designed to help achieve compliance with the proposed funding formula for LVER's in the committee bill, thus enhancing the continuity of employment and training services for veterans and helping bring stability to the LVER work force.

PERFORMANCE STANDARDS FOR LVER'S AND DVOP'S

Mr. President, section 4 of the committee bill would add to chapter 41 of title 38 a new section 2004A, entitled "Performance of local veterans' employment representatives and disabled veterans' outreach program specialists," which would: First, require the ASVET, after consultation with State employment agencies or their representatives, to prescribe—and provide for the implementation and application of—standards for the performance of DVOP's and LVER's and to monitor their activities; second, allow the ASVET personally to make an exception to these performance standards to take into account local conditions and circumstances; third, require SDVET's and ASDVET's regularly to monitor the performance of DVOP's and LVER's through the application of these performance standards; and fourth, require each SDVET or designee to submit to the head of the State employment service recommendations and comments in connection with each annual performance rating of a DVOP or LVER in the State.

S. 999 as introduced and as proposed to be amended by amendment No. 160 contained a provision to add this proposed new section 2004A. However, a number of changes were made in the proposed new section in response to concerns raised at the committee's April 30 hearing. Thus, in order to promote participation, cooperation, and coordination in the development of performance standards by those professional persons in the States who would be held accountable for meeting the standards, our committee added provisions to require the ASVET to consult with State employment agencies or their responsibilities before prescribing the standards and to allow an ASVET personally to make an exception to the prescribed performance standards to take into account local conditions and circumstances such as differing local economies.

Mr. President, also in response to concerns voiced at the committee hearing, the committee bill includes a provision to require each SDVET or designee to submit to the head of the States employment agency recommendations and comments in connection with—and I stress those words "in connection with"—each annual performance rating of a DVOP or LVER in the State instead of the proposed requirement in S. 999 as introduced for the SDVET or ASDVET to participate formally in the ratings. It is the intent of the committee to leave to the ASVET the formulation of the general guidelines with respect to such matters in such a way as to seek to avoid conflict with the general personnel procedures of the various state merit systems under which LVER's and DVOP's are employed.

Our committee views performance standards as a basic tenet of sound public management and intends that they be designed to first, assure that high-quality employment and training services are furnished through DVOP's and LVER's; and second, provide a basis for facilitating, developing, and maintaining high standards of professionalism for the DVOP and LVER programs, for which the Department of Labor expends a total of more than $125 million annually. I note that at our April 30 hearing the ASVET stated that he supports the

development and implementation of specific standards of performance for DVOP staff and LVER staff, and, upon enactment of this provision, proposes to develop prototype standards and tailor them to meet each States merit system requirements through negotiations with SDVET's.

WAIVER OF SDVET RESIDENCY REQUIREMENT IN CERTAIN CASES

Mr. President, section 5 of the committee bill would provide that the ASVET, upon determining it to be necessary, may allow an assistant SDVET with 2 years of experience to be considered for an appointment as a SDVET, by waiving the current 2-year State residency requirement in section 2003(b)(1) of title 38 for appointment as a SDVET. In the event of such a waiver, the committee bill includes a provision proposed by the distinguished Senator from South Carolina, Senator THURMOND, to require that preference be given to a veteran who meets the residency requirement and is equally as qualified for the SDVET position as the ASDVET candidate.

SHARING OF INFORMATION REGARDING EMPLOYERS

Mr. President, section 6 of the committee bill would require the Secretary of Defense to provide to the Secretary of Labor and the Administrator the list of employers participating in the National Committee for Employer Support of the Guard and Reserve [NCESGR] and require each VA regional office to provide to appropriate employment service and Department of Labor offices the names and addresses of VJTA employers in the area served by the VA regional office.

These provisions are designed to help facilitate VA, Labor Department, and employment service efforts to encourage greater employer awareness of, and participation in, the VJTA Program.

With respect to the requirement for informing VA and the Labor Department about NCESGR participants, I note that NCESGR maintains a listing of approximately 350,000 employers who have demonstrated an interest in and commitment to assisting citizen soldiers, many of whom have veteran status, as well as a willingness to participate in Government-sponsored private-sector programs. Our committee believes that these employers could be a rich potential source of job-training for veterans under VJTA. I also note that the usage of the NCESGR list by VA regional offices and local employment offices should help expand the universe of employers participating in VJTA. Such an expansion would appear desirable given that the universe of veterans eligible for VJTA would be opened to veterans of all periods of service under the committee bill.

RESPONSIBILITIES OF PERSONNEL

Mr. President, section 7 of the committee bill would:

First, require SDVET's and ASDVET's to supervise functionally the provision of services to eligible veterans and eligible persons by the State employment services and the coordination of certain other Federal or federally assisted programs, and State programs;

Second, made SDVET's and ASDVET's functionally responsible for the supervision of the registration and placement of veterans under VJTA and responsible for otherwise promoting the employment of eligible veterans and eligible persons;

Third, require SDVET's and ASDVET's to conduct, not less frequently than annually, evaluations of the services provided to eligible veterans and eligible persons at each local employment office and made recommendations for corrective action as appropriate;

Fourth, require the Secretary of Labor, in determining the terms and conditions of a grant or contract under which funds are made available to a State, to take into consideration the SDVET's and ASDVET's evaluations of the performance of local employment offices; and

Fifth, require DVOP's to provide grantees under part C of title IV of the Job Training Partnership Act with assistance in furnishing services to veterans, consult and coordinate with representatives of the VJTA Program, provide counseling services to veterans with respect to their selection of and changes in vocations and their vocational adjustment, and provide services as case managers for veterans participating in VJTA.

FUNCTIONAL SUPERVISION OF STATE SERVICES

With respect to the proposed requirement that SDVET's and ASDVET's functionally supervise the provision of services to veterans by State public employment service systems and by other employment or training programs, the current regulations—20 CFR 653.214, entitled "Assignment and Role of State Veterans' Employment Representatives"—already require such supervision with respect to LVER's. Thus, the effect of the committee bill in practice would be to expand the concept of functional supervision to encompass the provision of services to veterans by DVOP's and other local employment office service providers. Such services incude registration, interviewing, counseling, testing, referral to supportive services, job development, and job/training referral.

Mr. President, this approach would not impose a dual management structure on the LVER or DVOP Program. The committee intends functional supervision by SDVET's to be distinct from line supervision by local employment office managers. Functional supervision by SDVET's/ASDVET's, as is currently required in the Labor Department regulations (20 CFR section 653.214):

> consist[s] of assisting state agency personnel in carrying out services to veterans and eligible persons and evaluating their performance. Functional supervision shall entail providing technical assistance, making suggestions for improvement of services, helping to plan progams and projects, checking for compliance with ETA regulations affecting veterans, helping to correct errors by working with local and state staffs, analyzing work as it affects veterans and eligible persons, training new state agency employees and providing refresher courses for state agency staff, bringing matters which require corrective action to the attention of those state agency personnel who have authority over policy, procedures and staff. Functional supervision does not authorize a SDVET or ASDVET to hire, fire, discipline or issue directives to state agency employees. Nor does it authorize an SADVET or ASDVET to make regulations, change procedure or establish policies for the state agency without specific authority from the state agency.

Mr. President, in our committee's view, the assignment of functional responsibility should have several positive impacts: First, it should make clearer the authority and responsibility of both the State agency and SDVET's and ASDVET's; second, it should facilitate the development of more nationally uniform position descriptions, and reduce the potential for misuse of these positions by some State agencies; and third, it should promote a more effective and accountable relationship between the ASVET and the State employment agencies through which DVOP's and LVER's are employed.

NEW DUTIES

SDVET's and ASDVET's functional responsibility for supervising the registration and placement of veterans would be made expressly applicable to the VJTA Program, and their duty to engage in certain job-development and job-advancement activities would be expanded to include the general responsibility "otherwise to promote the employment of eligible veterans and eligible persons."

In response to concerns raised at the committee's hearing regarding the 60-percent noncompletion rate among veterans who have participated in training under VJTA, our committee has added a provision to make SDVET's and ASDVET's functionally responsible for the supervision of the registration of eligible veterans and eligible persons in local employment offices for suitable types of employment and training and counseling and placement of persons in the VJTA Program. We believe that the implementation of the proposed case-manager approach under VJTA and the additional counseling of VJTA trainees by DVOP's

and LVER's—coupled with greater attention paid to the provision of services as a result of a statutory requirement for functional supervision by SDVET's—should have a positive impact on the VJTA Program's success rate.

EVALUATIONS OF LOCAL EMPLOYMENT OFFICES

The committee bill would generally codify the current regulatory requirement under 20 CFR 653.214(d)(11) for the ASVET to "review the performance of large local offices at least once each fiscal year on a formal, comprehensive, indepth basis, and . . . periodically review smaller local offices which evidence problems in providing services to veterans and eligible persons until the problems are resolved." Under the committee bill, SDVET's/ASDVET's would be required to conduct annual or more frequent evaluations of the services provided to veterans and other eligible persons by each local employment office in their State and make recommendations for corrective action as appropriate. In the committee's view, such evaluations should determine the extent to which local employment offices are, through DVOP's, LVER's, and other staff, providing quality registration, interviewing, counseling, testing and assessment, supportive-services referral, job development, and job and training referral services to veterans and other eligible persons.

Mr. President, the committee bill also includes a provision requiring the ASVET, in determining the terms and conditions under which funds are made available to a State, to take into consideration—as is currently done in the vast majority of States at present—the SDVET's and ASDVET's evaluations of the performance of local employment offices.

Finally, among other new duties, DVOP's would also be required to counsel veterans on their selection of and changes in vocations and their vocational adjustment. Under a related VJTA amendment—in section 10(b) of the committee bill—aimed at improving training-program completion rates under VJTA, DVOP's would assume various counseling functions and would also serve as case managers for veterans participating in VJTA. Development of the counseling module at the National Veterans' Employment and Training Service Institute, and provision of such training to DVOP's should help them fulfill their duties as case managers for veterans participating in VJTA.

NATIONAL VETERANS EMPLOYMENT AND TRAINING SERVICE INSTITUTE

Mr. President, section 8 of the committee bill would amend chapter 41 of title 38 to add a new section 2010A requiring the ASVET to establish and make available such funds as may be necessary to operate a National Veterans Employment and Training Service Institute (NVETSI) for the training of DVOP's, LEVER's, SDVET's, ASDVET's, and such other personnel involved in the provision of employment, job training, counseling, placement, or related services to veterans as the ASVET considers appropriate.

The incumbent ASVET, Donald E. Shasteen, created the National Veterans' Training Institute administratively in September 1986; the first training session started on January 11, 1987. As of May 2, 1987, there had been 16 sessions of the Institute, attended by a total of 384 persons. Our committee views the training provided by the Institute as an important and worthwhile investment in the 3,300 DVOP's and LVER's who furnish employment and training service to veterans on a daily basis.

At present, the Institute provides week-long training programs designed to improve the skills of LVER's, DVOP's, and others in providing employment and training services to veterans. The goal of the Institute is to enhance the quality of services provided to veterans by the Department of Labor through its affiliated State employment agencies. There are 24 participants in each training class, with a minimum of 80 percent being LVER's and DVOP's. The other participants are local employment office managers and other State employment agency and U.S. Department of Labor staff.

The Institute is currently funded under a grant from the Veterans' Employment and Training Service to the Colorado Department of Labor and Employment [CDLE]. The operational repsonsibilities for the grant were subcontracted by the CDLE to the University of Colorado at Denver. The committee contemplates that the funding for the Institute will continue to be through the unemployment trust fund.

SPECIAL UNEMPLOYMENT STUDY

Mr. President, section 9 of the committee bill would amend chapter 41 of title 38 to add a new section 2010B requiring the ASVET, through the Bureau of Labor Statistics to conduct, every 2 years, a study of unemployment among special disabled veterans—that is, those who either (1) have a service-connected disability rated at 30 percent or more, (2) have a service-connected disability rated at 10 or 20 percent and have been determined for purposes of the VA's program of vocational rehabilitation for service-connected disabled veterans to have a serious employment handicap, or (3) were discharged or released from active duty because of a service-connected disability—and veterans who served in the Vietnam theater during the Vietnam conflict. The first study would be required to be completed by July 1, 1988.

The rates of joblessness among service-connected disabled veterans and those who served in the Vietnam theater have been a continuing concern of the committee and one that the committee has made efforts to address through this and prior legislation developed to help meet the employment and job-training needs of veterans.

SECRETARY OF LABOR'S COMMITTEE ON VETERANS' EMPLOYMENT

Mr. President, section 10 of the committee bill would add representatives of the Postmaster General and the Secretary of Education to the Secretary of Labor's Committee on Veterans' Employment [CVE].

The CVE, established under section 2010 of title 38, United States Code, meets quarterly. Its purpose is to bring to the attention of the Secretary problems and issues relating to veterans' employment. Under section 2010, the committee is chaired by the Secretary of Labor and includes representatives of the Administrator of Veterans' Affairs, the Secretary of Defense, the Secretary of Health and Human Services, the Director of the Office of Personnel Management, the chairman of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration.

The Postal Service—with 331,830 veterans in its work force—is the second largest employer of veterans in the United States. The Department of Education, through its Veterans' Education Outreach Program and its Offices of Postsecondary Education and Vocational and Adult Education, implements education policies and programs which can benefit veterans' job readiness. Therefore, the committee believes that having the Postmaster General and the Secretary of Education represented on the CVE could contribute to the committee's effectiveness and success in advising the Secretary of Labor on veterans' employment issues.

VETERANS' JOB TRAINING ACT (VJTA)

Mr. President, section 11 of the committee bill contains provisions which would authorize appropriations of $60 million for each of fiscal years 1988 and 1989 for the Veterans' Job Training Act [VJTA], extend the deadlines governing application and entry into a VJTA training program, and enhance the effectiveness of this job training program by providing for enhanced counseling services and making certain other changes. In the 1983 Emergency VJTA, eligibility for a job-training program was originally provided to unemployed veterans who had served during the Korean conflict or Vietnam era and were unemployed for 15 out of the 20 weeks preceding their application and who either had more than 180 days active service or were discharged or released from service for a disability or were entitled to VA service-connected disability compensation. That unemployment period was re-

duced to 10 of 15 weeks by Public Law 99-238.

On March 18, 1987, the committee reported S. 477, the proposed "Homeless Veterans' Assistance Act of 1987" including in section 106 a provision to extend through fiscal years 1987 and 1988 the unused authorization of fiscal year 1986 appropriation of $30 million, postpone by 6 months the deadlines for veterans to apply for and to enter into training, and delete for unemployed Korean-conflict and Vietnam-era veterans who are homeless the length-of-unemployment criterion for eligibility under this program.

The bill was passed by the Senate on March 31. The extensions of authorizations of appropriations and of the deadlines were passed by the Senate a second time, on April 6, 1987, in section 907 of H.R. 558, the proposed "Urgent Relief for the Homeless Act," and incorporated in section 901 of the conference report (H. Rept. No. 100-174) on H.R. 558. On June 27, the Senate and on June 30 the House agreed to the conference report, and on July 22 the measure was signed into law as Public Law 100-77.

In the Supplemental Appropriations Act for fiscal year 1987 which was signed into law on July 11 as Public Law 100-71, Congress provided a $30 million supplemental appropriation for VJTA.

EXTENSIONS OF AUTHORIZATION OF APPROPRIATIONS AND PARTICIPATION DEADLINES

VJTA has provided nearly 52,000 veterans with the opportunity to gain the skills and on-the-job experience needed to help them break away from sustained unemployment and build more productive lives for themselves and their families. In order to provide for the continuation of this job training program, the committee bill would authorize appropriations of $60 million for each of fiscal years 1988 and 1989 for VJTA. Funding at this level would enable approximately 40,000 additional veterans to participate in VJTA job training programs over the next 2 fiscal years. In addition, the deadlines by which eligible veterans must apply and enter into a job training program under VJTA would be extended from December 31, 1987, to June 30, 1989, and from June 30, 1988, to December 31, 1989, respectively.

EXPANSION OF ELIGIBILITY

Under current law, VJTA eligibility is limited to unemployed veterans with service during the Korean conflict (June 27, 1950, through January 31, 1955) or Vietnam era (August 5, 1964, through May 7, 1975) who have been unemployed at least 10 of the 15 weeks preceding their application. Eligibility is further limited to those who either served on active duty for more than 180 days or were discharged or released for a service-connected disability or are entitled to VA service-connected disability compensation or would be so entitled if not receiving retirement pay.

The committee bill would eliminate the eligibility criterion requiring service during the Korean conflict or Vietnam era. This would open up eligibility to veterans of all periods of service, including most significantly from the standpoint of those who would be helped by the expansion, post-Vietnam-era veterans, who number 2,366,000 and veterans with service during the period between the Korean conflict and the Vietnam era, who number 2,996,000. Making post-Vietnam era veterans eligible for VJTA could be an especially valuable tool for helping their readjustment to civilian life, by providing them an opportunity to gain the skills and training needed to compete in the civilian labor force. There are over 18,000 recently separated veterans who are receiving unemployment compensation, and the committee believes that VJTA would be available to assist them in finding suitable training and employment if they remain unemployed more than 10 weeks following their separation from active duty.

Mr. President, our committee is also concerned by the disproportionately high number of dislocated workers who are veterans. According to the Bureau of Labor Statistics, although veterans make up approximately 13 percent of the civilian work force, as a group they comprise an estimated 26 percent of the population of dislocated workers. In order to help address this serious problem, the committee bill would eliminate the 10-out-15 week unemployment criterion for those veterans who have lost their jobs as a result of a plant closure or massive worker lay-offs and who have no realistic opportunity to return to employment in the same occupation in the geographical area in which the veteran had been employed.

IMPROVED COUNSELING SERVICES

The VJTA Program is directed toward assisting veterans who have been out of the economic mainstream for a substantial period. Since many of the veterans who enter into training may thus not posses the skills and experience needed to succeed in the workplace, the committee has designed a number of VJTA and title 38 amendments to increase counseling services for trainees in order to help them resolve problems encountered in their training programs or that otherwise jeopardized their progress. Virtually all of the witnesses at the April 30 hearing agreed that expanded counseling services for veterans in training programs is essential to successful efforts to improve program performance.

The committee bill thus includes in section 11 a number of provisions to improve these counseling services. First, the existing requirements for the Secretary of Labor to provide for counseling and information services would be revised to make such services the joint responsibility of the Administrator and the Secretary, thus enlarging the VA's involvement and responsibility in this area. The Administrator would be responsible for providing information and counseling to trainees through the VA's programs of readjustment counseling, vocational rehabilitation counseling, and career development counseling.

Second, as part of the counseling program, each veteran, except as discussed below, would be assigned a case manager, who would be a DVOP. The case manager would be required to make face-to-face contact with the veteran within the first 60 days of training and some form of contact—the precise nature of which would be left to administrative discretion—on at least a monthly basis thereafter until the veteran's training is concluded. Approval of a training program would be conditioned on the employer's agreement to allow the participating veteran the opportunity to have the initial interview with the case manager during normal work hours.

Mr. President, under the committee bill, the purposes of the case-manager services would be to avoid unnecessary terminations; to refer veteran's for appropriate counseling, if necessary; to facilitate the veterans' successful completion of the training program; and, in conjunction with followup contacts with the employer, to determine the veteran's progress of the veteran's participation and whether or not the veteran successfully completed the program.

When appropriate, the case manager would refer the veteran to additional counseling services, including those available through the VA's program of veterans' outreach services, the VA's Vet Center Program of readjustment counseling for Vietnam-era veterans, the VA's program of rehabilitation counseling, the VA's program of career counseling, and the counseling services available through DVOP's and LVER's.

The committee notes that, under new section 2004A(a)(3), performance standards for a DVOP would be required to measure the extent to which the DVOP, in serving as a case manager, facilitates the rates of veterans' successful completion of VJTA training programs. The committee believes that the personal contact and professional accountability thus built into the case-manager approach, together with the inherent strengths of case management, would help avoid unnecessary termination of trainees and facilitate their successful completion of training programs.

In order to target resources most effectively, our committee bill would

provide that when the Secretary determines that an employer is already providing an appropriate and effective employer assistance program or where there is at least a 60-percent rate of completion among veterans, either cumulatively or during the previous program year, in an employer's VJTA job-training program, the case-manager requirement would not apply.

Third, in the case of a veteran who does not complete a VJTA training program, either on a voluntary or involuntary basis, the VA would be required to provide that veteran with vocational counseling before certifying the veteran's eligibility for participation in another VJTA program. The committee believes that such counseling would provide both the veteran and the VA with a clearer picture of the veteran's job-training needs, thereby helping to ensure a better, more appropriate match with any future training program.

EMPLOYER ACCOUNTABILITY

Our committee believes that VJTA has generally been a successful partnership between employers and the Federal Government. At the same time, a continuing priority of the committee is to improve program performance and cost-effectiveness. In this regard, the committee notes with concern the finding of the Centaur report that approximately 25 percent of the veterans who drop out of VJTA training do so because they are unsatisfied with their training program. In an effort to provide for greater employer accountability in this area, the committee bill includes a requirement that, in cases where the Secretary determines that the overall veterans' completion rate in an employer's training program is disproportionately low the Administrator would disapprove the participation of any additional veterans in that employer's training programs. The employer would be afforded the opportunity for a hearing regarding the disapproval, which would take effect on the date that the employer is notified of it.

The disapproval would remain in effect until the Administrator determines that the employer has taken adequate steps to remedy the shortcomings in its VJTA Program. When action is completed which would likely raise the rates of completion, the Administrator would revoke the disapproval. Except in certain cases noted below, the Administrator, in deciding whether the remedial actions are adequate, would be able to take into account the effect of a modified VJTA payment formula placing a premium on veterans' completing their programs. Under the modified formula, which the committee bill provides for, at the Administrator's discretion, in the context of suspension of disapprovals, payments for the initial months of a training program could be reduced in order to provide for a lump-sum "bonus" upon completion of the training period. Under the discretionary formula, for programs of at least 4 months duration, the employer would receive for each of the first 4 months a payment equal to 30 percent of the veteran's starting wage; a payment equal to 50 percent of that amount for each month following that period; and, upon the successful completion of that program by the veteran, an amount equal to 20 percent of the first 4 month's of the veteran's starting wage. In the case of a job training program of less than 4 months duration, the employer would receive a payment equal to 30 percent of the veteran's starting wage for each month prior to the last month of the training period, 50 percent of the amount of the veteran's starting wage for the last month of training, and, upon the veteran's successful completion of the training program, an amount equal to 20 percent of the veteran's wages during all but the final month.

This special reimbursement formula could be applied to the employer—if the Administrator determines it to be appropriate as a condition of reapproval—for such period of time as the Administrator determines is appropriate in the particular circumstances surrounding that employer's job-training programs. The committee believes that the restructured formula could be used to increase the financial incentive to the employer to ensure that its training programs are responsive to veteran's needs.

The formula could not be used in the case of an employer having a VJTA Training Program completion rate of at least 60 percent, either cumulatively or during the previous program year, or an appropriate and effective employee assistance program available to all of the employer's VJTA participants.

DATA COLLECTION

In order to provide for better assessments of VJTA activities and program performance, the Secretary would be required, on a not less than quarterly basis, to collect from the heads of State employment agencies and SDVET's data regarding the numbers of veterans who have received counseling services pursuant to the provisions of VJTA, who have been referred to employers participating in VJTA, and who are participating in VJTA training programs and who complete such programs, as well information relating to the reasons for veterans' non-completion.

REOBLIGATION OF DEOBLIGATED VJTA FUNDS

The committee bill would provide, in section 11 that, when VJTA funds which have been obligated in connection with a veteran's entry into a VJTA job-training program are deobligated because the veteran leaves the training program before it is completed, the deobligated funds would automatically become immediately available to the VA for reobligation for payments under VJTA.

In accordance with its circular A-34, Instructions on Budget Execution—Revised, August 26, 1985—the Office of Management and Budget [OMB] requires the VA to request and receive an approved reapportionment each time the VA wants to reobligate a block of funds appropriated in a prior year which have been deobligated. The reapportionment process can delay the reuse of such prior-year funds for other VJTA trainees by many weeks. Reapportionment is a particular problem when all available funds from the current appropriation have been obligated and the VA is funding the program solely through deobligated funds. This can result in long program lulls while the reapportionment request is processed by OMB. This occurred earlier this year when the program was closed to new entrants for 6 weeks—from February 20, 1987, through April 3, 1987—despite the existence of $4.6 million in otherwise available deobligated prior-year funds for which OMB had not yet provided a reapportionment. Therefore, in the interest of program continuity, the committee believes that any deobligated funds would immediately be available for reobligation without any further action by OMB.

The committee has been advised by the VA that in May 1987 OMB informed the VA that apportionments based upon anticipated levels of deobligations would be approved. The committee notes, however, that this administrative policy, while an improvement over the prior approach, could be reversed at any time; that, even if it is not, the process of estimating future deobligations—like any other process relying on estimates—is imperfect; and that reliance on apportionments based on estimates cannot provide the same degree of assurance of maximum program continuity through the use of deobligated funds as would the automatic availability provided for in the committee bill.

CONCLUSION

Mr. President, this measure is necessary in order to ensure that the Federal Government does its best to make certain that those who have carried the burden of our Nation's defense have the opportunity to participate in the economic system that their service and sacrifice preserved. The bill would do this by a major revision of the law governing the Veterans Employment and Training Service and important improvements in, and 2-year extension of funding for, the Veterans' Job Training Act.

Before closing, I wish once again to acknowledge the great assistance provided on this measure by the Senator

from West Virginia [Mr. ROCKEFELLER] who did such excellent work at our April 30 committee hearing.

I also want to acknowledge the outstanding work of the representatives of a number of organizations and businesses who gave of their time and talents in the development of this comprehensive legislation—including representatives of the the American Legion; the Disabled American Veterans; the Veterans of Foreign Wars; the AMVETS; the Paralyzed Veterans of America; the Blinded Veterans Association; the Vietnam Veterans of America; the Raleigh County Memorial Airport of Beaver, WV; the Hernandez Electric Co. of Phoenix, AZ; the McDonnell Douglas Corp. of Long Beach, CA; Town and Country Electric, Inc., of Appleton, WI; and the Interstate Commission of Employment Security Administrators.

Mr. President, I also want to thank our committee's ranking minority member, Senator FRANK MURKOWSKI, for his fine cooperation and his many excellent contributions to the development of this measure and to express my appreciation to the committee minority staff members, especially Chris Yoder and Tony Principi, for their very effective work on this legislation.

Finally, my very special thanks to Darryl Kehrer, Ed Scott, Jennifer McCarthy, Cathy Chapman, Loretta McMillan, Roy Smith, and Jon Steinberg of the Veterans' Affairs Committee staff for their invaluable assistance to me in developing and perfecting S. 999, Amendment No. 160, the bill as reported, the committee report, and this floor statement. They have done outstanding work.

Mr. President, I urge all of my colleagues to support this important measure.

Mr. MATSUNAGA. Mr. President, I rise in strong support of S. 999, the Veterans' Employment, Training, and Counseling Amendments of 1987, introduced earlier this year by the senior Senator from California [Mr. CRANSTON], and cosponsored by myself and Senators DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, THURMOND, KERRY, BURDICK, and SIMON.

In essence, S. 999 does two things. First, it revises the job counseling, training, and placement services for veterans mandated under chapter 41, title 38. Federal oversight of federally funded, local veterans employment and counseling officers will be increased by making them more directly accountable to the Department of Labor's in-State representatives. Evaluation of the performance of these local employment officers will also be made simpler by the establishment of uniform performance guidelines. Perhaps most important, the bill will codify a funding formula for local veterans employment representative [LVER's] in order to allow the formula determining the number of such representatives to drive the funding levels, rather than the reverse. By doing this, we would allow need, not arbitrary OMB cutbacks, to guide these very important counseling and training services.

Second, S. 999 amends the Veterans' Job Training act [VJTA] Program, a cash-incentive employment and training program set up in 1983 for Korean war and Vietnam-era veterans, by opening up eligibility to veterans of all periods of service. Also, in recognizing that less than half of the participants in Veterans' Job Training Act sponsored training programs remain for the full term of the designated training program, S. 999 would increase the role of Disabled Veterans' Outreach Program specialists [DVOPS] and local veterans employment representatives in the VJTA counseling program, as well as improve the manner in which counseling is conducted. The bill also reauthorizes appropriations of $60 million in each of fiscal years 1988 and 1989 for the VJTA Program.

Mr. President, the programs proposed to be continued by S. 999 have already afforded thousands of veterans the opportunity to obtain the job skills necessary to lead normal, constructive lives. The VJTA Program alone, for example, has already trained over 54,000 veterans. S. 999 would merely improve the efficiency and effectiveness of these programs in helping to integrate additional thousands of veterans into normal community living. In this day of massive budget deficits and increasingly restrictive fiscal choices, it is imperative that these valuable programs be strengthened to withstand budgetary pressures, not only for the sake of the veterans themselves, but for all of us as well. What better way to improve our economic competitiveness is there than through the training of a work force that has already demonstrated responsibility, courage, and determination in military service?

In closing, Mr. President, I would like to commend the senior Senator from South Carolina [Mr. THURMOND] for his support of this measure. The history of this August body shows that the gentleman from Aiken has established himself as one of the earliest advocates in Congress of veterans' training programs. His invaluable support for S. 999 reinforces that record. But above all, I wish to commend the senior Senator from California for his outstanding leadership in this area. S. 999 is his bill, and is yet another reflection of the Veterans' Affairs Committee chairman's unmatched advocacy of the rights and benefits of America's veterans. I commend the senior Senator from California [Mr. CRANSTON] for a job superbly performed. In his honor let us unanimously pass S. 999.

Mr. MURKOWSKI. Mr. President, I am pleased to rise in support on S. 999, the Veterans' Employment, Training and Counseling Amendments of 1987.

The Nation and the Congress can be justifiably proud of the benefits we provide for those who have served in our Armed Forces. A veteran returning to civilian life can look forward to assistance with vocational rehabilitation, education and training, housing, medical care and other needs. Perhaps the most important benefit, the one with the greatest long-term impact, is assistance in finding employment. A veteran with a good job is a veteran with the means to proceed with his or her life. For this reason, I place great importance on veterans' employment benefits and the agency that administers them: the Veterans' Employment and Training Service [VETS] of the Department of Labor.

Veterans, along with my colleagues in the Senate, owe a debt to our distinguished colleague from South Carolina, Senator STROM THURMOND, who long ago recognized the importance of employment to veterans. His determination to provide effective assistance to veterans seeking work led to the establishment of the Veterans' Employment and Training Service under the leadership of an Assistant Secretary of Labor. The legislation we consider today rests upon the foundation Senator THURMOND built and would not be possible without his leadership.

VETS is a partnership between the Federal Government and the States. The Federal Government is responsible for establishing policy for, and funding, the nationwide network of local veterans employment representatives [LVER's] and Disabled Veteran Outreach Program [DVOP's] specialists. It is to LVER's and DVOP's who are employees of the State employment services, that the Congress must look to deliver on the promise we made to America's veterans to assist them when they look for a job. It is these LVER's and DVOP's who will be the direct beneficiary of the legislation we are now considering. This legislation will help veterans by helping the State employment service employees charged with the implementation of the veterans employment programs enacted by the Congress.

The legislation will help the LVER's and DVOP's by: first, clarifying their duties, responsibilities, and chain of command. This legislation would, if enacted, require that the work of LVER's be fully devoted to the provision of employment and related services to veterans, either directly or by providing assistance and guidance to other State employment service staff; second, require the Assistant Secretary of Labor for Veterans Employment and Training [ASVET] to develop and provide for the implementation

of performance standards of LVER's and DVOP's; and third, require the State directors of veterans' employment and training [SDVET's], employees of the Federal Veterans' Employment and Training Service, to functionally supervise the delivery of services to veterans by the State employment services and provide recommendations and comments to the management of the State employment services on the performance of the LVER's and DVOP's. These provisions will ensure that local employees receive the benefit of clear direction and unambiguous policy guidance, while at the same time assuring the Federal Government does not inject itself into the management and personnel practices of the State employment security agencies.

A major goal of this legislation is to enhance the professionalism of the LVER's and DVOP's in the field. The current Assistant Secretary of Labor for Veterans Employment and Training, Donald E. Shasteen, established administratively the National Veterans' Employment and Training Service Institute to provide for training and staff development of DVOP's, LVER's and others who provide employment, job training, counseling, placement or related services to veterans. This legislation would build on Assistant Secretary Shasteen's initiative by providing a legislative mandate for this staff development. The legislation would also provide for program stability for the LVER Program by mandating that the Department of Labor budget provide for 1,600 LVER's nationwide. In past years veterans' employment programs, and the morale of the staff in the field, have been threatened by the uncertainty which results when the budget submitted to the Congress would result in significant reductions in the number of staff. While the Congress has always provided adequate funding; the uncertainty makes it difficult to make, or implement, long-range plans to improve service to veterans.

I am also pleased this legislation includes a requirement that the Bureau of Labor Statistics conduct biannual surveys of the employment and unemployment status of special disabled veterans, including those who served in the Vietnam theater of operations. If the Congress is to effectively meet the needs of veterans with service-connected disabilities and those who served in Vietnam it is necessary to have accurate, current and reliable data on their employment status. Current data, which is based on the status of all veterans who served during the Vietnam era, is too general to be used as a basis for targeting benefits to those who may have been adversely affected by their service. If these veterans do have a disproportionately high unemployment rate it is not revealed in current data; because the data concerning these veterans is overwhelmed by the overall favorable data concerning Vietnam-era veterans in general. Conversely, specific data concerning veterans who served in the Vietnam theater or who have disabilities may show their employment status to be similar to that of other veterans. If that proves to be the case, then Congress will know that the benefits we have provided have been effective.

Mr. President, I commend the chairman of the Committee on Veterans' Affairs, Senator CRANSTON, for his willingness to amend S. 999, as it was introduced, to make clear that the functional supervision of State employment service employees would not create a dual chain of command with LVER's and DVOP's answerable to two bosses. In addition, the formula establishing the number of LVER's has been improved to eliminate the virtually open ended formula of the original bill. The formula in the current bill represents a compromise between the principle of assigning LVER's based on the number of veterans in a State and the principle of assigning LVER's based on the number of veterans registered for employment services.

Mr. President, I believe the American people and the Congress will insist that the Nation continue to provide priority employment services to veterans. This legislation will help ensure that the dedication of the employees who actually provide those services is matched by a comparable level of professionalism. I urge my colleagues to join me in its support.

Mr. THURMOND. Mr. President, I rise today in support of S. 999, the Veterans' Employment, Training, and Counseling Amendments of 1987. I am pleased to be a cosponsor of this legislation, which goes a long way towards making the current program of veterans' job training more efficient.

This bill strengthens veterans' job training in several ways. It establishes a statutory number of local veterans employment representatives, a structured chain of command among job service officers, and a National Veterans' Employment and Training Service Institute. As well, it sets forth uniform performance standards and performance reviews. In summary, Mr. President, this legislation greatly improves the quality of job training services available to veterans.

During the April 30, 1987, hearing on this matter, the Veterans' Affairs Committee heard testimony from the VA, the Labor Department, State and local employment agency representatives, and current employers of veterans. I was especially pleased that the committee was able to hear from Dr. Robert David, executive director of the South Carolina Employment Security Commission, about the merits of this important program. Dr. David is strongly committed to veterans employment issues and has a long history of involvement with job training.

Mr. President, facilitating the movement of unemployed veterans into the workforce is one of several key services we provide to those who have worn the uniform. I have long been a supporter of job training for veterans and can think of no group of Americans who are more deserving of this assistance.

Accordingly, I urge my colleagues to support this worthwhile legislation.

The PRESIDING OFFICER. The question is on the engrossment and of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1504), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 262, S. 999, be indefinitely postponed.

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

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the consideration of the bill S. 2, which the clerk will state by title.

The bill clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD. Mr. President, if no Senator seeks recognition, I will suggest the absence of a quorum.

Mr. President, I withhold that.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Nebraska.

Mr. EXON. Mr. President, we have been working very diligently for weeks and months now to try to come up with an acceptable formula that could

collect the necessary 60 votes to break the ongoing filibuster against the Campaign Reform Act.

I think the record is very clear that there are strong feelings on this particular measure. I would simply say that this Senator was one of those who was opposed to the original measure that was introduced in this particular area. I was against that, Mr. President, essentially because I have always been against the use of taxpayer funds as a principal element in so-called election reform. I was against that, Mr. President, because I felt that especially at this time when we are going through one of the great debates and discussions with regard to restricting the budget of the United States of America and bringing that under control, it was not appropriate for this body to consider additional expenditures of taxpayer funds for the purpose of seeking elective office.

Therefore, I told the sponsors of that bill after they had talked with me on many occasions that I could not and I would not support the original measure because it was against the principle that I had always stood for. That simply was, after we enacted legislation for taxpayer finance of the Presidential candidates—and it was predicted at that time that once we took that step, we would take the next step, logical or illogical—to start financing our own campaigns with taxpayer funds. So I opposed that and I opposed it quite vigorously. The sponsors of that measure knew that they would never have the vote of this Senator from Nebraska.

But all during that period, I was very much concerned, Mr. President, about the fact that I think that there is a decaying, if you will, an eating away, at the very principle of democracy because money plays such an important and key role in the political campaigns today.

I suspect that this has, to a large part, come about through the advent of television which is not only a very expensive but also a very effective media for or against the political candidates.

In any event, we started at that time, which I guess could be best established at maybe 5 or 6 weeks ago, and it became obvious that the sponsors of the original bill would never be able to get the votes to shut off the filibuster. I thought a filibuster on this bill was most inappropriate and on occasion I did support the cloture effort because I thought it should be up for debate and I thought we should have a chance to amend it along the way.

Finally, with a whole series of meetings and compromises, we compromised to the place where this Senator overcame most of the objections he had to the original act. I think that any indepth look at the original act and the measure that is before us now, as it has been amended, would lead one to conclude that it was significantly different from the original act.

There is some taxpayer financing in this measure. But those of us who felt that campaign reform was vitally necessary could come up with no other trigger mechanism or leverage, if you will, to bring about the improvements in the elective process so that money would not play such an important role.

We agreed that taxpayer campaign financing would only be a part of any campaign if one or both of the candidates would not live within not only the reasonable but also the excessive amounts of money that were assigned to each race on a per voter basis in the States.

Let me choose my State of Nebraska as a typical example. This compromise, which is the heart and soul of the campaign reform bill that I highly recommend to the U.S. Senate, provides that in a State with the populaton of Nebraska, it would allow up to about a million dollars, in round figures, to be spent on a political campaign. That was assumed to be a reasonable amount of money—indeed, it is a reasonable amount of money.

Until 4 or 5 years ago, if anyone anticipated that they would run for a major Statewide office in Nebraska, which could best be determined as the U.S. Senate or the governorship, and imagined that we would be spending more than $1 million in a campaign, it would have been rejected out of hand.

In a very few years not only has the campaign spending in Nebraska gone over $1 million for those offices, but considerably over that. In fact, in the last general election in Nebraska, each of the two major party candidates for Governor spent over $1.5 million each in their political campaigns.

It is estimated that $3 to $5 million or more was spent in our neighboring State of South Dakota last year on the senatorial race. I point out that the population of South Dakota is probably half that of the State of Nebraska—roughly 750,000 in South Dakota and roughly 1.5 milion in Nebraska. So I guess that from that standpoint, one might conclude that things are not out of hand in Nebraska yet, as compared with South Dakota. But I think this proves a very important point.

When you talk about races, especially those for the U.S. Senate, when each Member of the Senate, as it should be, has an equal vote, with the Senators from the extremely populous States such as New York and California, it is tremendously important, I think, that we try to put all this in perspective.

You hear a great deal about the terrible expenditures of money in the State of California for a race for the U.S. Senate or for Governor. You hear such things as: "Would you believe $10 million, $12 million, $13 million, $14 million, or $18 million? Isn't that awful?"

I think it is awful, Mr. President. But compared with a State like South Dakota, where one candidate would spend in the area of $3 million, affecting the relatively small population of that State, then $12 million or $18 million per voter, proportionately speaking, is not "too much" for California.

The fact is that I think all these numbers are becoming totally obscene. While I think there are many instances in which it could be indicated that elections are not necessarily decided by the amount spent, I think it would be safe to conclude that if you had equally qualified candidates with essentially the same styles, with essentially the same appeal, with essentially the same debating ability—if everything else were equal—and if there were the same number of registered Democrats as there were registered Republicans in that State, and if each of those split groups had the same fervor for the candidates of their party, I think it would be safe to assume that the candidate who spent the most money under those unlikely if not impossible circumstances would win the election, 9 times out of 10.

I do not think that is what the people of the United States want. Although I have not heard a great hue and cry sweeping the land, I believe that an increasing number of Americans are becoming very much concerned about the money that is being collected, sought after, and spent by candidates for public office.

Mr. President, I have been in the Senate for my second term, going on 9 years, but I have talked with those who have been here for a long, long time—my senior colleagues, if you will—and they tell me how it used to be. It used to be, Mr. President, that a U.S. Senator, who has many and varied duties and who is an extremely busy individual, had his hands full carrying on his normal duties representing his State in the U.S. Senate. Likewise, during an election period, he had the additional responsibilities as chairman of a committee, subcommittee chairman, and committee assignments. But when you put those duties on top of this new burden that has been placed on every Member of this body, when they are up for election, it has become overwhelming.

There is no way, in my opinion, that many of us have the waking hours, with our responsibilities, to do what should be done, when we have to spend an inordinate amount of time on the telephone, traveling about the United States, seeking, begging, and pleading for donations to "my campaign," because if I cannot come somewhere near matching my opponent in this campaign, I am very likely to be defeated. So, I think it comes back to a

situation that sooner or later we are going to change the elective process. Sooner or later, Mr. President, there is going to be, I suggest, a scandal break across this land, and then after the fact the Congress will rush in and say "We should have done something about that."

I think the time to do that, Mr. President, is now in this session. I simply would hope that the Members of this body and the people of the United States would begin to understand what a serious challenge this is indeed to our elective process.

Once again I say, Mr. President, I do not think that there are any of my colleagues on either side of the aisle who can be "bought." That is an ever-present threat that a lot of people think exists, but I think I know the people in this body very well.

But I do say, Mr. President, that you cannot be a good U.S. Senator, you cannot be a good or the best U.S. Senator that you could be, you cannot do the job that you are charged to do with representing the people of your State and carry out your assignments that come through seniority basically in this body, you cannot do all those things and do it the way you should and serve your constituents and serve your Nation, if on top of all of those things you have to spend up to 20 percent of your time soliciting money for your reelection effort.

Therefore, I think that the amendment that we have put on this bill goes back and very well addresses the cure that the U.S. Senate tried many years ago to solve this problem and that was a very straightforward simple cure, Mr. President. It said that no more than such and such amount of money, again on a per voter or population basis, could be expended by any candidate in a congressional district or any candidate for the U.S. Senate in any State of the United States. You just could not spend. We have put a cap on spending.

Well, that would have worked but the Supreme Court, as we all know, held that violation of the constitutional rights of an individual and stripping aside all of the other legal phraseology the Supreme Court of the United States simply said that they agreed that the basic foundation of the bill was a good one but they also agreed that the constitutional rights of a very wealthy individual were violated if the law said that he could not spend all of his million or all of his billion on himself to be elected to high public office.

It was before I was involved here, but I remember when that ruling came down I though it was a rather disappointing ruling for what I felt would be fairness and reasonableness in the elective process. But at the same time I recognized that the Supreme Court of the United States has to make its decision on not what it would like to do but upon the laws of this land and basically the Constitution of the United States of America.

When that came down it just shattered the reforms that were then in place and ever since that time we have been trying to correct it with a constitutional amendment. When the Supreme Court decides something on constitutional grounds that you do not agree with, the one way of correcting that, and it is not an easy way, is to propose a constitutional amendment which changes the Constitution and the Constitution could be changed in a manner that would have allowed that previous campaign reform bill to become operative.

But changing the Constitution we all know and for very good reason is a difficult task. You have to get it passed by the Congress and then you have to get it ratified by most of the State legislatures in the United States. So that has not been done.

This Senator from Nebraska is a cosponsor of a constitutional amendment to allow us to do just that right now, but we all know that at a minimum this is a 4- to 6-year process even if it is successful and I suspect, in the long run, it might be.

So the other way to change that and the other way to get around this lengthy process and to stay away from amending the Constitution of the United States, which I think should not be amended promiscuously, is we have developed this bill. This bill simply goes back basically to the same tenets as the previous bill by setting campaign limits on a population basis for elective offices of the U.S. Senate and, as I said, in the case of Nebraska, it would allow roughly $1 million to be spent.

But to get around the constitutional problem, then we said and provided in this bill that if one candidate agrees when that candidate files for the U.S. Senate that he would spend no more than $1 million, and then we require appropriate reporting to see that that is accomplished, but if the opponent says, "No, I won't live by that, I am going to spend whatever I want to get elected to the United States Senate from Nebraska," then and only then could the candidate who had agreed to abide by the law qualify for limited taxpayer financing of a campaign up to a specific amount.

Mr. McCONNELL. Excuse me, will the Senator yield for a question?

Mr. EXON. I am happy to yield for a question.

Mr. McCONNELL. I was listening with interest to my friend from Nebraska describe what we might call "Boren III," the third proposal for taxpayer financing and spending limits in Senate campaigns, and the Senator's analysis of Buckley versus Valeo.

The Senator is aware, I assume, of the way that the Presidential public funding system works, is he not?

Mr. EXON. Yes.

Mr. McCONNELL. Would the Senator from Nebraska please describe to me what the penalty is against a Presidential candidate who chooses not to accept taxpayer funding of his campaign?

Mr. EXON. If he did not accept public funding?

Mr. McCONNELL. Yes. Consider for example, former Treasury Secretary John Connally, who said in 1980, "I choose not to accept public funding; I choose to go out and raise my money from people who support me." Could the Senator describe to me what penalty, under the Presidential campaign law, accrues to a candidate who says, "As a matter of principle I choose to raise my own money instead of dipping into the public bill." What happens to him?

Mr. EXON. I do not think very much happens to him. I guess he is probably an individual like John Connally who felt that he did not want to be controlled by any rules or regulations. He probably had the wherewithal to finance his campaign or felt that he had enough people interested in his candidacy that he could go out and raise the money on his own. What is the point of the question?

Mr. McCONNELL. The point I intend to make, as my friend from Nebraska knows, is that there is no penalty.

Mr. EXON. No.

Mr. McCONNELL. Under current law, if one is running for President and chooses to do it the hard way, by raising his campaign funds from a whole lot of people, there is no penalty. He just has to work hard to compete with the Government-funded opponent.

Now, under all three campaign finance schemes proposed by the Senator from Oklahoma, there is a penalty: you get punished, in other words, if you choose to go out and do it the hard way, to work for your funds, whether you do it as a matter of principle, or because you believe a lot of people are willing to support your views. Under Boren I, Boren II, and Boren III, the candidate who accumulates a lot of support the hard way triggers a punitive payment of money to his opponent from the Federal Treasury. I would suggest to my friend from Nebraska that all three of the proposals of the Senator from Oklahoma clearly are in violation of the Constitution, because you get punished by the Government for exercising your first amendment rights: to go out and get your own support, instead of reaching into the taxpayers' pockets. In the opinion of the Senator from Kentucky, the penalty feature of S. 2,

in all its sordid permutations, violates the clear rule of law established by the Supreme Court in Buckley versus Valeo: that Congress may, in limited ways, offer the taxpayer's money as an inducement for candidates to forego private, voluntary contributions and limit their overall spending. But the Court makes it clear that Congress only can provide incentives for compliance, not Government-enforced penalties.

Mr. EXON. I thank my friend from Kentucky for asking the question.

I suppose, though, that if you would follow out the logic to the point that he has just raised you simply say that you never ever under any circumstances control the amount of money that any candidate could spend to be elected President of the United States or in the case of this body elected to the U.S. Senate. I do not know whether my friend was here earlier when I tried to make the point. But I do not believe that the people of the United States feel that elections should be bought, and I tried to give a reasoned position that I held in that regard.

Not always is it the case that the one that spends the most money wins an election.

But in going back to answer the Senator's question, he will remember, I am sure, that under the campaign law that was declared unconstitutional by the Supreme Court, it would have been against the law to spend more than a certain amount of money to be elected and the reason for that was the enforcement mechanism, I would suggest, for the Campaign Reform Act.

What we have done here, of course, in this act with the amendment that has now been offered to the measure of the Senator from Oklahoma that this Senator originated is simply say we think we get around the constitutional objection here. Who knows what the learned ones on the Supreme Court will do or say about anything that we do here because, as the Senator from Kentucky knows very well, they do pass judgment as is their responsibility on the laws that are passed by the Congress and, of course, signed into law by the President of the United States; the point being that if you are not going to have some enforcement mechanism, then always you are going to have the very wealthy person that can finance their own campaign highly likely of success in the political system.

Let me just say in concluding my remarks, Mr. President, that if there are those who think that the present system is fair and reasonable, if there are those who see nothing wrong with $1.5 million on each side for a candidate to run, or up to $5 or $10 million to seek office in the less-populated States of our country, if they think it is all right, that it is a good thing to spend up to $3 million per candidate for office in a State such as my neighboring State of North Dakota with 750,000, then I think what they are really saying is that, "Notwithstanding anything else, let's allow all the spending anybody wants or can raise to influence a campaign."

I am not sure that that is the best way to go. But, of course, I think no less of those, such as my friend from Kentucky, who do not share my point of view. They may be right. I think they are not.

I simply say, Mr. President, that we have tried to work this bill out. It has been amended so far from the original proposal by the Senator from Oklahoma that it is hardly recognizable. But it does do what my friend and colleague from Oklahoma, in close cooperation with the majority leader, has had in mind for a long, long time, and that is to begin to get the amount of money, the inordinate amount of money, the obscene amount of money, depending on your point of view, from having an improper influence on the elective process in this great country of ours.

So, Mr. President, I hope that I have made some points that my colleagues might study and take a look at; because I suspect that if the proposition that we are fostering here today were voted on by the people of the United States, I suspect that there would be an overwhelming number of the people of the United States, Republicans and Democrats alike, that would say that is fair, that is reasonable, and that puts a limited limit on the amount of money that should play within and outside the political system.

I just want to say one final message. There may be some additional flaws in this bill with regard to the control of expenditures by those other than the candidate and the candidate's campaign organization itself. We are certainly open to any suggestions, any workable suggestions from those on the other side of the aisle who remain diametrically opposed to the basic tenets and principles of this bill, which is to control, to limit, to some reasonable degree, the amount of money that is spent in campaigns.

So the door is open for constructive compromise, so long as an amendment is not offered that would, in essence, be a killer amendment and make inoperative the procedures that we are trying to advance with this bill.

Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, I commend the Senator from Nebraska for his insight in this matter. In fact, we do agree on a number of different points. The Senator from Nebraska on several occasions made reference to the problem of "campaigns being for sale." The implication of this concern is that millionaires, spending their own money on high-ticket campaigns, distorts the process. I cannot agree more.

One flaw in Buckley versus Valeo was that it allowed an individual of great wealth to spend everything he had in pursuit of political office. I might say to my friend from Nebraska, I wish that his most recent proposal, Boren III, did something about that. But it doesn't, and it can't, because the "millionaire's loophole" is a constitutional problem, requiring effective constitutional action.

The Senator from Kentucky has already introduced a constitutional amendment, Senate Joint Resolution 166, that would give Congress the authority to limit what an individual can spend from personal funds on his own campaign. That is a limited power that the Congress ought to have. And I agree that this portion of the Supreme Court decision in Buckley versus Valeo was not good policy.

I would be more than happy to have the Senator from Nebraska as a cosponsor of this constitutional amendment. I believe that we should not just casually or drastically amend the Constitution, but this is not a complicated amendment; it would be likely to pass through this Congress with great speed, an the election process would be better off for it.

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

Mr. McCONNELL. Yes, I am glad to yield.

Mr. EXON. I am very much interested in the piece of legislation you just mentioned. How does your piece of legislation for a constitutional amendment differ from the constitutional amendment offered by the Senator from South Carolina which changes the Constitution? Is your amendment very similar to that?

Mr. McCONNELL. It differs, I say to my friend, in this one respect: It is the opinion of the Senator from Kentucky that, if we put reasonable limits on what individuals can contribute to campaigns—and we have those limits; I could give no more than $1,000 to your campaign in the primary and general elections; and if we require full disclosure of all contributions and their sources, then there should be no limit on how much support a candidate can gather from people at home. The Senator from Kentucky and the Senator from Nebraska ought to be able to go out and get as much support as they can attract, from a whole lot of people throughout the States they represent.

I do not agree with the Senator from South Carolina that Congress should be given broad authority to control how much participation there can be in a campaign, which is what spending limits are. I do agree that an individual millionaire shouldn't be able to

distort the process by going outside of the limits that the rest of us abide by.

Mr. EXON. If I could ask another question.

Mr. McCONNELL. Yes.

Mr. EXON. I appreciate the implied invitation, but I do not care to cosponsor the amendment offered by my friend from Kentucky and I will stay as a cosponsor of the amendment offered by my friend from South Carolina, which is in keeping, basically, with what I feel is critically necessary.

If I understand, then, the position of the Senator from Kentucky, if you and I were running against each other in the United States, which I am sure cannot and never will happen, but if we were and we were from the same State and if I traveled in a circle where I had 500 people that were millionaires or more in their total net worth and you had zero, none, who are millionaires or more, do you think that would not give me a distinct advantage in the race that we would have?

Mr. McCONNELL. I would say to my friend from Nebraska that a fellow running for a public office is like a fellow starting a business: he's got to find a way to build support for his venture and get people to believe in what he stands for. In politics, with the strict limits on individual contributions, none of your millionaire friends could give you more than $1,000 in the primary and general elections. With the limits as low as they are, you would be forced to attract a broad base of support and a lot of small contributors, just like any other candidate.

I might add that we could even further lower the limit on individual contributions, because the more you lower what can be contributed, the more you broaden the base of contributors and bring in more small donors.

I listened with interest to the observations of the Senator from Nebraska about the time involved in raising money. This is purely a strategy option, not necessity. Some incumbents choose to raise money early; many do not. I know several people on this side of the aisle who do not like to do that. They choose not to raise money early, preferring to wait until later. It is our option; nobody is making us go out and raise money early if we do not want to.

Mr. EXON. May I ask a further question, then, just for clarification?

Mr. McCONNELL. Yes.

Mr. EXON. All these millionaires that were in the hypothetical race that I outlined before, would it not be possible for those millionaire friends of mine to go out and form or contribute to a political action committee that could, in turn, give to this candidate, and, therefore, funnel additional money into the campaign of us millionaires?

Mr. McCONNELL. No, because we have also put limits on what people can contribute to PAC's: $5,000 per election. What would be most likely to happen, under the schemes that the Senator from Oklahoma has put forth, is that those millionaires could still do the same thing they do today under existing law: making independent expenditures in whatever amounts they desire. That is possible under today's law, and under each of the three versions of S. 2.

One good thing about existing law—though there are parts of it I do not like—is it gives preference to campaign spending which is fully reported and in fairly small denominations. None of the millionaires in your hypothetical could distort overall spending beyond the $1,000 limit, unless they made independent expenditures or chose to buy political office for themselves; in that case, they could spend as much as they desired. Both of these are loopholes the Senator from Kentucky would like to close, and he has introduced a limited amendment to the Constitution enabling Congress to limit millionaire spending on personal campaigns and independent expenditures.

Mr. EXON. Well, they would, would they not, be able to contribute to PAC's all over the country that, in turn, could contribute to me?

Mr. McCONNELL. As I indicated, no one can contribute more than $1,000 to you, or $5,000 to a PAC, and no PAC can give more than $5,000 to you either. The good thing about our current system is that wealthy supporters don't help you any more than average citizens who like you.

Mr. EXON. Well, I am not sure I totally agree with my friend from Kentucky. Both of us, I think, are creatures of the free enterprise system. I am not sure that running for office is like starting a business. Because this Senator started my business in the basement of our home, my wife and I. So I have some experience in starting a small business. I also have the experience of starting up from scratch in the political races.

I am not sure that I really believe that they are one and the same, and, therefore, I am not sure that the total free enterprise system applies to political races.

But, nevertheless, I respect the point of view expressed by my friend from Kentucky.

Mr. McCONNELL. Since you brought up the political action committees, my friend, it is the opinion of the Senator from Kentucky that public dissatisfaction with political action committees is what is really driving the movement for campaign finance reform.

I proposed a measure, along with Senator PACKWOOD and others, which would eliminate PAC contributions altogether. We could zero out PAC contributions to candidates and, as far as I am concerned, to parties as well.

The two biggest distortions of overall spending are millionaire expenditures, which have gone from $11 million in 1978 to $40 million in 1986, and PAC contributions: in 1978, PAC contributions were roughly $35 million; last year they were $132 million.

It is clear, if you try to define where the problem is, that spending increases have occurred largely because of the millionaire's loophole and the advent of PAC contributions.

Those two developments have been the prime sources of abuse in the current system. That is what turns the public off, not the total amount of mney spent in campaigns, as long as it is spent by a whole lot of people. What offends the public is that wealthy candidates and PAC's have single handedly inflated campaign spending to vast proportions.

Mr. EXON. Let me ask you one more question. I know you want to make a presentation. I do not have any charts but I wanted to ask you this question. If we would enact a constitutional amendment that the Senator from Kentucky is sponsoring, and if we would enact into law the legislation that he is sponsoring, with regard to PAC's and everthing else, and if we had all those things in place—and going back to our theoretical race—the Senator from Nebraska against the Senator from Kentuchy, would, after you get all of these things in place, would it not be possible for me to raise and spend $3 million to $4 million in this race and my friend from Kentucky, if that is the best he could do, would have a total expenditure of, say, $500,000 to $800,000?

Mr. McCONNELL. That is certainly possible, because in the hypothetical that the Senator from Nebraska phrases, the Senator from Nebraska would have a whole lot more support than the Senator from Kentucky, and would be more likely to win—because he would have more support. That is what this process is all about, going out and getting support. That is perfectly all right; it is part of the rough and tumble of American politics.

Who is to say that every candidate should be funded from the Federal Treasury at an equal amount? Who is to say that if a candidate decides to go out and gather his support from a whole lot of folks, that he should trigger taxpayer dollars to his opponent?

I do not think we should be passing a law that is blatantly unconstitutional to deal with a limited problem that can be cured directly. Let's not make all candidates "equal." All candidates are not equal; that is why some win and some lose. Some try harder, some care more, some work harder to win. That is the American way. Public fi-

nancing and spending limits is more like "from each according to his abilities, to each according to his means." That is socialism, and we don't need to import it into our American democracy.

Mr. EXON. Just to clarify this one more time, if you yield—I appreciate your consideration. You are coming back to the situation that I think is the main sticking point by many on that side of the aisle and others on this side of the aisle.

I would simply say to you that if we ever run for office against each other, I do not think that I am $3 to $5 million a better U.S. Senator, or more qualified U.S. Senator, than my friend from Kentucky.

While I would be quite well satisfied and comfortable as a politician—and I have been down the road—if I were going to spend $4 to $5 million, and you were going to spend $500,000 to $600,000, that would be very comfortable. I am very fearful, though, that what my friend from Kentucky is overlooking is the fact that the numbers of people giving to campaigns have a direct relationship to the amount of money that the individual who works at the factory can give and the amount of money that a fairly wealthy person can give, along with the contribution that he can also give in his wife's name.

So I simply say that I think where we part company—we are trying to be fair. I do not think it is fair for me to have $4 to $5 million in my campaign running against you and you have $500,000 to $700,000. I am sorry, I do not think that is fair to you. But, if you want to run under those circumstances, I am going to be assured of winning most of the time.

Mr. McCONNELL. I would say to my friend that it appears to me that he has a bias against certain kinds of political participation. There are all kinds of ways to participate in the campaign.

Those who are busy and involved, starting businesses, like the Senator from Nebraska started his, do not have time to go down to the union hall and work on a phone bank or go out to voter registration drives. Instead, they give a small, disclosed contribution to the candidate they believe in.

It is pretty clear to the Senator from Kentucky that the campaign finance schemes emanating from the other side have a clear bias against small contributions, as opposed to soft money contributions—none of those proposals would do anything at all about soft money.

If we are talking about leveling the playing field, we should bring all the soft money right into the open and put a limit on it. I wonder how the Senator from Nebraska would feel about that.

Mr. EXON. Let me answer that question. You remember that I said a few moments ago there still may be some shortcomings with the bill as advanced and as significantly amended, as the Senator from Oklahoma offered.

I was talking about that particular point. I worry, too, about the soft money. That is why, if we could work with the Senator from Kentucky and if he could help us formulate further amendment to that bill to get at the soft money, then I will support that. That is a concern of mine and, as I have advised the Senator from Oklahoma, I am not, still, totally satisfied with this bill from that standpoint.

So I just say to my friend from Kentucky, if you will be willing to work with us, close at least that portion of the concerns that you have with the bill we would be very delighted to have you join with us in giving us one more vote that we need to reach that 60 votes for cloture.

Mr. McCONNELL. Let me just conclude this discussion by saying I commend the Senator from Nebraska for recognizing this particular problem. As he knows, soft money is neither disclosed nor limited. Individual contributions are limited and fully disclosed; but soft money is a gaping loophole through which millions and millions of dollars are spent every election cycle. It is influence-buying on the black market, and we must blow it open and shut it down.

It has been the suspicion of the Senator from Kentucky that the schemes emanating from that side of the aisle are not particularly interested in either disclosure or limitation on soft money contributions, because the other side of the aisle benefits handsomely from them. If we are going to have a level playing field, it seems to me there ought not to be a bill that is constructed in a manner that has a certain bias against cash contributions and no bias at all against in-kind contributions.

Mr. EXON. I would simply add that we have been discussing and debating this now for I guess 30 or 40 minutes. We have come to a point where the Senator from Kentucky and the Senator from Nebraska agree and maybe we can work that out.

I thank you for your consideration.

Mr. McCONNELL. I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Kentucky seek additional recognition?

Mr. McCONNELL. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. McCONNELL. Madam President, we are now into our 12th day of debate on S. 2. There are a number of issues confronting the country that I am reasonably confident the American people think enjoy a higher priority. The judgment of the Senator from Kentucky, for example, is that tort reform or the liability crisis might be more on the minds of the people of the United States than campaign finance reform.

The distinguished Senator from West Virginia is seeking to bring up catastrophic illness coverage. I believe that is a higher priority.

America is concerned about the competitiveness of our country's industry yet we passed a trade bill last week which was strongly anticompetitive.

As usual, we passed no appropriations bills and we will probably be here until Christmas Eve.

Yet we have spent 12 days, Mr. President, on a problem that really does not exist. There has been a lot of talk about campaign spending in this country, but the fact of the matter is we spend less on Senate campaigns than the American public spent on bottled water last year. We spent more advertising pet food than we spent on House and Senate races combined. When you talk about campaign spending, you have to say, "Compared to what?" Compared to almost any form of communication in our society, which is heavily communications-oriented, we are not spending a whole lot on campaigns.

Most of the money we are spending from campaigns is coming from a whole lot of people who are participating.

And the people who contribute to campaigns are people who are too busy taking care of patients or running businesses or doing something productive to register their views any other way. They do not have the time to go out and work a phone bank, or to go door-to-door, or engage in other political activities. But they want to participate, so they make a small contribution.

Under existing law it is not possible to make a very large financial contribution. The most anyone can give, and few give this much, is $1,000 per election. Not many people do that, but a lot of people make small contributions.

One of the wonderful things that has happened the last 10 years is that a whole lot of people have gotten involved in contributing to political campaigns. One of the reasons that we have been able to raise more money is because more people are interested

and are participating. That is not bad; that is absolutely good. We ought to be encouraging participation in campaigns. We ought to encourage people to get involved.

For most people, the easiest way for them to get involved is to make a small contribution.

That is what this whole debate is about, Madam President. There are some, unfortunately most of them are on the other side of the aisle, who do not have much problem with undisclosed special interest soft money. But these same Senators do want to limit how many individual contributors there can be.

Of course, their goal from the beginning has been to dip into the Treasury and have the taxpayers pay for political campaigns. We have seen several different proposals for this during these 12 days of debate, Boren I, Boren II, and now Boren III.

Boren III has cut the financial exposure of the Government and us taxpayers somewhat. It is estimated now at roughly $30 million in mail subsidies if the bill applied to Senate races only, and from $70 to $100 million if it included the House.

I might say, Madam President, there is no chance of a campaign reform bill being passed that applies only to the Senate. If we are going to change the rules in Federal elections, they must apply to both bodies. We are talking about a version of S. 2 that dips into the Treasury roughly to the tune of $70 to $100 million each election.

Further, Boren III will punish people for exercising their first amendment rights. We have had a lot of people criticize the decision of Buckley versus Valeo. Madam President, may I be so bold as to say it was a good decision. It ratified most of the campaign reforms that were passed in the 1970's. It did, however, say that Congress can go too far in gathering power to insulate its elections from popular will. It can go too far in a free society in snuffing out the rights of citizens to participate in a political campaign.

Let me read in part from the much-maligned decision of Buckley versus Valeo.

The Supreme Court said:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.

Further, the Supreme Court said:

> Virtually every means of communicating ideas in today's mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.
>
> The expenditure limitations contained in the Act . . .

They were referring to the one passed back in the 1970's.

> . . . represent substantial rather than merely theoretical restraints on the quantity and diversity of political speech.
>
> No governmental interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by . . . campaign expenditure limitations . . . The interest in alleviating the corrupting influence of large contributions is served by the Act's contribution limitations and disclosure provisions . . .

The court went on to say:

> There is no indication that the substantial criminal penalties for violating the contribution ceilings combined with the political repercussion of such violations will be insufficient to police the contribution provisions. Extensive reporting, auditing, and disclosure requirements applicable to both contributions and expenditures by political campaigns are designed to facilitate the detection of illegal contributions.
>
> Given the limitation on the size of outside contributions, the financial resources available to a candidate's campaign, like the number of volunteers recruited, will normally vary with the size and intensity of the candidate's support. There is nothing invidious, improper, or unhealthy in permitting such funds to be spent to carry the candidate's message to the electorate. Moreover, the equalization of permissible campaign expenditures might serve not to equalize the opportunities of all candidates but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of the campaign.
>
> In any event, the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns. The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

I venture to say, Madam President, that almost anyone in the Senate would profess to being a supporter of the first amendment. The Supreme Court has said very clearly, in a unanimous decision, that the kinds of restrictions suggested in the various S. 2 permutations are unconstitutional.

The Presidential system is frequently referred to by S. 2's supporters; but there are some important distinctions between the Presidential public funding option, and the penalties proposed in the various versions of S. 2.

In the Presidential system, there is no penalty for choosing to receive public funds. If you choose not to receive public funds, you just have to work very hard to win.

We had one candidate for President, who was not successful—and maybe that is why no one else chose this option—who said, "I don't believe in taking money from the Treasury to run my campaign. I'm going to raise it myself." He did not make it. No one else has. The only penalty was that he had to work harder. He did not dip into the Treasury. He went out and worked for it.

Under all the schemes that have emanated from the other side of the aisle, however, there are real and substantial penalties levied for exercising one's first amendment right in running for public office in this country, to go out and garner as much support as you can. If you do that under any of these schemes, a substantial amount of taxpayer money is triggered immediately to the opponent, in substantial sums.

Clearly, the only reason why the bills have been designed this way is to make it virtually impossible for a candidate, who chooses to raise his money privately, to go out and raise support from a lot of little people in his home State.

Having said that, Madam President, let me hasten to add that the Senator from Kentucky is not entirely satisfied with existing law. There are a number of changes that could and should be made.

Two things have clearly driven the increase in spending on campaigns in the last 8 years, and we have talked about them frequently in the long 12 days of debate that we have been involved in this issue on the floor.

In the age of television in the Senate, charts have become quite popular, and the Senator from Kentucky has one as well. This chart refers to total spending in 1978 in races for the House and the Senate. Total spending was just under $200 million in 1978. In 1986, it was around $450 million. There has been a clear increase in the amount of money spent in House and Senate races, from a little under $200 million, up to $450 million. Inflation obviously has driven that to some extent. But where does the money come from, that additional money that is going into political campaigns?

The big increases have been in two areas that are worthy of attention. First, political action committee contributions have grown substantially. The total PAC spending on House and Senate races in 1978 was $35 million. In 1986, political action committee spending had risen to $132 million, a fairly substantial increase over an 8-year period.

The other area that has gone up considerably is millionaire spending on their own candidates. This was one of the things that Buckley versus Valeo said you could not restrict, that it would be a violation of a wealthy can-

didate's first amendment rights to tell him how much of his own money he could put into his race. People who have a lot of money, therefore, have chosen to do that.

In the case of millionaire spending, on which there is no limitation, in 1978 there was $11 million spent by millionaires in their own behalf, by people in their own campaigns, and that had risen by 1986 to $40 million.

So what you see driving the increase in the amount of money spent are two new sources of funds: The growth in PAC's and the growth in the number of people of great wealth willing to spend money in their own behalf.

The Senator from Kentucky believes that those are two problem areas that could and should be addressed.

The Senator from Kentucky has introduced a constitutional amendment—that is what it would take to overrule Buckley versus Valeo, in part—which would give Congress the authority to limit what individuals can put into their own campaigns. That would level the playing field considerably between the millionaire candidate on the one hand and the candidate of modest means on the other.

Further, the Senator from Kentucky, the Senator from Oregon, and others have introduced a bill that would eliminate political action committee contributions altogether, to candidates and to parties.

To the extent that those two sources of funds were either eliminated, in the case of PAC contributions, or brought under the same restrictions as contributions to another, in the case of millionaire contributions, you begin to level the playing field.

The final item that should be dealt with is the question of the cost of campaigns on the other end, and that is the cost of television. We all know, because we have run for office, that the big cost in any campaign is TV. It is the magic medium. It is the place people get to know us. It is the place they make the decision as to whether to vote for or against us.

Clearly, the requirements under existing law that they sell us political candidates the time at the lowest unit rate available to others is not working out very well.

The Senator from Kentucky and the Senator from Oregon have also proposed a requirement that stations sell us the time at the lowest unit rate of the entire preceding year. It would eliminate the potential to raise, the lowest unit rate just prior to elections, and thereby nullify the discount. If it is a hotly contested race, it is easy for the station to raise the rate for all customers during that pre-election period, so that the lowest unit rate becomes a good deal higher than it was immediately before that; and they thereby make an enormous profit off of political activity.

It would not be violation of any broadcaster's property rights to simply require that the stations sell us campaign advertising time at the lowest unit rate of the preceding year. Considering the handsome sums they extract from us now, such a discount would not even materially hurt their balance sheets.

That would avoid the spending increases which have been seen in many States, and which have further driven up the costs of campaigns.

Madam President, there is a way to deal with the real problems in this area, without putting a limit on participation by average individual citizens around the country. The Supreme Court has said that is in fact unconstitutional. It is a first amendment freedom, and shouldn't be restricted.

We can get at the real problem by doing something about the cost of TV, the millionaires' loophole, and political action committees.

It is the opinion by the Senator from Kentucky that what is generating all the bad press, and there has been some—is the belief that the special interests are contributing too much to political campaigns. You can make that argument. Special interest or PAC contributions have clearly gone up substantially, from $35 million in 1978 to $132 million in 1986. Why don't we just eliminate them, just zero them out, and then the contributions that go into campaigns will come entirely from individuals. We have not raised the amount that an individual can contribute in over 12 years and I am not even advocating that. Keep it where it is.

The downside of keeping the limit as low as it is requires us to work harder. I notice a lot of folks in this body don't want to work very hard in their campaigns. They just would like to reach into the Treasury and get the tax dollars that have been given involuntary by the folks out there, rather than going out and raising it themselves. It is time-consuming if one chooses, and it is our choice. Nobody makes us do it. It is time-consuming if one chooses to raise a lot of money, and it takes a little while to do that. You do not have to. If you want, you can just say no.

There are a number of Senators in this body on both sides of the aisle who simply choose not to do that. They say, "That may be good strategy, to stack up a lot of money early and scare my opponent off, but I choose not to do so. I am going to cut down the length of time that I am involved in this process to 1 year." Nobody is making us do either.

I have heard time and time again from the other side of the aisle, "I am spending all my time raising money." Senators are going hither and yon and everywhere raising money. No one is making them do that. They choose to. They choose to because they think it is good strategy.

We ought not to rewrite the basic compaign laws of this country because some Senators do not want to spend any time at raising money. Nobody is saying to them that their campaign budgets should be a certain amount. They can do what they choose to do.

We should not, however, pass a bill that is flatly unconstitutional, just because some people do not want to spend much time raising money.

The sanctions against the exerise of first amendment freedoms in the various Boren proposals violate the Constitution. Now, some will say, "Let us just pass a bill, and see if the Supreme Court decares it unconstitutional."

Now, I do not think we ought to go around as a careful, deliberative legislative body, passing bills that are blatantly unconstitutional.

The various suggestions that the Senator from Kentucky has made would achieve true campaign reform by doing something meaningful about the millionaire problem, the PAC problem, and the cost of campaigns. That would be true campaign finance reform.

The Senator from Kentucky has said frequently, over the 12 long days we have had this debate, that he would be willing to sit down at any time with the leaders on the other side to talk about true campaign finance reform. For true campaign finance reform to pass, it must be bipartisan. You are not going to get a partisan bill out of here on this vital issue.

The people on this side of the aisle have seen that the various proposals emanating from the other side discriminate against small individual contributions and protect the so-called in-kind contribution, or soft money. Democratic candidates, by and large, have done better with soft money, so they want to protect that. Republican candidates have attracted the support of the small contributor, so they want to push the average citizen out of politics.

Thus, it has developed into a partisan conflict. But if we are serious about passing a campaign finance reform bill, we ought to take this matter off the floor, sit down together, and work out something that will treat the millionaire problem, the PAC problem, and the cost of campaigns. We can enact a law that will be good for the system and not hurt either one side or the other side or the system itself. That is the kind of bill we ought to be working toward.

That concludes my observations for the time being, and seeing no one else on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS FOR 15 MINUTES

Mr. BYRD. Madam President, there will be no more rollcalls today. Some discussions are going on at the moment. Rather than keep the Senate in a quorum call longer and so as to give the doorkeepers and others a chance to get a drink of water and a breath of fresh air, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate at 5:32 p.m., recessed until 5:47 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JUDGE BORK AND THE FIRST AMENDMENT

Mr. HUMPHREY. Madam President, last night in remarks before the Senate I called my colleagues' attention to the extraordinary track record compiled by Robert Bork as a member of the U.S. Circuit Court of Appeals for the District of Columbia. It is doubtful—and I am having this research done now so I will have more authoritative information on this point, but I think it is fair to say—it is doubtful that any other appellate judge in the Nation can match the number of majority decisions he or she has written or joined in with without a single reversal of those decisions by the Supreme Court.

Judge Bork's record on this point is extraordinary. He has written approximately 100 majority decisions, not one of which has been overturned by the Supreme Court. He has joined in, concurred in, more than 400 opinions in the last 5 years, likewise which have not been overturned by the Supreme Court.

I make the point because it is absurd to argue that a judge with such an exemplary record serving at the highest levels of the Federal judiciary, just below the Supreme Court, is undeserving of confirmation because of his judicial philosophy, as his opponents allege.

Beyond the matter of Bork's impeccable record, impressive record, extraordinary record—probably a unique record—it is important to dispel some of the misleading arguments made by the partisan groups attacking his positions in various critical areas of the law.

I want to focus this evening on the charges about Robert Bork's hostility to the first amendment, which charges are nothing more than rubbish.

Seizing upon an article Judge Bork wrote 16 years ago exploring a theoretical approach to first amendment issues, the opponents claim that Bork has an unacceptably narrow view of free speech rights. Once again, however, these criticisms are refuted fully by the observable facts of Bork's established judicial record. Bork has written major opinions in the D.C. Circuit which reflect exceptional sensitivity to the first amendment. These opinons are flatly incompatible to charges that his judicial philosophy gives short shrift to civil liberty and free speech in particular.

Madam President, in Ollman versus Evans and Novak, Bork wrote a concurrent opinion which extended novel first amendment protection to journalistic opinion. The issue was whether a newspaper column's critical characterizations of a Marxist professor were privileged opinion entitled to constitutional protection against liable suits. Judge Bork held that they were, and stressed that preservation of first amendment freedom sometimes requires a flexible judicial approach to contemporary situations.

Bork's opinion in Ollman was praised by the New York Times. Hear that, opponents who suggest that Bork is unfriendly to free speech.

Bork's opinion in Ollman was praised by the New York Times, and the Washington Post. Hear that, likewise. Both the Washington Post and the New York Times praised one of the two principal decisions which Bork was involved in that bore directly on free speech.

In fact, in one of the few cases where they differed while on the U.S. Court of Appeals, Antonin Scalia sharply dissented against Bork's conclusions as an unwarranted expansion of the first amendment theory.

So the man we confirmed by unanimous vote of 98 to nothing less than a year ago disagreed with Judge Bork in the Ollman decision which was about free speech. Bork was praised by the Washington Post and the New York Times for the correctness of his decision. Scalia dissented from Bork and we nonetheless, and rightly so, confirmed Scalia by 98 to 0.

Significantly, during Judge Scalia's confirmation hearings for the Supreme Court, the senior Senator from Massachusetts pointedly noted that Scalia had taken a more restrictive view of first amendment liberties there than Bork did. Yet, now the tune has changed, and Judge Bork, who was the hero of Ollman, is suddenly portrayed as one who is suspect in the area of free speech. It has become apparent that these charges against Bork have little to with the facts and everything to do with partisan political considerations.

In another key first amendment case, Judge Bork held that the Washington Metro's refusal to accept a poster harshly critical of the Reagan administration for display in subway stations was an unconstitutional prior restraint. The poster in question was a crude depiction of the President and other administration officials seated at a table full of food and appearing to laugh at underprivileged bystanders. Even though Metro had rejected the poster for violating Metro's guidelines with respect to deceptive advertisement, Judge Bork stressed that "the thumb of the court should be on the speech side of the scales." He held that any prior restraint of political messages on the basis of alleged deceptiveness is unconstitutionally overbroad.

So there are the two most important cases bearing on the first amendment, bearing on free speech, in which Bork has participated, and in both cases he was the hero; and in one case, in Ollman, he was cited as a hero by the Washington Post and the New York Times.

So it is clear from this record as a judge that he is very strong, indeed, on maintaining the sanctity and the strength of first amendment rights. The case of Ollman and the Metro poster case are the proof for those who want to look beyond political demagoguery and look at his decisions, look at his performance, look at his record, which is spotless as a judge.

I point out again that in over 100 decisions which he authored, he has been upheld every time by the Supreme Court—every time such decisions have been appealed. He has never been overruled by the Supreme Court.

When Judge Bork has rejected expansive claims in this area, the correctness of his rulings likewise has been borne out. A major case in point was Community for Creative Nonviolence versus Watt. In that case, a majority of the D.C. Circuit reached the curious conclusion that sleeping overnight in Lafayette Park constituted "protected speech," and therefore the Park Service was barred from enforcing its regulations against abuse of the parks. But Judge Bork joined Judge Scalia in dissenting. They said that the majority's decision "stretch(es) the Constitution not only beyond its meaning but beyond reason, and

beyond the capacity of any legal system to accommodate."

So, in that case, he was on the other side of the fence, if you will. He felt that the majority, themselves, were overbroad in interpreting the first amendment. So, what happened? Did the Supreme Court stomp on Judge Bork's opinion? Not at all. By a vote of seven to two, the Court agreed with Scalia and Bork and reversed the D.C. Circuit Court ruling that sleeping in the park was free speech. Interestingly, Judge Powell, whose regulation created the vacancy for which Robert Bork is being considered, sided with the Bork view, as he almost always has, in reviewing D.C. Circuit Court rulings.

So, when Bork was in the majority on first amendment rights, he was upheld by the Supreme Court. When he was in the minority on first amendment rights, he was upheld by the Supreme Court. A spotless, flawless, perfect record; a 1,000 batting average for Robert Bork.

Yet, there are some who, without any substance, without any basis, claim that he is weak on first amendment rights. The record proves the critics wrong, for those who want to look at the record.

As in other areas of the law, Judge Bork combines sound constitutional principles with good common sense to reach just and correct resolution of first amendment disputes.

I urge my colleagues to consider these realities against the distortions, dishonest distortions, of Judge Bork's record being spread by his opponents. This is a judge with a proven record of reaching correct legal decisions in over 400 cases. This is a record second to none. This is a judge whose judicial record is nearly a perfect match for an outstanding Supreme Court Justice whose confirmation we unanimously approved about a year ago—speaking of Scalia. "He looks like Scalia," to use the phrase of the chairman of the Judiciary Committee. He looks like Scalia. The record proves he looks like Scalia. The records are almost identical. We confirmed Scalia by 98 to 0, less than a year ago.

Mr. President, these are the kinds of relevant and objective facts we must focus upon if we are to have a fair and reasonable confirmation process—fair and reasonable. Is that too much to ask? Can we have fairness and responsibility instead of demagoguery? I think it is not too much to ask.

There are those who claim that Bork is an extremist. His record proves that he is not. He looks like Scalia. Was Scalia an extremist? Are Senators prepared to admit that they confirmed to the Supreme Court, by a vote of 98 to 0, a man who was an extremist—Scalia?

Their records are almost identical on the D.C. Circuit Court, where they both served. Are Senators, likewise, prepared to admit that those of us in 1982, those who were here then—including the chairman of the Judiciary Committee, including the senior Senator from Massachusetts—those who, with the chairman of the committee, have been the leading vocal opponents of Bork—are we willing to say that in 1982, when confirming Bork, after careful scrutiny, we confirmed an extremist by unanimous vote?

Is that what the Senate is asking the American people to believe? It is preposterous. If Robert Bork was an extremist, was the ogre his opponents portray him to be, he would not have been confirmed by a unanimous vote 5 years ago to the second-most important court in this country, and neither would he have been confirmed as Solicitor General, a prior post he held, the third highest post in the Justice Department.

Mr. President, all the nominee wishes for, I am sure, and all the President hopes and wishes for is fairness and reasonableness. I think that if we have those things, it will be clear that Robert Bork looks a lot like Scalia. I would hope that the chairman, who said that, on that basis, he would vote to confirm, notwithstanding all the pressure of the special interest groups which play a part in the selection of the Democratic nominee for President, would vote to confirm. I hope that ultimately the chairman and every Member of this body will vote to confirm Judge Bork, assuming that nothing untoward is turned up in the hearings. There is always that possibility, and we should keep an open mind. As Members can tell, I am inclined to support Judge Bork, but I have not committed. As a member of the Judiciary Committee, I think I should remain openminded, at least until after the hearings, and I intend to do so. One never knows what might come up. But if there is anything untoward, it has never been discovered, either in his record as a member of the D.C. Court or in the confirmation process for that position or in the confirmation process for the post of Solicitor General.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

BICENTENNIAL MINUTE

AUGUST 4, 1789: ESTABLISHMENT OF THE DEPARTMENT OF WAR

Mr. DOLE. Mr. President, 198 years ago today, on August 4, 1789, the Senate approved legislation to establish the third of the three original executive branch agencies: the Department of War. Under the "Articles of Confederation," the seeds of the future War Department had been planted and cultivated by Henry Knox, a distinguished Revolutionary War commander. In September 1789, the Senate confirmed Knox as the first Secretary of War.

With a personal staff of only two clerks, Knox supervised the Nation's two armories, in Springfield, MA, and Harper's Ferry, VA, while maintaining a well-regulated militia in support of a small 560-man Regular Army. The War Department's administrative structure consisted of a quartermaster's section, a fortifications branch, a paymaster, an inspector general, and an Indian office. By 1800, as the Federal Government moved to its new Capitol in Washington, the task of governing the military affairs of the entire Nation had overwhelmed the original tiny staff, and the number of department personnel had expanded to 80.

The young War Department was plagued by mismanagement, failure, and incompetence. Following a 1791 Indian victory over Federal forces, a congressional investigating committee blamed improper organization, and a lack of troop training and discipline, for the embarrassing defeat. In 1794, Secretary Knox resigned, distracted by the burden of his wife's gambling debts and undercut by President Washington, who considered military affairs as his own personal area of expertise. During the following century and a half, the War Department was headed by such notable national figures as James Monroe, John C. Calhoun, Jefferson Davis, and William Howard Taft. Under the 1947 "National Security Act", the old War Department was merged with the Navy Department to create the new Department of Defense.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty, which was referred to the appropriate committees.

(The treaty received today is printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements 42 U.S.C. 3536, I hereby transmit the Twenty-second Annual Report of the Department of Housing and Urban Development, which covers calendar year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *August 4, 1987.*

ANNUAL REPORT OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE THE PRESIDENT—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Pursuant to the requirements of Section 10 of the Saint Lawrence Seaway Act of May 13, 1954, I hereby transmit the Saint Lawrence Seaway Development Corporation's Annual Report for 1986.

RONALD REAGAN.

THE WHITE HOUSE, *August 4, 1987.*

MESSAGES FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 318. An act to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service;

H.R. 921. An act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units; and

H.R. 1403. An act to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1948. An act to designate the U.S. Post Office Building located at 153 East 110th Street in New York, NY, as the "Oscar Garcia Rivera Post Office Building";

H.R. 2309. An act to provide that certain lands shall be in trust for the Pechanga Band of Luiseno Mission Indians of the Perchanga Reservation, CA;

H.R. 2629. An act to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporations and the State of Alaska;

H.R. 2937. An act to make miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes; and

H.R. 2957. An act to provide for improvements in the National Cemetery System administered under title 38, United States Code, and for other purposes.

ENROLLED BILLS SIGNED

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service;

H.R. 1403. An act to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building";

H.R. 1444. An act to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STENNIS).

At 5:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the joint resolution (H.J. Res. 324) increasing the statutory limit on the public debt; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means: Mr. Rostenkowski, Mr. Gibbons, Mr. Pickle, Mr. Rangel, Mr. Stark, Mr. Jacobs, Mr. Jenkins, Mr. Russo, Mr. Matsui, Mr. Duncan, Mr. Archer, Mr. Crane, Mr. Schulze, and Mr. Thomas of California.

From the Committee on Appropriations: Mr. Whitten, Mr. Smith of Iowa, Mr. Murtha, Mr. Traxler, Mr. Edwards of Oklahoma, and Mr. Lewis of California.

From the Committee on Rules: Mr. Pepper, Mr. Moakley, Mr. Derrick, Mr. Beilenson, Mr. Frost, Mr. Latta, and Mr. Lott.

From the Committee on Government Operations: Mr. Brooks, Mr. Conyers, Mr. Waxman, Mr. Synar, Mr. Horton, and Mr. Walker.

From the Committee on the Budget: Mr. Gray of Pennsylvania, Mr. Leath of Texas, Mr. Williams, Mr. Wolpe, Mr. Gradison, and Mr. Mack.

Appointed as additional conferees: Mr. Foley, Mr. Ford of Michigan, Mr. Obey, Mr. Aspin, Ms. Oakar, Mr. Panetta, Mr. Fazio, Mr. MacKay, Mr. Frenzel, Mr. Regula, Mr. Gregg, Mrs. Martin of Illinois, and Mrs. Johnson of Connecticut.

The message also announced that the House has passed the following bill, without amendment:

S. 769. An act to provide grants to support excellence in minority health professions education.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes; and

H.R. 2672. An act to amend title 38, United States Code, for the purpose of improving veterans' housing programs.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1948. An act to designate the United States Post Office Building located at 153 East 110th Street in New York, New York as the "Oscar Garcia Rivera Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2615. An act to provide that certain lands shall be in trust for the Pechanga Band of Luiseno Mission Indians of the Perchanga Reservation, California; to the Committee on Energy and Natural Resources.

H.R. 2629. An act to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native Corporations and the State of Alaska; to the Committee on Energy and Natural Resources.

H.R. 2672. An act to amend title 38, United States Code, for the purpose of improving veterans' housing programs; to the Committee on Veterans' Affairs.

H.R. 2937. An Act to make miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 2957. An act to provide for improvements in the National Cemetery System administered under title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time and placed on the calendar:

H.R. 1994. An act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes; and

H.J. 216. Joint resolution to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes; and

H.R. 2309. An act to amend the Christopher Columbus Quincentenary Jubilee Act;

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 3, 1987, the following report was submitted on August 3, 1987, during the adjournment of the Senate:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1542) to provide financial assistance for a program of comprehensive child development centers, and for other purposes (Rept. No. 100-141).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1048: A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes (Rept. No. 100-142).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 812: A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish a National Quality Improvement Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services (Rept. No. 100-143).

By Mr. METZENBAUM (for Mr. KENNEDY), from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 945: A bill to require the Secretary of Health and Human Services to make grants to local governments for demonstration projects to provide respite home and other assistance for infants abandoned in hospitals, and for other purposes.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1194: A bill to transfer jurisdiction over certain lands in Bernalillo County, NM, from the General Services Administration to the Veterans' Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

H. Lawrence Garrett III, of Virginia, to be Under Secretary of the Navy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BURDICK, from the Committee on Environment and Public Works:

Kenneth C. Rogers, of New Jersey, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1992.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATSUNAGA:

S. 1588. A bill for the relief of Vasikaran Ratnarajah; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1589. A bill for the relief of LeRoy Sylestine, Chairman of the Tribal Council of the Coushatta Tribe of Louisiana, and all other enrolled members of the Coushatta Tribe of Louisiana; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1590. A bill to ensure American control of certain vessels engaged in processing of fish within the United States Exclusive Economic Zone; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S.J. Res. 183. A joint resolution establishing a moratorium on the prepayment of certain mortgages insured under the National Housing Act or assisted under such act; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1590. A bill to ensure American control of certain vessels engaged in processing of fish within the U.S. exclusive economic zone; to the Committee on Commerce, Science, and Transportation.

PROCESSING OF FISH WITHIN THE UNITED STATES EXCLUSIVE ECONOMIC ZONE

● Mr. MURKOWSKI. Mr. President, the U.S. fishing and fish processing industries have made great strides in the recent past. We have come far along the road to the fully Americanized seafood industry visualized by those who led the passage of the Magnuson Fishery Conservation and Management Act, including my good friend and colleague Senator STEVENS, the senior Senator from Alaska.

I rise today to introduce legislation that will help to assure continued progress toward that same goal.

Only a few years ago, much of the vast U.S. fishery resources were being harvested by foreign nations. These countries were only too happy to take advantage of the U.S. inability either to catch or to process its own resources. As a result, they were able to take billions of pounds of fish each year.

Ironically, most of what they harvested were bottom-dwelling fish such as Alaska pollock and Pacific cod, and we often found ourselves in the position of buying back our own fish, after foreign fishermen, processors, transporters, and reprocessors all had profited from it.

The Fishery Conservation and Management Act began to change that sad state of affairs by providing the domestic industry with preferential rights to the harvesting and processing of domestic resources. We have now reached the point where our resources are almost entirely harvested by American fishermen, and are rapidly moving toward the same state in the processing sector.

As an illustration of how rapidly this has occurred, let me call attention to the fact that as recently as 1982 only 2 percent of the fish harvested in this country's rich fishing grounds off Alaska were caught and processed by the domestic industry. This year, it was the foreign fleets that were allocated just 2½ percent of the total; 69 percent was allocated to American fishermen working in joint ventures with foreign processors, and a full 28 percent was scheduled to be both caught and processed by Americans.

We must recognize, however, that despite our progress toward using American boats and processing plants, practical control over a large portion of the American industry remains in the hands of foreign firms. Japanese companies especially hold a substantial—even overwhelming—interest in many U.S. companies. The purpose of such investment has been to provide for stability in the cost of American products to Japan, and it has worked splendidly.

Now, with the U.S. industry's operating capacity expanding rapidly, it is time to take steps to ensure that control over certain aspects of the expansion remain in U.S. hands.

The bill I am introducing today will accomplish this. It is directed toward at-sea processing ships, which form the most rapidly growing sector in the industry and the most likely target for future takeovers. These vessels include both mother ships supplied by catcher boats, and trawler processors which catch most of their own raw material.

Mr. President, the need for legislation of this type is amply illustrated

by what happened just a few days ago when an application was submitted to reflag three large Korean fish processing vessels under exactly the circumstances we are trying to prevent. Although title to these vessels may be in the name of an American company, control clearly is not. Worse, these vessels are large enough by themselves to make a significant dent in the amount of U.S. bottom fish available to U.S. processors.

This is a blatant attempt to get around the intent of the Magnuson Act, and I for one find it extremely objectionable. One way of avoiding this is quick action to prohibit the reflagging of fish processing vessels, and I wholeheartedly support doing so. In fact, I am today offering, in addition to this bill, an amendment which I hope will allow S. 377, which directly addresses reflagging, to go forward more quickly.

Mr. President, one cannot turn the clock backward, and the legislation I am introducing today avoids punitive restraints on existing companies. It will, however, require that controlling interest in new at-sea processing vessels be held by American citizens or by corporations that are under American control.

Section 1 of the bill prohibits any fish processing vessel from operating within the U.S. exclusive economic zone unless the controlling interest in the vessel is owned by U.S. citizens or is owned by a corporation or other company in which controlling interest is held by U.S. citizens.

Only two exceptions are allowed. The first allows existing foreign-controlled vessels to continue operating as long as they have been used continuously by the same company since before January 1, 1987. The second applies only in cases where a foreign lender has agreed to finance an American-controlled company's purchase, and retains an equity interest in the vessel until the loan is paid.

Section 2 of the bill calls upon the Secretary of Commerce to review and report to Congress on the effect this legislation has had on the number of foreign-controlled fish processing vessels operating in U.S. waters.

Finally, section 3 defines what is meant by the terms "fish processing vessel," and controlling interest. In reference to the latter, it is my intention to ensure a clear understanding that, before controlling interest is considered to exist, several conditions must be met. These include American citizen ownership of a majority of a company's stock, an American-held majority of the voting power within the corporate structure, and an absence of any other circumstances that could lead to control of the company by any foreign entity.

This bill represents a careful, deliberately cautious approach to promoting the goal of the Magnuson Act to Americanize our fisheries, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, a fish processing vessel is prohibited from operating in the waters of the United States Exclusive Economic Zone unless—

(1) the controlling interest in such vessel is owned by an individual or individuals who are citizens of the United States or by a corporation, partnership, or other entity with respect to which the controlling interest therein is owned by an individual or individuals who are citizens of the United States; or

(2) such vessel—

(A) has been used continuously as a fish processing vessel in the waters of the United States Exclusive Economic Zone from January 1, 1987, to the date of enactment of this Act; and

(B) the controlling interest in such vessel was continuously held by the same individual or individuals, or by the same corporation, partnership, or other entity, from January 1, 1987, to the date of the enactment of this Act; or

(3) such vessel was purchased by an individual or individuals who are citizens of the United States, or by a corporation, partnership, or other entity with respect to which the controlling interest therein is owned by an individual or individuals who are citizens of the United States, for use in the United States Exclusive Economic Zone as a fish processing vessel pursuant to a financing agreement in effect on January 1, 1987.

(b) The exemption of a vessel under clause (2) of subsection (a) shall cease at such time as such controlling interest in any such vessel ceases to be continuously held by such individual, individuals, corporation, partnership, or entity.

SEC. 2. The Secretary of Commerce shall study and review the effectiveness of this Act in reducing the number of fish processing vessels within the United States Exclusive Economic Zone during the 12-month period following the date of the enactment of this Act the controlling interest of which is not owned by United States citizens. On or before the expiration of the 15-month period following such date of enactment, the Secretary of Commerce shall report to the Congress the results of such study and review, together with his or her recommendations.

SEC. 3. As used in this Act, the term—

(1) "fish processing vessel" means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling; and

(2) "controlling interest" has the same meaning as used in section 2(b) of the Shipping Act of 1916 (46 U.S.C. 802(b)).●

By Mr. D'AMATO:

S.J. Res. 183. Joint resolution establishing a moratorium on the prepayment of certain mortgages insured under the National Housing Act or assisted under such act; to the Committee on Banking, Housing, and Urban Affairs.

TENANT BILL OF RIGHTS

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation addressing a volatile and complicated issue affecting low-income tenants and low- and moderate-income housing management in this country. This legislation is intended to protect tenants and promote the long-term availability of affordable housing to low-income individuals.

The past few months have been difficult. Over 5,000 section 515 farmer's home units have become available for prepayment. Congress has been forced to further extend a moratorium on these prepayments in order to develop a feasible, long-term plan for low-income housing in this country.

This bill proposes that a temporary moratorium be placed on prepayments of certain HUD mortgages. Specifically, the moratorium would apply to 221(d)(3) market rate projects constructed with rent subsidy and/or converted to section 8 low management set-aside, 221(d)(5) projects, and 236 projects that are insured and not insured by HUD. The moratorium will terminate on January 1, 1989, providing 1½ years for Congress to address the prepayment problem in a thorough and productive manner. I do not envision the moratorium to be a long-term solution to this problem. However, in light of the current need for a temporary solution, some protection must be provided for low-income tenants.

Prepayment and "opting out" by owners of a variety of HUD programs poses a significant problem. The prepayment of HUD mortgages may subject low-income tenants to the whim of project owners. For some tenants, displacement and relocation are a very real threat. Many communities have very little housing available for tenant relocation.

The prepayment of these mortgages also has serious consequences for owners of these projects. Owners of projects, who have lived up to a 20-year agreement with the Federal Government, may be forced to renegotiate their contracts with the Government. Breaking these contracts could tie up owners and the Federal Government in court for an indefinite period of time. Unfortunately, low-income individuals are the ones who would most suffer if investment in low-income housing becomes unattractive.

Further, such prepayment has a very real impact upon the preservation and maintenance of our current housing stock. Tax reform and a major reduction in Federal spending have brought housing production to a virtual halt. The threat of the loss of al-

ready existing low-income housing is overwhelming. Long waiting lists for low-income housing in cities around the country already exist.

In view of the complexity of this issue, as well as the number of units and individuals affected by the prepayment issue, it would be unwise for Congress to act rashly. A quick-fix solution to this problem could be devastating for low-income tenants and project owners.

In addition, no one knows exactly which projects will or are likely to prepay in the near future. No one knows how many units could be lost from our low-income housing stock. No one knows how many low-income tenants will be affected by prepayments. We simply do not have enough specific information at this point.

Two task forces, representing all parties involved, are presently looking into solutions for the prepayment problem. They expect to complete their studies by the end of this year, the exact point at which Senator CRANSTON and I will be working on major, all-encompassing housing legislation. It would only be wise for Congress to wait until this time in order to address the prepayment problem in a well thoughtout, long-term manner. We will then have a clear idea of how best to approach the problem.

As ranking Republican on the Subcommittee on Housing and Urban Affairs, I am committed to ensuring that this Nation has long-term, permanent housing for low-income individuals. I am hopeful that this legislation will provide a necessary intermediate step in achieving this goal.●

ADDITIONAL COSPONSORS

S. 248

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 945

At the request of Mr. METZENBAUM, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. QUAYLE], the Senator from Connecticut [Mr. DODD], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 945, a bill to require the Secretary of Health and Human Services to make grants to local governments for demonstration projects to provide respite home and other assistance for infants abandoned in hospitals, and for other purposes.

S. 1059

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1059, a bill to terminate the application of certain Veterans' Administration regulations relating to transportation of claimants and beneficiaries in connection with Veterans' Administration medical care.

S. 1203

At the request of Mr. GRASSLEY, the names of the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1203, supra.

S. 1345

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1345, a bill to allow the National Association of State Racing Commissioners, State racing commissions and regulatory authorities that regulate parimutuel wagering to receive and share Federal Government criminal identification records.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1365

At the request of Mr. CRANSTON, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1365, a bill to amend title 38, United States Code, to establish presumptions of service connection for certain diseases of former prisoners of war.

S. 1369

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1369, a bill to strengthen the technological literacy of the Nation through demonstration programs of technology education.

S. 1382

At the request of Mr. METZENBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1382, a bill to amend the National Energy Conservation Policy Act to improve the Federal Energy Management Program, and for other purposes.

S. 1397

At the request of Mr. CRANSTON, the name of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1397, a bill to recognize the organization known as the Non-Commissioned Officers Association of the United States of America.

S. 1437

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1437, a bill to make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence.

S. 1453

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1453, a bill to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes.

S. 1464

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1464, a bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities.

S. 1475

At the request of Mr. MELCHER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1475, a bill to establish an effective clinical staffing recruitment and retention program, and for other purposes.

S. 1484

At the request of Mr. GRASSLEY, the names of the Senator from Nevada [Mr. HECHT], the Senator from Tennessee [Mr. GORE], the Senator from Montana [Mr. BAUCUS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1484, a bill to provide permanent authorization for White House Conferences on Rural Development and the Family Farm.

S. 1490

At the request of Mr. SARBANES, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1490, a bill to designate certain

employees of the Librarian of Congress as police, and for other purposes.

S. 1511

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1576

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1576, a bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, and for other purposes.

S. 1587

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games.

SENATE JOINT RESOLUTION 53

At the request of Mr. CRANSTON, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Nebraska [Mr. KARNES], the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mr. ADAMS], the Senator from Indiana [Mr. QUAYLE], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. CRANSTON, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 171, a joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 173

At the request of Mr. REID, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 173, a joint resolution to commemorate the 200th anniversary of the signing of the United States Constitution.

SENATE JOINT RESOLUTION 175

At the request of Mr. TRIBLE, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to recognize the efforts of the United States Soccer Federation in bringing the World Cup to the United States in 1994.

SENATE RESOLUTION 219

At the request of Mr. DASCHLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Resolution 219, a resolution expressing the sense of the Senate with respect to the use of ethanol, methanol, and other oxygenated fuels as an accepted air pollution control strategy in nonattainment areas designed by the Environmental Protection Agency.

SENATE RESOLUTION 267

At the request of Mr. MITCHELL, the names of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. EVANS], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. KARNES], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Resolution 267, a resolution to express the sense of the Senate that Rachel Carson is recognized on the twenty-fifth anniversary of her book "Silent Spring," for her outstanding contributions to public awareness and understanding of environmental issues.

AMENDMENTS SUBMITTED

CONDITIONS FOR QUALIFICATION OF CERTAIN VESSELS UNDER THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

MURKOWSKI AMENDMENT NO. 657

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 377) to impose a moritorium on the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes; as follows:

On the first page, strike out lines 3 through 6 and insert in lieu thereof the following: "That, notwithstanding any other provision of law, it shall be unlawful for any foreign-built vessel for which an application for United States documentation was not submitted prior to January 1, 1987, and which has not been documented under the laws of the United States prior to August 1, 1987, to engage in the processing of fish for commercial use or consumption."

● Mr. MURKOWSKI. Mr. President, I rise today to submit an amendment on the reflagging of fish processing vessels, to clarify the issue of when fish processing vessels built in foreign countries may be allowed to operate in the United States exclusive economic zone.

To help encourage the development of a healthy U.S. fishing industry, the Magnuson Act created a three-tiered priority system for fishery allocations: Fish to be both caught and processed domestically has the highest priority, followed by fish caught by U.S. fishermen for sale to foreign processors, and

finally, fish both caught and processed by foreign entities.

The priority system has been highly successful, especially in encouraging growth in the U.S. harvesting sector. Still, the lion's share of harvested fish continue to be processed, if not caught, by foreign companies and their floating processing vessels.

The domestic processing industry is just now beginning its own rapid expansion. In just the last year, the share of the harvest these companies can handle has more than tripled, from 8 to 28 percent of the total.

Unfortunately, there is a loophole in existing U.S. law that could forever eliminate this industry's ability to complete the job of Americanization. That loophole permits the owner of a foreign fish processing vessel to create a "paper" U.S. corporation under foreign control, then assign the interest in the vessel to the U.S. corporation. The newly created subsidiary can then have the vessel redocumented as a U.S. ship—the process we know as reflagging.

A reflagged ship would be fully eligible under current law for the highest priority allocation preference under the Magnuson Act. Further, because the processing capacity represented by these vessels is so great, the processing industry could undergo instant overcapitalization if mass reflaggings took place.

These vessels are also fully amortized, so even if they were to use all-American crews and U.S. packaging, fuel, food supplies, et cetera, they would still be able to offer their owners a higher rate of return than any newly financed American venture could hope to achieve, whether on shore or at-sea.

Perhaps even more important is the fact that the threat of reflagging decreases the availibility of investment capital for the expansion of our own industry. After all, what investor would put large amounts of money in a business when he knows there is an excellent chance it will never be able to pay back his investment.

When I introduced legislation on this issue late last year, and again when my distinguished colleague Senator STEVENS and I introduced S. 377 early this year, I hoped to see this issue resolved swiftly. Unfortunately, there was not enough time left before the 99th Congress adjourned, and this year a steady stream of misinformation and speculation has muddied the waters and again prevented speedy action.

The need for rapid action on this issue has recently become even more obvious, and that is why I have chosen to offer both this amendment, and a new bill requiring American control of fish processing vessels themselves.

Despite claims by opponents of the earlier bills that it would never happen, a mass reflagging attempt is indeed being made. On Monday of last week, applications were submitted to reflag four foreign vessels. Three of these ships are Korean vessels being reflagged under the name of a newly established company that just barely meets the minimum requirements for U.S. incorporation. I find that outrageous. It is nothing more than a blatant attempt to get around the purpose and intent of the Magnuson Act.

Mr. President, this amendment is offered in a spirit of compromise, to be fair to those who began in good faith to document a foreign bottom before S. 377 was introduced, and who have since completed the administrative processes and been issued U.S. documentation.

My amendment removes the retroactive provision of S. 377, and replaces it with language requiring that any vessel to be used as a fish processing vessel has to meet two conditions: It must have applied for U.S. documentation before January 1 of this year; and it must have completed the process prior to August 1.

The net effect of this change is minimal. According to the latest information available from the U.S. Coast Guard Documentation Office, it would apply to just a single vessel, the former *Estavo Gomez*, which applied for documentation last year, and received it last month. This vessel, now called the *La Poncena*, is not the type of sham operation we are trying to prevent. It is, instead, a legitimate business venture opening new markets for Alaska codfish.

There are several reasons to choose August 1 as the cutoff for the completion of the documentation process. It is both late enough so that no one can argue that they did not have enough warning, or time enough to complete the process, and early enough to prevent the sort of last-minute, bogus attempts to escape congressional intent that occurred last week.

Mr. President, this is a clean, simple, and fair approach to resolving this problem. We need to act right away, before we have a flood of bogus ventures to deal with, and before any are actually given legal recognition.

Mr. President, I ask that my amendment be referred to the Senate Committee on Commerce, Science, and Transportation, for timely review as the committee moves toward mark up of S. 377.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent the Committee on Armed Services' Subcommittee on Conventional Forces and Alliance Defense be authorized to meet during the session of the Senate on Tuesday, August 4, 1987 at 2 p.m. in closed session to receive testimony on the capabilities from the U.S. European command.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works, be authorized to meet during the session of the Senate on August 4, beginning at 2:15 p.m., to mark up the Price-Anderson Act, S. 1425, a bill to authorize construction of a building for the Environmental Protection Agency, and to consider the nomination of Kenneth C. Rogers to be a member of the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on August 4, 1987 at 2:15 p.m., to hold a hearing on S. 567, Malt Beverage Interbrand Competition Act.

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

ADDITIONAL STATEMENTS

THE GRAMM-RUDMAN-HOLLINGS "FIX"

● Mr. MOYNIHAN. Mr. President, on July 31, the Senate, by a vote of 71 to 21, approved the so-called Gramm-Rudman-Hollings "fix." However, Gramm-Rudman-Hollings is one law that cannot and should not be fixed.

During the 99th Congress I urge my colleagues first to oppose the original Gramm-Rudman-Hollings legislation and then to repeal it. I have continued this effort in the 100th Congress and have introduced legislation to repeal this law. I did so because in passing Gramm-Rudman-Hollings Congress attempted to give up its responsibility to set priorities and make decisions about Federal spending decisions.

Gramm-Rudman-Hollings rests upon several flawed premises. A series of declining deficit ceilings or targets are specified, along with a mechanism to cut spending if Congress and the President cannot agree on an appropriate fiscal plan to meet the targets. In order to force compliance with the targets, the Gramm-Rudman-Hollings law required automatic spending cuts, or "sequestration" as it is known within bureaucratic circles. The Supreme Court gave this process short

shrift, however, declaring automatic sequestration as determined by GAO to be unconstitutional. As a result of this decision, Congress and the President were required to take affirmative action in order to implement a sequester order rather than let it go into effect without so much as a single vote.

We have now had some experience with Gramm-Rudman-Hollings, including a sequester, yet the deficit targets have not been met. And they never will be. These original targets, it is apparent to all, were not realistic. They were based on inaccurate assumptions regarding U.S. economic growth. The assumptions were too optimistic as economic growth has been slower than anticipated. False economics and accounting gimmicks will not narrow the gap, and they certainly should not be the basis of a responsible Federal fiscal policy.

Mr. President, the Gramm-Rudman-Hollings "fix" adjusts the deficit targets to achievable levels. These new levels supposedly will enable Congress to meet its promises to the American people regarding deficit reduction by 1992, only 1 year later than the original promise. The specter of a new, and presumably constitutional, automatic sequester procedure is designed to force the President to accept the need for new revenues and spending cuts in areas where he has done nothing but escalate expenditures. False hopes and false promises, I regret to say.

The new deficit targets merely postpone the hard choices and difficult budget cuts until after the election. The revised Gramm-Rudman-Hollings is not a new and improved version. It will not lead to meaningful deficit reduction nor will it prompt the administration to rethink its approach to the deficit. And, most importantly, it fails to address the fundamental defect contained in the original legislation, a legitimization of Congress' and the President's abdication of their sacred oaths to govern.

Mr. President, I ask that an editorial entitled "Sham-Rudman" from the August 4, 1987, Washington Post and a copy of the July 31, 1987, roll call vote in the Senate on adoption of the Gramm-Rudman-Hollings fix be printed in the RECORD.

The material follows:

[From the Washington Post, Aug. 4, 1987]

SHAM-RUDMAN

In June congressional Democrats adopted a budget resolution promising to reduce next year's budget deficit some $37 billion, about half of it through a tax increase. The president responded with the usual non sequiturs. He would never agree to a tax increase, nor to the defense restraint on which the resolution also rests, but no one was a greater champion of deficit reduction than he. To force him out of this enduring fantasyland, members of both parties then said that they would reconstitute the Gramm-Rudman process, which calls for automatic spending cuts split equally between domestic programs and defense, if the president and Congress fail to meet declining deficit targets.

The Senate has now passed its version of this terrifying threat. It turns out to be a gummy compromise that, far from impelling a frightened president to bargain to save his defense buildup, might not impel him—or Congress—to do very much at all. Frankenstein has been transformed into R2D2. Its defenders argue that the alternative is nothing, no enforcement mechanism binding on either branch. Something beats nothing every time. But the deficit targets in this legislation are already an implicit retreat from the budget resolution. They are also carefully set, as a number of Democrats noted last week, so that most of their bite would come only after Ronald Reagan leaves office. The party would continue to be his, the cleanup his successor's.

This is concessional legislation, and disingenuous besides. Sen. Phil Gramm, who should know, said in debate that it was written in part "to try to get a bill that the president will sign." It would likely protect the very presidential priorities that it purports to challenge. That's why the Republicans like it; it would let them have it both ways. That's also why House and some Senate Democrats want to tighten it up in conference, as well they should. The point of this exercise, insofar as it has one, is not to perpetuate the feel-good policy that has prevailed for the past six years. It is to make the president—this president—choose.

[Rollcall Vote No. 218 Leg.]

YEAS—71

Armstrong, Baucus, Bentsen, Bond, Boren, Boschwitz, Breaux, Byrd, Chafee, Chiles, Cochran, Cohen, Conrad, D'Amato, Danforth, Daschle, DeConcini, Dixon, Dodd, Dole, Domenici, Durenberger, Evans, Ford, Fowler, Garn, Graham, Gramm, Grassley, Hatch, Hecht, Heflin, Heinz, Helms, Hollings, Humphrey, Inouye, Karnes, Kassebaum, Kasten, Kennedy, Levin, Lugar, Matsunaga, McCain, McClure, McConnell, Mitchell, Murkowski, Nickles, Nunn, Packwood, Pressler, Proxmire, Pryor, Quayle, Reid, Rudman, Sanford, Sasser, Specter, Stafford, Stennis, Stevens, Symms, Thurmond, Trible, Wallop, Warner, Wilson, and Wirth.

NAYS—21

Bradley, Bumpers, Burdick, Cranston, Exon, Glenn, Gore, Harkin, Hatfield, Johnston, Kerry, Lautenberg, Melcher, Metzenbaum, Mikulski, Moynihan, Pell, Riegle, Rockefeller, Roth, and Sarbanes

NOT VOTING—8

Adams, Biden, Bingaman, Leahy, Shelby, Simon, Simpson, and Weicker.

QUOTES FROM DANTE STEPHENSEN

● Mr. QUAYLE. Mr. President, Dante Stephensen's prose may not burn as brightly as his namesake's inferno, but his favorite and most meaningful quotes are certainly formidable and well worth persuing.

With that in mind, Mr. President, I should like to commend some of those quotes to this body and I ask that they be included in the RECORD.

The quotes follow:

SOME OF DANTE'S FAVORITE AND MOST MEANINGFUL QUOTES (PART I)

Patience and delay achieve more than force and hurry.—De La Fontaine.

Life is not so short but that there is always time for courtesy.—Emerson.

A man's own good breeding is the best security against other people's ill manners.—Lord Chesterfield.

Let tenderness, compassion and good nature be all the fine breeding that you show in any place.—William Lain.

How much more grievous are the consequences of anger than the causes of it.—Marcus Aurelius.

The virtue of man is measured not by his extraordinary exertions but by his everyday conduct.—Pascal.

It is not wealth or ancestry but honorable conduct and a noble disposition that make men great.—Ovid.

It is better to suffer an injury than to do one to another.—Cicero.

No man is hurt but by himself.—Diogenes.

Affluence doesn't necessarily mean happiness and more doesn't necessarily mean better.—Anonymous.

We can change any situation by changing our internal attitude toward it.—Dr. Harry Emerson Fosdick.

It should not be men's act which disturb us . . . instead, it is our own opinions of these acts which disturb us.—Marcus Aurelius.

Men need work first for the good of their soul then for the good of their pocketbooks. All the pensions schemes on earth won't alter that fundamental human necessity.—Elsie Robinson.

Anger blows out the lamp of the mind.—Robert G. Ingersoll.●

INFRASTRUCTURE PANEL REPORT ISSUED

● Mr. DOMENICI. Mr. President, I informed my colleagues a number of weeks ago that the Private Sector Advisory Panel on Infrastructure Financing had completed its work.

Under the leadership of Joseph M. Giglio, this panel of governmental and private sector members studied actions that governments at various levels should take to reduce the huge backlog of infrastructure needs confronting America.

I am particularly pleased that two New Mexicans served with distinction on the advisory panel. They are Harry Kinney, the former mayor of Albuquerque, and Robert O. Anderson of Roswell.

The report does not attempt to compute the backlog; it seeks instead to offer ways American might use to finance work on that backlog.

I am pleased to report to the Senate that this report has been issued as a committee print of the Senate Budget Committee; it is Senate Print 100-40.

It has been an honor for this senator to have generated this study during my service as chairman of the Budget Committee; I thank Chairman CHILES for issuing this helpful report, and I thank all those who worked so hard in the development and writing of the report, particularly the members of

the panel as well as Chambers Associates, which served as staff for this privately financed study.

I ask that a copy of the "Executive Summary" be printed in the RECORD.

The material follows:

EXECUTIVE SUMMARY

America has shortchanged its future.

We need better highways. We need to expand our sewage plants. We need improved garbage disposal, safer bridges, more efficient air traffic systems, cleaner drinking water.

The Panel is convinced that America has fallen behind in building the sinew of infrastructure necessary for the future. Following considerable analysis of methods to finance future infrastructure, the Private Sector Advisory Panel on Infrastructure Financing recommends a number of important initiatives, including:

Creation of a new Infrastructure Trust Fund, financed with $25 billion in special federal contributions over five years, and dedicated to capitalizing state infrastructure banks and revolving loan funds;

Creation of a new, tax-exempt infrastructure bond to help local governments meet local needs; and

Support for public/private partnerships in constructii • and managing infrastructure facilities.

BACKGROUND

To a disturbing extent, America's public facilities are defined by words such as "neglected," "decaying," "inadequate."

Each of us—all 240 million—at some point in our daily routines becomes aggravated with the problem of a clogged highway, a leaking water system, a stream polluted by untreated sewage, an aging subway car. Our roads and freeways are in disrepair. More frightening, we hear too frequently of collapsed bridges.

The physical underpinnings of America's economy have eroded.

Public spending on roads, bridges, and other types of physical infrastructure has declined steadily since the late 1960's. As a percentage of our gross national product, combined annual, federal, state, and local infrastructure investment fell from 3.5 percent of GNP in 1967 to about 2.7 percent of GNP in the mid 1980s. That percentage continues to drop.

Our failure to repair, replace, and expand essential public works is as glaring in the Sunbelt cities of the Southwest as in the older industrial cities of the Northeast.

The accumulated backlog carries a cost of overwhelming proportions. The shortage that will occur between now and the year 2000 has been estimated at $240 billion by the Congressional Budget Office. The Joint Economic Committee of the Congress put the shortfall over the period at $448 billion. Other estimates range much higher. Whatever number is accurate, it is astronomical. The situation appears certain to become more serious if action is not taken.

Why? The reasons are diverse. To a great extent, we see the consequence of choices made at every level of government in the allocation of resources. Instead of spending tax dollars on public works at the rate utilized for many years, America shifted its goals. While such a choice was never presented directly to America's taxpayers, it has been a decision at all levels of government, a decision that robs the future to pay for today.

Since the earliest civilizations, economic growth moved forward with public works. For America, the canals of the Northeast were followed by railroad lines stretched across the continent. We raised dams so the desert might bloom. We stitched together a system of interstate highways to speed travel. Public investment in public facilities added to our productivity, to economic growth, to a better life for all Americans.

As we enter the third century of the Republic, this Panel is convinced that a new national commitment to public works—to our infrastructure—is absolutely essential.

Senator Pete V. Domenici established the Private Sector Advisory Panel on Infrastructure Financing to advise the Senate Budget Committee on the role of the federal government in financing future infrastructure facilities.

The Panel was asked to examine the potential for state and local investments in infrastructure, review new market instruments and debt financing mechanisms, determine the usefulness of new state and local financing institutions such as infrastructure banks and revolving funds, recommend long-term, predictable sources of funding, and investigate the potential for private sector investment in public works.

Simply put, the challenge was to examine options for infrasturcture financing, then recommend effective ways to select and fulfill the best option.

The Panel reviewed activities in several states and held a series of hearings to gain insights and information. The states which participated in case studies included Florida, Indiana, New Jersey, Texas, and Washington. Public hearings were held in Washington, D.C., Albuquerque, Trenton, Indianapolis and Seattle.

The Panel did not attempt to measure the level of need for increased infrastructure funding which has been well-documented in studies by the Joint Economic Committee and the Congressional Budget Office. Instead, the Panel focused on the evolution in governmental responsibility for infrastructure financing, the impact of that shift on state and local financing, and the potential for new and innovative financing mechanisms to meet capital needs.

Should America rely more on the federal government, or on the state and local governments, or on private enterprise? Would we embark on a new wave of federal spending? Should we look for new, creative alternatives in public spending?

Based on its review, the Panel has reached the following conclusions.

CONCLUSIONS

The continued productive capacity of the American economy depends on the availability of adequate basic public facilities. Rebuilding, revitalizing, and expanding America's public infrastructure is imperative to our future.

America's need for more and better public facilities is a national issue that must be addressed nationally. Public works are not only essential for interstate and international commerce, they are essential for the health, safety, and general welfare of the American people.

A significant federal role in building and rebuilding our nation's infrastructure is altogether appropriate. Since both the states and the local governments lack the capacity to address this need equitably and comprehensively, a revived federal involvement is essential.

The federal contribution to infrastructure financing has declined. With the sole exception of outlays earmarked from motor fuel tax receipts in the Highway Trust Fund, federal infrastructure spending has diminished, with state and local interests bearing an increasing share of the burden.

The financial responsibility for meeting America's infrastructure needs has fallen most heavily onto state and local governments. In six categories of public works investment—highways, water supply, wastewater treatment, aviation, mass transit, and water resources—annual federal spending recently was $25.5 billion, compared to non-federal annual spending of $63.6 billion.

As the federal government shifted priorities away from infrastructure financing, new federal laws have mandated state and local compliance with new requirements for water pollution control, clean drinking water, and the clean-up of hazardous wastes. While essential for the public welfare, these new laws provided little in additional funding to assist in meeting the considerable cost of state and local compliance.

States and localities have faced not only the federal shift in priorities but have had to contend with the "taxpayer revolt" which in many localities capped property taxes which are a primary source of revenue for local governments. To contend with the resulting revenue shortfall, local governments have increasingly turned to the bond market to borrow funds necessary to finance infrastructure facilities.

Within the past decade, the annual volume of tax-exempt debt issued for public works rose from just over $6 billion in 1977 to four times that level. State and local governments turned to new forms of loans, debt packages, credit enhancements, and other forms of financing. User fees and other exactions also have become increasingly popular, and many localities are exploring the potential for public/private partnerships.

Yet these initiatives have been insufficient. Demands for public facilities have continued to exceed the ability of State and local governments to respond. State and local governments lack the resources and the flexibility to shoulder the expanding burden of financing America's infrastructure need. Compared to the dimensions of need for new and improved public facilities, state and local resources are insufficient.

Infrastructure banks, revolving loan funds, and other innovative funding systems are being used effectively in a number of states. They offer the potential to become a major sustaining source of financial assistance for local infrastructure investments, when sufficiently capitalized.

Over the years, the federal government has, through the tax code, encouraged investments in public works indirectly through the availability of tax-exempt municipal bonds, favorable depreciation allowances, and investment tax credits. Historically, this indirect federal contribution has provided a substantial and valid subsidy of state and local infrastructure financing.

In recent years, however, increasingly severe restrictions on the use of tax-exempt bonds have made this form of infrastructure financing increasingly difficult. The tax-exempt bond provisions in the 1986 Tax Reform Act are even more restrictive. These provisions will reduce the volume of state and local debt financing, and make even traditional governmental bonds more difficult and more costly to issue.

The new tax code thus complicates and further confounds efforts by state and local government to fill the breach in infrastructure financing.

Increasing use of user fees to finance project costs, as well as supporting adequate operations, maintenance, and repair budgets, is sound policy, and should be incorporated into project planning.

Some of the newer mechanisms for raising special revenues, such as development exactions and impact fees, are effective in areas of rapid growth. These, however, hold limited appeal for areas of slower growth or declining economic base.

Federal regulations and compliance standards may reduce local flexibility and constrain or frustrate the application of cost effective and innovative solutions to local infrastructure needs.

The trend toward private investments in public works facilities and services should be encouraged through federal tax provisions and federal program implementation.

Based on these conclusions, the Panel offers the following recommendations, in order of priority:

RECOMMENDATION ONE

Congress should create an Infrastructure Trust Fund to capitalize infrastructure state banks and revolving loan funds.

Legislation should be enacted to create a trust fund to distribute among the states $5 billion annually for each of five years. This money should be raised from a dedicated, broad-based, new source of taxation, then placed in the Infrastructure Trust Fund for distribution by formula that, among other things, stresses population and land area.

This Federal Trust Fund contribution would go to recipient states once they establish a revolving fund or infrastructure bank to finance needed infrastructure facilities within the state. The contribution from the Trust Fund would provide 80 percent of the capital for each bank or fund, with the state required to contribute the remaining 20 percent.

These revolving funds would provide loans or credit enhancement to build and maintain highways, streets, roads, mass transit, wastewater collection and treatment, solid waste disposal, water supply facilities, and other pressing infrastructure needs.

The states would not be required to repay these Trust Fund grants. But to assure the revolving nature of the state funds or banks, local governments would be required to repay at least the principal amount of all loans.

In the Panel's view, a Trust Fund is preferable to other possible forms of federal assistance such as increased categorical grants. Properly structured, the state banks or funds would replenish themselves, serving as continuing sources of investment capital.

No additional federal capital would be required following the fifth year of the program to make the revolving system work.

Clearly, the total sum available for construction will be contingent upon both the initial capital, the level of state matching funds, and the terms and conditions of loans, guarantees, and other forms of assistance. The Panel estimates that within 15 years, the initial federal capitalization, together with the 20 percent state match, could produce close to $75 million in infrastructure investment, assuming the loans were repaid at 7¼ percent interest. Alternatively, if the same amount of capital—$25 billion in federal grants plus $6.25 billion in state matching funds—were loaned over 10 years, with no interest charged, the program would generate $40.3 billion in new infrastructure work. It must be underscored that America's infrastructure needs far exceed the scope of a program with these assumptions, but this infusion of new capital will create a funding device available in perpetuity.

Each state revolving fund or infrastructure bank should be available for new construction, as well as for rehabilitation and major maintenance and repair of existing facilities.

The additional funds made available under this recommendation must be just that, additional funds. These funds must not be used to supplant existing federal and/or non-federal investments in infrastructure. This is a program to reduce the huge backlog, not simply provide a different source of funding for work that would be accomplished anyway.

To be eligible for funds from a state bank, a local government should be required to document its needs and established capital plans and budgets.

Under this recommendation, the federal government would serve as a catalyst in responding to our national need for infrastructure financing without adding permanently to the size of the federal bureaucracy.

RECOMMENDATION TWO

Congress should create a new category of tax-exempt bond, an infrastructure bond.

With or without an Infrastructure Trust Fund to pump new cash into infrastructure, tax-exempt financing must continue to be available if state and local governments are ever to begin to meet their infrastructure needs.

State and local governments rarely have the funds on hand to finance expensive infrastructure projects. Therefore, they increasingly have had to borrow to pay for needed public improvements. Total outstanding state and local debt in recent years has increased significantly, now totaling more than one-half trillion dollars. A major portion of this increase has been in so-called "private activity" debt.

In the 1986 Tax Reform Act, Congress restricted the scope and availability of tax-exempt financing for private purposes. In seeking to give all taxpayers a fair shake, Congress went too far, in the view of the Panel. The restrictions imposed by Congress will affect not only bonds used for private purposes, but also, many bond issues which fall into the private activity category but are used for traditional governmental purposes.

Under the 1986 Tax Reform Act, vital bond issues for sewage collection and treatment, solid waste disposal, and water supply facilities, among other legitimate public purposes, will often fall under the classification—and limits—of "private activity" bonds. Such bonds are subject to state-by-state volume caps, based on population.

If the volume of bonds issued goes above the annual cap the Act imposes on each state, such bonds will no longer be tax-exempt issues. In which case, financing these necessary facilities will be costlier to the issuer and to the users.

To offset this unintended result, the Panel recommends the creation of this new category of governmental bonds, "infrastructure bonds," which would be excluded from the definition of "private activity" bonds under the federal tax code.

Issues of infrastructure bonds should be allowed to retain reasonable investment earnings on such debt issues. The alternative is simply to pile greater costs onto local governments, and higher fees on the local users.

RECOMMENDATION THREE

Public/private partnerships must be encouraged in infrastructure financing.

Private investment in public facilities offers a sound opportunity to increase substantially the capital available for infrastructure investmetns.

The potential for public/private partnerships in solid waste disposal, wastewater treatment, water supply, transportation, and other areas has been demonstrated in recent years. But federal action is needed to encourage this potential.

Federal executive departments and agencies should follow the example of the Environmental Protection Agency and the Department of Transportation by actively promoting and facilitating public/private partnerships in which the private sector develops, operates, and in some cases owns, needed facilities in cooperation with local government.

These opportunities are most evident in projects such as water supply or sewage treatment. The low and slow rate of return on such facilities requires an early and rapid tax writeoff to maintain a flow of cash sufficient to attract private investment. A faster rate of depreciation under the federal tax law would encourage private investment and participation in the development of such projects.

Sewage treatment and water supply facilities should be placed in the same category with solid waste facilities in the Accelerated Cost Recovery System. Depreciation should be allowed over seven years generally, and over ten years with tax-exempt bond financing.

A federal clearninghouse should be established to coordinate and distribute information on initiatives at every level to encourage public/private cooperation in confronting our infrastructure problems.

RECOMMENDATION FOUR

Federal technical support should be emphasized for all areas of infrastructure development.

Whatever new financing initiatives are undertaken by the federal government, whether in response to these Panel recommendations or other proposals, state and local governments will continue to carry the principal responsibility for building most public works.

Adequately funded, state and local governments can fulfill this responsibility. They can achieve it with greatest efficiency if provided additional technical support from the federal government. This support will be particularly valuable at the local level.

In the administration of various categorical grant programs, federal agencies have accumulated vast technical experience and expertise. As some of these grant programs wane, this wisdom may be lost. This must not occur. New emphasis should be given to make this federal experience and expertise available to state and local governments.

In this way, non-federal officials should be able to make better decisions on design, development, operation, maintenance, and other aspects of building and rebuilding needed public facilities.

RECOMMENDATION FIVE

Existing Federal Trust Funds for infrastructure must be preserved as an essential federal component for constructing infrastructure.

The existing highway, airport, and waterway trust funds help assure a more stable and reliable level of funding for certain in-

frastructure purposes. As devices for revenue collection and allocation, dedicated trust funds are very effective. They promote better planning, management, and budgeting at the state and local level.

The utility of trust funds to assist state and local capital investment planning is best served when disbursements are dependable and timely, and Congress should act promptly on reauthorizations and annual appropriations.

RECOMMENDATION SIX

Federal agencies should review standards and regulations related to infrastructure programs.

A review of federal regulations is needed to assure that the standards and regulations permit and encourage cost-effective solutions, plus innovations in design, technology, and response, and in no way frustrate or discourage non-federal initiatives.

In particular, a thorough review is needed of federal compliance standards to assure that life-cycle cost analysis is encouraged, that new investment is not encouraged at the expense of efficient operations of existing facilities, and that innovative techniques with the promise of superior performance have every opportunity to demonstrate their value.

The panel offers these six recommendations not as a solution to all of our infrastructure problems, but as a step—a major step—toward overcoming those problems.●

S. 1345—LICENSING OF PARIMUTUEL PARTICIPANTS

● Mr. D'AMATO. Mr. President, under present regulations, all parimutuel participants in horse racing, dog racing, and jai alai must be licensed. A license must be obtained each year in any State where a participant will operate. Each State then processes the application, a costly, time-consuming, and largely duplicative process.

Since modern racing demands much interstate travel for jockeys, trainers, and other athletes, in many cases several investigations are done on the same individual. For example, if a person is going to race in six States, each of the States conducts its own investigation, including FBI background checks on each applicant.

To streamline and improve this licensing process, the National Association of State Racing Commissioners [NASRC] favors a multi-State licensing system. Under S. 1345, introduced by my distinguished friend from Kentucky, Senator McCONNELL, an applicant would file just one application with the NASRC. NASRC would then run the criminal background check and share the information with the States involved. This bill would give the NASRC access to, and the authority to share, presently restricted FBI information with the States and individual commissioners.

This modification of FBI restrictions called for in this legislation would not broaden access to criminal records. Each member of the NASRC is a State racing commissioner, appointed by the Governor. Simply put, they already have access to FBI criminal records. No individuals other than State-appointed racing commissioners are entitled to full membership or to hold office in the NASRC.

Since 1934, the NASRC has functioned as a repository and distribution center for all official rulings by stewards and racing commissioners. As racing grows, so does this file of rulings. The NASRC handles and distributes over 500 rulings every week. It has a massive computerized national filing system already in place, to which every jurisdiction has access for quick and efficient dissemination of appropriate information. It is fully capable of fulfilling the role imposed on it by this legislation.

To briefly summarize the advantages: First, applicants need only submit one application, one fingerprint card, and one check annually to the NASRC. While the program is voluntary, if widely used it would significantly reduce the administrative cost and inconvenience of licensing.

Second, each State would retain the right to apply its own licensing standards to each applicant. No State would be bound by the certification of another State.

Finally, the States' regulatory efforts will be vastly enhanced by the availability of annually updated criminal records, permitting the racing commissions to do an even better job of protecting the integrity of the sport.

Mr. President, S. 1345 is a good idea whose time has long since come. I urge my colleagues to support this bill.●

S. 1437—IMMUNITY LIMITATIONS

● Mr. D'AMATO. Mr. President, I rise in support of S. 1437, introduced by my distinguished friend from North Carolina, Senator HELMS. The purpose of this legislation is to place a limit on the immunity granted to certain members of foreign diplomatic missions and consular posts in the United States.

The number of innocent Americans who fall victim to diplomatic crime and criminal negligence is alarming. In the past year there have been 31 cases involving diplomats in the Washington area alone. The seriousness of these incidents across the spectrum has ranged from aggravated assault to shoplifting; but these are real crimes with very real victims.

The Vienna Convention of 1961 requires diplomats to respect the laws of the receiving state. Nevertheless, the record shows that American citizens are literally helpless against diplomats who break or want to ignore our laws.

The Diplomatic Relations Act of 1978 requires that diplomats carry auto insurance. It also provides to the accident victim a direct right of action against the insurance company. Laudably designed to provide some compensation to American citizens, it has unfortunately proven almost impossible to enforce. Many diplomats neglect to get insurance; American citizens continue to be defenseless and at risk.

Except for those involving auto insurance, no regulations protect Americans from diplomatic crime. Foreign diplomats cannot be prosecuted here, but can be declared persona non grata, and forced to leave the country. It will take more than the threat of expulsion for diplomats to take our laws seriously.

There is certainly a need to grant reasonable, limited privileges to foreign emissaries, so that our own missions can be provided reciprocity in other nations. But there is no need to let members of diplomatic staffs or their families literally to get away with murder.

I urge my colleagues to protect our innocent citizens and support this legislation.●

INFORMED CONSENT: ILLINOIS

● Mr. HUMPHREY. Mr. President, today I would like to insert into the RECORD two letters from women who support my informed consent legislation, S. 272 and S. 273. Today's letters come from the State of Illinois.

I ask that the letters from women in Illinois be inserted in the RECORD.

The letters follow:

FEBRUARY 13, 1987.

DEAR SIR: I was encouraged by Concerned Women For America to write to you about past abortions I have had. This is in reference to the consent bill you will introduce this year.

I have undergone three abortions in my life and I am 28 years old now. The last abortion I had was in 1982. Two of them were performed by Family Planning and one by a doctor in his office. At the time I was not a Christian and had no idea that what I was doing was wrong. I wouldn't expect an abortionist to tell me about Christ, however, no one told me anything about what it would do to me physically, mentally or spiritually. Basically, everyone told me that all I was getting rid of was just a very small blood clot and there was absolutely no danger and nothing wrong with what I was doing.

There was no mention of options, such as having the baby; giving the baby up for adoption, or keeping it. There was really no discussion on why I was not on birth control and how to prevent this type of thing in the future. They only asked me if I wanted valium during the procedure.

The first abortion I had I was 21 and I was about 2 months along and the last one I was 24 and was 6 weeks along. At no time was I informed that I was killing anything or shown what the baby looked like at the developmental stage. I was never encouraged to get on birth control and counseled on why I kept getting pregnant.

I had no Christian up-bringing and honestly didn't think there was anything wrong with it. I also had no idea that it could do damage to my body. To this day I have no idea if I can carry a child through to full

term. I don't know what type of damage having those abortions did to me physically. I do know what it did to me mentally and spiritually. It took me a long time to forgive myself and to forgive the abortionist. If they had been honest with me when I was 18 years old, I would have had the child and it is doubtful I would have continued the destructive behavior patterns set forth over the past years.

The point is that I did have three abortions and was never offered an alternative. I feel that abortionists are no different than businessmen or women. It's all a matter of dollars and cents, it's a money making business and doing the right thing has absolutely nothing to do with it. I am very much against abortion, I don't feel they should be performed under any circumstances. However, at the very least, women out there should know the truth about what they are really doing to themselves, both body and mind. I feel that it women could see both sides of the issue and understand that they are taking a human life not washing away a tiny blood clot, there would be far fewer abortions.

I have written this letter to hopefully help you with your great and difficult struggle. I am going to sign my name proudly because I am forgiven for what I did and hope that other women can benefit in some small way from this letter.

God Bless you for what you are trying to do. I truly believe that just one man can change history and change the world. I hope that you are that man that will help to stop the silent screams.

Sincerely,

TERI K. STROUSE,
Illinois.

JUNE 3, 1986.

DEAR SENATOR HUMPHREY: I would like to address the "Informed Consent Legislation" that deals with abortion.

I had my abortion 7½ years ago. There was no information given out at the time I consented to the abortion. The hospital did not tell me about fetal development, side effects of any kind.

I would like to say that the immediate months that followed were the most miserable months of my entire life in terms of emotional disorder. I was very, very close to a total mental breakdown. I could not make simple decisions to prepare an evening meal for my husband and child. I could not decide how to do a load of laundry. In other words I had ceased to function in my daily routine as a wire and mother which is as directly related to the abortion.

Abortion leaves many scars that take years to get over. Thank God, I have prayer and his hand of my life. I can say I am completely healed from the abortion. However, there are thousands of women who carry their abortion scars very close to the surface. We need to be rid Roe versus Wade once and for all!

Sincerely,

Name Withheld Upon Request,
Illinois.●

UEL HURD, DEDICATED SCOUT LEADER RETIRES

● Mr. DANFORTH. Mr. President, one of the most decorated leaders in Scouting, Uel Hurd of Kansas City, recently retired after more than 53 years as Scoutmaster of Troop 87 of the Kansas State School for the Deaf. Uel Hurd, who has been deaf since the age of 3, was the first deaf Eagle Scout in Kansas, one of 25 Scoutmasters to receive special recognition for work with the disabled, and the first deaf Scoutmaster to receive the Silver Beaver, the highest award in Scouting.

A Life Scout from Raytown, MO, 14-year-old Matt Woodruff, recently wrote to ask if I would bring Mr. Hurd's striking accomplishments to the attention of the Senate. I am pleased to do so, and ask unanimous consent that the Kansas City Star's report on Uel Hurd's illustrious career in Scouting be included in the CONGRESSIONAL RECORD.

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

[From the Kansas City Star, May 27, 1987]

SCOUT LEADER A SILENT HERO FOR 53 YEARS

(By John North)

The flat-brimmed, tattered Stetson was Uel Hurd's first and favorite scoutmaster hat, the one that took him through miles of woods and more than half his 53 years as leader of the Kansas State School for the Deaf's Troop 87.

Plucking the faded brown hat from a pile of scouting keepsakes in his Olathe home, he patted it smartly down on his head, stuck out his chin and gave a curt nod.

Then Hurd, who has been deaf since he was 3, began to sign.

"If you were in the woods with this hat, you could go right through anything in your way," he said, as interpreter Jodine Trout followed the cadence of his right hand. "Whenever I would see a guy wearing this kind of hat, I'd walk up to him and shake his hand. 'You're a scoutmaster,' I'd say to him. 'We're both the same.' "

This spring Hurd, 76, is putting away his hat, his chestful of badges and his scouting career. One of the most decorated leaders in scouting is retiring to spend more time at home with his wife Ina of more than 45 years.

Almost everybody who knows him is sorry to see him quit.

"He was a role model like we've never had before," said Gerald Johnson, superintendent of the school for the deaf in Olathe. "He literally influenced two or maybe three generations of boys who came through here."

His tenure set no records for a scoutmaster, but "we think it is significant that a man like Mr. Hurd has been able to accomplish what he has," said Frank Hebb, spokesman for the Boy Scouts of America national headquarters in Irving, Texas.

Hurd, who was born in Kansas City, Kan., was the first deaf Eagle Scout in Kansas, one of 25 scoutmasters to receive a special award for work with disabled people and the first deaf scoutmaster to receive the Silver Beaver, the organization's highest award.

The plaques and medals have been nice, and Hurd has a roomful to show to admirers, but his greatest joy was setting out on a weeklong hike with some of the hundreds of boys he led through the years.

Over deep Canadian ponds and through dusty New Mexico canyons silent troops followed Hurd. They canoed through water so pure that they could life their paddles and drink the water, he said.

Three times he took a group of boys to the Philmont Scout Ranch near Cimarron, N.M., for two weeks. Twice, most recently in 1985, he and his scouts hiked from northern Minnesota and Wisconsin into Canada.

"Mr. heart is strong for scouting," said Hurd, who retired as a cabinet-making teacher at the state school in 1984. "It has been so helpful to young boys and girls."

He helped boys catch their first fish, build their first fire and scare off their first bear.

Once, Troop 87 was being him while he used a makeshift shower when a carload of girls drove up to tell the scouts about a fire in town. The boys scattered and left Hurd to fend for himself.

"Here I was, supposed to be the scoutmaster, and I'm standing nude in front of a bunch of girls," he signed, his face splitting into a grin.

There also were hard times. Returning from a trip out West some years ago, the troop's car was involved in an accident near Cody, Wyo., and a scout was killed.

"Hurd spend many sleepless nights consoling the boys," said Lloyd Parks, a former school principal and troop chairman. "Uel is, well, I just can't say enough about him. He is a tremendous person with young people."

Hurd isn't leaving scouting completely. He has assumed the role of unit commissioner and will act as a helper when the new scoutmaster needs him.

Until then, he will work on his second greatest passion—fixing things around the house.

"I love to do repair jobs," he said. "I want to get things fixed up, make them look new again. And if the boys need help, they'll call me."●

SENATE JOINT RESOLUTION 173, TO COMMEMORATE THE 200TH ANNIVERSARY OF THE SIGNING OF THE U.S. CONSTITUTION

● Mr. DOMENICI. Mr. President, our Constitution is part of the political heritage of every American. As the first three words of the Constitution—"We the People"—make clear, we are a nation of people governing themselves.

Today I am pleased to join my good friend from Nevada [Mr. REID] as a sponsor of Senate Joint Resolution 173. This resolution commemorates the bicentennial of the Constitution by calling upon the leaders of the Nation, as well as all citizens of America, youth and adult alike, to read the Constitution to become more knowledgeable about our national heritage.

This is an excellent idea.

Two hundred years ago, a group of citizens—ordinary in many ways, extraordinary in so many others—drafted a Constitution, a charter for democratic government, a charter that for two centuries has been a beacon of liberty.

The Constitution secures the "Blessings of Liberty, to ourselves and our Posterity", as stated in its preamble. It embodies the ideal of freedom and democracy. The Constitution is a testament to that ideal. It applies that ideal of freedom and democracy to the lives of each U.S. citizen every day.

91-059 O-89-21 (Pt. 16)

What a marvelous document it is! Reading through it, one finds concepts that are amazingly simple, but concepts from which the vitality of America flows. It lays out the checks and balances among the branches of the National Government. It is here where the fathers of America joined our independent States into a Federal System, a National Government of limited power and representative democracy.

The Constitution, of course, created our National Legislature of two houses and an independent judiciary, institutions securing individual liberties and providing for the stability of democracy itself.

The U.S. Constitution is built upon the bedrock of certain unalterable values. Immediately after the Constitution was adopted, the Bill of Rights was incorporated to ensure that certain inalienable rights were guaranteed to Americans. That document remains the most significant articulation for free people ever written.

The Constitution, however, was not a perfect document. There were provisions in the original document that we find repugnant, and contrary to the ideals of freedom and democracy. The original document specifically permitted the importation of slaves and the forced return of fugitive slaves.

But much of the Constitution's strength rests upon its adaptability, the process that permits amendments, a process allowing each new generation to strengthen the Constitution.

Yet, Mr. President, in today's hectic society, we often seem to have an apathy toward the rights and values defined in our Constitution. At a time when liberty and democracy are threatened constantly, we must continually remind ourselves of the rights and freedoms and responsibilities laid down in the Constitution.

In honor of the bicentennial of the Constitution, I sponsored an essay contest for young students in New Mexico. Students from throughout the State were asked to write essays on how the separation of powers strengthened our Government. From nearly 300 entries, 15 winners were selected and will visit Washington, Philadelphia, and Williamsburg next week.

I'm proud of these bright young men and women. More young Americans must be encouraged to familiarize themselves with our Constitution. Adults, too, need to review and reflect upon it, and the values it represents. Maybe most of all, officials of Government—Members of Congress, judges, officials of the executive branch—need to reread the document, for we are its living instruments.

Democracy requires participation. Our Founding Fathers fought hard, both physically and intellectually, to secure the blessings of liberty. They wrote a Constitution in language that was clear and precise to the average citizen.

If the liberties laid down in the Constitution are ever lost, it will not be because the Constitution has failed us. It will be because Americans have failed to hold high the standard left to us in this marvelous document. If we fail to understand this charter for liberty, we run the risk of losing it.

Mr. President, I am proud to join as a cosponsor of Senate Joint Resolution 173, and I encourage every Member of this body, as well as every American, to take the time to read the Constitution, not just during this bicentennial year, but each year.

Its strength is our strength.●

IN RECOGNITION OF NORMAN D. HELLMERS, SUPERINTENDENT, LINCOLN BOYHOOD NATIONAL MEMORIAL, NATIONAL PARK SERVICE

● Mr. QUAYLE. Mr. President, as you know, Abraham Lincoln spent the formative years of his life in the State of Indiana. While growing up in Indiana, Lincoln developed many of his basic values that provided the framework for his leadership and statesmanship through the most tumultuous times in our country's history.

To focus attention on Lincoln's early years in Indiana, I am sponsoring "Hoosier History Days," which will be held at the Lincoln Boyhood National Memorial on August 8-9, 1987, in Lincoln City, IN. The Lincoln Boyhood Memorial is part of the National Park Service and has as its theme Lincoln's Indiana boyhood.

The successful planning and execution of this event would not have been possible without the expert assistance of the superintendent of the Lincoln Boyhood National Memorial, Mr. Norman D. Hellmers. Superintendent Hellmers is a native of New Orleans, LA. He attended Concordia College in River Forest, IL, and joined the National Park Service in 1972. He became the superintendent of the Lincoln Boyhood National Memorial in 1981.

Norm Hellmers lives in Lincoln City with his wife, Pat, and two children, Jennifer and Jeffery.

Superintendent Hellmers has worked tirelessly to ensure the success of "Hoosier History Days." From beginning to end he has been deeply involved with every stage of this event. He deserves both praise and respect for his diligent work and desire to promote Lincoln's Hoosier roots.

Mr. President, it has been my great pleasure to work with Superintendent Hellmers. His professionalism and dedication have been inspirational to me and all the others associated with "Hoosier History Days." He is a tremendous asset to the National Park Service and the preservation of Abraham Lincoln's boyhood.●

NATIONAL CITIZEN BEE

● Mr. DANFORTH. Mr. President, young people in every State have participated in the programs of the Close-Up Foundation. I know my colleagues are familiar with the efforts of Close-Up to strengthen the understanding of Young Americans of our system of government.

Today, I am pleased to draw attention to a new initiative of the foundation, the National Citizen Bee, and to the distinction earned by two students from my State in the second national competition.

John-Peter Pham, 16, who lives near St. Peters, MO, is the national winner of the Citizen Bee competition. John-Peter, a recent graduate of St. Dominic High School in O'Fallon, MO, was one of about 8,000 students in 17 States who competed.

Jerffrey Kubik, 17, a senior at McCluer North High School in Florissant, MO, was runner-up in the Missouri competition and ninth in national competition.

The Citizen Bee tests knowledge of American history, economics, government, culture, geography and current events. In Missouri, the St. Louis Post-Dispatch developed the Citizen Bee Program with support from the Pulitzer Foundation and the Monsanto Fund. Nationally, Citizen Bee is sponsored by the Milken Family Foundation, Peat Marwick Main & Co., RJR Nabisco, Inc., and others.

Sandra Dimond, Newspapers in Education Coordinator for the Post-Dispatch, worked with great energy and dedication to establish the Missouri Citizen Bee. All who seek to strengthen the understanding of Democratic institutions and our system of government owe a debt of gratitude to Ms. Dimond.

I am pleased to extend congratulations to John-Peter Pham and Jeffrey Kubik and to call attention to the efforts of so many individuals to bring the institutions of self-government closer to young Americans.●

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of S. 2.

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question before the Senate is S. 2.

Mr. BYRD. I thank the Chair.

BILL PLACED ON CALENDAR—H.R. 2309

Mr. BYRD. Mr. President, I ask unanimous consent to place on the calendar H.R. 2309.

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

JOINT RESOLUTION PLACED ON CALENDAR—S.J. RES. 175

Mr. BYRD. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of Senate Joint Resolution 175, relating to the location of the competition for the World Cup of the World Soccer Games in 1994, and that the joint resolution be placed on the calendar.

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

ORDERS FOR TOMORROW

ORDER FOR ADJOURNMENT UNITL 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 o'clock tomorrow morning.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over; that the call of the calendar be waived, and that following the two leaders under the standing order there be a period for morning business not to extend beyond the hour of 11:30 a.m., with Senators to be permitted to speak therein up to 5 minutes each.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 100-8

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the United Kingdom of Great Britain and Northern Ireland Concerning the Cayman Islands relating to Mutual Legal Assistance in Criminal Matters (Treaty Document No. 100-8), which was transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States: With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning the Cayman Islands relating to Mutual Legal Assistance in Criminal Matters, with protocol, signed at Grand Cayman on July 3, 1986, and related notes. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty concerning the Cayman Islands provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) executing requests relating to criminal matters by undertaking diligent efforts, including the necessary administrative or judicial action (e.g., for the issuance of subpoenas and search warrants), without cost to the Requesting Party; (2) taking of testimony or statements of persons by noncompulsory or compulsory measures; (3) effecting the production, preservation, and authentication of documents, records or articles of evidence; (4) providing assistance to each other in proceedings for forfeiture or restitution of proceeds of an offense or for imposing fines; (5) serving judicial documents, writs, summonses, records of judicial verdicts, and court judgments or decisions; (6) effecting the appearance of a witness before a court of the Requesting Party; (7) locating persons; and (8) providing judicial records, evidence, and information.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *August 4, 1987.*

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does the distinguished Republican leader have any further statement he wishes to make or any business he suggests that we transact?

Mr. DOLE. If the majority leader will yield, I have indicated a number of hopeful possibilities that we might start on tomorrow. I would indicate to the majority leader that we are down to one problem on the castastrophic coverage. I am not certain we will be able to complete it this week because of a couple of amendments. Prompt payment was almost cleared on this side, though we did hit a last-minute snag. That might be a possibility for tomorrow.

The State Department authorization we will check on the first thing in the morning and see if we can proceed with the State Department authorization.

On the DOD authorization bill, which you called to my attention, I must say we can probably not get consent to proceed to that.

There is a commodity bill on the calendar which I understand might have unanimous consent to complete.

Mr. President, the staff is doing a good job and will continue to drum up some business. What we do not complete this week will be here when we get back and I think that will create a greater problem for all of us, including Members, if they do not cooperate this week. It will be an extra week for them to stay in November or December.

Mr. BYRD. That is right. They can do their Christmas shopping in Washington.

Mr. President, I thank the Republican leader. There are several resolutions out of the Rules Committee and I hope we can clear and have placed on the calendar. There are several other measures that might be able to be transacted by unanimous consent which I have on my marked calendar. In the morning we will start anew and I hope we can have something before the Senate tomorrow. Otherwise, the Senate will be back on S. 2, the campaign financing reform bill.

I would suggest to Senators that in all likelihood there will be rollcall votes tomorrow.

Mr. President, I thank the Republican leader.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. BYRD. Mr. President, there being no further business to come before the Senate, in accordance with the order previously entered I move that the Senate stand in adjournment until the hour of 11 a.m. tomorrow.

The motion was agreed to and the Senate, at 6:51 p.m., adjourned until Wednesday August 5, 1987, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, August 4, 1987*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 4, 1987.

I hereby designate the Honorable TOM FOLEY to act as Speaker pro tempore on August 4, 1987.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

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

O God, as You raised up prophets of old to lift Your people in the way of truth, so too, raise up among us women and men who would speak to us and to our Nation of the things that are right and good and true. May we not hear only with our ears but listen in the depths of our hearts to those who prophesy of justice and mercy and honesty. May we not seek to deal in personal gain but remind us each day, O God, of the truth that truly makes us free. This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

Mr. GALLEGLY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GALLEGLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 97, not voting 24, as follows:

[Roll No. 296]

YEAS—312

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Craig
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Holloway
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Rinaldo
Robinson
Rodino
Roe
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—97

Armey
Badham
Ballenger
Barton
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Buechner
Burton
Chandler
Cheney
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Crane
Dannemeyer
Daub
Davis (IL)
Dickinson
DioGuardi
Edwards (OK)
Emerson
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Hansen
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lowery (CA)
Mack
Marlenee
Martin (IL)
McCandless
McGrath
Michel
Miller (OH)
Molinari
Moorhead
Pashayan
Penny
Rhodes
Ridge
Ritter
Roberts
Rogers
Roukema
Saiki
Schaefer
Schroeder
Sensenbrenner
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bentley
Daniel
DeLay
Garcia
Gephardt
Gingrich
Gregg
Hutto
Kemp
Kleczka
Leath (TX)
Livingston
Markey
Mfume
Owens (UT)
Ray
Roemer
Rose
Roth
Tallon
Towns
Udall
Vander Jagt
Whitten

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced

that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 170. Concurrent resolution relative to adjournment to a date certain during the remainder of the 100th Congress.

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

S. 938. An act to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal years 1988 and 1989, and for other purposes; and

S. 1068. An act to amend the Clayton Act regarding interlocking directorates and officers.

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 Diane E. Watson of California, from the private sector, as a member at large of the National Commission on Infant Mortality.

HOUR OF MEETING ON TOMORROW

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on tomorrow at 11 a.m.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

RICK HANGARTNER, RUSSELL STEWART, AND DAVID WALDEN

The Clerk called the bill (H.R. 1418) for the relief of Rick Hangartner, Russell Stewart, and David Walden.

There being no objection, the Clerk read the bill, as follows:

H.R. 1418

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

SECTION 1. PAYMENTS.

The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,900.45 to Rick Hangartner of Tampa, Florida, the sum of $8,398.82 to Russell Stewart of Largo, Florida, and the sum of $8,268.75 to David Walden of Aberdeen, Maryland. Payment of such sums shall be in full settlement of all claims of Rick Hangartner, Russell Stewart, and David Walden against the United States for all losses or expenses incurred by them in connection with—

(1) the investigation by the Committee on Government Operations of the House of Representatives into improprieties in the award and management of the Social Security Administration's contract with Paradyne Corporation; and

(2) the Securities and Exchange Commission's investigation of and litigation with Paradyne Corporation.

SEC. 2. LIMITATION ON ATTORNEY'S FEES.

No amount exceeding 10 percent of a payment made under section 1 shall be paid to or received by any agent or attorney in consideration for services rendered in connection with such payment. Any violation of this section shall be a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

The bill 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.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TODAY AND TOMORROW DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit on today and tomorrow during the 5-minute rule.

Further, Mr. Speaker, let me say that this matter has been cleared by the ranking minority member.

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

There was no objection.

A TRIBUTE TO THE LATE HONORABLE WILLIAM S. (BILL) MOORHEAD

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

Mr. COYNE. Mr. Speaker, yesterday, the city of Pittsburgh, the State of Pennsylvania, and the Nation lost one of its most respected and distinguished public servants with the death of Bill Moorhead.

During his 22 years in Congress Bill held many key committee posts and was regarded by Members on both sides of the aisle as an able and knowledgeable legislator. He was active on a wide front while in Congress, playing a major role in issues ranging from energy, to housing, to the arts, to defense spending.

Bill's achievements touched both his city and the Nation deeply. His vision extended well beyond the boundaries of his hometown of Pittsburgh. As chairman of the House Banking Subcommittee on Economic Stabilization, Bill steered through Congress landmark legislation that gave the Chrysler Corp. a new lease on life. He was instrumental in formulating legislation to resolve New York City's financial crises and was a leader in the enactment of the Energy Security Act of 1980.

His love for the arts was demonstrated in his work to establish the National Endowment for the Arts and the Humanities.

His commitment to good government, the rule of law and the individual rights of citizens will serve as a model for present and future generations of Americans. And he acted on his beliefs by helping to strengthen the Freedom of Information Act and by authoring the Privacy Act to limit the amount of information a Government agency can disseminate about a citizen.

Pittsburgh and the Nation are the better for his service in Congress. It was a privilege to have known Bill Moorhead and I am honored to be able to pay tribute to this outstanding man. I want to express my deep condolences to his family.

□ 1230

PENNIES FOR SPACE

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

Mr. HOUGHTON. Mr. Speaker, today we are honored to have with us an unusual group of people. These people represent thousands of other students, teachers, and parents working through the Haverline High School in Bath, NY.

They have raised over $17,000 for the Pennies for Space Program. This program has as its purpose the desire, the sole desire, to help our country. There are no tax breaks, no Federal grants, no State moneys.

These are private funds raised by and earned by these young people to help put another shuttle back into space.

The funds will go toward replacing the *Challenger* and will be presented within the hour to the Vice President of the United States and the NASA Administrator, Mr. James Fletcher.

These are fine people. Let me name them. Charlotte Gregory, David Jones, Hazel Hopkins, Lynn Ahren, Donald Mills, and students Neremin Bibaway, Lisa Wolfe, and Dan Stenta.

There are heroes born every day going about their work silently and undramatically, but with real purpose. Mr. Speaker, these people are real heroes.

ARMENIAN GENOCIDE

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

Mr. LEHMAN of California. Mr. Speaker, the disinformation campaign concerning the Armenian genocide continues.

Yesterday, Members received a flyer claiming that 69 so-called knowledgea-

ble scholars refuted there was a genocide.

A close examination of this list reveals that only four have ever dealt with genocide or this specific historical period. Forty-one are not even scholars of Turkish history in the 19th and 20th centuries. Forty have received grants from Turkish foundations.

Eleven of the signatories have subsequently written letters casting doubt on the findings proclaimed in the advertisement.

This genocide was described by our own Ambassador on the scene as the mass extermination of a race.

By the great historian, Arnold Toynbee, who was also in Turkey at the time, and by Sir Winston Churchill, who described it as a complete clearance of the race from Asia Minor; and of course, by the U.S. Holocaust Memorial Council, which unanimously declared the necessity for commemorating this event.

We should not let the Turkish Government tell us which genocides to remember and which genocides to forget.

Modern Turkey's great leader, Ataturk, owned up to the facts. We should do no less.

TORT LIABILITY REFORM ACT OF 1987

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

Mr. DAUB. Mr. Speaker, the insurance crisis remains a problem in our national business life. New arguments have been added to the debate surrounding the crisis, yet Congress as a whole continues to balk at the idea of tort reform. While genuine grievances exist in tort cases before our courts, costly, and frivolous cases continue to clog the courts.

Last year I introduced H.R. 4460, the Tort Liability Reform Act of 1986, to bring needed procedural reforms to the tort claims process. After listening to experts in the field and several colleagues, I have made changes in three areas of the bill. Therefore, I reintroduce H.R. 4460 with a new bill number—H.R. 3083, with the following changes:

First, the cap on noneconomic damage is eliminated and noneconomic damages are returned to a pure fault-based standard.

Second, the provision which placed payment of punitive damages in Government treasuries is eliminated.

Third and last, the bill is more streamlined and straightforward in its intention and purpose.

With these changes I submit this bill for your thoughtful consideration. While no simple fix-all answer exists to this complex issues, the enactment of meaningful procedural reforms to the tort claims process tackles part of the problem with the intended effect of making affordable insurance once again available to those who need it.

ARIAS PEACE INITIATIVE

(Mr. LANCASTER asked and was given permission to address the House for 1 minute.)

Mr. LANCASTER. Mr. Speaker, I rise today, along with several of my colleagues, to help draw the attention of this House to a meeting which will be held at the end of this week in Guatamala City. The Presidents of the Latin American democracies gather Thursday with Nicaraguan leaders to discuss proposals put forward courageously by President Oscar Arias Sanchez of Costa Rica. It is important that we not allow the sound and fury of the present Iran-Contra scandal to obscure the long-term significance of this event.

Mr. Arias has the good fortune to preside over a country that is not racked with internal strife. The secret to liberty, prosperity, and stability in Costa Rica is inherent in the terms Mr. Arias has used to describe his country: "There are more schoolteachers than soldiers, more schools than cannons, more books than guns." This is the route along which Mr. Arias is attempting to direct all of Central America through his initiative. No one is more aware of the risks of failure than he.

But Mr. Arias has acted upon the responsibility incumbent upon his nation, as the oldest, most prosperous and most stable democracy in Central America, to work creatively and realistically for peace.

If these are the responsibilities of the leading free society of that region, how much greater must they be for the oldest, most prosperous, and most stable democracy in the world?

It is incumbent upon us to offer real support to Mr. Arias and the causes of peace and freedom in Central America. Offhand lipservice to Mr. Arias' ends is an insufficient and shortsighted response. Unless we earnestly foster the methods he advocates, this proposal will fail.

I am proud that many in America are coming to recognize this truth. I am even prouder that among the first of these thoughtful American statesmen to advocate Mr. Arias' initiative was my own colleague from North Carolina, the Honorable Senator TERRY SANFORD.

Democracy will come to this troubled region of the world not through simple solutions but only if the United States is willing to work diligently with the other democracies in the region to achieve peace and democracy.

The Arias proposal strikes at the origin, as well as the symptomatic cancerous growth, of the problem. It focuses both on a broadening of internal liberty in Nicaragua, and a reduction of outside military presence in the region. It represents a well-crafted compromise.

Such is the nature of true statesmanship and diplomacy. The creative use of our immense power in this manner is the only way to achieve lasting peace and security in this troubled region of the world.

MR. PRESIDENT, IT'S TIME TO PLAY BALL

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

Mr. DOWNEY of New York. Mr. Speaker, the bases were loaded and it was the bottom of the ninth last week, when the President stepped up to bat, only to strike out because he didn't keep his eye on the ball.

Strike One: Last Thursday, the Census Bureau announced the latest poverty statistics. The administration called it good news, choosing to highlight the gains in family income that occurred. But the real story is that we have made no progress in reducing poverty among children and have succeeded, in the last year, in widening the gap between rich and poor to a level unprecedented in the history of our Nation.

Strike Two: On Friday, the President decided to impose new restrictions on abortions which would prohibit doctors from presenting all of the facts to their patients. The real victims of this policy are poor women.

Strike Three: On Saturday, the President took to the airwaves, condemning the Democratic plans for welfare reform as misguided budget busters.

This criticism is ironic since the President and his minions have steadfastly refused to work with the Congress to develop a bipartisan welfare reform plan. Instead, they have insisted on a demonstration plan that offers no guarantee of real reform and allows chaos to prevail at the State and local levels. This approach has found little support in the Congress, even less in the States, and it has an assortment of people—from veterans to advocates for the poor—mad as hornets. The White House has been unwilling to discuss any alternatives.

Mr. President, you will undoubtedly get another chance at bat in the coming months. It's time to quit dodging, step up to the plate, and play ball. The poor children of this country are counting on you.

H.R. 2881—A BILL TO ESTABLISH A NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

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

Mr. WEISS. Mr. Speaker, I rise to express my support of legislation, which will be on our calendar today to create a National Commission on Acquired Immune Deficiency Syndrome, in the hopes that it might be an antidote to the Presidential Commission on AIDS. Two weeks ago the administration announced its AIDS commissioners. They are, for the most part, sadly inexperienced and unqualified to serve on such a potentially important panel. It is a tragedy, that after years of rhetoric and inaction on the AIDS epidemic, the admistration has fashioned a hollow body with possibly dangerous effects.

Today we will have before us a proposal for another Commission, which offers the hope of correcting a potentially damaging situation. I support this new plan. But let me express some caution.

What we need most in an AIDS Commission is an independent, nonpartisan, scientific advisory group, outside the Federal Government, whch would make recommendations and advise Congress, the President, and the executive branch agencies about the major AIDS issues. As decision and policymakers, we are posed with complex biomedical, public health, and legal issues on which we must act. Some programs must be put into place immediately, so that we may control the epidemic, and treat people with AIDS with effective measures and compassion. Informed answers, equitable decisions, and effective programs must be based on current scientific data and information from unbiased experts.

In April, I introduced legislation which would establish a National Advisory Panel on AIDS composed of AIDS experts from outside the Federal Government. The Institute of Medicine of the National Academy of Sciences would be asked first to submit a grant application, in light of the excellent job it did in creating an expert committee and comprehensive report on a National Strategy for AIDS during 1986. I still believe that would be the best approach. In sum, an effective AIDS Commission must be composed of superlative AIDS commissioners, who are both AIDS experts and nonpartisan.

Challenging the President's AIDS commissioners with this test, we find that only two are passable. The rest fail.

As I examine today's proposed legislation the question that concerns me is what are the chances that its members will be nonpartisan AIDS experts?

Five of the appointments would come from the administration and would include the Secretary of Health and Human Services and the Administrator of Veterans' Affairs. Expert, possibly. Nonpartisan, no.

The remaining 10 appointments would be selected by the House and the Senate, and 4 of these 10 would come from the minoritys' recommendations. The arithmetic is clear: 9 of the 15 Commissioners would be appointed by the President and members of his party.

Will this National Commission on AIDS correct the deficiencies of the Presidential Commission? I hope so and, therefore, will vote for it.

Congress and the President very much need the recommendations of a respected panel independent of political influence to help us make sound, objective, and cost-effective decisions in the war against AIDS.

□ 1400

STOP THE SOVIET SHOPPING SPREE

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

Mr. COATS. Mr. Speaker, the portrait of Japanese businessmen wining and dining Soviet trade officials contained in today's Wall Street Journal can only reinforce our view that security has taken a back seat to profit in Japan.

What is far more disturbing than the story of sushi-loving Russians is the fact that apparently the Toshiba incident is just the tip of the iceberg of security breaches. In the past year, American officials have presented Japan with half a dozen cases of serious violations, possibly involving a number of giant and well-known Japanese companies.

Our concern with Japan's sloppy record is now becoming apparent, and I have introduced legislation which would impose sanctions against Toshiba for their blatant disregard of export controls. What is often missed in the debate on this issue, however, is the need to provide for equally tough sanctions against other corporations in Japan and all countries who so flagrantly violate our trust. My bill would mandate such strong penalties, and send a clear signal to foreign companies that this betrayal will not be tolerated.

Mr. Speaker, a Soviet official was quoted in this article as being unconcerned about obtaining Western technology in the future. "What can't be bought in Japan," he said, could easily be bought elsewhere." It is time to stop the Communist shopping spree, and I urge my colleagues to support my legislation to do just that.

REPORT FROM THE CONSTITUTIONAL CONVENTION, 1787

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

Mr. GEKAS. Mr. Speaker, it is now August 4, 1787, and I am reporting to you from the floor of the Constitutional Convention in Independence Hall, Philadelphia. The delegates in this great Convention are now in a recess and they are not due to get back here for another couple days. George Washington is visiting Valley Forge. James Madison comes in once in awhile. You would think there is nothing going on; however, I am reporting to you from the library section next to the Chamber, the main Chamber of Independence Hall, where hard at work is a set of five delegates who have been constituted the Committee of Detail.

It is their job to put together the final provisions that have already been agreed on into one cohesive document that will be deliberated upon and debated the remainder of August and possibly in September and a final document will be drafted.

I talked with these delegates, the ones who are on the Committee of Detail. It is Rutledge of South Carolina, who is the chairman; he has a grand vision of a document to be adopted.

Randolph of Virginia is a man of detail himself properly on the Committee of Detail.

James Wilson of Pennsylvania, who is one of the better speakers during the 4 months of the Convention thus far, was also part of this Committee of Detail.

Ellsworth of Connecticut and Gorham of Massachusetts, these five are very confident, although in different ways, that they can piece together a document that will be the final working document of this Convention.

Everybody is optimistic, even General Washington, who, when he left, felt a little less optimistic than most, now I am told feels that they are going to be successful.

Mr. Speaker, I am reporting to you 200 years ago today from the Convention floor in Independence Hall in Philadelphia.

PROSECUTE THOSE OPERATING OUT OF BASEMENT CLOSET IN WHITE HOUSE

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

Mr. TRAFICANT. Mr. Speaker, the Ayatollah blames us for the deaths of Iranians in Mecca last weekend. No one knows what this character will do next.

One thing is for sure. The administration supposedly tried to make contact with moderates in Iran. In fact, the National Security Council in sworn testimony said that was their purpose.

Now we come to find out that one of those so-called moderates was a man named Ali Rafsanjani. He spoke recently about attacking the United States and retribution for our gulf policies. He also said, and I quote, "Iran's obligation is to uproot the Saudi rulers from that region."

Now, how in God's name could the President or any of his advisers consider this to be the moderates we should be dealing with?

I now quote a passage from the Washington Post of Bruce Laingen, a former hostage and American Embassy official in Iran. Here is what he said 8 years ago:

> We should not expect an Iranian readily to perceive the advantages of a long-term relationship based on trust.

POINT OF ORDER

Mr. WALKER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman will state his point of order.

Mr. WALKER. Mr. Speaker, has the gentleman received permission from the House to read from papers?

Mr. TRAFICANT. Mr. Speaker, I am not reading from papers. I am making a quote.

The SPEAKER pro tempore. The gentleman from Ohio has permission to read, unless he is challenged by any Member.

Mr. WALKER. Well, under the rules of the House, the gentleman cannot read from papers without receiving unanimous consent from the House. Has the gentleman received consent from the House to read from papers?

The SPEAKER pro tempore. The gentleman from Pennsylvania has it backward. The gentleman can read unless objected to by any other Member. Then it is put to a vote.

Mr. WALKER. Well, the gentleman can do it by unanimous consent, can he not?

The SPEAKER pro tempore. The gentleman was granted unanimous consent to address the House for 1 minute, which includes reading papers, unless objected to.

Mr. WALKER. He can also ask unanimous consent to be a allowed to read from papers, is that not correct?

The SPEAKER pro tempore. The gentleman does not need that under the rules, the Chair would say to the gentleman from Pennsylvania.

Mr. TRAFICANT. Mr. Speaker, to clarify the issue, I am not reading from a paper.

The SPEAKER pro tempore. Any Member who wants to challenge the gentleman's right to read can do so, and then it is put to a vote.

Mr. TRAFICANT. Mr. Speaker, is the gentleman challenging it?

Mr. WALKER. Well, I would just suggest to the gentleman that in order to proceed under the rules of the House, he ought to ask unanimous consent to read from papers.

Mr. TRAFICANT. Mr. Speaker, I am not reading from papers. If the gentleman is challenging it, let him make the challenge.

The SPEAKER pro tempore. The Chair will state that in the absence of a challenge, the gentleman may read. If some Member sees fit to challenge, then it would be put to a vote.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

TITLE X IS NOT THE CULPRIT

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

Mr. PORTER. Mr. Speaker, as a Member of Congress who believes that Federal funds should not be used to perform abortions and as one who has consistently supported the Hyde amendment, I call on the prolife community to reassess its attack on title X voluntary family planning programs.

Title X clinics have scrupulously abided by the statutory requirement that they not perform abortions with Federal funds. Repeated GAO audits have upheld this fact. Family planning clinics which are physically located in proximity to abortion facilities are the exception, Mr. Speaker, not the norm, and most of these are hospitals.

Mr. Speaker, it is a violation of medical ethics not to inform a woman of her legal options in dealing with a pregnancy, and enshrining ignorance of medical options in title X regulations in place of informed consent flies directly in the face of principles followed consistently by administrations of both parties.

Yes, abortion, though legal, is not an acceptable birth control method and should not be encouraged; but attacking title X programs designed to prevent unwanted pregnancies through contraception, can only lead to more abortions, not less.

A LANDMARK DECISION FOR THE NATIONAL GUARD

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

Mr. MONTGOMERY. Mr. Speaker, late yesterday U.S. District Judge Donald Alsop made a landmark decision in the State of Minnesota versus the Federal Government, challenging the so-called Montgomery amendment that prohibits Governors from blocking overseas training of their State National Guardsmen only except in the case of a State emergency.

Judge Alsop dismissed the case with prejudice.

This ruling means that under the U.S. Constitution, Congress does have authority to share with the States the training of National Guardsmen and that Congress acted within its authority, without having to secure the consent of Governor Perpich of Minnesota on training.

Mr. Speaker, I am delighted with this ruling. This decision, if appealed, I am confident will be upheld.

IN SUPPORT OF HOUSE JOINT RESOLUTION 132, NATIONAL DAY OF REMEMBRANCE OF ARMENIAN GENOCIDE

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

Mr. TORRES. Mr. Speaker, I rise today in support of House Joint Resolution 132. It is unfortunate that legislation like this is necessary. If it were not for the many instances when man has committed atrocious acts against his fellow man, there would have been no need to introduce this resolution.

From 1915 to 1923, a 9-year period, 1½ million Armenians were brutally murdered by agents of the Turkish Ottoman Empire. We have chosen April 24, 1987, to memorialize the loss of over a million lives.

It is not possible for us to return to the Turkish Ottoman Empire. If we had this capacity, perhaps we could have prevented the unjust murders of over a million of men, women, and children from history. However, we cannot return nor can we right the wrongs of the past.

We can do everything in our power to prevent such atrocities from occurring again. I admit that it is not enjoyable to reflect on these horrible incidents, but I encourage everyone to take a moment to think about the unnecessary loss of valuable human lives that resulted from this massacre.

We must pledge to never allow a similar incident to happen again. If House Joint Resolution 132 will allow us to achieve this goal, we must support it.

A FURTHER TRIBUTE TO RAUOL WALLENBERG

(Mr. DORNAN of California asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I will not read a statement. I will tomorrow.

Mr. Speaker, I rise like my colleague, the gentleman from New Jersey [Mr. SMITH], to remind everyone in the free world that today is the 75th birthday of Rauol Wallenberg. I have no proof that this great world hero is alive, but the Soviets have never given any proof that he is dead.

Mr. Khrushchev at some point during his 11-year reign said that Rauol Wallenberg had died in 1947 or 1948 in some Soviet prison. What prison? Where are his remains? What were the circumstances of his death? They have told us nothing.

So I choose to believe that at 75 years of age today, he is alive in some forgotten fringe labor camp in that Archipeligo of vicious gulags. Maybe he is on Wrangel Island. Maybe he is in some labor camp.

But if you were God, would you have kept this hero alive? I think in God's mysterious and wonderous ways that this hero is alive.

You know, some of us in life have a chance to save someone from drowning. One of my cousins claimed that I save his life. I do not know if I did or not. But here is a man who saved 100,000 human beings. What a thing to have in your record book when you face St. Peter, 100,000 human beings, many of whom went on to get married and raise families and their families are now having families.

□ 1255

This man is truly a hero. If Mr. Gorbachev really means that glasnost is openness, let him give Raoul Wallenberg back to the world that loves him.

Happy birthday, Raoul. You are an inspiration to a whole century.

WASHINGTON WEATHER IS NOT FLORIDA WEATHER

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, there is something that has been bothering me for some time that I would like to bring to the attention of the House. For so long now as the temperature reaches the high 90's and now perhaps even into the 100's today, Members increasingly come up to me and say, "How do you like this Florida weather?"

Mr. Speaker, this is not Florida weather. This is Washington weather. Anyone who thinks that this is Florida weather, I invite them to Fort Lauderdale, FL, to enjoy our cool surf and cooling breezes. Fort Lauderdale does not have weather like we are experiencing in Washington today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

DEVELOPMENT DISABILITIES ASSISTANCE EXTENSION ACT OF 1987

Mr. BRUCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1871) to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1871

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 "Developmental Disabilities Assistance Extension Act of 1987".

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.

The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended—

(1) in section 130, by striking "$50,250,000" and all that follows and inserting "such sums as may be necessary for fiscal years 1988 through 1990.";

(2) in section 143, by striking "$13,750,000" and all that follows in the first sentence and inserting "such sums as may be necessary for fiscal years 1988 through 1990.";

(3) in section 154, by striking "$9,000,000" and all that follows and inserting "such sums as may be necessary for fiscal years 1988 through 1990."; and

(4) in section 163, by striking "$2,700,000" and all that follows and inserting "such sums as may be necessary for fiscal years 1988 through 1990.".

SEC. 3. ADDITION OF FAMILY SUPPORT SERVICES TO LIST OF PRIORITY SERVICES WITH RESPECT TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Section 102(11)(C) of the Developmental Disabilities Assistance and bill of Rights Act (42 U.S.C. 6001(11)(C)) is amended—

(1) by striking "and";

(2) by striking the period and inserting a comma; and

(3) by adding at the end "and family support services.".

(b) DEFINITION OF FAMILY SUPPORT SERVICES.—Section 102(11) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(11)) is amended by adding at the end the following new subparagraph:

"(I) The term 'family support services' means services designed—

"(i) to strengthen the role of the family as the primary care-giver;

"(ii) to prevent out-of-home placement;

"(iii) to reunite families with family members who have been placed out of the home; and

"(iv) to maintain family unity.".

(c) CONFORMING AMENDMENT.—Section 102(11)(D) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(11)(D)) is amended by striking "family support services,".

SEC. 4. REVISION OF DEFINITION OF SUPPORTED EMPLOYMENT OF PERSONS WITH DEVELOPMENTAL DISABILITIES.

Section 102(11)(F) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(11)(F)) is amended—

(1) by striking "paid" the first place it appears and inserting "competitive"; and

(2) by amending clause (i) to read as follows:

"(i) is for persons—

"(I) with developmental disabilities who are members of groups for which competitive employment has not historically occurred, or

"(II) for whom competitive employment has been interrupted or intermittent because of developmental disability.

who, because of their disabilities, need intensive ongoing support to perform in a work setting;".

SEC. 5. REQUIREMENT OF PROVISION OF NOT LESS THAN ONE PRIORITY SERVICE TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Section 122(b)(4)(B) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6022(b)(4)(B)) is amended to read as follows:

"(B) The plan must provide for not less than one of the five priority services. The plan may, in the discretion of the State, provide for more than one priority service, or for one or more services described in section 102(11)(A)(ii), or both.".

(b) STRIKING OF CERTAIN REQUIREMENT WITH RESPECT TO EXPENDITURES OF PAYMENTS.—Section 122(b)(4) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6022(b)(4) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(c) CERTAIN REQUIREMENT WITH RESPECT TO EXPENDITURES OF PAYMENTS.—Section 122 (b)(4)(D)(i) of the Developmental Disabilities Assistance and Bill of Rights Act (as redesignated in subsection (b)(2)) is amended by striking "service activities in the priority services." and inserting "services described in subparagraph (B).".

SEC. 6. REVISION IN CATEGORIES OF REPRESENTATIVES ON STATE PLANNING COUNCIL.

Section 124(a)(3)(B)(ii) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C 6024 (a)(3)(B)(ii)) is amended by inserting "or previously institutionalized" after "institutionalized".

SEC. 7. REPORTS BY STATES WITH RESPECT TO SERVICES PROVIDED TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended by adding at the end the following new part:

"PART F—DEVELOPMENTAL DISABILITIES STATUS REPORT

"REQUIREMENT OF CERTAIN ASSURANCES WITH RESPECT TO REPORT

"SEC. 171. (a) For each of the fiscal years 1988 through 1990, the State plan required in section 122 must contain or be supported by assurances satisfactory to the Secretary that, not later than September 30, 1990, the State will submit to the Secretary a report containing a comprehensive description of—

"(1) the eligibility standards established by the State for the receipt of services by persons with developmental disabilities;

"(2) a description of the services provided by the State to individuals with developmental disabilities;

"(3) the extent to which the State is meeting the needs of persons with developmental disabilities;

"(4) the extent to which the State is carrying out the purposes of this title, including a description of the manner in which the State has construed, and is construing, the term 'developmental disability;

"(5) the recommendations of the State for meeting the needs of all persons in the State with developmental disabilities, including recommendations with respect to appropriate initiatives by the State and by the Federal Government; and

"(6) with respect to the matters referred to in paragraphs (1) through (5), the views of persons in the State with developmental disabilities and the views of persons in the State who are advocates for persons with developmental disabilities.

"(b) For each of the fiscal years 1988 through 1990, the State plan required in section 122 must contain or be supported by assurances satisfactory to the Secretary that, in preparing the report required in subsection (a), the State will—

"(1) conduct a study for the purpose of obtaining the information required in subsection (a)(6) and will, in conducting such study, survey a representative sample of persons in the State with developmental disabilities and a representative sample of persons in the State who are advocates for persons with developmental disabilities; and

"(2) provide public notice with respect to the development of the report and such opportunities as may be necessary to provide interested persons an opportunity to present comments and recommendations with respect to the report.

"REQUIREMENT OF SUBMISSION OF STATEMENT OF PROGRESS WITH RESPECT TO REPORT

"SEC. 172. For each of the fiscal years 1989 and 1990, the State plan required in section 122 must contain a statement of the progress made by the State with respect to completing the report required in section 171.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1987, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. 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 Illinois [Mr. BRUCE] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. BRUCE].

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

Mr. Speaker, the legislation before us was introduced by the distinguished ranking minority member of the subcommittee, Mr. MADIGAN. It was reported by the Committee on Energy and Commerce by voice vote.

Briefly, H.R. 1871 extends for 3 fiscal years the authorization of appropriations for the programs which comprise the Development Disabilities Assistance and Bill of Rights Act. These programs include: First, formula grants to States; second, grants to support protection and advocacy systems; third, grants for special projects; and fourth, grants to university affiliated facilities.

The committee amendment to the legislation eases the administrative requirements on States and requires each State to prepare a report on the extent to which they are currently meeting the needs of persons with developmental disabilities.

Mr. Speaker, the Federal developmental disabilities programs are vitally important to the millions of Americans with developmental disabilities. Their importance and success have made it enormously popular with the public, the Congress and the administration.

I urge support for the legislation.

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

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

Mr. Speaker, I join the gentleman from Illinois, [Mr. BRUCE], a member of the Subcommittee on Health and the Environment in urging my colleagues to support H.R. 1871, the developmental disabilities assistance amendments of 1987. My colleague, Mr. MADIGAN, the ranking minority member of the subcommittee introduced this legislation on March 31, 1987, on behalf of the administration. H.R. 1871 reauthorizes the grant programs of the Developmental Disabilities Assistance and Bill of Rights Act for 3 fiscal years with such sums as may be necessary. The bill being considered under suspension of the rules today includes the provisions of H.R. 1871 as introduced and several amendments which enhance State flexibility in providing priority services to disabled individuals.

It is my understanding that the administration does not oppose this legislation. Therefore, I urge my colleagues to join me in supporting H.R. 1871.

Mr. BRUCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I am pleased today to support the extension of the Developmental Disabilities Program. More than almost any other factor, this program has been the key to the rapid increase in sensitivity to the needs of the disabled and the protection of their rights.

I would like to underscore provisions in the bill I offered in subcommittee. The Developmental Disabilities Program has its origins in a 1963 law which applied only to individuals who were mentally retarded. Over time, Congress has expanded the definition so that those efforts now include a broad spectrum of functional limitations.

Currently under the law a "developmental disability" includes any severe chronic disability which—

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in 3 or more areas of life activity: (i) self-care; (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.

In our hearings, we learned that many States construe the definition far more narrowly. As a result, many eligible individuals are not being reached. In many States, disabilities attributable to physical impairments such as cerebral palsy and epilepsy or developmental disabilities attributable to a combination of mental and physical impairments are not reached by the advocacy and planning of the State councils which administer this program.

The bill before us would require each State to develop a process to identify those individuals and report to Congress on ways of fully serving the developmentally disabled population. States would be required to hold public hearings to bring out the views and recommendations of developmentally disabled individuals and advocacy organizations.

The goal of the program is to "assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community." The failure of States to properly respond to the definition of developmental disabilities now results in this program being an unfulfilled promise to 1 million individuals and their families.

It is certainly my hope that this provision will send a strong signal to the States that they should move toward

fully serving all of the developmentally disabled.

I would like to share with my colleagues the testimony of Ms. Eileen Cubarney of Allison Park, PA, in which she poignantly and convincingly discusses the need for strong State programs.

TESTIMONY PRESENTED BY EILEEN CUBARNEY

[On behalf of the National Society for Children and Adults With Autism, National Organization for Rare Disorders, Inc., Disability Rights Education and Defense Fund, United Cerebral Palsy Associations, Inc., National Spinal Cord Injury Association, National Network for Parent Centers, Spina Bifida Association of America, Epilepsy Foundation of America, Tourette Syndrome Association]

My name is Eileen Cubarney. I am the mother of six children. I have been engaged in advocacy on behalf of children and adults with disabilities for over twenty-five years. I am speaking today on behalf of United Cerebral Palsy Associations, Inc., Epilepsy Foundation of America, and seven other national organizations on behalf of individuals with the most severe disabilities. We share a common vision of an American society that provides opportunities for school age children with severe disabilities to be educated in public schools in a way that promotes interaction with their nonhandicapped peers; for adults with severe impairments to be employed in diverse settings earning a competitive wage; and for all children and adults with severe disabilities to live at home and in their home communities enjoying the benefits of friendship and continuing personal relationships.

My remarks today will be to paint for you a portrait of an American family: My family. The portrait is typical of thousands of families across the country who have sons and daughters with substantial functional limitations as defined in the Developmental Disabilities Act.

My testimony will describe the barriers we face as families seeking adequate and appropriate supports to enable our sons and daughters to learn, live, and work in their home communities.

My son David is twenty-one years old. He has a diagnosis of cerebral palsy and is further labelled as having quadraplegia. He can talk but he cannot walk, feed himself, dress himself or attend to his bodily fuctions.

He has average to above average intelligence. Had we listened to the professionals when he was a baby and placed David in an institution our family would have been financially solvent today. Instead we chose to raise David at home and learn first hand about the struggles to earn his right to citizenship.

Our family has had only four vacations in eighteen years. Although Pennsylvania has a very large program of family support and respite services, David did not have the right label to access the system. We chose not to try and find a clinician who would relabel David as "mentally retarded" to access these services. To do so was too much of a compromise of his dignity and our integrity.

We paid for his therapies in his infant years and he attended the UCP nursery school which was funded by donations from the Elks Club. At age five he attended a private school for which the public school paid a per diem and we paid the rest of the tuition which exceeded the mortgage payment on our home.

At age thirteen with David's and our rights articulated in P.L. 94-142, the Education for all Handicapped Children's Act of 1975, and with the ongoing assistance and support of Congressman Walgren and his staff in Pittsburgh and an attorney whom we paid, we filed and won both a due process and a civil rights suit against the school district in order to have David removed from "special school" where he learned almost nothing and sent to a regular school with children of his own age who were not handicapped. David was the first student with quadraplegia to be "mainstreamed" in our community.

We won, but the school was so unprepared to meet his needs that they wanted to offer him a janitorial training program. With the help of local UCP staff and appropriate education plan was developed. For the past two years, as the result of another fight, David receives his education two days a week at the Independent Living Center where he is learning how to direct his own life and how to manage his attendant. He began receiving attendant services in 1985 as a result of Pennsylvania's pilot program in this area.

The attendant services have changed our family's role from that of David's constant caregivers to mother, father, brother and sister. This service has allowed me the opportunity to go to work for the first time in over twenty years and assist my husband's modest income in supporting our four children in college.

I am employed in the rehabilitation technology center at the Rehabilitation Institute of Pittsburgh. I see everyday what can be and is being achieved through technology for people like David and countless others with severe functional limitations with and without mental impairments. Yet how many individuals go without, go begging or are denied access to these and other necessary support services because their state has not yet chosen to put in place a service delivery system for all persons with developmental disabilities?

The individuals who fall under the umbrella term "developmentally disabled" are not a homogeneous group in terms of service needs.

I am here today representing over one million individuals who meet the definition of developmental disabilities but whose primary impairment is not a mental one. I call to your attention that the intent of the law is not being met consistently in all 50 states. . . . "to assist states to (A) assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through independence, productivity, and integration into the community. . . ." The original intent of Congress in 1963 was to develop services to meet the needs of people with mental retardation. In 1970 and 1975, this intent was extended to people with other disabilities with similar service needs. And in 1978, the language was modified to assure that just persons with the most substantial disabilities received services.

The federal definition was purely categorical in 1970 (P.L. 91-517) and later evolved to a mixed categorical and functional one in 1975 (P.L. 94-103) which still had a reference to mental retardation . . . "results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons." In 1976, the Secretary of H.E.W. awarded a contract and appointed a task force to study the confusion and different interpretations in operationalizing the mixed definition. The task force recommended a functional approach to the definition—a non categorical definition which emphasized the complexity, pervasiveness, and substantiality of the disability condition(s). The proposed definition was included in the 1978 Act (P.L. 95-602) and continues today. The major differences in this definition from the 1975 Act are:

No specific diagnostic categories or labels are used other than "mental and physical impairment";

The age limit for onset of the disability was raised from 18 to 22; and

The necessity of a substantial functional limitation in three or more areas of major life activity.

IMPACT OF CURRENT DEFINITION

The current definition excludes persons with mild disabilities, and, by eliminating categories makes it possible for persons with a wide range of diagnostic labels such as spina bifida, spinal cord injury, muscular dystrophy, multiple sclerosis, cystic fibrosis, Tourette Syndrome, and others to be included in the definition along with many persons from the more traditional diagnostic categories of mental retardation, cerebral palsy, epilepsy, and autism, including many persons with multiple mental and physical impairments. In fact, most prevalence estimates suggest that 1 to 1½ million of the three million people classified as "developmentally disabled" are persons without mental impairments.

Though the disabilities are different, the common elements are that the origin of their disability was in the developmental period, that the individuals will need ongoing—possibly lifelong—support services and that goal of these services should be to increase independence, productivity, and community intergration as stated in the 1984 Act (P.L. 98-527).

The definition adopted nearly ten years ago has had an impact on states but not nearly what some of us expected. Over 20 states still have a state agency which has an exclusive responsibility to persons with mental retardation.

In 1985, New Jersey was the first and only state to adopt the federal functional definition in state statute. The remaining states have adopted a variety of mixed categorical and functional definitions, many with a strong mental impairment overlay. In my home state of Pennsylvania our Developmental Disabilities Council has just this year committed some resources over the next three years to develop a plan for a coordinated comprehensive service system for all persons with developmental disabilities. This decision has come about after five years of having a stated goal in the plan with no resources! Currently our single state agency is the Office of Mental Retardation in the Department of Public Welfare.

For more than eighty years, professionals have used an approach that focuses on individual deficits as the means of deciding whether a person was eligible for available services. The functional nature of the developmental disabilities definition should force a change in determining eligibility to a focus on the interaction between a person and his/her environment rather than focusing on deficits seen to be in the person.

CHANGING SERVICE PATTERNS

Changes in the boundaries of eligibility for services which result from adoption and implementation of the current definition

will, in all likelihood, mean that the "newly eligible" people will require even more varied levels and types of supports. This means that past patterns of service delivery will not be able to adequately accommodate these differing demands. New service patterns will have to be developed, some old patterns abandoned, and agencies will of necessity learn to become more flexible in their dealing with individuals receiving services.

For example, in the area of community living, the preferred model of support service for someone with substantial functional limitations without a mental impairment is the person's own home or home with a roommate and a personal attendant hired and managed by the individual rather than *placement* in an "eight-bed" group home or other facility.

In the emerging area of supported employment, ongoing support for persons with developmental disabilities who are not mentally impaired will include a variety of services including transportation, physical, speech, and occupational therapies, medications, and applied technology rather than a job coach.

From these two illustrative examples, I trust you can see that the actual delivery of support services for the divergent population I represent today encompasses the same concepts but far different implementation strategies than for persons with developmental disabilities and mental impairment. This is what we urge you to require the Developmental Disabilities Councils to do more of—to assure the services required to support all persons with developmental disabilities, regardless of categorical diagnosis, be planned, demonstrated, and assured throughout the land.

Conclusion:

We have come a long way, but we believe it is now time to reconcile federal intent with state policy. As Dr. Elizabeth Boggs, a national expert on developmental disabilities, stated upon New Jersey's adoption of the federal definition into state statute in 1985, "We have had a non-accessing population of people—specifically, young adults with severe physical disabilities—who have had nowhere to go for assistance in putting it all together. These people really deserve to have an agency that can work for them . . ."

I urge you to: (1) reaffirm that State Councils be involved in the system reform necessary within their respective states so that each state adopt the federal definition in a timely manner and (2) assure that each of the states meet the intent of the law by assigning the most appropriate agencies to be responsible and accountable to provide access to the full range of support services for individuals with developmental disabilities without mental impairments. Until that time, the promise of the Act will remain unfulfilled. Over one million citizens will continue to be more dependent than necessary on our resources and robbed of their human dignity and opportunity to contribute to community life.

Mr. WAXMAN. Mr. Speaker, the committee amendment to the legislation eases the administrative requirements on States which receive formula grant funds. Under current law, the authority of many States to support programs for the developmentally disabled are limited to statutorily specified Federal priority areas. A limited number of States are eligible to use block grant funds designated for Federal priorities for so-called optional services. The committee amendment would allow all States the authority to allocate funds to these optional services. In addition, the amendment lifts the current restriction on the number of Federal priority services that could receive formula grant funds.

In addition, the amendment requires States to prepare a report on the extent to which they are currently meeting the needs of persons with developmental disabilities. Mr. Speaker, on this point I want to note and commend the contribution of Mr. WALGREN, an active member of our subcommittee, to this legislation. The committee amendment contains provisions to address in part concerns presented to the subcommittee by his constituent, Mrs. Eileen Cubarney, on behalf of the Cerebral Palsy Foundation. Mrs. Cubarney testified earlier this year to the inadequate level of services available under State law to her physically disabled son. Although her son is developmentally disabled under the Federal definition of the Developmental Disabilities Assistance and Bill of Rights Act, because his disability is physical rather than emotional, he is not eligible for many support services under Pennsylvania law.

The committee was concerned by reports that States have been slow to provide adequate community and support services to individuals who are intellectually capable but physically disabled. The committee amendment requires States to begin a planning process which may lead to expanding eligibility to all persons in the State with developmental disabilities—regardless of whether the disability is of mental or physical origin. This is a serious problem and I appreciate the gentleman from Pennsylvania brining it to our attention.

Mr. Speaker, I urge support for the legislation.

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

Mr. BRUCE. 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 Illinois [Mr. BRUCE] that the House suspend the rules and pass the bill, H.R. 1817, 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.

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce and the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 1417) to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Assistance and Bill of Rights Act.

TITLE I—GENERAL PROVISIONS

FINDINGS AND PURPOSES

SEC. 101. Section 101 is amended to read as follows:

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds that—

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) persons whose disabilities occur during their developmental period frequently have severe disabilities which are likely to continue indefinitely;

"(3) notwithstanding their severe disabilities, these persons have capabilities, competencies, and personal needs and preferences;

"(4) family and members of the community can play a central role in enhancing the lives of persons with developmental disabilities, especially when the family is provided with necessary support services;

"(5) persons with developmental disabilities and their families often require specialized lifelong assistance to be provided in a coordinated manner by many agencies and others in order to eliminate barriers for such persons and to meet the needs of such persons;

"(6) generic service agencies and agencies providing specialized services to persons with disabilities sometimes overlook, inappropriately meet the needs of, or exclude persons with developmental disabilities in their planning and delivery of services;

"(7) public and private employers tend to be unaware of the capability of persons with developmental disabilities to be engaged in competitive work in integrated settings; and

"(8) it is in the national interest to offer persons with developmental disabilities the opportunity, to the maximum extent feasible, to make decisions for themselves and to live in typical homes and communities where they can exercise their full rights and responsibilities as citizens.

"(b) The purposes of this title are—

"(1) to provide assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity, and integration into the community;

"(2) to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential; and

"(3) to ensure the protection of the legal and human rights of persons with developmental disabilities.".

DEFINITIONS

SEC. 102. Section 102 is amended—

(1) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The term 'nonprofit' has the same meaning as in section 102(4) of the Older Americans Act of 1965.";

(2) by redesignating paragraph (4) as paragraph (3);

(3) by striking out paragraph (5);

(4) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (4), (5), (6), and (7), respectively;

(5) by redesignating paragraph (10) as paragraph (8), and in such paragraph, by striking out "nonhandicapped" each place it appears and inserting in lieu thereof "nondisabled";

(6) by striking out paragraph (11);

(7) by redesignating paragraphs (12), (13), (14), and (15) as paragraphs (18), (19), (20), and (21), respectively;

(8) by inserting after paragraph (8) (as redesignated by clause (5) of this section) the following new paragraphs:

"(9)(A) The term 'specialized services or special adaptations of generic services' has the meaning described in subparagraphs (B), (C), (D), (E), and (F) with respect to the activities described in each such subparagraph.

"(B) With respect to case management activities, the term 'specialized services or special adaptations of generic services' includes—

"(i) participation in the development of a comprehensive individualized habilitation plan under section 123;

"(ii) referral to, and coordination of, social, health, educational, support, and other services as identified in such individualized habilitation plan;

"(iii) monitoring to ensure the access, by the person with developmental disabilities and the family of such person, to appropriate services and to determine progress in meeting goals and objectives specified in such individualized habilitation plan; and

"(iv) the provision of assistance to a person with developmental disabilities to enable such person to obtain access to all services to which such person is entitled, and to effect changes in the service delivery system that will result in increased access to services for such person.

"(C) With respect to child development activities, the term 'specialized services or special adaptations of generic services' includes early intervention services.

"(D) With respect to community living activities, the term 'specialized services or special adaptations of generic services' includes—

"(i) in-home services, such as personal aides and attendants and other domestic assistance and supportive services;

"(ii) special living arrangements;

"(iii) group living services;

"(iv) recreation, socialization, and leisure time services;

"(v) nonvocational social development services; and

"(vi) placement and continuing support services.

"(E) With respect to employment activities, the term 'specialized services or special adaptations of generic services' includes—

"(i) services such as employment preparation and training leading to supported employment;

"(ii) follow-along services;

"(iii) incentive programs for employers who hire persons with developmental disabilities;

"(iv) services to assist transition from special education to employment;

"(v) services to assist transition from sheltered work settings to supported employment and nonsupported employment in integrated work settings; and

"(vi) job placement services.

"(F) With respect to activities which are within two or more Federal priority areas or activities which are within a State priority area, the term 'specialized services or special adaptations of generic services' includes—

"(i) outreach and identification activities;

"(ii) diagnosis, assessment, and periodic reassessment to determine each person's goals, strengths, functional limitations, and needs for specific services and other assistance;

"(iii) information and referral services;

"(iv) treatment;

"(v) family support services;

"(vi) respite care;

"(vii) foster care;

"(viii) day care;

"(ix) assistive technology;

"(x) counseling of a person with developmental disabilities and the family of such person;

"(xi) transportation services necessary to assure access to services for persons with developmental disabilities;

"(xii) protective and other social and sociolegal services;

"(xiii) education and training of personnel, persons with developmental disabilities, and family members of such persons; and

"(xiv) services to promote and coordinate activities to prevent developmental disabilities.

"(10) The term 'priority area activities' includes, with respect to Federal priority areas or a State priority area—

"(A) activities to increase the capacities and resources of public and private nonprofit entities and others to develop a system for providing specialized services or special adaptations of generic services or other assistance which responds to the needs and capabilities of persons with developmental disabilities and their families and to enhance coordination among entities;

"(B) the—

"(i) conduct of studies and analyses;

"(ii) gathering of information;

"(iii) development of model policies, and procedures; and

"(iv) presentation of information, models, findings, conclusions, and recommendations to policymakers,

in order to enhance opportunities for persons with developmental disabilities, including the enhancement of a system for providing or making available specialized services or special adaptations of generic services for persons with developmental disabilities;

"(C) the demonstration of new ways to enhance the independence, productivity, and integration into the community of persons with developmental disabilities, such as model demonstrations which, if successful, will be made generally applicable through sources of funding other than funding under this title, including new ways to enhance specialized services or special adaptations of generic services for persons with developmental disabilities;

"(D) outreach activities for persons with developmental disabilities to enable such persons to obtain assistance in the area, including access to specialized services or special adaptations of generic services for persons with developmental disabilities;

"(E) the training of persons with developmental disabilities, family members of such persons, and personnel, including professionals, paraprofessionals, students, and volunteers, to obtain access to, or to provide, services and other assistance in the area, including specialized services or special adaptations of generic services for persons with developmental disabilities; and

"(F) similar activities designed to prevent developmental disabilities from occurring or to expand and enhance the independence, productivity and integration into the community of persons with developmental disabilities through the State on a comprehensive basis.

"(11) The term 'Federal priority areas' means community living activities, employment activities, child development activities, and case management activities.

"(12) The term 'State priority area' includes, at the discretion of the State Planning Council, priority area activities in two or more Federal priority areas or priority area activities in an area in the State considered essential by the State Planning Council.

"(13) The term 'community living activities' means such priority area activities as will assist persons with developmental disabilities in developing or maintaining suitable residential arrangements and supports in the community (including nonfinancial supports).

"(14) The term 'employment activities' means such priority area activities as will increase the independence, productivity, or integration of a person with developmental disabilities in work settings.

"(15) The term 'supported employment' means competitive work in integrated work settings—

"(A) for persons with developmental disabilities for whom competitive employment has not traditionally occurred; or

"(B) for persons for whom competitive employment has been interrupted or intermittent as a result of a developmental disability, and who because of their disability need on-going support services to perform such work.

"(16) The term 'child development activities' means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

"(17) The term 'case management activities' means priority area activities to establish a potentially life-long, goal-oriented process for coordinating the range of assistance needed by persons with developmental disabilities and their families, which is designed to ensure accessibility, continuity of supports and services, and accountability and to ensure that the maximum potential of persons with developmental disabilities for independence, productivity, and integration into the community is attained.";

(9) by striking out "facility or facilities" in subparagraph (A)(ii) of paragraph (18) (as redesignated by clause (7) of this section) and inserting in lieu thereof "program or programs";

(10) by striking out "facilities" each place it appears in such paragraph and inserting in lieu thereof "programs";

(11) by striking out "facility" the first place it appears in paragraph (19) (as redesignated by clause (7) of this section) and inserting in lieu thereof "program";

(12) by striking out "public or nonprofit facility" in such paragraph and inserting in lieu thereof "program operated by a public or nonprofit private entity";

(13) by inserting ", including parents of persons with developmental disabilities, professionals, paraprofessionals, students, and volunteers," before "which is" in subparagraph (A) of such paragraph;

(14) by striking out "the facility" in such subparagraph and inserting in lieu thereof "a facility"; and

(15) by adding at the end thereof the following new paragraphs:

"(22) The term 'family support services' means services designed to—

"(A) strengthen the family's role as primary caregivers (including the role of the elderly parent);

"(B) prevent inappropriate out of the home placement and maintain family unity; and

"(C) reunite families with members who have been placed out of the home.

Such term includes respite care, personal care, parent training and counseling, and other individualized services.

"(23) The term 'assistive technology' means the systematic application of technology, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, persons with developmental disabilities in areas including education, employment, supported employment, transportation, and independent living and other community living arrangements.

"(24) The term 'early intervention services' has the meaning given to such term by section 672(2) of the Education of the Handicapped Act.".

REPORTS

SEC. 103. (a) Section 107(a) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

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

"(4) a review and description of any action taken by the State with respect to each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State and a description of the State Planning Council's response to such actions, reports, and plans; and

"(5) a description of the progress made in the State in, and any identifiable trends concerning, the setting of priorities for, policy reform concerning, and advocacy for, persons with developmental disabilities which are attributable to physical impairment, mental impairment, or a combination of physical and mental impairments, including any other subpopulation of persons with developmental disabilities (including minorities) that the State Planning Council may identify under sections 122(b)(3) and 122(f).".

(b) Section 107(c)(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 a semicolon; and

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

"(C) the progress made by States in, and any identifiable trends concerning, the setting of priorities for, policy reform concerning, and advocacy for, persons with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments, including any other subpopulation of persons with developmental disabilities (including minorities) that the State Planning Council may identify under sections 122(b)(3) and 122(f);

"(D) the Federal fiscal and policy barriers to addressing the needs of persons with developmental disabilities attributable to physical impairments, mental impairments, or a combination of mental and physical impairments; and

"(E) the number of meetings held by the interagency committee established under section 108(b) during the period for which the report is made, which agencies were represented at each such meeting, the name and title of each individual attending such meeting, and the accomplishments of the interagency committee in comparison to the goals and objectives of such committee.".

TITLE II—STATE ASSISTANCE PROGRAM

PURPOSE

SEC. 201. (a) Section 121 is amended to read as follows:

"PURPOSE

"SEC. 121. The purpose of this part is to provide payments to States to assist in the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities through the conduct of, and appropriate planning and coordination of, administrative activities, Federal priority activities, and a State priority activity, in order to support persons with developmental disabilities to achieve their maximum potential through increased independence, productivity, and integration into the community.".

(b) The heading for part B is amended by striking out "AND SERVICE" and inserting in lieu thereof "PRIORITY AREA".

STATE PLAN REQUIREMENTS

SEC. 202. (a) Section 122(b) is amended by striking out "for the provision of services for persons with developmental disabilities" in the matter preceding paragraph (1).

(b)(1)(A) Section 122(b)(1) is amended—

(i) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The plan must provide for the establishment of a State Planning Council in accordance with section 124.";

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

"(B) The plan must designate the State agency which shall administer or supervise the administration of the State plan (hereafter in this part referred to as the 'designated State agency'). Except as provided in subsection (e), the designated State agency may be—

"(i) the State Planning Council required under subparagraph (A) if such Council may be the designated State agency under the laws of the State;

"(ii) a State agency that does not provide or pay for services made available to persons with developmental disabilities; or

"(iii) a State office, including the immediate office of the Governor of the State or a State planning office."; and

(iii) by striking out "each" in subparagraph (C) and inserting in lieu thereof "the".

(B) Section 122 is amended by adding at the end thereof the following new subsection:

"(e)(1) If a State agency that provides or pays for services for persons with developmental disabilities was the designated State agency for purposes of this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 and the Governor of the State determines, before June 30, 1988, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this part.

"(2) The determination of the Governor of a State under paragraph (1) shall be at the discretion of the Governor and shall be made by the Governor after the Governor has considered the comments of the general public and the nonagency members of the State Planning Council with respect to the designation of such State agency and after the Governor has made an independent assessment of the impact the designation of such agency has on the ability of the State Planning Council to serve as an advocate for persons with developmental disabilities.

"(3) If the Governor of a State determines not to retain the designation of a designated State agency in effect on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Governor shall, by October 1, 1990, redesignate such agency in accordance with the requirements of subsection (b)(1)(B).

"(4) After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, any redesignation of a designated State agency shall be made in accordance with the requirements of subsection (b)(1)(B)."

(2) Section 122(b)(2) is amended—

(A) by inserting a comma and "activities," after "programs" in subparagraph (A);

(B) by striking out clause (i) of subparagraph (C) and inserting in lieu thereof "(i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as the State conducts and for which persons with developmental disabilities are eligible to participate, including programs relating to education, job training, public assistance, medical assistance, social services, maternal and child health, aging, programs for children with special health care needs, housing, and comprehensive health and mental health, and other such other plans as the Secretary may specify, and"; and

(C) by striking out "priority services being or to be provided" in subparagraph (D) and inserting in lieu thereof "Federal and State priority areas which are addressed or which will be addressed".

(3) Section 122 (as amended by paragraph (1)(B) of this subsection) is further amended—

(A) by redesignating paragraphs (3) through (7) of subsection (b) as paragraphs (4) through (8), respectively;

(B) by inserting after paragraph (2) of such subsection the following new paragraph:

"(3) The plan must describe a process and timetable for the completion, by April 1, 1990, by the State Planning Council in the State, of the reviews, analyses, and final report described in subsection (f).."; and

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

"(f)(1) Each State Planning Council shall conduct a comprehensive review and analysis of the eligibility for services provided, and the extent, scope, and effectiveness of, services provided and functions performed by, all State agencies (including agencies which provide public assistance) which impact or which potentially impact on the ability of persons with developmental dis-

abilities to achieve the goals of independence, productivity, and integration into the community, including persons with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"(2) Each State Planning Council shall conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the functions performed by, and services provided or paid for from Federal and State funds by, each of the State agencies (including agencies providing public assistance) responsible for performing functions for, and providing services to, all persons with developmental disabilities in the State. Such review and analysis shall be based upon a survey of a representative sample of persons with developmental disabilities receiving services from each such agency and their families, if appropriate.

"(3) Each State Planning Council shall convene public forums, after the provision of notice within the State, in order to—

"(A) present the findings of the reviews and analyses prepared under paragraphs (1) and (2);

"(B) obtain comments from all interested persons in the State regarding the unserved and underserved populations of persons with developmental disabilities which result from physical impairment, mental impairment, or a combination of physical and mental impairments; and

"(C) prepare recommendations on how to remove barriers to services for persons with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services.

"(4) By April 1, 1990, each State Planning Council shall prepare and transmit to the Governor of the State and the legislature of the State a final written report concerning the review and analyses conducted under paragraphs (1) and (2). The report shall contain recommendations by the State Planning Council concerning—

"(A) the most appropriate agency or agencies of the State to be designated as responsible for the provision and coordination of services for persons with developmental disabilities who are traditionally underserved, such as persons with developmental disabilities attributable to physical impairment, persons with developmental disabilities attributable to dual mental impairments, and persons with developmental disabilities attributable to a combination of physical and mental impairments, and such other subpopulations of persons with developmental disabilities (including minorities) as the State Planning Council may identify; and

"(B) the steps to be taken to include the data and recommendations obtained, through the conduct of the reviews and analyses under paragraphs (1) and (2) and the preparation of the report required by this paragraph, in the State Planning Council's ongoing advocacy, public policy, and model service demonstration activities.

"(5) By April 15, 1990, the Governor of each State shall submit to the Secretary a copy of the report required by paragraph (4). By September 30, 1990, the Secretary shall transmit a summary of such reports to the appropriate committees of the Congress.".

(4) Section 122(b)(4) (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out "strengthening services for" in subparagraph (A) and inserting in lieu thereof "enhancing the independence, productivity, and integration into the community of"; and

(B) by striking out "or agencies" each place it appears in subparagraph (C).

(5) Section 122(b)(5) (as redesignated by paragraph (3)(A) of this subsection) is amended—

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

"(A) The plan must provide for the examination, not less often than once every three years, of the provision, and the need for the provision, in the State of the four Federal priority areas and the State priority area. Such examination shall take into account the reviews and analyses conducted, and the report prepared, under subsection (f), and shall, at a minimum, include—

"(i) an analysis of such priority areas in relation to limited support or lack of support for persons with developmental disabilities attributable to physical impairment, persons with developmental disabilities attributable to mental impairment, and persons with developmental disabilities attributable to a combination of physical and mental impairments;

"(ii) an analysis of criteria for eligibility for services that may be causing persons with developmental disabilities to be excluded from receiving such services;

"(iii) an analysis of services, technology, or knowledge which may be unavailable to assist persons with developmental disabilities;

"(iv) an analysis of existing and projected fiscal resources;

"(v) an analysis of any other issues identified by the State Planning Council; and

"(vi) the formulation of objectives in both policy reform and service demonstration to address the issues described in clauses (i) through (v) for all subpopulations of persons with developmental disabilities which may be identified by the State Planning Council.";

(B) by striking out subparagraphs (B), (C), and (D);

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

(D) by striking out "service activities in the priority services" in clause (i) of subparagraph (B) (as redesignated by clause (C) of this paragraph) and inserting in lieu thereof "activities in the Federal priority area of employment activities, and, at the discretion of the State, activities in the three other Federal priority areas and a State priority area, the conduct of the analyses specified in clauses (i) through (v) of subparagraph (A), and the implementation of paragraph (3) and subsection (f)";

(E) by striking out "service activities for persons with developmental disabilities, and" in clause (ii) of such subparagraph;

(F) by inserting "priority area activities for" after "administration of" in such clause; and

(G) by striking out "the provision of such services" in such clause and inserting in lieu thereof "persons with developmental disabilities".

(5) Section 122(b)(6) (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out "services furnished" in clause (i) of subparagraph (A) and inserting in lieu thereof "programs";

(B) by striking out "furnished" in such clause and inserting in lieu thereof "operated"; and

(C) by striking out "delivery of services" in clause (ii) of such subparagraph and inserting in lieu thereof "programs".

HABILITATION PLANS

SEC. 203. (a) Section 123(b) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The plan shall be developed jointly by (A) the person for whom the plan is established, (B) where appropriate, such person's parent or guardian or other representative, and (C) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established."; and

(2) by striking out "program coordinator who will be responsible for" in paragraph (3)(C) and inserting in lieu thereof "case manager who will be responsible for coordinating".

(b) Section 123(c) is amended to read as follows:

"(c) Each habilitation plan shall be reviewed, and where necessary, revised, at least annually by the person for whom the plan is established and the person's parents or guardian or other representative and the agency primarily responsible for the delivery of services to the person for whom the plan was established or each agency responsible for the coordination of the delivery of services to such person.".

STATE PLANNING COUNCILS

SEC. 204. Section 124 is amended—

(1) by redesignating subsection (b) as subsection (d) and, in paragraph (1) of such subsection—

(A) by striking out "or agencies"; and

(B) by striking out ", including the specification of services under section 122(b)(4)(B)"; and

(2) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities.

"(b)(1) The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State.

"(2) The Governor of each State shall make appropriate provisions for the rotation of membership on the State Planning Council.

"(3) Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, the State agency that administers funds provided under the Older Americans Act of 1965, and the State agency that administers funds provided under title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated program or satellite center in the State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities in that State.

"(4) At least one-half of the membership of each State Planning Council shall consist of persons who—

"(A) are persons with developmental disabilities;

"(B) are parents or guardians of such persons; or

"(C) are immediate relatives or guardians of persons with mentally impairing developmental disabilities,

and who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity.

"(5) Of the members of the State Planning Council described in paragraph (4)—

"(A) at least one-third shall be persons with developmental disabilities; and

"(B)(i) at least one-third shall be individuals described in subparagraph (C) of paragraph (4), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

"(c)(1) Each State Planning Council may prepare and approve a budget using amounts paid to the State under this part to hire such staff and obtain the services of such professional, technical, and clerical personnel consistent with State law as the State Planning Council determines to be necessary to carry out its functions under this part.

"(2) The staff and other personnel of a State Planning Council, while working for the State Planning Council, shall be responsible solely for assisting the State Planning Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency or any other agency or office of the State.".

STATE ALLOTMENTS

SEC. 205. (a) Section 125(a) is amended—

(1) by striking out "$100,000" in clause (i) of paragraph (3)(A) and inserting in lieu thereof "$160,000";

(2) by striking out "$250,000" in clause (ii) of such paragraph and inserting in lieu thereof "$300,000";

(3) by striking out "$47,000,000" in paragraph (4) and inserting in lieu thereof "$60,000,000";

(4) by striking out "$160,000" in subparagraph (A) of such paragraph and inserting in lieu thereof "$200,000";

(5) by striking out "$300,000" in subparagraph (B) of such paragraph and inserting in lieu thereof "$350,000"; and

(6) by adding at the end thereof the following new paragraph:

"(6) In any case in which the total amount appropriated under section 130 for a fiscal year exceeds the total amount appropriated under such section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary may increase each of the minimum allotments under paragraphs (3) and (4) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

"(A) the total amount appropriated under section 130 for the fiscal year for which the increase in minimum allotment is being made, minus

"(B) the total amount appropriated under section 130 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 130 for such preceding fiscal year.".

(b) Section 125(b) is amended to read as follows:

"(b) In any case in which a State does not expend by the end of a fiscal year the total amount of its allotment under this section for such fiscal year, the State may expend not more than 20 percent of such total amount during the fiscal year immediately succeeding such fiscal year. Any amounts expended from such allotment during such succeeding fiscal year shall be expended in accordance with the requirements of this part and the State plan submitted under this part.".

WITHHOLDING

SEC. 207. Section 127 is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the comma at the end of clause (2) and inserting in lieu thereof a semicolon and "or";

(3) by inserting after clause (2) the following new clause:

"(3) there is a failure to implement the State plan or the regulations of the Secretary which are applicable to this part,";

(4) by inserting ", with respect to a violation of clause (1) or clause (2) of this section," before "further payments" the first place it appears; and

(5) by striking out "such failure" the first place it appears and inserting in lieu thereof "a failure to comply with clause (3) of this section".

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. Section 130 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 130. For allotments under section 125, there are authorized to be appropriated $62,200,000 for fiscal year 1988, $69,900,000 for fiscal year 1989, and $77,400,000 for fiscal year 1990.".

TITLE III—PROTECTION AND ADVOCACY

REQUIREMENTS FOR SYSTEM

SEC. 301. (a) Section 142(a)(2) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (F), and (G), respectively;

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

"(A) have the authority to—

"(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such persons within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of minority groups; and

"(ii) provide information on and referral to programs and services addressing the needs of persons with developmental disabilities;

"(B) have the authority to investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

"(C) on an annual basis, provide the public with an opportunity to comment on priorities established by, and activities of, the system;

"(D) establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system;"; and

(3) by striking out subparagraph (G) (as redesignated by clause (1) of this subsection) and inserting in lieu thereof the following:

"(G) have access to all records of—

"(i) any person with developmental disabilities who is a client of the system if such person, or the legal guardian, conservator, or other legal representative of such person, has authorized the system to have such access; and

"(ii) any person with developmental disabilities—

"(I) who, by reason of the mental or physical condition of such person, is unable to authorize the system to have such access;

"(II) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

"(III) with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe that such person has been subject to abuse or neglect;".

(b) Section 142(c) is amended—

(1) by striking out "$11,000,000" in subparagraph (A) of paragraph (1) and inserting in lieu thereof "$20,000,000";

(2) by striking out "$80,000" in clause (i) of such subparagraph and inserting in lieu thereof "$107,000";

(3) by striking out "$150,000" in clause (ii) of such subparagraph and inserting in lieu thereof "$200,000";

(4) by striking out "$11,000,000" in subparagraph (B) of such paragraph and inserting in lieu thereof "$20,000,000";

(5) by striking out "$50,000" in such subparagraph and inserting in lieu thereof "$150,000, and the allotment of each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for such fiscal year shall not be less than $80,000";

(6) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(7) by inserting after paragraph (1) the following new paragraph:

"(2) In any case in which the total amount appropriated under section 143 for a fiscal year exceeds the total amount appropriated under such section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary may increase each of the minimum allotments under subparagraphs (A) and (B) of paragraph (1) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

"(A) the total amount appropriated under section 143 for the fiscal year for which the increase in minimum allotment is being made, minus

"(B) the total amount appropriated under section 143 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 143 for such preceding fiscal year.".

(c) Section 142 is further amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) (as amended by subsection (b) of this section) as subsection (b); and

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

"(c) If, for any fiscal year, the total amount of a State's allotment under this section exceeds the total amount of the State's allotment under this section for the fiscal year preceding such fiscal year by an amount equal to or in excess of 20 percent of the State's allotment under this section for such preceding fiscal year, the State may use not more than 10 percent of its allotment under this section for such fiscal year for activities under this section in the fiscal year succeeding such fiscal year.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. Section 143 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 143. For allotments under section 142, there are authorized to be appropriated $20,000,000 for fiscal year 1988, $22,000,000 for fiscal year 1989, and $24,200,000 for fiscal year 1990.".

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

PURPOSE

SEC. 401. (a) Section 151 is amended—

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

(2) by striking out "the conduct of service demonstration programs" and inserting in lieu thereof "the demonstration of exemplary services and technical assistance".

(b) The heading for part D is amended by striking out "FACILITIES" and inserting in lieu thereof "PROGRAMS".

GRANT AUTHORITY

SEC. 402. (a) Section 152(a) is amended—

(1) by striking out "section 154" and inserting in lieu thereof "section 154(a)";

(2) by striking out "facilities" and inserting in lieu thereof "programs"; and

(3) by striking out "section 102(13)" and inserting in lieu thereof "section 102(19)".

(b) Section 152 is further amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsection (c) as subsection (d) and (in such subsection)—

(A) by inserting "and may compete for grants under subsections (b) and (c)" before the period; and

(B) by striking out "section 102(13)" and inserting in lieu thereof "section 102(19)";

(3) by inserting after subsection (a) the following new subsections:

"(b)(1)(A) From amounts appropriated under section 154(b), the Secretary shall make grants of sufficient size and scope to university affiliated programs receiving grants under subsection (a) to support training projects to train personnel to address the needs of persons with developmental disabilities in areas of emerging national significance, particularly projects to train personnel in the areas of early intervention programs (as defined in paragraph (2)), programs for elderly persons with developmental disabilities (as defined in paragraph (3)), and community-based service programs (as defined in paragraph (4)).

"(B) The Secretary shall make determinations with respect to grants under this subsection based on information relating to present and projected needs for the training of personnel based on identified State, regional, or national shortages of personnel, the capacity of the university affiliated programs to train personnel, and such other information as may be determined necessary and appropriate by the Secretary.

"(C) Grants under this subsection may be used by university affiliated programs to (i) assist in paying the costs of courses of training or study for personnel to provide services for persons with developmental disabilities and (ii) establish fellowships or traineeships providing such stipends and allowances as may be determined by the Secretary.

"(2) Grants under this subsection for training projects with respect to early intervention programs shall be for the purpose of assisting university affiliated programs in providing training to allied health personnel and other personnel who provide, or who will provide, interdisciplinary intervention to infants, toddlers, and preschool age children with developmental disabilities. Such training projects shall include instruction on methods of working and collaborating with professionals and families of persons with developmental disabilities.

"(3) Grants under this subsection for training projects with respect to programs for elderly persons with developmental disabilities shall be for the purpose of supporting the planning, design, and implementation of coordinated interdisciplinary training programs between existing aging or gerontological programs and university affiliated programs in order to prepare professional staff to provide services for elderly persons with developmental disabilities.

"(4) Grants under this subsection for training projects with respect to community-based programs shall be for the purpose of providing interdisciplinary training to personnel who will provide direct supports and services for persons with developmental disabilities, including paraprofessionals who are employed or are preparing to be employed in community-based day programs or residential programs for persons with developmental disabilities. The Secretary shall ensure that all grants under this paragraph are made only to university affiliated programs that involve local community-level direct care programs and paraprofessional training programs in the preparation of the application for such grant and shall assure that any training under the university affiliated program will be coordinated with local programs.

"(c) From amounts appropriated under section 154(b), the Secretary may make grants to university affiliated programs receiving grants under subsection (a) to support one or more of the following activities:

"(1) The provision of service-related training to persons with developmental disabilities, family members of such persons, professionals, volunteers, or other personnel to enable such persons, family members, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities.

"(2) The conduct of an applied research program designed to produce more efficient and effective methods for (A) the delivery of services to persons with developmental disabilities, and (B) the training of professionals, paraprofessionals, and parents who provide such services."; and

(4) by adding at the end thereof the following new subsection:

"(e) From amounts appropriated under section 154(a), the Secretary may make a grant to a university to study the feasibility of establishing a university affiliated program or a satellite center. Such study shall include an assessment of the needs of the area in which the university is located for such a program or center. The amount of a grant under this subsection may not exceed $35,000 for any fiscal year. A grant under this subsection may only be made in a State in which there is no university affiliated program or satellite center.".

APPLICATIONS

SEC. 403. (a) Section 153(a) is amended—

(1) by striking out "facilities" in the first sentence and inserting in lieu thereof "programs";

(2) by inserting "all" before "persons with developmental disabilities" in the second sentence; and

(3) by striking out "section 102(13)" in the second sentence and inserting in lieu thereof "section 102(19)".

(b) Section 153(b) is amended—

(1) by striking out "section 152" in the matter preceding paragraph (1) and inserting in lieu thereof "section 152(a)";

(2) by striking out "facility" each place it appears in paragraph (2) and inserting in lieu thereof "program";

(3) by striking out "is making" in clause (i) of subparagraph (B) of such paragraph and inserting in lieu thereof "will make";

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

(5) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(6) by adding at the end thereof the following new paragraphs:

"(4) the activities conducted under this part are consistent with, and to the extent feasible, complement and further, the objectives contained in the State plan required under section 122; and

"(5) before the submission of such application, an opportunity for comment has been provided to the general public and the State Planning Council of the State in which the program will be conducted or the satellite center is or will be located.".

(c) Section 153(c) is amended—

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

(2) by striking out "section 152" and inserting in lieu thereof "section 152(a)".

(d) Section 153(d) is amended—

(1) by striking out "facility" each place it appears and inserting in lieu thereof "program";

(2) by striking out "section 154" each place it appears and inserting in lieu thereof "section 154(a)";

(3) by striking out "$175,000" in paragraph (1) and inserting in lieu thereof "$200,000";

(4) by striking out "$75,000" in paragraph (1) and inserting in lieu thereof "$150,000"; and

(5) by adding at the end thereof the following new paragraph:

"(3) For purposes of making grants under section 152(a), the Secretary shall consider applications for grants for four university affiliated programs or satellite centers for each of the fiscal years 1988, 1989, and 1990 which are in addition to the total number of university affiliated programs and satellite centers receiving grants under such section for the preceding fiscal year. Such programs and centers shall, to the extent feasible, be geographically distributed for the purpose of serving States that are unserved by university affiliated programs and satellite cen-

ters under this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 404. Section 154 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 154. (a) For the purpose of grants under section 152(a), there are authorized to be appropriated $9,400,000 for fiscal year 1988, $10,200,000 for fiscal year 1989, and $11,000,000 for fiscal year 1990. Amounts appropriated under this section for a fiscal year shall remain available for obligation and expenditure until the end of the succeeding fiscal year.

"(b) For the purpose of grants under sections 152(b) and 152(c), there are authorized to be appropriated $4,500,000 for fiscal year 1988, $5,000,000 for fiscal year 1989, and $5,500,000 for fiscal year 1990.

"(c) The Secretary may use funds appropriated under subsection (a) for the purposes described in subsection (b).

"(d) Of the amounts appropriated under subsection (b), at least 75 percent shall be used for grants under section 152(b) and the remainder shall be used for grants under section 152(c).".

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

PURPOSE

SEC. 501. (a) Section 161 is amended by striking out "for demonstration projects" and inserting in lieu thereof "and contracts for projects of national significance".

(b) The heading for part E is amended to read as follows:

"PART E—PROJECTS OF NATIONAL SIGNIFICANCE".

GRANT AUTHORITY

SEC. 502. Section 162(a) is amended—

(1) by inserting "and enter into contracts with" after "make grants to" in the matter preceding paragraph (1);

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) projects of national significance relating to persons with developmental disabilities, including projects to educate policymakers, develop an ongoing data collection system, determine the feasibility and desirability of developing a nationwide information and referral system, and pursue Federal interagency initiatives, and other projects of sufficient size and scope and which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including minority groups, Native Americans, Native Hawaiians, and other underserved groups); and"; and

(3) by inserting "the advocacy functions of the State Planning Council, the functions performed by university affiliated programs and satellite centers under part D, and" after "otherwise improving" in paragraph (2).

(b) The last sentence of section 162(b) is amended—

(1) by striking out "for each" and inserting in lieu thereof "in such"; and

(2) by striking out "in which an applicant's project will be conducted".

(c) Section 162 is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Not later than January 1 of each year, the Secretary shall publish in the Federal Register proposed priorities for grants and contracts under this part and shall allow a period of 60 days for public comments and suggestions concerning such proposed priorities. After analyzing and considering such comments, the Secretary shall publish final priorities for such grants and contracts in the Federal Register not less than 30 days after the close of the comment period.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. Section 163 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 163. (a) To carry out this part, there are authorized to be appropriated $3,650,000 for fiscal year 1988, $3,650,000 for fiscal year 1989, and $3,650,000 for fiscal year 1990.

"(b) Of the amounts appropriated under subsection (a) for any fiscal year, $600,000 shall be available for grants and contracts under section 162(a)(1) for not more than three projects to determine the feasibility and desirability of developing a nationwide information and referral system for persons with developmental disabilities. The Secretary shall award grants and contracts under section 162(a)(1) for such projects within 6 months after the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.".

MOTION OFFERED BY MR. BRUCE

Mr. BRUCE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BRUCE moves to strike all after the enacting clause of the Senate bill, S. 1417, and insert in lieu thereof the provisions of H.R. 1871, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1871) was laid on the table.

EXCELLENCE IN MINORITY HEALTH EDUCATION AND CARE ACT

Mr. BRUCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 769) to provide grants to support excellence in minority health professions education.

The Clerk read as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excellence in Minority Health Education and Care Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress makes the following findings:

(1) Minority health care needs are currently greater than the health care needs of the general population.

(2) While the number of health professionals has increased, there are still shortages of health professionals from minority groups and there has been a drop in the enrollment of minority individuals in some health professional education programs.

(3) Health professionals from minority groups have critical roles in serving low-income minority populations, particularly in inner-city areas and rural areas.

(4) Historically, minority schools have developed a special capacity to conduct activities to prepare health professionals to serve minority populations.

(5) Health professions schools which train a disproportionate number of minority students also provide a disproportionate amount of health care services to minority populations.

(6) A disproportionate number of minority students trained at the schools described in paragraph (5) choose to practice in underserved areas.

(7) In the United States—

(A) there are only 4 schools of medicine, 2 schools of dentistry, and 4 schools of pharmacy which focus predominantly on minority health professions education, and 40 percent of black physicians, 50 percent of all black dentists, and 25 percent of all black pharamacists have trained at one of those schools; and

(B) there is only 1 school of veterinary medicine which focuses predominantly on the training of minority students, and that school has trained 75 percent of all black veterinarians.

(b) The purposes of this Act are to—

(1) strengthen the national capacity to train minority students in the health professions; and

(2) support the health professions schools which have trained a significant number of the Nation's minority health professionals and enable those schools to supply health professionals to serve minority populations in underserved areas.

ASSISTANCE

SEC. 3. Part F of title VII of the Public Health Service Act is amended by inserting before section 788B the following new section:

"GRANTS FOR MINORITY EDUCATION

"SEC. 788A. (a) The Secretary shall make grants to health professions schools to assist such schools in supporting programs of excellence in health professions education for minority individuals. A grant under this section shall be used by a health professions school to—

"(1) develop a plan to achieve institutional improvements, including financial independence, to enable such school to support programs of excellence in health professions education for minority individuals;

"(2) improve the capacity of such school to recruit and retain faculty;

"(3) provide improved access to the library and information resources of such school;

"(4) establish, strengthen, or expand programs to enhance the academic performance of students in such school;

"(5) establish, strengthen, or expand programs to increase the number and quality of applicants for admission to such school; and

"(6) develop curricula and carry out faculty training programs in order to enable such school to become, for the Nation's health care providers, a resource with respect to the health problems of minority communities, such as higher infant mortality rates and higher incidences of acquired immunodeficiency syndrome.

"(b) No grant may be made under this section unless an application therefor has been submitted to the Secretary at such time, in such form, and containing such information, as the Secretary may by regualtion prescribe.

"(c) In order to be eligible for a grant under this section, a health professions school must—

"(1) be a school described in section 701(4); and

"(2) have received a contract under section 788B for fiscal year 1987.

"(d) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.".

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. 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 Illinois [Mr. BRUCE] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. BRUCE].

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

Mr. Speaker, today the House will consider S. 769, the Excellence in Minority Health Education and Care Act.

This bill is very similar to the one that was introduced by our colleague BILL BONER, and has over 100 cosponsors, including Members from both sides of the aisle.

This legislation will strengthen and enrich four important historically black health professional programs. It would provide grants for centers of excellence in minority medical, pharmacy, dental, and veterinary medicine education.

The schools that would benefit from this bill have been the recipients of funding under two earlier programs designed to improve their financial stability. The Financial Distress and Advanced Financial Distress Programs, which are now expiring, have helped bring about new leadership and improved management at these schools. S. 769 would recognize this progress and establish centers for excellence at each of these schools.

The bill before us now is identical to the text that was reported by the Committee on Energy and Commerce.

I believe this bill is not and should not be controversial and I urge all Members to join us in expressing our support for these important schools.

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

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

Mr. Speaker, S. 769 provides grants to Meharry Medical College's medical and dental schools, the Tuskegee School of Veterinary Medicine, and the Xavier College of Pharmacy. The grants authorized by this legislation will be utilized by these health profession schools to develop a plan for achieving financial independence, for faculty recruitment and retention, for enhancing the academic performance of students, for developing curriculums and carrying out faculty training, and for other purposes. Ten million dollars are authorized in fiscal year 1988 for these purposes and such sums as may be necessary in the out years.

These schools have trained a vast majority of the minority health professionals in this country to date. S. 769 will continue the Federal commitment to the historical missions of the schools and provide necessary financial assistance. I urge my colleagues to join me in supporting S. 769.

Mr. BRUCE. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. BONER].

Mr. BONER of Tennessee. Mr. Speaker, I am proud to speak in support of S. 769, the Excellence in Minority Health Education and Care Act, which is the Senate companion to H.R. 954, which I introduced last February with the unanimous support of the Alabama, Louisiana, and Tennessee delegations.

I first would like to extend my deepest appreciation to Chairman HENRY WAXMAN and ranking Republican ED MADIGAN for their support, advice, and assistance in bringing this measure to the floor of the House before the August district work period.

I would also like to thank the 105 Members who joined as cosponsors of H.R. 954, especially LINDY BOGGS and BILL NICHOLS, who testified with me before the Subcommittee on Health and the Environment in support of the bill.

Mr. Speaker, the excellence in Minority Health Education and Care Act responds to the glaring disparities in the health status of blacks and other minorities and the continuing underrepresentation of blacks and other minorities in the health professions.

A 1985 report of the health and human services task force on blacks and minority health stated that, "Despite the unprecedented explosion in scientific knowledge and the phenomenal capacity of medicine to diagnose, treat, and cure disease, blacks and other minorities have not benefited from the fruits of science or from the systems responsible for translating and using health sciences technology." The sobering statistic is that each year 60,000 more blacks and other minorities die in this country than would die if they had the same age-adjusted death rates as whites.

The task force attributed much of this disparity to the lack of access to comprehensive and quality health care. It also concluded that the largest number of health professionals serving blacks and other minorities is concentrated among minority health professionals. A recent New England Journal of Medicine article reported that minority graduates were twice as likely to be practicing in underserved communities than their white counterparts. It is clearly evident that the number of health professionals serving blacks and other minorities is still insufficient.

Fortunately, four institutions of higher education have led the Nation in training black and minority health professionals. Meharry Medical and Dental Schools, Xavier University College of Pharmacy, and Tuskegee University School of Veterinary Medicine have educated 50 percent of the Nation's black physicians, 40 percent of the Nation's black dentists, 20 percent of the Nation's black pharmacists, and 90 percent of the Nation's black veterinarians.

Despite the great contributions these schools have made and continue to make in training health professionals, they have experienced chronic financial difficulties over the years and have struggled to improve their teaching and research programs. Because they are private institutions, they receive no State assistance. Because many of their students are from economically disadvantaged backgrounds and are often first generation college students, it is difficult for the schools to raise tuition; and because graduates practice in underserved areas, they do not have the income to support the kind of alumni-giving that many other schools depend on for financial support.

These four schools have been recipients of funding under two earlier programs designed to improve their financial stability. However, the financial distress and advanced financial distress programs expire at the end of this fiscal year. To replace these programs, the program outlined by H.R. 954 and S. 769 would designate these four institutions as centers of excellence and authorize grants so to strengthen and enrich these schools' role in educating minority health professionals.

This is a model program, Mr. Speaker. I know several concerns have been raised about the disparity in other minority communities that are not directly addressed by H.R. 954 and S. 769. In response, let me assure my colleagues that I believe similar programs can be designed to assist institutions with a high percentage of other minorities, especially Hispanics, and I look forward to working on such a bill when title VII of the Public Health Service Act comes up for reauthorization next year.

H.R. 954 and S. 769 acknowledge the important role these four historically black colleges and universities perform in educating minority health professionals. But other than emphasizing financial distress, the bills emphasize continuing excellence in research and training.

Again, I want to thank Congressmen WAXMAN and MADIGAN and the members of the Energy and Commerce Committee. I would also like to commend my health legislative assistant, Norma Blankenship, for her work in bringing this bill to fruition.

Mr. Speaker, I urge passage of S. 769.

Mrs. BOGGS. Mr. Speaker, I rise in support of S. 769, the Excellence in Minority Health Education and Care Act.

This bill means a great deal to all of us who are interested in the education of the outstanding minority students in the health professions.

We have had sufficient documentation that blacks and other minorities are underrepresented in the health professions. Unfortunately, for blacks in particular, this problem is increasing.

The 1985 report of the Secretary's task force and black and minority health provides staggering data relating to the deaths that occur among blacks resulting from infant mortality, cardiovascular disease, diabetes, and liver disease.

As a member of the Select Committee on Children, Youth, and Families, I have heard testimony relating to these health problems among minorities that this bill is designed to address.

Minority health care needs are serious and tend to be much greater than the health care needs of the general population. While the number of health professionals has increased, there are still very serious shortages of health professionals from minority groups and there has been a drop in the enrollment of minorities in most health professional programs.

Enactment of this bill will insure that a Federal commitment of resources is provided to the institutions that have traditionally trained the greatest number of minorities in the health professions.

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

Mr. BRUCE. 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 Illinois [Mr. BRUCE] that the House suspend the rules and pass the Senate bill, S. 769.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 769 and H.R. 1871, the two bills just passed.

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

There was no objection.

AUTHORIZING ASSISTANCE FOR MINORITY HEALTH PROFESSIONALS

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

Mr. RICHARDSON. Mr. Speaker, I wanted to make a point relating to the previous piece of legislation which I think is a meritorious piece of legislation. However, this bill does not address the health profession's education needs of Hispanics. I believe it is vitally important that this committee and the Congress acknowledge and address the needs of the Hispanic people of this country, for more Hispanic doctors and health professionals and health care. I am disappointed, although I am supporting H.R. 954, that this does not address or even acknowledge these needs.

I would like to engage in a dialog with the gentleman from California [Mr. WAXMAN] relating to what specifically the committee needs to do on this legislation, specifically on title VII.

I am particularly concerned that San Juan Bautista College in Puerto Rico, a possible recipient in the future of such assistance, was ignored in this legislation.

Let me stress that the problems of minorities also include Hispanics. Too often Hispanics are forgotten. I am concerned that there are not enough minority medical schools and minority medical students. While I commend the intent of this legislation, I would like to just engage in a dialog with the gentleman from California.

In a bill that is meant to address the health professions education needs of minorities, I believe it is vitally important that this committee and the Congress acknowledge and address the needs of Hispanic people of this country for more Hispanic doctors and health professionals and for better health care. I am disappointed that H.R. 954 does not address or even acknowledge these needs.

There are two ways to try to increase the number of minority health care professionals—increase the numbers of minorities in existing schools and help foster schools dedicated to providing minority health professional education. Perhaps acknowledging that despite all our efforts to increase minority enrollment in existing schools, that enrollment is declining, H.R. 954 takes the second approach by providing assistance to health professions schools that are dedicated to training minority health professionals.

It has been my intent to offer an amendment to add a Hispanic component to this bill. The Commonwealth of Puerto Rico, and its secretary of health, has embarked on the strategy of assisting in the creation and accreditation of a fourth school of medicine in Puerto Rico to train family doctors and general practitioners. Currently, there does not exist the capacity in Puerto Rico to train a sufficient number of family doctors. As a result, nearly 84 percent of general practitioners and 49 percent of family doctors on the island were trained at foreign medical schools in the Caribbean, which are not high quality schools.

The quality of health care provided to the people of Puerto Rico obviously suffers as a result.

A new school of medicine, San Juan Bautista, is in the process of creating a program that will meet the rigorous accreditation standards of the Liaison Committee on Medical Education. In fact, it believes it has met those standards with one exception—facilities and equipment. It had been my intention to offer an amendment to permit San Juan Bautista to obtain the needed facilities and equipment with a one-time authorization for startup funding of $1.3 million. That startup funding would be similar to what the Federal Government did a few years ago in providing startup assistance to the Morehouse School of Medicine in Atlanta, GA, the first predominantly black school of medicine founded in this century. That startup assistance enabled Morehouse to construct the facilities and plan and implement a 4-year education program that permitted Morehouse to become accredited and to graduate its first 4-year class of doctors.

It is my understanding, however, that the chairman of the Subcommittee on Health and the Environment, the gentleman from California, would prefer to obtain more information about San Juan Bautista prior to addressing its needs. As hesitant as I am to let a bill like this go by without addressing the needs of Hispanics, let me address a couple of questions to the distinguished gentleman.

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

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, when we considered the bill just passed by the House in committee, the gentleman raised the points that if we are talking about the education of minorities for health pro-

fessions that that bill was quite limited in its scope and it was limited to those black medical institutions that had previously been receiving funding and it did not go beyond that.

We will have before our committee what is known as title VII of the Public Health Service Act which is the health manpower provisions of the law and at that time I want to work with the gentleman and others in our committee and in the House to try to respond to the very serious needs of minority people in this country who are not in any way near the numbers that would reflect their part of the population in the health professions.

We want to work on legislation that will try to address those questions when we get to that broader manpower, health manpower issue that will be before us in title VII.

I want to commit to my friend and collegue from New Mexico [Mr. RICHARDSON] that I will work with him to see what would be appropriate legislation when that issue is before us.

Mr. RICHARDSON. So then it is the intent of the chairman in the upcoming reauthorization of title VII health professions program to address the needs to foster the training of increased numbers of Hispanic health professionals?

Mr. WAXMAN. I certainly want us to look at that and see what the appropriate legislation would be, try to accomplish an objective that both the gentleman and I share and I am sure is the view of an overwhelming majority of the Members of Congress as well.

Mr. RICHARDSON. I thank the chairman.

Mr. Speaker, I also would like to include in the RECORD a letter that I received from the Association of Minority Health Professions Schools wanting to participate in this initiative. I would like to insert it into the RECORD.

The letter is as follows:

THE ASSOCIATION OF MINORITY HEALTH PROFESSIONS SCHOOLS,
Washington, DC, August 4, 1987.

Hon. BILL RICHARDSON,
House of Representatives, Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN RICHARDSON: The Association of Minority Health Professions Schools (AMHPS) shares your concern about the health status disparities that exist among Hispanics when compared to the non-minority population in the United States. The co-existing shortage of Hispanics that participate in the health professions to serve the Hispanic community is as well a national problem—one our Association would like to work with you to address.

Our Association has worked, in recent years to develop model policy initiatives that are being implemented to increase the number of Blacks in the health professions, and enhance the capability of Historically Black Health Professions Schools to train more Blacks in the health professions. Certainly, as Congress moves to prepare for the reauthorization of the federal health professions authority (Title VII, PHS Act) during the second session of the 100th Congress, the Association of Minority Health Professions Schools is prepared to work closely with you and institutions that train greater numbers of Hispanics to assist in the development and implementation of proposals that will increase the number of Hispanic health professionals, and assist these schools in enhancing their capabilities.

I and other members of the Association of Minority Health Professions Schools, as well as our Washington Representative, are anxious to begin this dialog soon after the first session of 100th Congress adjourns, or earlier if both of our times permit.

Sincerely,
DAVID SATCHER, M.D., PH.D.,
President, Meharry Medical College,
Past-President, AMHPS.

My amendment permits the Secretary to make grants establishing scholarships for Hispanic individuals to attend medical schools with the stipulation that they agree to serve in a medically underserved Hispanic community upon completion of medical school. It authorizes $1 million for this purpose.

NEED FOR HISPANIC SCHOLARSHIPS TO MEDICAL SCHOOLS

First. Currently, Hispanics represent 8 percent of the U.S. population and it is expected that this figure will double in size within 25 years.

Second. More importantly, Hispanics are less likely than any other population group to have a regular source of health care.

Third. However, even with the existence of these two concurrent trends—a doubling in Hispanic population size and lack of regular health care, a more frightening trend is occurring in our Nation's medical schools. Hispanics represent only 2.4 percent of those in medical schools and this figure is declining.

Fourth. For example: The University of Illinois Medical School had 10 Mexican American graduates in 1983-84. For this same year, the University of New Mexico had 13 graduates, Stanford had 12, and the University of Texas in San Antonio had 10 Mexican American doctors graduate from its program.

Fifth. These statistics are appalling and they are getting worse as Hispanic enrollments decrease in existing schools.

Sixth. Moreover, the numbers of Hispanic doctors currently practicing medicine is expected to rapidly decrease as those physicians who came to the United States during the Cuban outflow of the late fifties and sixties begin to retire.

Seventh. One of the primary reasons explaining the lack of Hispanic doctors is a lack of money. Hispanics are accepted at some of the best medical schools in the country but they simply cannot afford to attend.

Eighth. A second major factor involved in this trend is the lack of an infrastructure for Hispanic students. There are no Hispanic medical schools on the mainland of the United States and there are not likely to be any in the near future unless decisive action is taken now.

Ninth. For this reason, I am offering my amendment making medical scholarships available to Hispanic medical students as a first step in alleviating the ongoing crisis in Hispanic health care delivery.

AMENDMENT OFFERED BY MR. RICHARDSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WAXMAN

Page 5, after line 5, insert the following new subsection (and redesignate subsequent sections accordingly):

"(b) The Secretary shall make grants for the purposes of enabling medical schools that are grantees under subsection (a) to establish scholarships for Hispanic individuals to attend medical schools. Such a scholarship may be awarded to an individual only if the individual agrees to serve, upon completing medical school, in a medically underserved Hispanic community.

Page 5, strike lines 15 through 18 and insert the following new subsection:

"(e)(1) To carry out subsection (a), there are authorized to be appropriated $10,000,000 for each of the fiscal years 1988 through 1991.

"(2) To carry out subsection (b), there are authorized to be appropriated $1,000,000 for each of the fiscal years 1988 through 1991.".

AMENDMENT OFFERED BY MR. RICHARDSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WAXMAN

Page 5, after line 18, add the following:

"SEC. 788B. (a) The Secretary shall make a grant to a medical school in the Commonwealth of Puerto Rico that, on the date of the enactment of this section, is seeking to meet applicable accreditation requirements for the purpose of constructing and equipping facilities and for such other purposes as are reasonably required to meet such requirements.

"(b) No grant may be made under this section unless an application therefor has been submitted to the Secretary at such time, in such form, and containing such information, as the Secretary may by regulation prescribe.

"(c)(1) To carry out this section, there are authorized to be appropriated $1,300,000 for each of the fiscal years 1988 through 1990.

"(2) Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

Page 4, strike lines 3 and 4 and insert the following: "Act is amended by redesignating section 788B as section 788C and by inserting after section 788 the following new sections:".

Page 5, line 13, strike "788B" and insert "788C".

I thank the chairman and commend Mr. BONER for his important bill. But once again I hope that there is a recognition that there are many others in need of important legislation like this. I am hopeful of the Hispanic kinds of schools in the medical professions area. I thank the chairman for his assurances.

Mr. FUSTER. Mr. Speaker, I would like to thank the gentleman from California as well as the gentleman from New Mexico for their remarks. Although the needs of Puerto Ricans

in the island are being largely met there by the University of Puerto Rico Medical School and the Ponce School of Medicine, both nationally accredited and recognized, I believe our attention should be focused on the needs of the Hispanic populations of the mainland.

Although the San Juan Bautista School of Medicine is in an ideal position to fill an existing need for general practitioners and family doctors in the island, it can also serve as a training center for doctors that can serve the Hispanic populations in the mainland, a problem we all recognize as serious. Just as the bill before us focuses on predominantly black schools, I believe similar attention should be accorded to Hispanic schools. I believe the reauthorization of the Public Health Service Act would be an adequate vehicle and I agree that hearings and a staff investigation would be productive and enlightening. I would be more than happy to provide any assistance to accomplish this and I am sure the Commonwealth government would welcome and support these efforts.

I would like to submit for the RECORD a letter from the secretary of the department of health of the Commonwealth of Puerto Rico in support of the request by the San Juan Bautista School of Medicine:

DEPARTMENT OF HEALTH,
Puerto Rico, June 18, 1987.

Congressman JAIME B. FUSTER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN FUSTER: This letter is written in full support of the San Juan Bautista School of Medicine in its funding request to the United States Congress under the "Excellence in Minority Health Education and Care Act" or any other source.

Some background information on health care administration in the Commonwealth of Puerto Rico follows together with recent policy changes which make the existence and continuity of San Juan Bautista School of Medicine essential for the well-being of Island residents.

As you know, in Puerto Rico, the Department of Health is the government agency that renders direct health services to 2.2 million citizens classified as medically indigent (out of a total population of 3.3 million).

In addition the Department watches over the health of all our citizens through multiple services which include the supervision and licensing of health facilities (public as well as private); environmental health; production of vital statistics; certification of health professionals; prevention and treatment of sexually transmitted diseases and operation of medical emergency services, among others.

The Department delivers these services through a system which includes 78 primary care centers for ambulatory services (one for each municipality); nine secondary care hospitals; five tertiary hospitals and one supra-tertiary medical center.

In January 1985, the Department drew up a reorganization plan which featured as an important element, the development, at the state level, of a family care program through the conversion of the 78 primary centers into family health centers.

This concept is centered around a health team consisting of a family or primary care physician or a well-trained general practitioner; a graduate nurse, a practical nurse and a family health technician. The team, plus their ancilliary support system, will provide high quality comprehensive care to 1,000 families (or 2,500 inhabitants).

This system is geared toward delivery of primary, preventive and ambulatory medicine within the family and community framework and constitutes a far more efficient and cost effective alternative to the practice of the last two decades where major emphasis was placed on hospital care.

For the plan to be operational, the Health Department estimates that at least 500 new residency trained family physicians and qualified general practitioners will be needed to staff the facilities.

Traditionally in Puerto Rico, most general practice and family physicians have come from the ranks of foreign medical school graduates. In fact, the latest available statistics on physicians in Puerto Rico (1982) reflect that 84 percent of general practitioners and 49 percent of family doctors are graduates of these schools.

However, recent changes in medical education have limited the number of physicians allowed to practice medicine in Puerto Rico. For example, graduates of only seven foreign medical schools are now allowed to take the State Board examinations. Currently the (FMGEMS) Foreign Medical Graduate Examination in The Medical Sciences is a requisite prior to take the Puerto Rico State Board Examination.

Although these changes were certainly necessary to uphold a high standard of quality care, the fact remains that the public health system now needs even more qualified general and family physicians and the traditional sources for these doctors have narrowed down.

Additionally, graduates from schools other than San Juan Bautista tend to enter post-graduate programs in specialized fields of medicine so that primary care physicians are not currently available in the numbers that are needed to staff government facilities under the plan for family health centers.

The emphasis that San Juan Bautista is currently giving to family medicine in its curriculum is directing many of its graduates to family or general medicine as their career choice thus making the School a valuable source of much-needed physicians at a crucial point in our health delivery efforts.

Furthermore, effective July 1, 1986, the Department entered into a contract agreement with San Juan Bautista whereby its faculty renders medical services in the Guayama Subregional Hospital (a secondary care facility) and students do their clinical clerkships in said facility and in the nearby family medicine centers in the municipalities of Patillas, Arroyo and Salinas.

In addition to providing valuable direct service assistance, the presence of San Juan Bautista also improves the level of continuing medical education for physicians and paramedical personnel.

By staffing the family health centers and the Guayama Subregional Hospital, the School is also participating in family and community health education programs as well as in the prevention and treatment efforts to control the spreading of the disease of Human Inmunodeficiency Virus Infection (AIDS).

In addition, the School has signed an agreement with McGill University in Canada in order to among other things, engage in joint AIDS research projects which will undoubtedly be of great help in our efforts to fight this deadly disease.

For all of the above, the Department of Health fully endorses the San Juan Bautista School of Medicine in its funding request and in its efforts to obtain accreditation from the Liaison Committee on Medical Education.

The constant drive for excellence of this young institution together with its continued emphasis on family medicine will help us achieve the health to which all our citizens are entitled.

Sincerely yours,
LUIS A. IZQUIERDO-MORA, M.D.,
Secretary of Health,
Commonwealth of Puerto Rico.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME ACT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2881) to establish a National Commission on Acquired Immune Deficiency Syndrome, as amended.

The Clerk read as follows:

H.R. 2881

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Acquired Immune Deficiency Syndrome Act".

SEC. 2. ESTABLISHMENT.

There is hereby established a commission to be known as the National Commission on Acquired Immune Deficiency Syndrome (hereinafter in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

(a) GENERAL PURPOSE OF COMMISSION.—The Commission shall carry out activities for the purpose of studying and making recommendations for national policy with respect to the acquired immune deficiency syndrome (hereinafter in this section referred to as "AIDS"). Matters considered by the Commission shall include the following:

(1) National policy and priorities with respect to—

(A) AIDS research, including the appropriate role of the Veterans' Administration and other Federal agencies in conducting such research,

(B) testing of individuals (including patients of the Veterans' Administration) for the AIDS virus and confidentiality of such test results,

(C) treatment and care of individuals suffering from AIDS, and

(D) prevention of the transmission of AIDS and education about AIDS.

(2) The appropriate roles of the Government, of State and local governments, and of the private sector in the matters referred to in paragraph (1).

(3) Guidelines for the coordination of United States activities concerning AIDS with those of international health organizations.

(b) HEARINGS.—The Commission shall hold hearings to receive the views of persons and organizations interested in matters relating to the purposes of the Commission as stated in subsection (a), including representatives of appropriate government agencies and responsible representative of groups principally affected by the AIDS virus.

SEC. 4. MEMBERSHIP

(a) NUMBER AND APPOINTMENT.—(1) The Commission shall be composed of 15 members as follows:

(A) Five members appointed by the President, of whom two shall be the Secretary of Health and Human Services and the Administrator of Veteran's Affairs.

(B) Five members appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation by the minority leader.

(C) Five members appointed by the President pro tempore of the Senate, of whom three shall be appointed upon the recommenation by the majority leader and two shall be appointed upon the recommendation of the minority leader.

(2) Not fewer than two of the members of the Commission appointed under subparagraph (A) of paragraph (1), and not fewer than three of the members appointed under each of subparagraphs (B) and (C) of that paragraph, shall be appointed from among experts in the scientific and medical communities and in legal and ethical issues are specially qualified to serve on the Commission by reason of their education, training, or experience.

(3) Members of the Commission shall serve for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) CHAIRMAN.—The members of the Commission shall select a Chairman from among the members of the Commission. The selection shall be made not later than 60 days after the date of the enactment of this Act.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) MEETINGS.—The Commission shall hold its first meeting on a date specified by the President which is not later than 60 days after the date of the enactment of this Act. Thereafter, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times each year during the life of the Commission.

(e) PAY.—Members of the Commission who are Members of Congress or officers or employees of the United States shall receive no additional compensation by reason of their service on the Commission.

(f) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

SEC. 5. REPORTS.

(a) INTERIM REPORTS.—Not later than one year after the date on which the Commission is fully constituted under section 4(a), the Commission shall transmit to the President and to Congress a comprehensive report on its activities to that date. Such report shall include such findings and recommendations as the Commission considers appropriate based on its activities to that date. In addition, the Commission shall transmit such other reports as it considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and to Congress not later than two years after the date on which the Commission is fully constituted under section 4(a). The final report shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 6. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Commission. The Executive Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-18 of the General Schedule. The Executive Director shall be appointed not later than 30 days after the Chairman of the Commission is selected.

(b) STAFF.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Commission referred to in subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appoinments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(e) DETAILED PERSONNEL.—Upon request of the Commission, the Administrator of Veterans' Affairs may detail, on a reimbursable basis, any of the personnel of the Veterans' Administration to the Commission to assist the Commission in carryng out its duties under this Act.

(f) SUPPORT SERVICES.—The Administrator of Veterans' Affairs shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

SEC. 7. DUTIES OF ADMINISTRATOR OF VETERANS' AFFAIRS.

(a) RESEARCH COMPILATION.—In order to assist the Commission in carrying out its duties, the Administrator of Veterans' Affairs shall prepare a detailed compilation and synopsis of all medical research on acquired immune deficiency syndrome that has been carried out, or that is currently being conducted, in the United States and throughout the world. The Administrator shall prepare the compilation as soon as practicable, and not later than three months after the date of the enactment of this Act, and shall submit the compilation to the Commission.

(b) REPORT ON VA ACTIVITIES.—In order to assist the Commission on carrying out its duties, the Administrator shall submit to the Commission a report on all activities and information of the Veterans' Administration relevant to the duties of the Commission, including a detailed report on relevant research conducted by the Veterans' Administration and (subject to all laws and regulations with respect to confidentiality) detailed statistical information on the veterans population as a whole and the population of patients of the Veterans' Administration health system.

SEC. 8. POWERS OF COMMISSION.

(a) HEARINGS.—For the purpose of carrying out this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmation to witnesses appearing before the Commission.

(b) DELEGATION.—Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any executive department or agency such information as may be necessary to enable the Commission to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 1988 the sun of $2,000,000 to carry out the purposes of this Act. Amounts appropriated pursuant to such authorization shall remain available until expended.

SEC. 10. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 5(b). However, the President may extend the life of the Commission for a period of not to exceed two years.

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

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, inasmuch as two committees are involved in this legislation, I will yield, from my 20 minutes, 10 minutes to the gentleman from California [Mr. WAXMAN] who is the chairman of the Subcommittee on Health and the Environment of the Committee on Energy and Commerce.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes.

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I am sure the gentleman on the other side of the aisle will do the same for the Veterans' Affairs Committee member who will be there in just a few minutes.

Mr. LENT. Mr. Speaker, I would be happy to yield time. How many minutes did the gentleman from Mississippi indicate?

Mr. MONTGOMERY. Mr. Speaker, I have yielded 10 of my 20 minutes to

the gentleman from California [Mr. WAXMAN] and I would request that the gentleman from New York [Mr. LENT] do the same thing on his side.

Mr. LENT. Mr. Speaker, I am happy to comply with any request.

The SPEAKER pro tempore. Without objection, a member of the Committee on Veterans' Affairs will be recognized for 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

I am pleased to being before the House a bill that would create a National Commission on Acquired, Immune Deficiency Syndrome [AIDS].

The bill has 84 cosponsors, including 32 members of our committee. The chief sponsor of the bill, the gentleman from Georgia [Mr. ROWLAND], is a key Member of the house leadership task force studying the AIDS problem. As a physician, he understands the need for a national policy on AIDS and the creation of this Commission is a good beginning.

In a recent report released by the Public Health Service, it is estimated that in 5 years, AIDS will be one of the top 10 causes of death in the United States. AIDS deaths could total 54,000 in 1991. Mr. Speaker, we are faced with a serious, deadly and noncurable disease. Should the estimates of the Public Health Service prove to be correct, deaths from AIDS would surpass deaths from pneumonia, influenza, car accidents, diabetes, suicide, liver disease and hardening of the arteries. It is also estimated that by the end of 1991, the cumulative total of AIDS cases in the United States will reach 270,000 and result in a cumulative total of nearly 180,000 deaths.

As a witness before our committee, Dr. John Gronvall, the Chief Medical Director of the Veterans Administration, testified that the VA has been treating approximately 6 percent of the total AIDS cases reported to the Centers for Disease Control [CDC] in Atlanta.

Dr. Gronvall testified that from September 1983 to May 1987, the VA has treated 2,014 cases of AIDS which have been reported to CDC. The number of cases in the VA could reach a total of 14,000 by 1991.

Mr. Speaker, time will be required to answer some questions about AIDS, but there is much that can be done with what is known, provided there is a forum in which policy can be formulated.

That is what this bill would do. Again, it would create a 15-member Commission for the purpose of studying and making recommendations for national policy with respect to AIDS.

The need for a Commission that would include experts in medicine, science, law, and ethics, as well as members from the executive and legislative branches of the Federal Government, has become apparent as the debate over AIDS has intensified.

Mr. Speaker, there are two major differences between the Commission created by this legislation and the Commission appointed by the President on July 23. First, H.R. 2881, as amended, would require that a majority of the Commission members have expertise in fields important in AIDS: science, medicine, law, and ethics.

The bill would also provide the Congress an opportunity to become involved in setting a national AIDS agenda. These are very important differences. We are confronted with a very serious, noncurable disease. As Mr. ROWLAND has stated, we have never faced a disease so deadly, so rapidly spreading and with such complex moral, legal, and political ramifications. We need experts to give us some direction.

I appreciate the leadership of the Gentleman from Georgia [Mr. ROWLAND] and the very able ranking minority of the committee, the gentleman from New York [Mr. SOLOMON].

I am grateful for the cooperation we have received from the distinguished chairman of the Committee on Energy and Commerce [Mr. DINGELL] and the very able ranking minority member of the full committee [Mr. LENT]. We appreciate the cooperation of the distinguished chairman and ranking minority member of the subcommittee on health and the environment [Mr. WAXMAN amd Mr. MADIGAN].

I commend the gentleman from Georgia for the leadership he is providing on this issue. I fully support him in his efforts.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, I rise in strong support of H.R. 2881, the National Commission on Acquired Immune Deficiency Syndrome Act. This legislation establishes a new AIDS Commission that will complement the Commission established by the President in June. The Commission established under H.R. 2281 will include five members appointed by the President, five by the Speaker, and five by the President pro tempore of the other body. At least eight of the members of this Commission must be experts in the scientific and medical communities and in legal and ethical issues. The Commission must make an interim report of its activities 1 year after it has ben established and a final report 2 years after it has been established.

One element of this bill which is of particular importance is the prominent role which the Veterans' Administration will play in assisting the Commission. The Administrator of Veterans' Affairs may detail personnel and services to the Commission. The Administrator of Veterans' Affairs will also assist the Commission by preparing a detailed compilation of all medical research on AIDS.

I would be remiss if I did not mention the contribution of my colleague from the committee [Mr. DANNEMEYER] who made several constructive suggestions about what the duties of the Commission should include. I hope that those suggestions will be recognized in the legislative history of this legislation.

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

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

Mr. Speaker, I rise in support of the legislation. The bill, H.R. 2881, was jointly referred to the Committee on Energy and Commerce and the Committee on Veterans' Affairs. The bill would create a National AIDS Commission to be an advisory to the Congress, and putting an emphasis on veterans' affairs.

The bill was authored by the gentleman from Georgia [Mr. ROWLAND] and has the strong backing of both committees. Both committees have reported the bill to the floor. It is cosponsored by a number of Members of both sides of the aisle, and it is a bill that has strong bipartisan support.

I would emphasize that this bill would be very, very helpful to us as we consider the many issues that we will be confronted with as a result of this AIDS epidemic.

Mr. Speaker, I urge the adoption of the proposal before us to suspend the rules and pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, many minority groups are being struck particularly hard by full-blown cases of AIDS. The incidence of AIDS among blacks and Hispanics is at least twice what it is among whites. More specifically, Hispanics currently make up 16 percent of the total number of AIDS cases, yet represent only 8 percent of the total U.S. population. In addition, blacks who represent only 11 percent of the population represent 25 percent of AIDS cases in the United States.

In addition, there is a real fear that minorities will be stigmatized as they become more and more identified with AIDS.

An even more frightening statistic is the centers for disease control figures indicating that Hispanic children represent 82 percent of pediatric cases of AIDS.

Hispanics and blacks are not the only minorities to have been hard hit by AIDS. In my district alone three cases of AIDS have been diagnosed this year among Navajos with two of them resulting in death. This evidence sustains my belief that AIDS has the potential to wipe out some Indian tribes and could spread rapidly on reservations unless a special effort is made to educate them.

Minority groups have special concerns with regard to AIDS. Of particular concern to members of minority groups is the:

Higher rate of IV drug abuse among minorities;

The greater degree of needle sharing which occurs among minorities;

A high incidence of heterosexual transmission;

A high rate of teenage pregnancy among minorities in general which contributes to the numbers of pediatric AIDS cases; and

And finally the inability of either the black church or the Roman Catholic Church to carry information about AIDS to the grassroots level.

Because minorities traditionally lack proper health care and health education and for the reasons outlined above, it is essential that the National Commission on AIDS be required to study the impact AIDS is having on minorities and more importantly to study ways to target prevention and education information so that it takes into account racial and ethnic differences.

Mr. Speaker, I would like to engage in a colloquy with the gentleman from California [Mr. WAXMAN].

Specifically, I want to make sure that in the naming of the commission that there be minority representation on the commission, and, second, that there be a detailed study of the AIDS problems of minorities and the preventive steps that might be taken to address minority as AIDS victims and cures. As I said, twice as many minorities are being hit by this disease, and I recall that in the markup of the legislation I saw very little mention of minorities and the problems that impact upon them. I would like to make sure that in the commission these concerns are addressed.

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

Mr. RICHARDSON. I yield to the gentleman from California.

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

Mr. Speaker, there is no doubt when we look at the current statistics of this AIDS epidemic, the problem is most serious in the minority communities. I would join with the gentleman in urging that this commission pay specific attention to these problems in the minority communities and try to think of ways of addressing the problems that may be different and unique from how they would address the broader population's concerns about AIDS.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I submit for inclusion in the RECORD the following article from the New York Times of August 2, 1987:

HIGH AIDS RATE SPURRING EFFORTS FOR MINORITIES

(By William E. Schmidt)

ATLANTA, July 31.—The disproportionate impact of AIDS among blacks and Hispanic people is leading civil rights groups and the Federal Government to shift resources to deal more directly with the threat the disease poses to minorities.

"The gravity of the disease has reached a point where the minority community is now moving faster than the majority community to mobilize, to do something about it," said John E. Jacob, the president of the National Urban League. The incidence of AIDS—acquired immune deficiency syndrome—among blacks and Hispanic people is at least twice what it is among whites.

A $7 MILLION ALLOCATION

Mr. Jacob said the fear of a racial backlash against minorities as they become more identified with AIDS "is one of the reasons the black community has been slow to address this issue, to put it on our agenda." But this summer, his organization and the National Association for the Advancement of Colored People have begun to disseminate AIDS information among their chapters.

Moreover, the Federal Centers for Disease Control will hold its first national conference on AIDS and minorities here next weekend. The Federal Government will use the meeting to announce that $7 million in public funds will be made available for the first time for use by minority organizations for AIDS education and prevention.

As a measure of the concern, more than 1,000 people say they will attend the conference, which the Government had planned for fewer than 400.

The growing focus on minorities marks an important turning point for civil rights leaders and Federal health officials, who say the incidence of AIDS among minority groups has long confronted them with a difficult dilemma: how to raise the alarm without stigmatizing minorities because of the widespread fears about the disease.

Dr. Stephen Margolis, the coordinator for AIDS and drug abuse at the Centers for Disease Control and the organizer of next weekend's conference, says the Government's approach has been to focus on high-risk behavior rather than on specific ethnic or racial groups.

"What we are doing now is pinpointing minorities, because we recognize that prevention strategies must take into account racia and ethnic differences, if they are going to be successful," he said.

White homosexual men still make up the largest share—49 percent—of the nation's 38,435 diagnosed AIDS cases, as of July 20. But blacks and Hispanic people make up 39 percent of all cases, even though they account for only 17 percent of the nation's total adult population.

Also, epidemiologists at the Centers for Disease Control have concluded that blacks and Hispanic people have a higher relative incidence of AIDS in almost all transmission categories, and account for the majority of cases involving intravenous drug abusers, heterosexuals and children borne to infected mothers.

A LINK TO DRUG ABUSE

Researchers say the major difference in the incidence of AIDS between whites and minorities is the degree to which intravenous drug use and needle sharing is practiced within minority communities. Hypodermic needles contaminated by one drug user can spread AIDS to another user.

"In a tragic way, the epidemiology of AIDS may indicate just how widespread IV needle sharing is among minorities," said Dr. Roger Bakeman, a psychologist at Georgia State University, who has conducted extensive studies on the matter.

It has been more than three and a half years since the Centers for Disease Control published data showing that blacks and Hispanic people were afflicted by AIDS at a far higher rate than whites. Since then, little Federal money has been channeled directly to organizations working with minority communities.

Although money has gone to education programs aimed at intravenous drug users, health experts say that reaching addicts with information and persuading them to change their behavior is far more difficult than reaching middle-class homosexuals.

Dr. Beny J. Primm, a physician and executive director of the Addiction Research and Treatment Corporation, a treatment program in Brooklyn, said the highly visible political leaders within the black and Hispanic communities had been too slow in dealing with the threat AIDS poses to minorities.

"They are afraid of backlash and won't talk about it, the same way the governments in Africa wouldn't either until so many people were sick and dying they could no longer ignore it," said Dr. Primm, who met recently in Washington with national representatives of seven black churches to encourage them to take a more active role in AIDS education and prevention programs.

Because of the high incidence of heterosexual transmission involving the sex partners of intravenous drug users and because of the high rate of teen-age pregnancy among blacks, health experts say the potentially rapid spread of the disease through heterosexual transmission makes AIDS prevention and education an increasingly urgent matter in minority communities.

But at the same time, the close ties between AIDS and drug abuse, coupled with its being perceived as a disease that primarily afflicts homosexuals, has raised difficult moral and cultural questions and, at times, even some resistance, among key segments of minority communities.

Gilberto Gerald, the head of minority affairs for the National AIDS Network, a private organization in Washington said: "Not only is homesexuality a taboo topic in both the black and Hispanic communities, but intravenous drug users have no political constituency either. AIDS patients are a minority within a minority."

Among blacks and other minorities, the focus on AIDS and race, even the discussion by scientists of the theory that the disease originated in Africa, still causes discomfort and "a kind of resentment among a lot of

black folk," said the Rev. Joseph E. Lowery, the president of the Southern Christian Leadership Conference, who, was his wife, Evelyn, was among the first black leaders to address the issue of AIDS among blacks.

A LACK OF HEALTH CARE

But Mr. Lowery said AIDS was, finally, a civil rights issue for blacks, who already suffer higher rates of heart disease, high blood pressure and cirrhosis of the liver than do whites.

"The problem is that blacks and Hispanic people are deprived, they lack proper health care and health education," he said.

The issue has been a special problem for the black church, which had been the moral refuge of the civil rights movement, leaders say.

Representative Floyd H. Flake, a black Congressman from Queens and an ordained minister, said the AIDS issue, like teen-age pregnancy, is not discussed from black pulpits, even though the black churches are essentially allies in any campaign to carry information about AIDS to the grass roots level.

"Historically, sexuality has been a no-no among the black churches," said Mr. Flake, who has presided at the funerals of two members of his own congregation who died of AIDS. "Even for me, I don't think I can talk about condoms in church without doing a lot of preparation first."

TALKING ABOUT ABSTINENCE

Michael Lomax, the chairman of Atlanta's Fulton County Commission, said that the black establishment's difficulty in dealing with AIDS was part of a larger predicament. "It is a matter of coming to terms, at last, with the fact that there are problems within our community that were not imposed upon us by white society," he said.

"Intravenous drug use, teen-age pregnancy and sexual promiscuity are behaviors that are pathological in our own community, and we must come to grips with that, to take responsibility."

Within the Hispanic community, leaders say, education and prevention efforts have been complicated by the Roman Catholic Church's opposition to the use of condoms as a means of stopping the spread of the virus. Instead, many priests, like right-wing conservatives, talk about abstinence.

William A. Bogan, the executive vice president of the National Coalition of Hispanic Health and Human Services Organizations in Washington, said such cultural cross-currents have set back some community efforts to spread the word about AIDS.

But he said a bigger part of the problem has been what he called the failure of Federal and state officials to channel resources to community organizations that can do the most good in reaching minority people, including drug abusers.

Dr. Primm, for example, said officials at the Centers for Disease Control had been reluctant to focus on the incidence of AIDS among minorities, for fear that they would appear to be singling out black or Hispanic people.

Dr. Rudolph E. Jackson, a physician in Atlanta who is working as a consultant to the Centers for Disease Control, said he believed the agency was slow to deal with the issue of AIDS among minorities because of an earlier controversy over the Haitians.

When the agency first began assembling data on AIDS, a higher incidence among Haitians caused them to be identified as a separate risk group. That provoked controversy among Haitian nationals and others, who said the agency was stigmatizing an entire population. The agency then dropped the identification.

Health officials and representatives of groups helping AIDS patients stressed that it was critical for financing agencies to work closely with specific community groups to minimize language and cultural differences.

"For a lot of minority women, discussing safer sex is out of the context of their role," said Suki Ports, the director of the Minority Task Force on AIDS for the New York Council of Churches. "They may risk losing their man, or even risk physical abuse, if they were to suggest using a condom."

Ronald Jenkins, a health programs consultant with the state of Georgia, mixes in rap music and advice on avoiding pregnancy when he talks to black teen-agers about AIDS.

In some ways the message seems to be getting through. Sandra McDonald, who runs Outreach Inc., the first AIDS education project in Georgia working directly with blacks, said that a year ago, "people didn't even want to listen."

Now, she said, there is more and more interest, "These days, we're talking about women and babies dying too," she said. "The more we bury, the more people pay attention."

AIDS: WHO CARRIES THE BURDEN

Relative incidence of AIDS by category and group. Relative incidence is a measure of the rate at which AIDS occurs per million in the black or Hispanic population, compared with the occurrence per million in the white population. For instance, AIDS occurs 2.6 times more often among black men than it does among whites; among Hispanic men, it occurs 2.5 times more often.

	Cases per million population	Incidence compared with that of whites
Total cases, men:		
Black	764	2.6
Hispanic	730	2.5
Total cases, women:		
Black	105	12.2
Hispanic	73	8.5
Heterosexual men who are intravenous drug abusers:		
Black	262	21.8
Hispanic	248	20.7
Heterosexual women who are intravenous drug abusers:		
Black	64	18.1
Hispanic	40	11.3
Gay or bisexual men who are not intravenous drug abusers:		
Black	379	1.6
Hispanic	389	1.6

Source: Dr. Roger Bakeman, Department of Psychology, Georgia State University, based on data from the Centers for Disease Control from April 6, 1987.

Mr. LENT. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. DANNEMEYER], who is rapidly becoming our expert on this issue in the House.

Mr. DANNEMEYER. Mr. Speaker, first, on the procedure that we have observed with respect to the movement of this legislation, I am a member of the Subcommittee on Health and the Environment that normally would have considered this as a part of the Committee on Energy and Commerce.

Would the Members believe that the subcommittee of jurisdiction did not even consider this legislation at any time? Today, not more than a half hour ago, about an hour ago really, the full Committee on Energy and Commerce took up this bill without the benefit of any hearings at all. No witness has ever been called to testify about any legislative need. It was rushed through the committee very quickly, and here we are with the bill on the floor of the House now. No Member or no witness has testified to the legislative need or the reasons for any part of the process. If I did not know any better, I would suspect that we were attempting to just railroad this piece of legislation through the House. I would not accuse anybody of attempting to do that, but that is the premise or the impression that I get.

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

Mr. DANNEMEYER. I yield to my friend, the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, did I hear my friend, the gentleman from California, say that the subcommittee chairman actually held no hearings on this bill?

Mr. DANNEMEYER. None at all.

Mr. DAUB. And the full committee held no hearings on this bill?

Mr. DANNEMEYER. No hearings were held at all.

Mr. DAUB. So this bill not only got reported out but got placed on the Suspension Calendar?

Mr. DANNEMEYER. It is on the Suspension Calendar right now, that is right.

Mr. DAUB. I see. So we have no legislative history on this except that we are going to engage in 20 minutes of debate on each side?

Mr. DANNEMEYER. And we have the legislative history that took place in the consideration of amendments today in the Energy and Commerce Committee, but that will not even be a part of the record because it will not get reported in time if it passes this House to be a part of the bill.

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

Mr. DANNEMEYER. I yield to the gentleman from Nebraska.

Mr. DAUB. On an issue as serious as this and with a commission as important as this, it is really just being brought to the floor now with so few Members here?

Mr. DANNEMEYER. That is exactly where we are.

Mr. DAUB. So it is just politics to be one up on the administration because they have already taken action?

Mr. DANNEMEYER. Mr. Speaker, in response to my friend, I can say that we already have a commission in existence to deal with communicable diseases in America. It is called the Public Health Service. It has been in existence for decades, and it has worked very effectively to control communicable diseases. But because the U.S. Public Health Service and

certain State public health officials of America have not pursued normal routine customary responses in dealing with communicable diseases, it is now not only a major public health issue in America but it is, in addition to that, a very profound political issue as well.

There are certain activities that I think this Commission should consider if it is to come into existence. As I say, we do not need it because we already have one, the U.S. Public Health Service. The President of the United States has already appointed a commission consisting of 13 members, distinguished citizens from across this country, who, I am sure, will do an excellent job for the American public in advising all of us what needs to be done. I do not think we need another commission to be created by this act of Congress.

If, on the other hand, it is the judgment of the House that this Commission is to come into existence, I think there are certain aspects that should be considered in the normal course of events that the Commission should consider. For example, the cornerstone of public health response to any communicable disease is reportability. That should certainly be a part of the consideration. Because we have not been reporting, we should be testing certain elements of the population of our country to give us a better handle on the extent of the problem and in what region and to what extent it has afflicted certain age groups of our population.

We have not as a people said that as a standard we would declare that anyone with the virus would be precluded from donating blood to the blood supply of the country. In order to protect the integrity of our blood supply, we need a law that says that, and this Commission should be considering that. We need a standard or a law on the books of this country that says that any person with the virus who knowingly transmits bodily fluids commits a public offense when they transfer bodily fluids. We have not said that as a people. We should be saying that, and this Commission should be considering it.

Finally, we should be testing certain persons in Federal jurisdictions such as Federal prisoners or persons seeking immigration to this country who routinely are tested for communicable diseases.

These five subjects, I think, belong within the purview of the commission if it is the judgment of the House to adopt this legislation.

Mr. Speaker, I would like to ask my colleague, the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], if he believes the points I have mentioned are subjects that the Commission should consider among others within the area of its responsibility.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. LENT. Mr. Speaker, I yield 1 additional minute to the gentleman from California [Mr. DANNEMEYER].

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

Mr. DANNEMEYER. I yield to my friend, the gentleman from California.

Mr. WAXMAN. Mr. Speaker, those issues that the gentleman has raised are perfectly legitimate issues for this Commission to look at. Among other issues they will want to evaluate in terms of how to deal with the AIDS epidemic, I do want to underscore that while the mandate is spelled out in generic terms, these are specifics that we would suspect they may well want to look at.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for that comment.

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

Mr. DANNEMEYER. I yield to the chairman of the committee, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise to support the legislation offered by my colleague from Georgia, Dr. ROWLAND.

AIDS is one of the most significant public health problems this Congress will face. The President has convened a Commission—made up in part of lay individuals—to provide the executive branch with recommendations regarding certain aspects of AIDS policy. There is an equal need for an impartial and expert Commission to study the scientific, economic and social aspects of this epidemic to provide the Congress with recommendations for effective policy action. The need for this Commission grows daily.

As the Committee on Energy and Commerce continues its work to create effective measures for dealing with the AIDS virus and the threat to public health that it represents, the committee looks forward to receiving the recommendations of this Commission. It was the clear intent of the committee in reporting this legislation that this Commission proceed with the broadest possible mandate to examine all areas of inquiry necessary to the development of sensible policy recommendations.

Among the many matters into which the Commission might inquire would be the advisability of reporting requirements and the efficacy of various methods for discovering who might be infected by the virus and of controlling transmission of the virus within this country and across our borders.

Finally, attention should be given to the problem of the disproportionately high incidence and rapid spread of AIDS among minority populations, including blacks, Hispanics, and native Americans. AIDS occurs roughly 2½ times more frequently among black and Hispanic men than among white men. Black women have a 12 times greater risk of developing AIDS than white women; Hispanic women are at more than 8 times the risk of developing the disease than white women.

Those familiar with the health problems of native Americans predict an equally alarming spread among this population—unless effective control measures are soon implemented. Finally, of the hundreds of infants and children with AIDS, blacks and Hispanics represent the overwhelming majority of cases.

A proper examination of effective policy would dictate serious study of the reasons for these startling numbers as well as practical steps that could be taken to slow the spread of AIDS and to care for those already affected by it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana [Mr. BURTON] for 10 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I would like to say that my colleague, the gentleman from California [Mr. DANNEMEYER], is in the forefront of the fight against AIDS here in this country, and I have the greatest admiration and respect for him.

I am a cosponsor of every one of the bills that the gentleman is supporting in this Congress, and in addition, I have a bill or two of my own that would deal with this tragic epidemic. But in this particular instance I disagree with my colleague. I think that this Commission should be established, for a number of reasons, and when the Commission is established, as I am confident it will be, I think all the issues the gentleman alluded to during his remarks just a few minutes ago should be discussed by the Commission, and I am confident that they will be.

Reportability is very important. Making sure that criminal penalties are imposed upon the people who knowingly transmit this deadly disease to other people should be passed by this body. And people who knowingly kill other human beings should be penalized, in my view, to the fullest extent of the law, and we should make sure the laws are very strong in this regard.

This is probably the most deadly epidemic that mankind has faced in our lifetimes, and maybe throughout history, and it is my view that the more attention we focus upon it and the more research we do from a legislative standpoint and an executive standpoint, as well as a medical standpoint, the better off we are going to be. It is estimated that we have 1.5 to 4 million people infected with this deadly disease right now, and the number is doubling. The number that is infected is doubling evey 10 to 12 to 14 months. At that rate we can see that a large percentage of the U.S. population is going to be infected in the not-too-distant future, and we do not have the luxury of time.

So it is my feeling, Mr. Speaker, that this Commission should be established. We should get on to appointing the members of this Commission. I

hope to be one of those members, and I know the gentleman from California [Mr. DANNEMEYER] likewise would like to be on this Commission to make sure that we get at the root cause of this problem and come up with solutions to the problem and wage all-out war against this disease. It should not just be a little piecemeal approach from the legisative branch or the executive branch or by the health services of this country, but we should wage a full-fledged war against AIDS.

So, Mr. Speaker, I think it is extremely important that we establish this Commission, get it passed by this body today, and get on with appointing the members of this Commission as quickly as possible.

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

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to a member of the Veterans' Affairs Committee, the gentleman from Georgia, Dr. ROWLAND, who is one of the chief sponsors of the legislation.

Mr. ROWLAND of Georgia. Mr. Speaker, I wish to express my appreciation for this opportunity to speak on this subject.

I can say without hesitation or mental reservation that the people of this country thank the chairmen of this committee; they thank the gentleman from California [Mr. WAXMAN], they thank the gentleman from Michigan [Mr. DINGELL], they thank the gentleman from New York [Mr. SOLOMON], and they thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from New York [Mr. LENT] and all those who have been so instrumental in bringing this piece of legislation to the floor because it is such an extremely important piece of legislation.

I am so pleased that there have been so many Members of this House who have put aside partisan politics and philosphical differences to address what is probably one of the most important pieces of legislation that will pass this House this session because we are faced with a disease whose potential is absolutely devastating to the people of this country.

□ 1340

That virus does not know or care about the color of one's skin. That virus does not know or care about one's sex. That virus does not know or care about what social strata you belong to or what your financial assets and liabilities are.

That virus does not care whether you are an adult or a newborn infant. It makes no difference.

It attacks the immune system and will destroy that individual.

It is so important for us to bring together a group of people who are experts in their areas who have some knowledge about AIDS in medicine, in science, in ethics, and in legal matters to advise the Congress and the President about what we need to do to address this terrible issue.

I have seen the debate and discussions take place in such a partisan and philosophical manner that it is time for the Members to address this in a manner that is appropriate, a manner that will focus on what a devastating disease this can be to our country.

I wish to commend all of the cosponsors who participated in moving this piece of legislation along, and look forward to working with the Members to get this to be a reality, so that we can address this problem that is almost overwhelming in our country.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair would state that the gentleman from California [Mr. WAXMAN] has 9 minutes remaining, the gentleman from Mississippi [Mr. MONTGOMERY] has 3 minutes remaining, and the gentleman from New York [Mr. LENT] has 2 minutes remaining.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER], a member of the Subcommittee on Health and the Environment.

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

The previous gentleman, the only doctor in the House, who has done a herculean job of putting this bill together and deserves the gratitude of all of the Members, made one remark that I wish to elaborate on.

The gentleman said that the AIDS virus does not distinguish between the rich and the poor and various ethnic and racial and national groups in our society.

That may be true, but there is a vast level of informational differences between these groups, knowledge differences between these groups, and therefore, increased vulnerability, vast differences in the vulnerability of these various people.

This AIDS dominance predominantly, not entirely, affects the poor, the unknowledgeable, people who have not learned to alter their behavior to protect their life and limb.

It is heavily involved not only in the homosexual community which, of course, is not poor. It goes through every aspect of our society, but for the IV drug users among us, the intravenous drug users is a major source of the transmission of this horrifying, awful disease.

IV drug users in this country tend overwhelmingly to be poor, tend overwhelmingly to be less well informed than the rest of the public; and I am sad to report, overwhelmingly minority.

Approximately 80 to 85 percent of all the infants that are born with AIDS are minority-group members, so our society has a terrible burden to bring knowledge and information, and all kinds of education programs to the poor among us, the minority community amongst us; and if this Commission can make that point, the importance of education, it will have served a very noble purpose.

Mr. LENT. Mr. Speaker, I yield the balance of my time to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman for yielding time to me.

I speak against the bill. I do not like the way it was handled in the Energy and Commerce Committee. It did go through the Committee on Veterans' Affairs in the proper manner. When the bill came to the Committee on Energy and Commerce it was assigned to the Subcommittee on Health and the Environment. The bill was not brought up there, but was instead brought to the full Committee on Energy and Commerce with no hearings. The bill was passed in that committee less than 1 hour ago. Obviously there is no report from the Committee on Energy and Commerce to consider along with the report from the Committee on Veterans' Affairs.

Several good amendments were offered by the gentleman from California [Mr. DANNEMEYER] in the Committee on Energy and Commerce and they were all defeated by a straight party vote.

It appears to me that we are duplicating in the area of AIDS commissions. We have a Presidential Commission just recently formed, and the Labor-HHS appropriations bill which is coming before the House tomorrow also has a commission. This is the third commission being set up to study the problem of AIDS. It may be an attempt by the Congress to counter the recent Presidential Commission.

I am all for studying all we can about AIDS, but I do not think we have to have duplicative commissions.

We need to make the good suggestions of my colleague from California [Mr. DANNEMEYER] to the President's Commission and not have a competing commission. I realize the Veterans' Administration is interested, because the Veterans' Administration hospitals could play a role, but that can be done with or without this bill.

Mr. Speaker, I, therefore, oppose the bill. It is an unnecessary expenditure of $2 million. If it is really urgent, as the gentleman from Indiana [Mr. BURTON] said, we should not allow the Commission 2 years to come back with a report.

It is much more urgent than that, and if this Commission is formed, we should direct the Commission to report back much earlier.

Some good amendments could be made to this bill; but since it is on the

suspension calendar with no opportunity for amendment, and no opportunity for hearings of any kind, I think it should be defeated at this time and reworked with proper amendment.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. PURSELL].

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

Mr. Speaker, I wanted to move along with the gentleman in respect to the same problem I see here. The left hand does not know what the right hand is doing.

Here we have a bill today without study and review by most of the Members in the House, and it establishes a new commission.

I want to inform the Members today that tomorrow the Labor-HEW appropriation bill will be before this House, which establishes a commission. Obviously, historically we know for a fact that the President has a commission.

I do not know what is going on between the committees, but obviously there is not much communication here between various statutory and jurisdictional committees, when we are establishing a commission to look at a very important issue.

It illustrates how fast this Government is going and how fast this AIDS appropriation is moving up, and tomorrow it will move to $970 million, almost $1 billion in 1 year.

I do not know if the agencies can spend it that well. That is a judgment that we are all going to have to evaluate in the next fiscal year; but for the establishment of a commission, I think we ought to step back for a moment, take a look at where we are going in terms of the congressional efforts and the executive effort in trying to work out an appropriate single voice, a commission that can look at this issue.

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

Mr. PURSELL. I yield to the gentleman from Maryland.

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

The gentleman from Michigan and I have the opportunity of serving on the Labor, Health and Human Services and Education Subcommittee of the Committee on Appropriations, and I want to assure the gentleman, as one who has participated in the task force, and discussed this issue with the gentleman from Georgia [Mr. ROWLAND], and other cosponsors of it on both sides of the aisle, that I did bring to the gentleman's attention, the advisory committees that we have established in our report language, not in the bill, as the gentleman knows, to the Secretary and to the Directors of NIH and CDC.

We are cognizant of that, and we believe that this will be a complementary effort and not a contradictory effort.

Mr. PURSELL. Mr. Speaker, I think that is appropriate, and I have used those words myself, complementary, not confrontational or going in opposite directions.

Obviously, from the commonsense standpoint with three standing commissions going on, we are going to have some fundamental policy debate, discussions that are not unified in terms of speaking in one voice.

It gets to look like a foreign policy issue here in which every Member speaks on behalf of foreign policy, and I do think that is counterproductive in trying to get a single voice on addressing a comprehensive issue so big and complex fiscally, educationally, as well as research wise, that I think this is a mistake to establish these commissions without working together in a more unified way to establish one full commission with one voice to look at the research and education and problems that lie within this AIDS problem.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

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

I rise today in support of H.R. 2881, the National Commission on AIDS Act. As we all know by now, AIDS has become a deadly epidemic that is affecting the lives of American families across this Nation in the severest of terms. It is a disease which will inevitably touch the lives of every one of us—the recent death of our colleague, Stewart McKinney is a testament to that fact. It will refocus our priorities in the delivery of health care, prevention, and the allocation of Federal dollars for health research. There is no cure for this disease, and it appears that a cure may not be found for perhaps a decade according to some medical experts. That is why I think the work of the Commission proposed in this legislation is so important. Congress needs to be informed about this very important health issue so that it can make the correct choices devoid of panic or intolerance. The American public will expect Congress to above all, act responsibly in developing a comprehensive and bipartisan effort to combat AIDS. A comprehensive AIDS policy will also be one which evolves over time as we learn more about this disease. The Commission in this respect will be an invaluable tool.

One change which I would recommend to the current legislation would be to have a representative from the Department of Defense on the Commission.

As the chairman of the House Armed Services Personnel and Compensation Subcommittee, which has jurisdiction over the welfare of the men and women who serve this country, I can tell you that the Department of Defense has become essentially the lead Federal agency in the development of a comprehensive AIDS counseling and testing policy. There is a lot we can learn from them since DOD has had a testing policy in effect for over a year now and is currently in the process of expanding their testing base. I am hopeful that the gentleman from Georgia, along with the gentleman from California will work for this change when the bill is considered by the other body.

□ 1350

As the chairman of the Armed Services Committee on Personnel and Compensation, which has jurisdiction over the welfare of the men and women who serve this country, I can tell you that the Department of Defense has become essential in the lead as a Federal agency in the development of a comprehensive AIDS counseling and testing policy. There is a lot we can learn from them, since DOD has a testing policy in effect for over a year now and is currently in the process of expanding their testing base.

Mr. Speaker, I am hopeful that the gentleman from Georgia, along with the gentleman from California, will work for this change when the bill is considered in the other body. I want to commend them for the swiftness with which they have moved forward with this legislation.

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

Mr. Speaker, charges have been made that there have been no hearings on this legislation. I would like to try to explain that there have been hearings on this topic during which our Members discussed extensively the need for this legislation. If the gentleman on the other side would like to see the report written by the Veterans' Affairs Committee, on this Commission legislation, I will be glad to share a copy with him. Also, there is a task force that was appointed by the Speaker to look into AIDS with the gentleman from California [Mr. WAXMAN] and myself and the gentleman from Maryland [Mr. HOYER] was the chairman, we met a number of times.

In defense of the gentleman from California [Mr. WAXMAN], they were waiting on the Veterans' Affairs Committee to move with this legislation, which we did introduce at first, so there have been hearings.

I feel comfortable with what we are doing today. It is a terrible disease. We are trying to move ahead to solve some of the problems that we have.

If any of the other gentlemen would like to look at this report in detail, they spell out the problems that the gentleman was asking about.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. MONTGOMERY. Mr. Speaker, I yield myself an additional 30 seconds.

Mr. NIELSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am happy to yield to the gentleman from Utah.

Mr. NIELSON of Utah. Well, Mr. Speaker, I said that I knew it has been handled properly in the Veterans' Affairs Committee. My point was about the Energy and Commerce Committee, which held no hearings, either in the subcommittee or in the full committee, and in fact did not even write a report before it was on the floor.

Mr. MONTGOMERY. Well, we tried to make a bipartisan report. It could be some of our fault. We were working through the task force, working with the gentleman from California [Mr. WAXMAN]. He was on top of the situation. We do have a good report.

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, may I say to my good friend, the gentleman from Utah, that I do not find it to be contradictory of the President's Commission and this one. In fact, I think they are complimentary.

There are some differences that exist between the Presidential Commission and this Commission. The President's Commission reports at the end of 1 year and then terminates. This Commission reports at the end of 1 year and then reports at the end of an additional year and this President has the prerogative for 2 additional years.

It is my feeling that people who serve on a commission should not be discharged at the end of a year, come back and start over with new people, because necessarily AIDS is something that is going to be continuing. It is going to be changing. To have those people on that Commission who are knowledgeable so that they can carry on in a continuous manner the efforts they are making, and additionally, the President's Commission reports to the President. It does not report to the Congress. It reports to the Secretary of HHS and then to the Congress.

This Commission reports to the President and to the Congress.

We tried to make it bipartisan. We tried to make it nonpolitical. I think it is going to be perceived in that way.

I just wanted to give this information to my good friend, the gentleman from Utah.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, last year, the Institute of Medicine and the National Academy of Sciences issued its report calling for the establishment of a National Commission on AIDS.

The IOM report disclosed significant gaps in the efforts being directed against the AIDS epidemic and in the employment of the Nation's resources. In the areas of research, health care, public health measures, public education, health care finance, social services and civil rights, both in this country and internationally, the IOM report stressed the need for cohesiveness and strategic planning.

It went on to recommend that this National Commission should be able to engage all of the diverse public and private resources that can be brought to bear on HIV-associated problems. It must be sufficiently independent to give critical advice to participants in these efforts. It should have sufficient national and international stature and credibility for its advice to command the attention of participants * * * [and] * * * it should not be created within the administrative structure of the Federal executive branch.

The President's Commission, named 2 weeks ago, can make a positive contribution to our effort to combat AIDS. However, it cannot provide the full coordination and expertise called for in the IOM Committee report.

This bill, H.R. 2881 does follow the IOM-NAS recommendations. It establishes a 15-member Commission, a majority of whom must be recognized experts in the medical, legal, and ethical issues surrounding AIDS. This Commission will make recommendations to the President and Congress for national policies and priorities for AIDS research, testing, treatment, prevention, transmission, and public education. It will also recommend the appropriate roles for Federal, State and local governments and the private sector, as well as coordination of U.S. efforts with those of international organizations. Members will be appointed by the President and Congress, again, with an emphasis on their training and expertise on AIDS issues.

Mr. Speaker, this National Commission on AIDS will help us achieve what we need—a national policy on AIDS. This Nation must take the lead in finding a cure for AIDS, in stopping its spread, and in treating its victims with compassion and quality care. We must marshall all our resources toward that vital end. I commend the sponsor of this bill, Mr. ROWLAND, and the support of Chairman DINGELL, Mr. MONTGOMERY, and Mr. WAXMAN in bringing it to the floor. I urge my colleagues to vote for this important bill.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, some of the arguments that have been made I take very strong issue with.

First of all, let me say that the amendments that Congressman DANNEMEYER of California proposed in the committee this morning, I agree with all of them. I wish they had been adopted, but I do not believe because they were not adopted that this Commission should be stopped, or the formation of this Commission should be stopped by this body today. I think it is extremely important that we have as many agencies working on this problem as possible.

You know, when we talk about fighting AIDS and looking for a scientific solution to this, we do not ask just one scientific body to do research. We try to get as many well-qualified scientists as we can possible find to research this virus, to try to come up with a vaccine for it, as is humanly possible, and to indicate that only one commission is going to be able to come up with a solution to this from an executive or legislative or scientific standpoint I think is ridiculous.

Nobody has a monopoly on this. Nobody is omnipotent.

I think it is extremely important that we get more and more attention focused on this. That is one of the main reasons why I think this Commission should be established. I think it should be done in a bipartisan way.

I commend the gentleman from Georgia for attempting to do that with this legislation.

Policy debate between various commissions may be very good. You know, Dr. Koop has made many statements with which a lot of scientists disagree. There are scientists who believe that this disease is communicated through casual contact. We had three nurses who got the AIDS virus by having blood splashed on them, and yet Dr. Koop has said it cannot happen that way. We have heard people say that you cannot get it through deep kissing, and yet we know that there are people who have gotten it, and we believe the only way they could have received it was through kissing, as with an older couple, an elderly couple. The husband had it and the only contact he had with his wife was through kissing and she got the disease.

In short, I think because there is disagreement in the scientific community and because we have a scientific commission being established, we have a Presidential Commission being established and now we are going to have a legislative commission being established, we are going to come at this from various points of view. I think that kind of discussion and debate is going to be very healthy for coming up with a solution to this problem.

I would urge all my colleagues on both sides of the aisle to put aside any

partisan differences that they might have and come together on this legislation. It is extremely important and I urge everyone to vote for it.

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

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I believe the gentleman would agree that this Commission that we are talking about today will really get the Congress involved. The other commissions really do not get us totally with it.

Let me point out that tomorrow, as I understand it, there will be $1 billion of new money going to AIDS in the appropriations bill that will come up tomorrow. However, Congress would not be involved beyond appropriating money unless we come up with this type of commission, so I think it is absolutely important that we pass this legislation today.

Mr. BURTON of Indiana. Well, Mr. Speaker, I thank the gentleman for his contribution. I agree with him.

You know, we have 435 Members of this body and 100 Members of the other body. I will tell you from personal conversations with many of them, they are not very conversant with the problems we are facing with AIDS.

Congressman DANNEMEYER, myself and a few others in this body, have really worked on it for over a year. I think the more education we give the Members of this body and the other body, the better off we are going to be when we have to appropriate more money or come up with other legislative action to deal with this problem. So I think this Commission is very important and I hope that everyone will support it.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding.

I want to rise in very strong support of this legislation. I am pleased with the bipartisan support that it has and the bipartisan leadership that has brought it to the floor.

I particularly want to congratulate our doctor in the House, the gentleman from Georgia [Mr. ROWLAND], who has been the chief sponsor of this legislation and who has been a key factor in bringing together such a cosmopolitan group of people from all over the country, from all philosophical spectrums of the House, to focus in on probably the chief health problem confronting not only this country, but indeed the world.

I am hopeful that we will overwhelmingly support this piece of legislation.

As I discussed with the distinguished gentleman from Michigan [Mr. PURSELL], there are other efforts being made. The President is making a very useful and worthwhile effort in terms of focusing on possible solutions.

I agree fully with the gentleman from Indiana that it is important that we bring a broad spectrum of views to bear on this issue.

The gentleman from Georgia and the cosponsors on that legislation have devised legislation which will now incorporate the President, the minority leader and the Speaker, the majority leader and the minority leader in the Senate, in forming a commission that will be able to advise us and indeed, as the gentleman from Michigan has pointed out, the Labor-Health Subcommittee of the Appropriations Committee has recommended and directed indeed that the Directors of ADAMHA, NIH, and CDC appoint their own advisory committees to advise them on the administration of this money that we will be appropriating tomorrow, a sum of $945 million, a dramatic increase in dollars being directed toward the solution of this terrifying, complex, confusing, fearful disease.

So I think it is appropriate that we pass this legislation as quickly as possible so that the appropriate authorities can appoint this particular Commission and it can start to focus on how best we can apply the resources of this Nation to overcome this devastating problem.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 2881

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have 5 legislative days in which to print its report on this bill, H.R. 2881, in the RECORD, including minority, dissenting, and supplemental views.

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I just repeat again what I said earlier, that this Commission does get the Congress involved. That is the way it should be. I hope we will get strong support from Members of Congress.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation, H.R. 2881.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. LEVINE].

□ 1405

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2881, which will establish a National Commission on AIDS. I also want to commend my distinguished colleague, the gentleman from Georgia, who sponsored this legislation, and the honorable chairman of the Energy and Commerce, and Veterans' Affairs Committees, and the chairman of the Subcommittee on Health for their work on this important bill. The Commission established by this legislation will be charged with addressing some of the most difficult medical, social and legal issues confronting our Nation.

AIDS is the most serious public health challenge facing our society. The Surgeon General has estimated that about 1.5 million Americans have been exposed to the AIDS virus. Of these, 100,000 to 200,000 people will develop AIDS or ARC. At this time, there is no known cure for AIDS, and according to the best estimates, it will take several years to develop and test a vaccine. The medical community is continuing its search for a treatment for AIDS and the accompanying opportunistic infections and cancers. Congress is moving to address this need, and Federal funding for AIDS research has increased from $200,000 in fiscal year 1981 to the current estimate of $415,575,000 in fiscal year 1987. Yet, there is still much to be accomplished.

AIDS presents difficult social and legal questions as well. By the year 1991, an estimated 156,000 AIDS victims will need health care services costing somewhere between $8 to $16 billion. Congress and the public will be confronting the question of financing medical and long-term care for AIDS and ARC victims. Other issues including the scope of preventative education, counseling and testing programs, and discriminating issues must be revised and considered carefully.

H.R. 2881 would establish a national commission to review and recommend policies addressing these questions. The 15-member Commission proposed in this legislation would be composed of experts from medicine, law and ethics, and the executive and legislative branches of Government. This Commission will have the best opportunity to pool knowledge and expertise to formulate key recommendations for Congress, the President, and the Nation in addressing the challenge presented by AIDS.

The National Commission proposed by this legislation will rely on the expertise rather than political or philosophical ideology of its members to address the AIDS crisis. Congress and the President will have the opportuni-

ty to bring together the most qualified experts in this field.

I urge my colleagues to support this timely and desperately needed legislation.

Mr. SOLOMON. Mr. Speaker, I rise, as ranking member of the Veterans' Affairs Committee in strong support of H.R. 2881, as amended, to establish a National Commission on Acquired Immune Deficiency Syndrome. The AIDS outbreak, now officially an epidemic, has confronted the world with a deadly new disease which is incurable. The reaction to it has ranged from extreme indifference to extreme hysteria. And as the debating goes on, this killer disease spreads and claims new victims.

In the midst of all this, Dr. ROY ROWLAND of Georgia, a member of the Veterans' Affairs Committee who serves on the Hospitals and Health Care Subcommittee, has calmly and quietly drawn together support for a commission which would consider and recommend a bipartisan national approach to AIDS. He has recognized the need to end the debating and establish a widely accepted national approach to AIDS. H.R. 2881 could be a major step toward such a comprehensive policy on AIDS. The benefit would be enormous, not only for veterans, but for the entire country.

The Veterans' Administration, with its health care system of 172 hospitals, is playing a major role in caring for AIDS patients and in AIDS research. The VA has medical research capabilities which are surpassed only by the National Institutes of Health, and the VA has world renowned medical researchers, including two Nobel prizewinners. Many important medical advances have come from the VA, including inplantible heart pacemakers and the remarkable Seattle foot, a prosthetic foot made of high technology materials which enables amputees to run again.

Because of the VA's activities in health care and research, the Veterans' Affairs Committee is a logical one in which to originate this type of legislation. The Committee on Energy and Commerce, to which the bill was jointly referred, has also reported the bill, so it has had appropriate committee scrutiny.

The Commission would have 15 members with 5 appointed by the President; 5 appointed by the Speaker with 2 appointed upon recommendation of the minority leader; and 5 appointed by the President pro tempore of the Senate, with 3 of the 5 recommended by the majority and 2 by the minority. I believe this approach, which includes both the executive and legislative branches, would ensure that the Commission's recommendations would receive serious attention. The expertise of the Commission members required by the bill, which Mr. MONTGOMERY has described, would also enhance the Commission's credibility.

The problem confronting the Nation is not so much a lack of action with respect to AIDS, as it is a lack of direction. Once we have a comprehensive national policy, probably much more in the way of resources should be devoted to AIDS prevention, treatment, and research.

The AIDS epidemic is very, very serious, and we'd better be realistic. It is going to take a large investment of resources, very likely for a long time.

Let's look at cancer research, for example. After years of worldwide research efforts by some of the best scientific minds, and after the investment of hundreds of millions of research dollars, much progress has been made, but there is still a long way to go. I hope I am proven wrong, but with AIDS we had better expect and plan for something like the protracted battle against cancer, rather than for something like the triumph of the vaccine against polio.

Mr. Speaker, on July 28, 1987, this body passed the Atomic Veterans Compensation Act, H.R. 1811, which Dr. ROWLAND authored, and now our committee has advanced a second Rowland bill, H.R. 2881. My distinguished colleague from Georgia deserves the highest possible praise and recognition for his dedication to veterans and his initiatives in their behalf.

Mr. MONTGOMERY, chairman of the full committee and of the Subcommittee on Hospitals and Health Care, and Mr. HAMMERSCHMIDT, ranking member of the subcommittee, have given this legislation the crucial bipartisan backing it needed and have brought it to the floor. I commend them for their sensitivity to the difficult issues addressed by this bill.

Also, our distinguished colleague, Mr. DINGELL, the able chairman of the Committee on Energy and Commerce, and the equally able ranking member of that committee, Mr. LENT, have helped smooth the way for the bill in their committee. Without their essential cooperation, we would not be on the floor today considering a National AIDS Commission.

Mr. Speaker, H.R. 2881 is worthy of the vote of every single Member of this body, and I urge its passage.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 2881, a bill to create a national commission on AIDS. This bill would call upon our most qualified scientific and medical professionals to assist the Congress in setting the national agenda for responding to the medical and psychological crisis of AIDS. The Commission created by this legislation would include a minimum of eight scientific and medical experts. This is exactly the expertise that is needed in this time of crisis.

I believe that AIDS must be our Nation's top health priority. While nearly 40,000 Americans have already been diagnosed with AIDS, over a milion other Americans are infected with the AIDS virus. For these quietly desperate citizens, scientific and medical discoveries are the only hope. Today, we as a Nation are once again looking to our most precious resource of talented scientists to help end this nightmare.

Last fall, the National Academy of Sciences Institute of Medicine released a comprehensive report entitled confronting AIDS. To date, this is the most thorough, intelligent and reassuring document yet presented on AIDS. Its ressurance does not arise from any predictions of an early end to the crisis, or because it tells people not to worry about the devastation that this epidemic will bring. It does neither of these things. The report is reassuring because it is grounded in science. It calmly and rationally lays out what must be done to respond to this vicious, slow-moving virus which has destroyed so many lives, not only in the United States, but also throughout the rest of the world.

One of the recommendations in the National Academy of Sciences report was the formation of a national commission on AIDS which would guide the way to research priorities, as well as advise the Congress on rational, rather than irrational public policy. H.R. 2881 is based on the model recommended by the National Academy of Sciences. By enacting this measure, we can move forward. We must.

This bill also gives increased and well-deserved attention to the role of the Veterans' Administration hospitals in basic research as well as the care and treatment of people with AIDS. Clearly we must involve all of our relevant medical and scientific resources in this battle. The Veterans' Administration hospital system must be a vital part of the national effort to respond to AIDS. Hearings this month in California, chaired by our esteemed colleague from Georgia, Dr. Rowland, will give an added focus to this need. I applaud this effort.

We are now at a crossroads in the battle against AIDS. This legislation can help. We need the best research, prevention efforts and health care delivery system that our Nation can produce. We need our best scientists and medical professionals to guide our public policy debate. I urge my colleagues to vote yes on H.R. 2881. Thank you.

Mr. SYNAR. Mr. Speaker, this week my colleagues and I introduced legislation (H.R. 3071) to establish the first national policy governing AIDS testing. I am also cosponsor of a bill (H.R. 2881) to establish a National Commission on AIDS.

Polls indicate that acquired immune deficiency syndrome [AIDS] has become the highest priority health concern of the American people. 35,000 cases have been reported in the United States and 20,000 Americans have died from AIDS-related conditions. It is estimated that 1.5 million people in the United States—5 to 10 million worldwide—are infected with the HIV virus that causes AIDS. The U.S. Public Health Service has projected that by 1991 there may be 323,000 reported patients with AIDS in the United States and as many of 200,000 will have died.

Given the growing dimensions of this public health crisis, it is imperative that a national policy be established to attain the goals of prevention, treatment, and a cure. Until a cure is found, prevention and control of the disease must be an essential part of that policy. For the time being, the most effective weapon for fighting AIDS is education. I see AIDS testing and counselling as part of the educational process.

Testing alone will not stop the spread of AIDS. Transmission of the virus can be controlled only with the cooperation of the tested persons. So if testing is to be effective, it must be carried out within a voluntary context and in conjunction with counselling so that the people being tested will be motivated to avoid high-risk behavior.

Nearly all public health and medical officials agree that mandatory testing would be counterproductive because it would drive away the very people whom medical authorities most want to reach. Without assurance of confidentiality and protection against discrimination,

people who need the counselling most will not come forward to be tested.

The legislation I have cosponsored would establish a national policy governing AIDS testing. This policy is based on the best expert information available at this time and on the extensive experience of public health officials dealing with AIDS. It is carefully balanced to take into consideration public concern for persons with AIDS and those infected with the HIV virus along with a concern for those who do not have the disease but may become infected.

I believe that this legislation will address the public's concern about AIDS testing in a way that will reach the most people, encourage infected persons to cooperate, and educate people to modify behavior that places them at risk of transmitting or acquiring the HIV virus.

H.R. 3071 would:

Establish the first national policy governing AIDS testing;

Expand testing for the AIDS virus on a voluntary basis;

Insure confidentiality and strict civil rights guarantees;

Authorize Federal grants to existing health care facilities;

Require extensive counselling before and after testing;

Allow doctors to inform spouses or sexual partners of risk;

Inform blood banks if necessary for safety of blood supply; and

Prohibit discrimination against infected individuals.

This legislation recognizes that the most effective way to prevent AIDS is education because it encourages people to modify behavior that leads to the transmission of the HIV virus. Testing and counselling is part of that effort. Of course, abstinence and monogamy are the safest ways to avoid contracting the disease and should be encouraged. However, widespread education is needed, particularly for those whose behavior puts them at risk. While the threat to public health is a crucial issue, so is the threat to privacy and civil liberties posed by a reckless policy of widespread mandatory testing. Voluntary testing with counselling will be made widely available to all who chose to participate. I am convinced that this legislation will provide us with an effective means of controlling the spread of AIDS.

I have also joined with my colleagues in Congress to sponsor a bill (H.R. 2881) to establish a National Commission on AIDS. This legislation would set up a bipartisan commission of experts to advise Congress in the continuing development of a national public policy regarding AIDS.

The Commission would include 15 members: 5 (including the Secretaries of Health and Human Services and Veterans' Affairs) to be appointed by the President, 5 members chosen by the House of Representatives, and 5 by the Senate. The Democratic and Republican leadership in both houses would be involved in the appointments so the Commission will be truly bipartisan. AIDS is not a partisan disease.

This year it will be 6 years since the first report of the malady we now call AIDS. Since then, Surgeon General C. Everett Koop has said repeatedly that "our only weapon is education." In the meantime, we have spent more time fighting about the disease than fighting the disease itself. We have probably heard more about AIDS feuds than AIDS facts. I am sponsoring H.R. 3071 and H.R. 2881 because I want the American people to know the facts that will enable us to prevent, treat, and eventually find a cure for AIDS.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise, as ranking member of the Subcommittee on Hospitals and Health Care, in strong support of H.R. 2881. As one of the original sponsors of this measure, I believe it is imperative for this Nation to act quickly and effectively to combat AIDS.

In his recent speech before the American Foundation for AIDS Research, President Reagan indicated it was vitally important that Americans face squarely a disease that is now not only fatal, but spreading. He also said that it calls for urgency and not panic, for compassion and not blame, and that our Nation should not reject those who have the disease, but should care for them with dignity and kindness. I couldn't agree more fully with the President's remarks.

As the Nation's largest health care provider, the Veterans' Administration should play a major role in AIDS education, treatment, and research. In addition to establishing an AIDS Commission, this legislation would require the VA's Administrator to prepare a synopsis of all medical research worldwide on AIDS.

The administration is in an ideal position for this task, because the VA has a vast research organization within its hospital system, which is itself actively pursuing AIDS research. The synopsis would be due 90 days after the date of enactment, and would be extremely useful for anyone concerned about AIDS.

I commend Dr. Roy Rowland for the leadership he has displayed by introducing H.R. 2881 to address this most serious of problems. My good friend of many years, SONNY MONTGOMERY, who is, of course, our chairman, and my distinguished successor as ranking member of the full committee, JERRY SOLOMON, have both spared no effort on this measure. I commend them, too, along with the leadership of the Commitee on Energy and Commerce.

JOHN DINGELL, its chairman and NORMAN LENT, its ranking member, have both given the Committee on Veterans' Affairs their complete cooperation so that there would be no delay in floor consideration of this bill.

I join with my colleagues in urging House approval of this vital legislation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2881, a bill establishing a National Commission on Acquired Immune Deficiency Syndrome [AIDS]. I would like to commend the gentleman from Georgia [Mr. ROWLAND], the distinguished chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, and my colleague from New York, the ranking minority member of the Veterans' Affairs Committee, Mr. SOLOMON, for the leadership they have provided in bringing this measure before us today.

H.R. 2881 establishes a commission to complement the President's Commission to study and recommend legislation to combat the AIDS disease. This legislation ensures that Congress in integrally involved in the attempt to halt the spread of this disease and coordinate scientific efforts to discover an effective antidote. This Commission will have 15 members, 5 of which will be appointed by the President, 5 by the House of Representatives, and 5 by the Senate. In each of the Chambers of Congress, the majority leader in each body will appoint three of the five Commission members, and the minority leader in each body will appoint two of the five members. This proposal emphasizes appointing experts from appropriate fields to make it as bipartisan a commission as possible. The Commission will be required to make its recommendations to the President, Congress, and other appropriate policymaking agencies.

We cannot do enough to combat the AIDS epidemic. Although the Surgeon General, Dr. C. Everett Koop, has stated "We've learned as much about AIDS in 6 years as we know about polio in 40 or whooping cough in 200 years," we are still far from every knowledgeable about this disease. Moreover, a great amount of confusion and fear exists among the public in regard to AIDS. This panel will be instrumental in pulling together what is known about AIDS and serving as a forum in which a rational, bipartisan policy can be formulated.

Mr. Speaker, the cost of this Commission over its projected 2-year life span is $2 million. Given the gravity of the AIDS situation and the potential benefit of a focused national policy which the Commission promises, I believe this cost to be a relatively inexpensive investment in our Nation's battle against AIDS. Accordingly, I urge my colleagues to join in support of H.R. 2881, in order to continue our efforts on the Federal level to combat AIDS.

Mr. RANGEL. Mr. Speaker, we are today confronted by an enemy which threatens our national health and well-being. That enemy is AIDS, the acquired immune deficiency syndrome. This pernicious disease affects men, women, and children.

An effective response to this national health crisis will require a united front. We will need the expertise and resources of the private and public sectors including all levels of government. At the Federal level, such an offensive will demand the support of the Congress and the executive branch. For this reason, I support H.R. 2881, which would establish a National Commission on Acquired Immune Deficiency Syndrome.

Already the Centers for Disease Control has reported more than 38,000 cases of AIDS. These figures, however, only indicate the most severe manifestation of the disease. The CDC has estimated that 1.5 million Americans are infected with the virus. These individuals are assumed to be capable of spreading the virus sexually or by sharing needles, syringes, or other instruments of intravenous drug use.

As chairman of the Select Committee on Narcotics Abuse and Control, I am particularly concerned about the relationship between AIDS and intravenous drug use. Seventeen percent of AIDS cases are attributable to intravenous drug abuse. Another 8 percent of AIDS cases are homosexual males who are intravenous drug users. Moreover, intravenous drug abuse is the primary source of AIDS among women and children. Fifty percent of women with AIDS are intravenous drug users.

91-059 O-89-22 (Pt. 16)

The second largest group of women at risk are the sexual partners of intravenous drug users. Among the more than 500 pediatric AIDS cases, 80 percent of the maternal transmission cases are children of intravenous drug users.

Combating the AIDS epidemic requires a national policy. The formulation of such a policy will raise a variety of complex questions and involve the accommodation of competing values and priorities. We will be forced to resolve a number of complicated and controversial public health, legal, economic, and research issues.

H.R. 2881 provides for a National Commission to consider and make recommendations on national policy and priorities with respect to AIDS research, testing, confidentiality of test results, treatment and care of AIDS patients, prevention of transmission, and education regarding AIDS. The Commission would also consider the appropriate roles to be played by Federal, State, and local government, as well as the private sector.

Perhaps equally important is the fact that the Commission proposed in H.R. 2881 would reflect a joint effort by the President and the Congress. Five members of the Commission would be appointed by the President; five would be appointed by the Speaker of the House, two of these members would be appointed on the recommendation of the minority leader; and five members would be appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader, with two of the members appointed on the recommendation of the minority leader. The formulation of a national AIDS policy is a shared responsibility, and the organization of the Commission reflects this reality.

Moreover, eight members of the Commission will be experts in the areas of medicine, science, law, and ethics. This should ensure a national policy that addresses the multitude of complex issues raised by the AIDS problem in an impartial and expert manner.

I recognize that the President has appointed a Presidential Commission on the Human Immunodeficiency Virus. The Commission proposed in H.R. 2881 neither duplicates nor conflicts with the Presidential Commission. Rather, the proposed National Commission on Acquired Immune Deficiency Syndrome will complement this effort.

H.R. 2881 also requires that the National Commission issue a comprehensive report, no later than 1 year after the Commission is fully constituted. A final report is required no later than 2 years after the date of constitution. This report will help direct the efforts of the President, Congress and appropriate Federal agencies; $2 million is authorized to carry out the responsibilities of the Commission.

In conclusion, I believe that such a Commission is the appropriate vehicle to determine our national AIDS policy. Therefore, I am proud to support passage of this legislation.

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. 2881, as amended.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 68, not voting 10 as follows:

[Roll No. 297]

YEAS—355

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDade
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Swindall
Synar
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—68

Archer
Armey
Badham
Bartlett
Bereuter
Boulter
Cheney
Clinger
Coats
Coble
Combest
Coughlin
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Dickinson
Dreier
Early
Edwards (OK)
Frenzel
Gregg
Hall (TX)
Hansen
Hastert
Henry
Herger
Hiler
Houghton
Inhofe
Johnson (CT)
Kemp
Latta
Lightfoot
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
Mazzoli
McCandless
McCollum
McGrath
Michel
Moorhead
Nielson
Obey
Oxley
Packard
Penny
Pursell
Rhodes
Roth
Sensenbrenner
Shumway
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Stangeland
Sweeney
Taylor
Vander Jagt
Vucanovich
Walker
Weber

NOT VOTING—10

Boner (TN)
Daniel
Hunter
Livingston
Owens (UT)
Pepper
Ritter
Roemer
Tallon
Whitten

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Pepper and Mr. Tallon for, with Mr. Roemer against.

Messrs. GREGG, WEBER, BARTLETT, and SMITH of New Hampshire changed their votes from "yea" to "nay."

Mr. TAUKE and Mr. SKAGGS changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 324, STATUTORY PUBLIC DEBT LIMIT INCREASE

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to clause 1 of House rule XX and by direction of the Committee on Ways and Means, I move to take from the Speaker's table the joint resolution (H.J. Res. 324) increasing the statutory limit on the public debt, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

MOTION OFFERED BY MR. ROSTENKOWSKI

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. ROSTENKOWSKI moves to take from the Speaker's table House Joint Resolution 324, with Senate amendment thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, this motion simply allows the House to go to conference with the Senate on the long-term debt limit extension and their Gramm-Rudman revisions. The House bill was a clean debt limit extension. The Senate amendment reinstates the automatic trigger under Gramm-Rudman and contains other budget process reforms. I know that Members have strong feelings about this subject. Reaching agreement will not be easy. I am convinced, however, that going directly to conference will expedite a resolution of this issue by the end of this week.

In order to avoid yet another short-term debt extension, we need to complete this conference before August 7. To do this, we need to get started today.

I want to stress that this is purely a procedural motion. Adoption of the motion in no way reflects support or opposition to the Senate amendments. It merely gets us to conference as quickly as possible so that we can begin work on a final Gramm-Rudman plan.

Mr. Speaker, I have no further requests for time.

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

Mr. ROSTENKOWSKI. Mr. Speaker, for purposes of debate only I yield to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, can the distinguished chairman give us an idea of how this matter is going to proceed? We will go to conference; I suspect no one anticipates we are going to arrive at an immediate compromise and bring it back to the floor. Are we to anticipate, may I ask the chairman, another short-term extension to get us through the recess? Is the gentleman able to enlighten us at all on what the plans are, the contingency plans with respect to this conference and bills that might flow necessarily before the conference is completed?

Mr. ROSTENKOWSKI. I would suggest to the gentleman that he recognizes the procedure. Mr. Speaker, it is the Senate's turn to be chairman of the conference. I am sure Mr. BENTSEN, the Senator from Texas, has a procedure that he is going to follow. It is this individual's intention to try to conclude as quickly as possible the conference so that the long-term extension will be agreed to as opposed to going to a short-term extension.

That, of course, depends on how quickly we can get to the conference.

I understand that it is the intention of the Senate Members to meet as quickly as we have adopted the rule and go to conference and as soon as conferees are appointed.

I should imagine that the gentleman has been notified that we had intended to be in conference by 2 o'clock. I should imagine it will be immediately after we conclude deliberations on this matter.

Mr. FRENZEL. If the gentleman will yield further, if we are not able to reach a conclusion on the long-term debt extension and the Gramm-Rudman fix, it is possible that we will have a short-term extension to take us through the recess.

Mr. ROSTENKOWSKI. Well, what the gentleman observes is possible, but I hasten to add most unfortunate.

Mr. FRENZEL. I thank the gentleman for his information.

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

The SPEAKER. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. MICHEL. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. MICHEL moves that the managers on the part of the House at the conference on the disagreeing votes between the two Houses on H.J. Res. 324 are instructed to agree to language that would restore an automatic (as opposed to discretionary) procedure for sequestration as part of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) in a manner that is constitutional and that allows flexibility in military personnel accounts for the purpose of protecting U.S. combat readiness. Any such automatic procedure should be designed to achieve significant deficit reduction over several years leading to a balanced budget. These procedures should recognize the need for shared responsibility and authority between the executive and legislative branches in the creation and implementation of fiscal policy.

□ 1435

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

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

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the issue before us is not the budget, not the deficit, and it is not the fact of sequestration. It is, instead, something much more fundamental, and that issue before us is the responsibility of the House of Representatives to simply act.

The majority refuses to act. It apparently prefers to hide out there in the shadows, preferring to leave to the conference or to some configuration of the stars or fate the question of sequestration.

Mr. Speaker, I suspect the policy of the majority here is to force the President to chose between vetoing and accepting what we send him. But it seems to me what we have here is a situation where the majority itself refuses to choose. It refuses to come out front and say that they want to make the procedure discretionary.

No, the majority wants to play the sly old political game of placing the blame without having the courage, frankly, to openly demand that they want to go the "discretionary" route here.

That is what my motion is all about, the duty of the Congress to act, to come forth openly and stop this silly game that is being played here.

I say that the conferees should be instructed to agree to language that would restore an automatic rather than a discretionary procedure for sequestration. That is what Gramm-Rudman was all about.

Now, Members might disagreee with that view. There are disagreeing views on both sides of the aisle, and if those who disagree want to come forward with another view, then so be it. But let us stop this playing games here. Let us stop the charade and start acting responsibly and tell the conferees frankly what is on our minds here, because we really have not had an opportunity to express ourselves, as I recall, yet his year in definitive terms.

The majority believes it is perfectly positioned. They are hoping the conferees will do their dirty work for them. They are hoping the President will be forced to choose instead of being presented with what we originally thought best: automatic sequestration.

The time has come to move. The time has come to act. It seems to me that the American people are sick of the kind of back-room, closed-door,

fault-free policy that we see prevailing round here these days.

I say that we are elected to make these kinds of decisions, difficult as they may be from time to time, and not suppose that others are going to make those decisions for us or that the legislative branch itself is incapable of doing that because it has to turn to the executive branch to make that decision for us.

I say, let us conjure up the courage to act to instruct the conferees, to tell them what we believe is the right thing to do and refrain from this drift, drift, and drift, hoping that we may somehow arrive where we want to be but by accident.

This language also implores our conferees to develop an approach, since the House cannot seem to develop that kind of approach, which restores balance in both the responsibility and authority exercised by the executive and legislative branches of government in the conduct of fiscal policy.

We have been fighting the executive-legislative political battle of the budget now for as long as this act has been on the books, for nearly 14 years, and, frankly, I do not know that it has had very many good results. It is time, in my judgment, to call a truce.

This idea of stick-it-to-the-President mentality around here ought to end if we are going to be partners in the creation and implementation of fiscal policy. It seems to me that we ought to be willing and able to work together on both sides of the aisle, and, yes, on both sides of the Capitol.

So, Mr. Speaker, I would certainly ask that my motion to instruct be adopted, and I would be happy to yield to any Members who might want to be heard on the subject.

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Texas.

(Mr. COLEMAN of Texas asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, if I might make this statement in response to the minority leader, I think that the perception that we get is that if we do not agree with this, we are somehow shirking our duty, and it is my intention to place into the RECORD opposite views wherein I feel the suggestion made by the gentleman indeed backs away from the original intent of Gramm-Rudman as adopted by this body.

Mr. Speaker, I thank the gentleman for yielding.

Mr. COLEMAN of Texas. Mr. Speaker, when we voted for the Gramm-Rudman deficit reduction process in December 1985, we made a promise to the American people that we as a representative body were serious about reducing the Federal deficit, and furthermore, that we were actually going to do something about it.

The heart of Gramm-Rudman, of course, is the threat of automatic, across-the-board cuts even if the Congress and the administration cannot agree on how to reduce the budget deficit in any given year. The philosophy behind Gramm-Rudman is the recognition that across-the-board cuts, no matter how bad they might be, are nevertheless preferable to budgetary gridlock and a continual pileup of deficit and debt.

Today, the House will probably vote to approve the Michel instructions to the conference committee on the debt limit. I believe it would be a serious mistake, even though these instructions are nonbinding.

The Michel amendment represents a step backward from the tough requirements of Gramm-Rudman. Any precedent that would take us one step closer to backing away from our promise to the American people that was contained in Gramm-Rudman should not be approved, even if it is in a nonbinding form.

These instructions would not allow sufficient flexibility on the part of the Congress in our attempts to achieve real deficit reduction.

It would require automatic sequestration by the Office of Management and Budget, with no congressional oversight or participation. Not only do I believe that this violates the separation of powers, and is therefore unconstitutional, but after reading David Stockman's memoirs about how he and the OMB staff routinely "cooked" the numbers to make them fit the administration's political needs, I think that putting OMB—and only OMB—in charge of calculating the deficit and issuing the sequestration orders is a very bad idea.

Indeed, the Michel instruction puts complete blind faith in the ability of the Office of Management and Budget to properly handle the sequestration orders. It does so to the extent that it does not even permit the President the option of signing or not signing the sequestration order. The automatic process would be put on automatic pilot, with even the pilot, that is, the President, cut out of the loop, and that is no way to run the Government of the United States of America.

The process is so automatic, in fact, that the Michel instruction would not even allow previous estimates to be considered when issuing a sequestration order. If estimates early in the year become clearly inaccurate due to extreme economic circumstances, the Michel amendment would not allow this miscalculation to be taken into account. This complete absence of flexibility could have, in my view, serious and incalculable consequences for our national security as well as our economic future.

Mr. Speaker, the Michel instruction is not what we voted for when we voted for Gramm-Rudman.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, frankly, on this issue I am having difficulty sorting out the good guys from the bad guys. I suggest that perhaps the bad guys are everywhere and the problem is us. The problem is the White House, the problem is the minority, the problem is the majority.

We are up against a difficult situation here, and coming to grips with this huge deficit is an extremely difficult problem. But let me say this: This is not an issue without bipartisan support. The gentleman from Florida [Mr. MACKAY] and I especially have worked together. I think this is largely a group of middle-benchers-back benchers who unified behind trying to get a bipartisan effort at reducing and ultimately eliminating this deficit that we face.

We asked the minority leader if he would sponsor this motion today. He agreed to do so, and I thank him for that. But there are perhaps a third of the Members of the majority who want to see this occur, who want to eliminate deficits, who are holding back their rhetoric trying to bring about a bipartisan compromise.

I think it is significant that what this motion suggests is that the shared responsibility and authority is between the executive and the legislative branches, and if this minority and this majority do not get together and put every issue on the table, including the T-words, the SS-words, and all the rest of it, we are never going to succeed.

So let us adopt this motion, instruct our conferees to go to conference, and get a fix on Gramm-Rudman before we go home, and then go to work on whatever package it takes to head us in the direction that we need to go. And let us make sure that we do it on a bipartisan basis so when we walk out of here, we can do as we did on Social Security, without putting the blame on one another.

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

Mr. Speaker, if I might make a comment or two with respect to the gentleman who was just in the well, I commend him for the efforts that he and that bipartisan group of middle-benchers, front-benchers, or back-benchers, whatever he prefers to call them, have made. I commend the efforts that were made by the more junior Members, to use an apt classification, have made to try to come up with some compromise.

This older Member of this body remembers a time when there was a high degree of bipartisanship on any number of issues around here. I think the delight this Member has had and the more delightful days in his legislative career were when there has been that kind of accommodation, where we can see progress and see something move without, frankly, having it develop into a bitterly confrontational kind of thing on a day-to-day basis.

So having said that, Mr. Speaker, at this juncture let me yield such time as he may consume to my friend, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of the motion to instruct conferees.

This is a rare occasion for me. Almost without exception, I have opposed motions to instruct conferees. I strongly believe in the legislative principle that conferees should be given maximum flexibility. They must be free to develop compromises in conference without the constraint of negotiating instructions from the House. Although a motion to instruct is not binding, it can interfere with the ability of the conferees to effectively explore all possible compromises.

However, I also strongly support the substantive goal of this motion to instruct. I, too, want the conference to report a tough Gramm-Rudman trigger; one that will force the President and the Congress to enact real deficit reduction. In the outlook section of Sunday's Washington Post, I made the case for reinstating the automatic trigger under Gramm-Rudman. On the substantive question of a hard trigger, I am in full agreement with the supporters of this motion.

The need for a hard trigger, one that will force us to reduce the deficit, has overcome my procedural opposition to motions to instruct. In this circumstance, I believe the motion is appropriate and I support it.

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

Mr. Speaker, I thank the gentleman from Illinois [Mr. ROSTENKOWSKI] very much for his support. I think it is significant that the chairman of the Committee on Ways and Means, the tax-writing body of this House of Representatives, would take particular note of what we do on the expenditure side, where, quite frankly, if we are ever going to balance our books around here and we do not do the ultimate on the expenditure side, then we have to think frankly in terms of how much revenue has to be raised. It is not a popular thing around here for members of the committee on Ways and Means to take that heat off the backs of everybody else and try to conjure up the means by which we raise the revenue.

So I think it is fully understandable that the gentleman from Illinois should take that position that if there is an opportunity here to do a better job on the expenditure side, we had best take a look very seriously at that before we think in terms of raising revenue.

Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Speaker, I thank the leader for yielding this time to me, and I rise in support of the minority leader's motion and certainly in support of the position of the chairman of the Committee on Ways and Means.

It seems to me that this can be a bipartisan effort to try to right the fiscal ship of the Congress and the country by readdressing the issue of Gramm-Rudman and correcting the problem of the trigger mechanism.

This is an opportunity for us in the House to speak out as to our belief that the correct way to correct that trigger mechanism is through the automatic trigger.

It is not binding on the conference, and if the conference comes up with a better idea, so be it. But it does seem to me that this gives all of us here in the House an opportunity to come forward and say that we once again are committed to the Gramm-Rudman process and to the belief that by making it a situation which is automatic, it will be a better document.

Therefore, Mr. Speaker, I strongly support the minority leader's motion and the effort of the chairman of the Ways and Means Committee in this area.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I think this is a motion that ought to be able to get the House together. We have all agreed that the conferees are not going to be bound to the letter of this motion, but it does set at least for the moment a possible House policy to reinvigorate the Gramm-Rudman legislation so that it will pose the kind of threat that will force us to do that which we always knew we were supposed to do.

□ 1450

In addition, the Michel motion would provide for an automatic trigger which I think most Members of the House, and most Members of the Congress, would subscribe to.

It puts some flexibility in the defense side and tries to make the Executive and the Congress some sort of partners in the movement to reduce our deficit.

When the President brought his budget up here, the House declared it dead on arrival, said it did not want to hear from him again until it wants him to pass a tax bill.

That is not a real kind of partnership; and I hope that, under the guidance of the Michel amendment, and with some hard work on the part of the conferees, we will be able to repair Gramm-Rudman in a way that will make us all proud. I hope it will be adopted.

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I was unclear about the minority leader's explanation in the motion about the direction concerning the fiscal year 1988 deficit target numbers.

Was it specified in the gentleman's motion?

Mr. MICHEL. We did not address the targets.

Mr. COLEMAN of Texas. The gentleman used the word "flexible."

Is that the only thing that the gentleman is doing in that, so that it is unclear? In other words, there are options, so we would not stay within the original Gramm-Rudman numbers.

Mr. MICHEL. I have been a conferee any number of times. While there are at times specific points conferees would like to make, I want to keep those to a barebones minimum.

Mr. COLEMAN of Texas. I thank the gentleman.

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

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from New York.

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

I would like to think in the course of this debate at least we would have some expression of opposition to what I think is a very, very radical move, and a move which flies directly in the face of what this House has been struggling with, and the Committee on the Budget has been struggling with for the last couple of years.

I think every Member remembers the maneuvers, the evasions, the creative methods of the Committee on the Budget in trying to get around the mandatory, loose mandatory aspects of Gramm-Rudman as they exist right now.

For the Members now to pretend that in fact there is an easy way to solve our problems by going back to a mandatory formula under Gramm-Rudman, I think, is totally illusory, asking for trouble.

It puts this Member as a Democrat certainly in the position of being asked to vote for a proposition which would devastate what remains of the domestic programs of this country.

The gentleman from Pennsylvania [Mr. GRAY], the distinguished chairman of the Committee on the Budget, sent out a listing of what would be needed to meet this year's goals if in fact we had to go down to $108 billion, or if in fact we had to have a $64 billion cut. Either one of those cuts would be absolutely draconian.

I would think that we would stand up and say that this body and the other body ought to be making judgments based on what we think our sense of priorities is, rather than letting a formula make those decisions for the Members.

I can understand why the gentleman on the other side might in fact urge this proposition on the Members. I

cannot understand why any Member on my side of the aisle would be supportive of directing or advising the conference committee to go along with a position which was never supported by the Democrats in this body to begin with, and certainly after our experience with Gramm-Rudman, ought not to be supported now.

Mr. MICHEL. Mr. Speaker, the gentleman is entitled to his own feelings about what we are proposing to do, and it has been demonstrated that there is bipartisan support for doing whatever we can for meaningful deficit reduction.

Deficit reduction does not know bipartisan lines, and that is what we are attempting to do here today.

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

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma.

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

I would like to say to the gentleman that the gentleman's motion has automatic sequestration by OMB.

I would like to address the matter of under this sequestration, it does not address how we come up with the difference. Our records show that basically most of that comes from erroneous economic estimates, technical deficits and also some deficits there from entitlements.

I would like to point out that this should not be on the backs of the Committee on Appropriations when we do a good job. The deficits that come about that require a sequestration come about because of erroneous assumptions, and that should bring about revenue.

Mr. Speaker, I would like to point out, you can fuzz these estimates up. We have known that has been done before, these economic assumptions. That can be done on the revenue side early in the ball game; and when we get to sequestration, it comes off of appropriations for not playing correctly with the estimates of revenue.

That plays in the hands of providing deeper and drastic cuts on appropriations. I think we must address the fact that when there is fuzzy estimates on revenue, that that should be made up in sequestration, not on the backs of appropriations.

As long as that is not addressed, then there is no reason not to make sure that the economic revenue assumptions are correct early in the year, so I would like to say that we are playing a game of deep, drastic cuts, automatic through sequestration by OMB who has not been nonpartisan to say the least in many respects.

Mr. MICHEL. I might say as a former member of the Committee on Appropriations for many years, I think it is rather assumed that the subcommittees and the full Committee on Appropriations would make those determinations on individual appropriations bills hopefully in a timely fashion; and by the end or as the season wears along, those decisions will have already been made. A sequestration would be simply across the board, and not do violence to the priorities that the Committee on Appropriations had heretofore made in its regular consideration of bills.

Mr. WATKINS. Does the minority leader agree, though, if the revenue figures are erroneous early in the game in putting together the budget, when it comes to sequestration, that will have an effect?

Mr. MICHEL. We have had this gamesmanship played by both sides, by all parties on different questions all year long and it gets to be a laughing charade.

Mr. WATKINS. On Appropriations we are not playing tricks. We try to meet those, and the facts show that we have; but we cannot take the burden of shortfalls in revenue and also the economic assumptions.

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

Mr. MICHEL. I yield to the gentleman from Arkansas.

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

Mr. Speaker, it has been mentioned that sequestration is an issue that we are approaching, and that it is something that Congress will insist upon, it looks like.

Has the gentleman estimated the effect of the sequestration under the procedure which the gentleman offers to the House today?

More specifically, it is my understanding that we are about $64 billion short of the target as presented by the gentleman's proposition; is that correct?

Mr. MICHEL. I have no targets in my language, nor have I anticipated any specifically, other than what we will eventually get through the discussions of the conference committee when it goes about doing its thing.

There have been some discussions, though, from the other body that under their procedures, that some could not foresee our ever getting to a sequestration.

Mr. ALEXANDER. Has the gentleman a list of the probable effect of the gentleman's proposal on program classifications?

Mr. MICHEL. I have not done that, either. All of the Members are quite mindful of the procedure when we discussed and debated Gramm-Rudman in the first place.

Mr. ALEXANDER. One further question. If you met the target of, say, $64 billion for sequestration this year, would that balance the budget?

Mr. MICHEL. I cannot conceive that we are going to agree to the kind of figures in that conference that would lead us to that kind of end result.

Mr. ALEXANDER. Mr. Speaker, on July 14, the chairman of the Committee on the Budget, Mr. GRAY, distributed to House Members a table showing estimates, prepared by the committee's staff and based on existing law limiting the fiscal 1988 deficit to $108 billion, of the effect of two levels of spending sequestration—$64 billion and $36 billion.

This table was the subject of an article and table published in the Congressional Quarterly Weekly Report edition of July 18. I believe all Members of the House will be interested in this information and would like to insert the CQ article in the RECORD at this point.

The Congressional Quarterly Weekly Report article follows:

CONSEQUENCES FOR SOME FEDERAL PROGRAMS OF ACROSS-THE-BOARD GRAMM-RUDMAN CUTS

The following table shows by how much spending for selected federal programs would be reduced in fiscal 1988 if uniform cuts were imposed in compliance with the Gramm-Rudman-Hollings anti-deficit law.

The figures, released July 14 by the House Budget Committee, are based on July Congressional Budget Office (CBO) estimates of spending, revenues and economic conditions. That baseline reflects current law, with some adjustments for inflation and expected changes in program participation rates. According to committee aides, further adjustments allow for different assumptions of the Office of Management and Budget, which participates with CBO in determining Gramm-Rudman cuts.

Two versions of the estimated program cuts are shown below: One is based on a $64 billion reduction in the baseline deficit to meet the $108 billion fiscal 1988 Gramm-Rudman deficit target; the other is based on a $36 billion deficit reduction, reflecting a proposed change in the deficit target now under consideration in Congress.

Since Gramm-Rudman requires that savings be split equally between defense and non-military spending, the percentage cuts for each would be somewhat different. To reduce the deficit by $64 billion would require a 14.8 percent cut in defense spending and a 21.2 percent cut in non-defense spending. To reduce the deficit by $36 billion, the cuts would be 5.8 percent for defense and 7.5 percent for non-defense.

The selective table below does not include those programs exempt from Gramm-Rudman cuts, such as Social Security, Medicaid and Aid to Families with Dependent Children. Nor does it include those programs that may be cut by limited amounts under special Gramm-Rudman rules, such as Medicare and Guaranteed Student Loans.

The amounts shown below are in budget authority—amounts authorized to be spent—and are computed to yield necessary reductions in outlays—amounts actually spent in a given year, which are used in deficit calculations.

[In millions of dollars]

	Fiscal 1988 spending baseline	$64 billion deficit reduction	$36 billion deficit reduction
Defense:			
Military personnel	75,009	−12,164	−5,525
Operations and maintenance	82,809	−14,768	−7,481
Procurement	88,803	−22,226	−10,950
Research and development	37,371	−7,258	−3,719
International Affairs:			
Agency for International Development—humanitarian and development assistance	1,452	−362	−147
Food for Peace	993	−259	−110
Aid to Israel and Egypt	5,115	−1,113	−413
Military grant assistance	944	−220	−97
General Science, Space and Technology:			
National Science Foundation—research	1,477	−369	−176
Department of Energy—general science	735	−177	−80
Energy:			
Energy supply research and development	2,140	−1,079	−894
Fossil energy research and development	312	−79	−38
Energy conservation	382	−198	−166
Strategic petroleum reserve	561	−440	−419
Natural Resources and Environment:			
Watershed and flood prevention	187	−51	−25
Bureau of Reclamation—construction	634	−153	−68
Corps of Engineers—construction	1,182	−297	−143
Soil Conservation Service—conservation operations	400	−101	−49
National Forest Service—operations	1,224	−302	−142
National Park Service—operations	748	−192	−95
Fish and Wildlife Service—resource management	343	−89	−44
Environmental Protection Agency—Superfund	1,488	−376	−183
Environmental Protection Agency—research and development	155	−34	−13
Environmental Protection Agency—abatement, control and compliance	611	−138	−49
Agriculture:			
Agricultural Research Service	540	−129	−58
Cooperative State Research Service	321	−78	−35
Extension Service	350	−83	−36
Animal and Plant Health Inspection Service	323	−70	−26
Commerce and Housing Credit:			
Rural Housing Loans	3,696	−315	−159
Section 202 housing loans for the elderly or handicapped	608	−155	−73
Nonprofit mail subsidy	674	−162	−73
Periodic censuses	374	−236	−212
Small Business Administration—business loans	363	−57	−23
Transportation:			
Federal highway aid (obligation limit)	13,475	−3,743	−2,050
Mass transit discretionary grants (obligation limit)	1,037	−173	−22
Mass transit interstate transfer grants	207	−49	−22
Mass transit formula grants	2,074	−498	−224
Amtrak	624	−155	−74
Federal Aviation Administration—operations	2,351	−538	−223
Federal Aviation Administration—facilities and equipment	838	−204	−94
Federal Aviation Administration—research and engineering	149	−37	−18
Federal Aviation Administration—airport grants (obligation limit)	1,037	−249	−112
Coast Guard—operations	1,910	−509	−265
National Aeronautics and Space Administration—aeronautics research and development	417	−103	−48
Community and Regional Development:			
Community development block grants	3,115	−783	−351
Urban development action grants	234	−57	−26
Subsidized housing	310	−74	−33
Economic Development Administration	200	−90	−38
Rural water and waste-disposal grants	114	−28	−13

[In millions of dollars]

	Fiscal 1988 spending baseline	$64 billion deficit reduction	$36 billion deficit reduction
Appalachian Regional Commission	109	−26	−12
Tennessee Valley Authority	106	−27	−14
Disaster relief	262	−167	−151
Education, Training, Employment and Social Services:			
Impact aid	755	−189	−91
Handicapped education	1,824	−451	−213
Vocational and adult education	1,038	−254	−118
Compensatory education	4,153	−1,039	−497
Student financial assistance	5,456	−1,087	−327
Special elementary and secondary programs	983	−242	−114
Other higher education programs	502	−122	−56
Training and employment services	3,874	−954	−446
Community services employment for older Americans	340	−75	−29
Unemployment services	969	−147	−10
Work incentive program	144	−45	−27
Community services block grant	387	−72	−17
Social services block grant	2,700	−572	−203
Human development services	2,209	−553	−266
Health:			
Alcohol, drug abuse and mental health	732	−139	−36
Biomedical research	6,965	−1,745	−838
Health education and training	554	−139	−67
Consumer and occupational health and safety	1,323	−348	−167
Centers for Disease Control	577	−115	−35
Medicare: Salaries and expenses	1,829	−475	−240
Income Security:			
Employment Standards Administration—special benefits	253	−48	−17
Unemployment trust fund—salaries and expenses	1,957	−395	−140
Payments for operation of low-income housing	1,583	−519	−334
Subsidized housing programs	7,814	−2,261	−1,220
Cash and commodities for special groups	194	−49	−23
Low-income home energy assistance	1,899	−366	−137
Social Security: Salaries and expenses	2,472	−719	−415
Veterans' Benefits and Services:			
Veterans' Administration construction	397	−93	−40
Medical and prosthetic research	204	−36	−7
General operating expenses	820	−212	−107
Administration of Justice:			
Federal Bureau of Investigation	1,365	−346	−166
Drug Enforcement Administration	511	−124	−57
Immigration and Naturalization Service	836	−248	−146
Customs Service—salaries and expenses	896	−234	−119
Customs Service—Air Interdiction Program	177	−45	−23
Secret Service	350	−87	−41
Courts of appeals, district courts, and other judicial services	961	−224	−97
U.S. attorneys	378	−97	−48
Legal Services Corporation	320	−79	−37
Federal Prison System	907	−224	−105
Criminal justice assistance	434	−106	−49
Bureau of Alcohol, Tobacco and Firearms	210	−54	−27
General Government:			
Legislative functions	1,608	−400	−193
Internal Revenue Service	4,605	−1,102	−493

Source: Congressional Quarterly Weekly Report.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Iowa [Mr. SMITH].

□ 1500

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, it has been mentioned here about expenditures, and I want to point this out, that we have figures here that show in the last 6 years the average discretionary expenditures in excess of the estimates used in the deficit reduction program was $2 billion a year. The average shortfall in revenues was $27.4 billion a year. The average entitlements exceeded by $6.2 billion a year.

You cannot solve this problem by cutting $2 billion worth of discretionary expenditures.

Now, this resolution does not say anything at all about revenues. I am not advocating a tax increase, but I point out that if there was a threat of having a 3- or a 5-percent surtax if we did not do our job, that might help, but there is no threat in this whatever.

What you are doing is saying, take all this out of discretionary spending, which cannot possibly be done.

What you are saying to the committees handling entitlements is, "Go ahead, pass entitlement laws. Increase entitlements. We are not going to hurt you, anyway. Later on in the year we will take it all out of discretionary spending." It cannot possibly be done.

Now, with regard to the $2 billion in discretionary spending, three bills this year have accounted for the $2 billion. One is the homeless bill that almost everybody in the House voted for——

Mr. MICHEL. Not this Member.

Mr. SMITH of Iowa. Well, almost everybody. Another one was the drug bill, which almost everybody voted for, and we could not get a high enough figure for AIDS research.

The three together more than exceeded the $2 billion by which discretionary spending exceeds the budget deficits allocated to discretionary spending, which is 30 percent of the budget.

My point is that we cannot just keep hammering on discretionary spending and solve this problem. You have to have some kind of a threat against a surtax being levied, or else against entitlements being cut also, or we are never going to solve this problem.

Mr. MICHEL. Well, the point the gentleman made in his later comments are so true and I would be the first to admit and maybe even propose that in the new administration, whatever it be, of whatever stripe, that we make an effort again in a bipartisan way to do something significant about entitlements, as we did with respect to a Social Security adjustment. I do not think it can be done in this next politically charged year because it is too hot an item, but I think if we are really going to do something over the long haul, there is really no other answer for that but to get seriously into that in a bipartisan fashion, and it cannot be done, frankly, in my opinion.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. It could be done in this conference, however, by including in the trigger some mechanism that says that if we do not reach certain goals, there will be a surtax, and if we do not reach certain goals, there will be reductions in entitlements. That could be done in this conference in the next few days.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished chairman of the Budget Committee.

Mr. GRAY of Pennsylvania. Mr. Speaker, I want to thank the gentleman for yielding.

First of all, I want to say to the gentleman, the distinguished minority leader, how happy I am to hear his words of concern and participation in a process of moving us toward greater deficit reduction.

I simply would like to ask the distinguished minority leader two questions, definitional, about his motion to instruct the conferees. I am always concerned and leery about instructing conferees, but I want to ask these two questions.

Could the gentleman explain to me, and perhaps I missed it, the difference between automatic as opposed to discretionary? Is the gentleman referring to anything specific there where he uses the word automatic, as opposed to discretionary?

Then second, I would like to ask the gentleman, what is the meaning of flexibility in military personnel accounts?

Mr. MICHEL. Well, with respect to the first, I think it is—all I have ever heard with respect to some alternative to normal sequestration was the Foley fix. Now, I must confess after asking several times for specific language on what is the Foley fix, I have yet to find out for sure what it is, but obviously it is something different from an automatic sequestration that we have come to recognize as being a part of Gramm-Rudman when we were originally debating it.

As for the flexibility, well, that is the whole point in using the word, to be flexible in conference and to adjust that as the conferees see fit.

Mr. GRAY of Pennsylvania. Well, I would just simply say to the gentleman, his definition of discretionary applying to the position of the distinguished majority leader of the House concerns me. I think that there has been some debate as to whether there should be an OMB executed trigger or whether there should be one executed by the President where he can have the option of signing or not signing.

I think many of us are concerned that under the OMB approach there is no way to insure that OMB cannot move money around in accounts and thus would be coopting legislative prerogatives; however, I believe that the conferees will be committed to restoring the trigger and coming up with the strongest possible trigger. As one who did not support Gramm-Rudman, I do believe that we ought to have a trigger, simply because right now the only persons who are held responsible for this budget process are those on Capitol Hill.

I think by restoring the trigger we therefore bring into the loop the executive branch; however, I would be strongly opposed to labeling the suggestion by the distinguished majority leader as discretionary. I think we have clearly several options in putting together a trigger.

I would agree with the gentleman that none of us want to cut personnel accounts with regard to the military. Certainly under Gramm-Rudman-Hollings, those cuts can be avoided on military personnel accounts, but I do believe that they ought to be evenly done across nonpersonnel accounts.

The way that has been proposed by the other body essentially gives the executive branch the right to draw up an armed services bill, a Defense bill, and totally rewrite the priorities. I do not think any of us would want that.

So I would just have to say to the gentleman, I am happy to hear he is prepared to work hard on deficit reduction. That is good news, I think for all of us, but I would have to say that I do not want to instruct the conferees to accept one trigger as opposed to another. I think we need the strongest possible one that can be worked out in conference. Therefore, I would have to say to the gentleman, based on that definition, I will not be able to support the motion to instruct. I think it would be inappropriate, but I do think we will be able to come up with a strong trigger.

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

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, the House has just adopted a bill that sends this issue to conference. This was a recommendation of the chairman of the Ways and Means Committee. It was a good motion. It saves us a lot of time and allows us to get to work immediately on this very troublesome problem.

It is very strange, though, that we would want to instruct our conferees before we ever go. Perhaps if we had been to conference and had not been able to reach agreement, we might want to come back and ask for instruction from one body or the other, but here we are instructing ahead of time.

Now, the gentleman from Illinois says we ought to do this on a bipartisan basis. I do not know where the bipartisanship enters into it. It seems to me that it would be more bipartisan if we went there as a free agent and be able to say which trigger we want to work.

The gentleman also says that we ought to stop this tumbling and drifting and drifting. I say to the gentleman, there is no tumbling and drifting. We have just now this issue within the last 30 minutes. To say we have to go on with instructions before we even go to conference is just to beg the issue. The wish is the father of the son, or vice versa. Now, I do not know that I could accept that kind of reasoning.

Now, if we go to conference, as we are, and if the group says we should have a hard trigger, I would accept that and would work for it if that seemed to be the course that we should take. It does not bother me.

There is more than meets the eye, though, about which is best, the discretionary trigger, that would give us a choice, or the hard trigger.

I am not certain which one it is. Neither one bothers me particularly, but it does bother me that we would ask to be instructed even before we go to conference. Now, that is contrary to what the gentleman from Illinois and the other gentleman from Illinois normally ever advocated, or any of us. For them to do that seems to me that we are trying to get the cart ahead of the horse.

I would support that kind of position if it were to come to that point. At this stage, though, prior to ever going to conference, it seems to me that we are trying to get ahead of ourselves for some reason which I do not quite fathom.

I, therefore, think that our conferees would be better served if they could go as free agents to determine which direction we should go and then as a House body support that position for all we are worth in conference then.

Mr. MICHEL. Well, Mr. Speaker, it is not unique to have a motion to instruct around here. Frankly, it does indicate there is some bipartisan support. Frankly, the text of the instruction is very minimal that will give us the strongest deficit reduction and sequester order.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Speaker announced that the Chair was in doubt.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 156, not voting 10, as follows:

[Roll No. 298]

AYES—267

Annunzio
Anthony
Archer
Armey
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Carper
Chandler
Chapman
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeFazio
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Feighan
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gephardt
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Matsui
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Olin
Oxley
Packard
Pashayan
Patterson
Pease
Penny
Petri
Pickett
Porter
Price (NC)
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Weber
Weldon
Whittaker
Wilson
Wise
Wortley
Wyden
Wylie
Young (AK)
Young (FL)

NOES—156

Ackerman
Akaka
Alexander
Anderson
Andrews
Applegate
Aspin
Atkins
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Cardin
Carr
Chappell
Clay
Coleman (TX)
Collins
Conte
Conyers
Crockett
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Espy
Evans
Fascell
Fazio
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gonzalez
Gray (IL)
Gray (PA)
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Howard
Hoyer
Hughes
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kildee
Kolter
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McHugh
Mfume
Mineta
Moakley
Mollohan
Moody
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Oberstar
Obey
Ortiz
Owens (NY)
Panetta
Parris
Pelosi
Perkins
Pickle
Price (IL)
Rahall
Rangel
Rodino
Roe
Roybal
Sabo
Savage
Sawyer
Scheuer
Schumer
Sikorski
Skaggs
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stokes
Stratton
Studds
Swift
Synar
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Watkins
Waxman
Weiss
Wheat
Williams
Wolf
Wolpe
Yates
Yatron

NOT VOTING—10

Boner (TN)
Daniel
Kemp
Livingston
Lloyd
Owens (UT)
Pepper
Roemer
Tallon
Whitten

□ 1530

Messrs. FLAKE, SIKORSKI, and ANDERSON changed their votes from "yea" to "nay."

Messrs. ECKART, VOLKMER, VALENTINE, WYDEN, and WILSON changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees:

From the Committee on Ways and Means: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, JACOBS, JENKINS, RUSSO, MATSUI, DUNCAN, ARCHER, CRANE, SCHULZE, and THOMAS of California.

From the Committee on Appropriations: Messrs. WHITTEN, SMITH of Iowa, MURTHA, TRAXLER, EDWARDS of Oklahoma, and LEWIS of California.

From the Committee on Rules: Messrs. PEPPER, MOAKLEY, DERRICK, BEILENSON, FROST, LATTA, and LOTT.

From the Committee on Government Operations: Messrs. BROOKS, CONYERS, WAXMAN, SYNAR, HORTON, and WALKER.

From the Committee on the Budget: Messrs. GRAY of Pennsylvania, LEATH of Texas, WILLIAMS, WOLPE, GRADISON, and MACK.

As additional conferees: Messrs. FOLEY, FORD of Michigan, OBEY and ASPIN, Ms. OAKAR, Messrs. PANETTA, FAZIO, MACKAY, FRENZEL, REGULA, and GREGG, Mrs. MARTIN of Illinois, and Mrs. JOHNSON of Connecticut.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the provisions just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I have been notified by Senator BENTSEN that the conference on the debt limit bill will convene today at 4 p.m. in room 1100 of the Longworth Building. Conferees just named should make a note of the fact that the conference will begin promptly at 4 p.m. in room 1100 Longworth Building, the Committee on Ways and Means committee room.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2686, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-268) on the resolution (H. Res. 241) providing for the consideration of the bill (H.R. 2686) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1315, NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 237 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 237

Resolved, That is any time after the adoption of this resoluton the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of

the Whole House on the State of the Union for the consideration of the bill (H.R. 1315) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed two hours, with sixty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with sixty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3037 as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DONNELLY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 237 is an open rule providing for the consideration of the bill H.R. 1315, the Nuclear Regulatory Commission authorization for fiscal year 1988 and 1989.

The rule provides 2 hours of general debate, with 1 hour equally divided between the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and 1 hour equally divided between the chairman and ranking minority member of the Committee on Energy and Commerce.

The rule also makes in order the text of H.R. 3037, as original text for the purpose of amendment, which will be considered by section, with each section considered as having been read.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1315 is the authorization bill for the Nuclear Regulatory Commission. The bill authorizes $427 million for fiscal year 1988, and $422 million for fiscal year 1989, for salaries and expenses of the Commission.

Mr. Speaker, some of the programs that the bill would authorize that are administered by the Commission, are the Office of Nuclear Reactor Regulation, the Office of Inspection and Enforcement, and the Office of Nuclear Material Safety, and Safeguards.

In addition, Mr. Speaker, the bill also requires the Nuclear Regulatory Commission to collect user fees on an annual basis from all licensees, and ensures that the licensees that use more of the Commission's resources will then pay a greater fee. At present, Mr. Speaker, all licensees pay the same user fee, about $950,000 regardless of the size of the reactor or the amount of service that is required.

Mr. Speaker, as I stated earlier in my statement, this is an open rule, any Member that wishes to offer any germane amendment can do so under this rule. I urge my colleagues to adopt this rule so we may proceed to this legislation.

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

Mr. Speaker, I support this rule. It has no Budget Act waivers, no waivers of points of order under the House rules and no restrictions on amendments. This is the kind of rule we can support. Unfortunately it is becoming an endangered species.

I also support the bill made in order by this rule, Mr. Speaker. It provides a reasonable funding level for a necessary Federal agency.

However, Mr. Speaker, there is a cloud in this otherwise sunny picture. The cloud is an amendment to be offered by the gentleman from Massachusetts [Mr. MARKEY]. The Markey amendment would prohibit the Nuclear Regulatory Commission from applying to the Shoreham and Seabrook nuclear powerplants any emergency planning rule other than the one in effect on June 1, 1987.

The Nuclear Regulatory Commission's proposed rules change, if made final, would merely implement statutory language that Congress has adopted time and time again, starting in 1980. That statutory language expressly recognizes that State and local governments should not be permitted to veto operation of a safe nuclear powerplant simply through inaction.

Mr. Speaker, there are presently 109 licensed nuclear powerplants in this country, comprising approximately 17 percent of the Nation's electrical supply. While the Markey amendment directly targets just two nuclear powerplants, it will set a dangerous precedent for many nuclear powerplants in other parts of the Nation.

But, Mr. Speaker, not only would the Markey amendment threaten serious regional and national consequences for the reliable supply of electricity, his amendment would increase dependence on imported oil, at a time when such dependence is increasingly dangerous. In order to prevent disruptions of foreign oil markets, American men are put at risk in the Persian Gulf.

Finally, Mr. Speaker, some have said that we should simply import more electricity from Canada. First, this is simply not feasible in many parts of the United States, but even if it were feasible why should Americans finance the growth of the Canadian energy industry instead of their own? Of even more concern, why should the United States aggravate its balance of payments deficit by making such purchases.

Mr. Speaker, for all other reasons the Markey amendment should be defeated if it is offered.

In closing, Mr. Speaker, I will support this open rule so that the House may proceed to consider the Nuclear Regulatory Commission authorization.

□ 1545

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

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

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

I want to speak directly to the Markey amendment which will be coming up sometime tomorrow. It is my understanding that we are only going to have debate today.

Mr. Speaker, the reason I rise on the Markey amendment is because it happens to be in my district. My district in Massachusetts is right on the borderline of New Hampshire, and I think the most poignant point I can make—and I hope we can have an understanding of the proper perception as to what this amendment means—is that it is not a pronuclear or an antinuclear amendment. It does not affect any other part of the country except Shoreham and Seabrook in New Hampshire. So I think we ought to lay out all the cards about whether we are going to now set a national policy.

In my honest judgment, this will not set a national policy. When I was mayor of my community, Mr. Speaker, back in 1974, they asked me my opinion about the Seabrook powerplant, about 30 miles north on that beautiful coastline, and I said to them, "In my opinion, if I may say so, it is the worst geographic area anyone could select as a site for a nuclear powerplant."

We are talking about an area, Mr. Speaker, that has beautiful beaches and where people enjoy a great quality of life, an area influxed by about a half a million new people during the summer months, an area with only one major highway running through

Maine, New Hampshire, and Massachusetts, that being new Route 95.

For many of those reasons, when the debate takes place, particularly on the Markey amendment, I will try to state my case as best I can. And, by the way, it will be a parochial case. It will be my case. It will be my people I am going to be talking about, right on the borderline of Massachusetts and New Hampshire.

Mr. Speaker, I appreciate having had the opportunity to say a few words in support of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Speaker, I rise in strong support of the rule, and I also would like to address the question of the Markey amendment for my colleagues.

Many of us no doubt feel—I know I do—that nuclear power has an important role in our Nation's energy mix. Clearly, anybody concerned about acid rain and the global warming trends in this country realizes that there are limitations to fossil fuels, and that nuclear power provides us an option that we need.

But this does not deal with the question of Shoreham and Seabrook. Already many labor unions and the Chamber of Commerce have talked to our colleagues and said, "Please, please, don't vote for the Markey amendment. It will set a terrible precedent for nuclear power."

This is nonsense. I say to my colleagues this is nonsense. There are 107 operating nuclear power plants right now. None of them will be affected. There are 29 plants that have been abandoned for a variety of reasons, including the Zimmer plant in Ohio, which was 97 percent complete and now has been converted to coal.

We are not talking about precedent-setting. We are talking about safety, and we are talking about changing the rules of the game in the middle of the game.

At the end of Three Mile Island, crisis, a review was done, and the Nuclear Regulatory Commission felt it was essential that before future plants were licensed there be an emergency offsite plan to get people away from plants in the event of an accident. Nothing has changed since Three Mile Island to alter anyone's thinking about the need for offsite planning, with the exception of Shoreham and Seabrook. Here the Nuclear Regulatory Commission finds something unusual. They find much to their surprise, complete consonance among Democrats and Republicans on Long Island and in New Hampshire and Massachusetts that these two plants were cited inappropriately cannot be evacuated and should not go on line. Let me repeat that: the question deals with two plants where there is in the communities absolute bipartisan support, in the case of Suffolk County and in the case of New Hampshire, support that these plants should not go on line.

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

Mr. DOWNEY of New York. I yield to the gentleman from New York.

Mr. MRAZEK. Mr. Speaker, for the record, is it not true that if the Markey amendment passes, many Federal tax dollars from taxpayers in other parts of the country would have to be utilized to bail out these two plants?

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for asking that question.

Not one red cent of Federal dollars is at risk here, not one penny.

Mr. MRAZEK. Mr. Speaker, is it not also true that every elected official of Suffolk County, where the Shoreham nuclear powerplant is located, whether Republican or Democrat, is opposed to the licensing of the plants under present conditions?

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. DOWNEY] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Speaker, the gentleman from New York [Mr. MRAZEK] asks an interesting question. In our county of Suffolk, which voted 66 percent for Ronald Reagan—it is putatively a Republican county—there is not an elected official that is in favor of the opening of the Shoreham nuclear powerplant. The reason they feel that way is because, as Don Regan said once, as we remember, then the chief of staff of the Reagan administration was asked on a television show about the evacuation of Long Island, he laughed and said, "You can't evacuate Long Island because of the traffic. You would have to build a bridge to get the people off of Long Island."

That is the issue. As early as 1974, the people who were opposed to the siting of the Shoreham nuclear powerplant said, "You cannot evacuate this plant in the event of emergency," and they were told over and over again, "You know that this issue of evacuation is premature. Raise the issue at the time that the plan is about to go on line." They raised it at the time that it was about to go on line, and the Nuclear Regulatory Commission said, "No, we were once concerned about evacuation; we are no longer concerned about evacuation. We are more concerned about the possible precedent that this would have on other nuclear powerplants.

Let me say to my colleagues that if you live on Long Island, you know that if there is an emergency because of this powerplant, no one is going to get off the island and away from this plant.

The other thing that should concern us just tangentially, I would submit to the Members, is the issue that the Nuclear Regulatory Commission, without reasoning, is abandoning all of the arguments that it made so eloquently after Three Mile Island about safety. They are changing the rules in the middle of the game, and all we are saying, whether you are for nuclear power or against nuclear power, is that we should recognize the distinction in Shoreham and in Seabrook. These plants were incorrectly sited. They cannot be evacuated, and the Nuclear Regulatory Commission must not be allowed to usurp its own responsibility to the people by forcing them to be opened through this process.

Mr. Speaker, I beg my colleagues to please understand this issue.

The SPEAKER pro tempore. (Mr. DONNELLY). The time of the gentleman from New York [Mr. DOWNEY] has expired.

Mr. LENT. Mr. Speaker, may I be granted 2 minutes?

The SPEAKER pro tempore. The time is controlled by the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I know that the gentleman from Missouri [Mr. TAYLOR] said that he had no further requests for time. I think that he does at the present time, however, have further requests for time.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri [Mr. TAYLOR] may reclaim his time.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, first of all, let me apologize to my colleagues. I did not intend to get into the debate on the Markey amendment until we actually got into the bill, rather than here on the rule, but since the gentleman from Suffolk County, the gentleman from New York [Mr. DOWNEY] took the opportunity to make a representation about this amendment, I do not wish to leave it go unchallenged.

At first glance, as we read the language of the Markey amendment, which is kind of convoluted, one-eyed, crippled-man amendment, as we used to refer to this sort of amendment in the State legislature, it would appear to only cover two plants, the Seabrook plant and the Shoreham plant. But once Congress embarks on this very heady process of micromanaging the licensing and relicensing of nuclear

plants, I do not think there is going to be a single one of the 107 now operating nuclear plants or the some 17 to 18 nuclear plants under construction that is going to escape a Markey-like amendment. I say to my colleagues that, as a matter of law, every single nuclear plant in this country comes up for relicensing every 2 years, and at the time of the relicensing the question of the evacuation plan is again tested. So that means next year or the year after or the year after that, every single one of the 107 nuclear powerplants in this country which generate 20 percent of the electricity needed in this country is going to come up for renewal.

I shudder to think what that means. If we think passage of this amendment is just something we can do for TOM DOWNEY or GEORGE HOCHBRUECKNER we are sadly mistaken. Believe me, we are establishing a very, very bad precedent, one that is going to affect this Nation at a time when we are reflagging Kuwaiti tankers, at a time when we are trying to do everything we can to develop new sources of energy in this country. To start the process of turning down and closing down 20 percent of the electric generating power in this country is the wrong way to go.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Speaker, I think it is important for my colleagues to understand what is at stake for Long Island. Overwhelmingly the people in Suffolk County who live in proximity to this plant do not believe they can be safely evacuated.

The local utility has developed an emergency evacuation plan. When one gets a chance to review it, I think they will find it a rather interesting evacuation plan. It calls for people, in the event of an accident, to get on a thoroughfare called the Long Island Expressway. When the Friday night softball games get out, one cannot get on the Long Island Expressway, much less in the case of a nuclear accident.

It then calls for people on the Long Island Expressway who have been contaminated in the accident to drive to the Nassau Coliseum. And let us hope that the Islanders are not playing there at the time they are called to the Coliseum. But under the plan, volunteers are supposed to show up at the Nassau Coliseum with Handy-Wipes to wipe down contaminated vehicles, and then the victims are supposed to take their clothes off, when they are going to be given paper suits and a shower inside the Nassau Coliseum.

This is the emergency evacuation plan for an island that cannot be evacuated.

We have had serious construction flaws in that plant. We have building inspectors who think that the plant was constructed by the Three Stooges, and have said so. That is the reason why 85 percent of the people in Suffolk County say, "Do not allow the plant to go on line."

We have been fighting this issue. This is a State rights issue, and we have been fighting this plant through all the legal means at our disposal, led by the Governor of New York and both Republicans and Democrats, local and municipally elected officicals, who understand the sensitivity and the concern of the people on this issue.

At this particular juncture we have the NRC stepping in and saying, "Let's change the rules of the game. Let's not allow State and local officials to really have their day in court." That is what really is at stake here. It is an issue affecting those of us on Long Island who have deep serious concerns about the plant.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I did not intend to speak today on this amendment. However, since the other side has chosen to open the debate at this time, I think it is important that we determine what the issues actually are.

□ 1600

This is an amendment to politicize the licensing of nuclear facilities, and gives to local government the ability to stop the licensing of a facility that has already been built.

The debate pits two States against a Federal agency, and thus is being cast as a classic confrontation between State and Federal rights; but the real issue is not rights. It is what to do when a clash of rights threatens the national interests, when compelling national interests must prevail.

At issue are emergency plans for the $5 billion Shoreham plant on Long Island and the $4.8 billion Seabrook plant in New Hampshire. Both have been completed and are ready for operation, pending the approval of operating licenses by the Nuclear Regulatory Commission.

Both plants were built with the backing of State and local government officials. The officials in New Hampshire now approve the plant in their area. The Shoreham plant is being blocked by Suffolk County and New York State officials.

The issue really is not local. The emergency planning controversy bears directly on America's ability to maintain an energy supply that is not vulnerable to international insecurity and instability.

At a time when so many of our energy sources are being curtailed, and our ability to conserve seems to be slipping, we are thinking now about cutting back on a source that provides 15 percent of the electric power of our Nation.

America is turning again to imported oil. States have a right to participate in decisions that vitally affect them, but they should not have final say.

The people of America are involved, and no local area should be able to make a determination that is this major to the American people just by refusing to take any action at all.

There are a number of people that have looked at these amendments, a number of large organizations which have looked at them. They are very concerned.

Many of the Members have seen the ad in the local newspaper last week by the AFL-CIO Building and Construction Trades Council, by the International Brotherhood of Electrical Workers, the Chamber of Commerce of the United States, the U.S. Council for Energy Awareness, the National Association of Manufacturers, the American Nuclear Energy Council. Many of these groups would not agree on any other issue, but something that means jobs to the American people, means independence for us from oil dependency, means a lot to every single person in this country. A few public officials in one small area, by refusing to act by sitting on their backsides, should not be able to defeat the American people.

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

Mr. MOORHEAD. I yield to the gentleman from New York.

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

I want to commend the gentleman for the gentleman's statement and point out that the AFL-CIO Building and Construction Trades Department statement that the gentleman has read from is entitled "How To Worsen America's Foreign Oil Dependence."

Let me read the first paragraph or two from this statement from America's great union.

> U.S. Navy warships and aircraft are protecting oil tankers in the Persian Gulf, while two new nuclear power plants are kept from operating in New Hampshire and Long Island. These plants are ready to replace 18 million barrels of foreign oil every year. They are ready to generate much-needed electricity for regions of the country already faced with the prospect of serious power shortages.
>
> Can America afford to abandon nuclear plants that are ready and able to help cut our increasing demand for imported oil? Unfortunately, a move in the U.S. House of Representatives now threatens the operation of those plants and other nuclear plants as well.

The SPEAKER pro tempore (Mr. DONNELLY). The time of the gentleman from California [Mr. MOORHEAD] has expired.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LENT].

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

It is not just Shoreham. It is not just Seabrook that is at stake, but the other nuclear plants in the country as well.

My authority for that is our own Governor, Mario Cuomo, who says in a letter dated June 14, 1987, addressed to the various Governors of this country, in support of the Markey amendment, "Although such an amendment may be limited in application to Seabrook and Shoreham, it would have a much broader impact," for the Nation as a whole.

This is what we are talking about. If the gentleman thinks this amendment is only going to affect two plants, the gentleman is sadly mistaken.

One last item I wanted to quote from, and I have a telegram sent to me by the elected official who is charged with the education and safety of the young people who live in and about the Shoreham nuclear plant.

His name is Albert Prodell, president, Board of Education of the Shoreham-Wading River Central School District, and here is what he said about how he feels about this plan:

> The Shoreham Wading River Central School District has worked with Suffolk County consultants and with Lilco to develope an emergency plan for the school district, and the district participated in the drill held Feb. 1986. The school district is ready and willing to coordinate and participate with any governmental body or other agency given overall responsibility for emergency planning in the event Shoreham is licensed to operate.

Here is a school board president who frankly has more good sense and courage than some of the Members here in this House of Representatives to say what he stands for.

Long Island local governments cannot seem to manage the disposal of our own garbage, no less assess the safety of a nuclear plant.

The SPEAKER pro tempore (Mr. DONNELLY). The Chair will state that visitors in the gallery are prohibited under the rules of the House from any overt demonstration.

Mr. LENT. Mr. Speaker, we are in a situation here where our own U.S. Navy servicemen are at risk trying to escort oil tankers through the Straits of Hormuz to keep open the oil pipeline to this country. By adopting the Markey amendment, we are playing into the hands of the Ayatollah who, I am sure, is glued to C-SPAN right now, wherever he may be, rooting for the passage of the Markey amendment. That is how bad it is.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the gentleman from New York [Mr. LENT] has conjured up out of his vivid imagination the drying up of U.S. Navy ships in the Persian Gulf because of lack of oil if the Markey amendment passes. Really?

Does the gentleman know that less than 3 percent of the Nation's electricity comes from oil-fired plants and less than a fraction of that is imported oil?

Of course, it is in the gentleman's interest to conjure up every sort of ghost about the Markey amendment. For instance that the Markey amendment must apply to all 107 of the plants, the gentleman says, so each of the Members may have to worry about the crying and grasping.

The NRC is attempting to force an evacuation on two plants, Shoreham and Seabrook. The Markey amendment drafted by the gentleman from Massachusetts carefully applies only to those two plants, so if the gentleman wants to conjure up 107 catastrophies the gentleman can. The gentleman is wrong.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

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

I would like to point out that the gentleman from New York talks about foreign-oil dependence. The foreign-oil dependence of the New England States is 40 percent. For Long Island it's 80 percent.

New York City, Long Island, and the New England States need Shoreham and Seabrook more than the rest of the country. They need it more than ever, and I would like to quote from somebody who stands in opposition to the Ayatollah, the venerable former Speaker of this House, the Honorable Thomas P. (Tip) O'Neill.

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

Mr. RITTER. I yield to the gentleman from New York.

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

The gentleman has very correctly straightened out the gentleman from New York [Mr. DOWNEY], who does not sit on the Committee on Energy and Commerce as the gentleman from Pennsylvania and I do; and therefore, the gentleman can perhaps be forgiven.

Nassau and Suffolk Counties——

The SPEAKER pro tempore (Mr. DONNELLY). The gentleman will suspend.

The Chair will state that the rules of the House prohibit any overt demonstration by members of the gallery.

The gallery will be cleared if the people in the gallery do not obey the rules of the House.

Mr. LENT. Mr. Speaker, if the gentleman would continue to yield, Long Island is between 80 and 100 percent, not 3 percent, as the gentleman maintained, but between 80 and 100 percent dependent on imported oil for our electricity, not 3 percent.

That is why we are against the Markey amendment. We are 80 to 100 percent dependent.

Mr. RITTER. Mr. Speaker, reclaiming my time, I would like to point out someone else who is in disagreement with the Ayatollah, and in agreement with the gentleman from Long Island, when he says, "I am not in agreement with some of the leading public officeholders as our Attorney General and our Governor. I have always been a strong advocate of nuclear power under strict supervision, strict guidance, and strict oversight."

I think we would make a mistake and divide this power and say Massachusetts, New Hampshire, this is a local matter for you, because the power that will be generated in Seabrook is going to be spread all over the Northeast.

We do not have enough power to rely on, and we are going to have to rely on Canadian power during peak hours.

□ 1610

We have to protect this country for the future.

Mr. Speaker, that is well said by the distinguished former Speaker of the House, Tip O'Neill. Obviously, former Speaker O'Neill is seeking some of the same energy security for the United States of America, including New England and Long Island, that we are.

Mr. MARKEY. Mr. Speaker, will my friend, the gentleman from Pennsylvania, yield?

Mr. RITTER. I yield to the gentleman from Massachusetts.

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

I took the liberty of contacting the Speaker so that I could get a clarification on that statement. I have a statement here from Tip O'Neill from yesterday, if the gentleman would allow me to read it.

Mr. RITTER. I take it the gentleman would like me to yield to read it. The gentleman should perhaps do it on his own time.

Mr. MARKEY. It is a one-paragraph response. It is in the context of the gentleman's statement.

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

Mr. MOAKLEY. Mr. Speaker, I yield 9 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker. I would just like to put in the RECORD a statement from Thomas P. O'Neill, August 3, 1987:

> I have always been a supporter of nuclear power and have felt the resources of Seabrook will be needed by its customers. Although I have also said that the Federal

Government has the authority and the responsibility for the licensing of nuclear power plants, I do feel, however, that the states cannot be excluded from exercising their responsibilities for protecting the safety of their citizens and the licensing process.

I would just like this to be on the record to clarify the Speaker's views on this issue.

Let me turn now, Mr. Speaker, if I may, to the history of the Seabrook plant, because a lot of people are under a misimpression that the State of Massachusetts and the State of New York are raising issues about these plants at the last minute and trying to change the rules in the middle of the game. Nothing could be further from the truth. In fact, the opposite is the case.

In the mid-1970's, the State of New Hampshire, represented by Attorney General Warren Rudman, and the State of Massachusetts represented by Attorney General Frank Belotti, went before the Nuclear Regulatory Commission, arguing that it was improper to allow the construction of a nuclear powerplant on the most populated beaches of Northern Massachusetts and southern New Hampshire without first determining whether or not it was possible to evacuate the hundreds and hundreds of thousands of people who live near the plant and would be enjoying the beaches or their particular communities, there in summer in winter.

The Nuclear Regulatory Commission excluded Massachusetts and New Hampshire. They would not allow us to raise those issues, saying that the plant should be constructed first before those issues could be raised, arguing that it was too incredible to believe that a nuclear melt-down could occur at that particular site. So basically they decided that a nuclear accident could not occur; therefore, Massachusetts and New Hampshaire were in fact taken out of the proceedings in 1975, even though we objected to the construction.

We move now to 1979, the Three Mile Island accident. In the wake of that accident, the Congress, the Rogovin Commission and the Kemeney Commission, all recommended to the Nuclear Regulatory Commission that they adopt tough new standards for emplacement of emergency evacuation plans around nuclear powerplants in this country.

The State of Massachusetts, through Attorney General Frank Bellotti and other intervenors, once again went to the Nuclear Regulatory Commission, arguing at a point where Seabrook had only been 15 to 20 percent constructed, the construction should be ceased until the question of the ability to emplace emergency evacuation zones around the plant had been answered, because the State did not want billions of dollars of their rate payers' and shareholders money expended if the plant could not be licensed.

The NRC dismissed the contentions of the State of Massachusetts and the intervenors, arguing that they would not be prejediced by the billions of dollars which would be invested over the subsequent 5 to 6 years in making their determination on the safety issues.

That case was then appealed up to the circuit court of appeals. The circuit court upheld the NRC in 1982, but in their ruling they said that the basis for upholding the NRC was that the NRC stated explicitly that the money invested in those plants by the utilities was a risk that had to be assumed by the utility if the plant could not in fact meet the safety standards at the point at which it applied for an operating license.

Finally, after waiting 12 and 14 years, the State of New York and the State of Massachusetts were finally allowed to go before the NRC and make their cases on emergency planning.

FEMA, the Federal Emergency Management Agency, has not been able to find a plan which works for this plant. It is built on beaches that are within 2 miles of the plant. This photograph is of two block of one of the beaches, two blocks of one of four beaches that contain 3 to 400,000 people, plus other permanent residents who live around these beaches all summer.

FEMA on June 5 of this year ruled that the New Hampshire plan, submitted by the State of New Hampshire to FEMA, is inadequate and does not work. That is FEMA.

Remember now, FEMA is not some granola-chomping organization affiliated with a clamshell alliance up in New Hampshire. FEMA is an organization which has a plan for Washington, DC. In the event that Washington is attacked by nuclear weapons and hit, they can evacuate all of us. They have been able to figure out a plan to evacuate all of us in the event this city is hit with a nuclear bomb. I am sure we all have our little letter that tells us where to go in the event of that incident.

However, they cannot figure out what to do with the Seabrook plant. They cannot figure out under any circumstances what to do here. What a tough situation. Is that arbitrary on the part of local communities? Is that arbitrary on the part of the intervenors? Is that arbitrary on the part of the State of Massachusetts?

FEMA cannot approve a plan to evacuate these communities in the event of a nuclear meltdown.

So what does the NRC do? It goes and institutes a rulemaking to change the rules. What is the intent of the proposed rules? After waiting 12 years, the rule is that the States cannot come in and raise their objections about emergency evacuation plans anymore.

And get this justification. In January this year, here is their justification for instituting the rulemaking:

A forced abandonment of a completed nuclear plant for which billions of dollars have been invested also poses obvious serious financial consequences to the utility rate payers and taxpayers.

So after arguing in 1981 and 1982 at the NRC and the circuit court that financial investment would have no bearing, they come back in 1986 and 1987 and they argued that the inexorable pressure on investment already made over all these years should now be the criteria for changing the rules and never giving Long Island or Massachusetts the ability to make their case in court.

What we are arguing is that it is just wrong to allow a Federal agency packed with pronuclear supporters to change the rules. It is absolutely wrong to allow a Federal agency, much less the Nuclear Regulatory Commission, to deny the States of Massachusetts and New York the procedural due process which they invoked in timely fashion to raise important safety consideration affecting the health and safety of the citizens of their States, which under the 10th amendment of the Constitution of this country they are entrusted with.

It is wrong to tell the people who live inside this 10-mile radius that they will have to be treated different from people around every other nuclear powerplant in America which has an emergency plan certified by the State, by FEMA and by the NRC to evacuate them. It is wrong to tell the people of Long Island, to tell the people of Massachusetts and New Hampshire, that they are a special category.

What the gentleman is arguing and what the NRC is trying to do is to change the rules in the middle of the game and to now tell these people who have invested their good money, who are going to have to pay through their rates for this plant, that their families are going to have to live in the shadow of that plant with a sure warning from the Nuclear Regulatory Commission—and this is the Nuclear Regulatory Commission speaking—that there is a 15- to 40-percent chance of a meltdown at a nuclear powerplant in this country before the year 2000. It is wrong to take two plants in this country and make these people live in the shadow of a plant without that protection.

I would hope that the gentleman and all those who are supporting any attempt to undermine these Northeastern States will reconsider their position.

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

Mr. MARKEY. I am glad to yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, is it not a fact that the gentleman from Massachusetts does not represent the area portrayed in that photograph, that that photograph is a plant in New Hampshire, that Seabrook is in New Hampshire, and the gentleman does not represent any area there?

Mr. MARKEY. Mr. Speaker, I will reclaim my time and ask, What is the relevance of public safety to that question?

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. LUJAN].

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

I was looking up to see what we have done in the past that brings us to this point, what the history is that brings us to wanting to change what the Nuclear Regulatory Commission can do.

I found that in 1980 we, the Congress, authorized the Nuclear Regulatory Commission to accept alternative plans in situations where State and local authorities might refuse to cooperate. Now, that is exactly what has happened here.

Mr. Speaker, let me state that over the weekend a group of us met in Massachusetts in a conference at Woods Hole. I was interested in reading the Boston newspaper which said something to the effect that Massachusetts has become an energy colony of Canada. Why was that? Because of the opposition to build any kind of powerplants in that area.

Now, we are told that, well, these plants can be converted to coal-fired plants. I would like to see the arguments at that time when there is an attempt to convert them to coal.

I think it is important to point out, Mr. Speaker, that we went through this whole thing last week. There is another antinuclear initiative in the Congress this week. Every single week we seem to hear the same arguments of what we should do and what we should not do.

There is a $10-billion investment in these two plants. As I said before, if you think you are hearing some arguments now, wait until somebody decides that they want to convert these to coal. We will have the same opponents on this floor decrying the attempt to convert them to coal.

It is strange that we do not hear anything from anybody from New Hampshire. Their Governor is a supporter of opening up the Seabrook plant, but it is the neighboring governor and the neighboring people who are opposed to it.

I would just say that we cannot leave the decision to those who are philosophically opposed to nuclear power. As a matter of fact, any time the word nuclear is used there is that same philosphical opposition.

So I would say, Mr. Speaker, that even though at the moment we are discussing the rule and we have gotten a little far from the acceptance of this rule, because it is an open rule, I do not think anyone should have any objection to the rule, but I do see where there could be some serious objections to the Markey amendment and to some other amendments that are coming up this afternoon.

□ 1625

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. NIELSON].

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

Mr. NIELSON of Utah. I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I would like to point out that nothing in former Speaker O'Neill's letter or statement that I read has been revised as a result of the statement introduced by the gentleman from Massachusetts. The former Speaker of this House is obviously still opposed to those who would cripple the licensing and operation of Seabrook and Shoreham.

Mr. NIELSON of Utah. Mr. Speaker, I would like to read a few editorials from the New York Times, Boston Herald, and various other places.

The first one is February 1987 the New York Times. It says:

FEDERAL POWER OVER NUCLEAR POWER

Should nuclear power be regulated by the Federal Government or the states? Only Washington has the technical expertise and the duty to weigh the national interest. But states including New York and Massachusetts refuse to cooperate in emergency evacuation plants at Shoreham and Seabrook, effectively blocking their start-ups. The staff of the Nuclear Regulatory Commission now proposes to remove this veto power. That would be a welcome and overdue step.

The states got a foot in the door of nuclear plant licensing after the accident at Three Mile Island in 1979. The Nuclear Regulatory Commission told utilities to prepare to evacuate people from a 10-mile radius around nuclear power plants in the event of a radioactive release. That required the cooperation of local authorities, but it seemed inconceivable to the commission that any would refuse to help prepare its citizens for crisis.

Local authorities like Suffolk County and the Governor of New York saw non-cooperation as a weapon against power plants they opposed, especially where the start-up would sharply increase local electric bills. The commission found it had shared its prerogative to license plants with municipal orator and antinuclear governor.

Giving local authorities a veto power over new plants means none will be built. That's a decision that affects the national interest and only Washington should make it. The Nuclear Regulatory Commission ceded states this power by regulation and now proposes to take it back by modifying the regulation. There's no question of usurping states' rights or police powers. All that the commission staff proposes is that plants should be licensed once a reasonable emergency plant has been drawn up, even if the local authorities say they won't cooperate.

Fabian Palomino, Governor Cuomo's principal adviser in preventing Shoreham from going on line says that for the commission even to consider such a step would be "a shameless act and a total abandonment of any sense of responsibility." To the contrary, it's Mr. Cuomo's behavior that compels the commission to rescind the power it asssumed the states would handle responsibly.

If Congress wants the state to set nuclear policy, let it pass a law. Meanwhile, the commission has already delayed too long in restoring its authority.

From the Wall Street Journal:

NUCLEAR POLITICKING

Opposition to nuclear power in the U.S. long ago left off whatever basis in fact it may have had and is now mainly a political religious movement for the doomsday wing of the ecology movement. Rather than incur the wrath of these evening-news activists, politicians frequently join their opposition to nuclear-generated power. Last week, the U.S. Nuclear Regulatory Commission struck a blow against anti-nuke politicking.

It rejected the pleas of several governors who said the operation of some power reactors would endanger public health and safety. The commissioners voted 4 to 1 to make it easier for utilities to get an operating license where local governments refuse to cooperate with planning for emergencies. The vote is subject to 60 days of public comment and is likely to meet a court challenge.

Emergency planning sounds like a reasonable cautionary measure. In fact, it has become little more than a stalling tactic. Immediately at issue are the Seabrook plant near the New Hampshire-Massachusetts border and Long Island Lighting's Shoreham facility. Each of these reactors, which cost more than $4 billion to build, has yet to get an operating license to start generating electricity for its region because state and local authorities refuse to participate in ferderally required emergency-evacuation drills. For anti-nuke local officials, this technical device is a de facto veto over the start-up of these completed plants.

At an NRC hearing in Washington last Tuesday, New York's Gov. Mario Cuomo called the proposed rule change "a blatant disregarding of the need for evacuation." Gov. Michael Dukakis of Massachusetts is standing in the way of the Seabrook plant. Also on hand to pound away on the anti-nuke tom-toms were the governors of Vermont and Ohio, as well as Sens. Kennedy, Moynihan and D'Amato. Some activist protesters in the hearing room cheered, hooted and sang "God Bless America."

These histrionics about threats to public health and safety are unfounded. The chances of a major nuclear accident are remote, given the extensive safeguards and containment measures the industry has installed to accommodate wave after wave of objections. Each new safety measure brings little more than restagings of melodramatic anti-nuke protests.

The newest wrinkle, expressed at the NRC hearing, is to argue that the commission's ruling violates President Reagan's commitment to federalism. State and local officials, however, already have had input into the nuclear-reactor approval process along every step of the way, from site selection to design and construction to start-up. The Seabrook and Shoreham plants didn't just suddenly appear one day. They were the

result of more than 10 years of planning, hearings and construction. Now the governors are using evacuation and federalism gimmicks to prevent operation.

The delays at Shoreham and Seabook will mean large future costs for both consumers and investors. The governors' opposition to operation represents a financial burden and jeopardizes the security of future electricity supplies in those locales.

After all this time, there's no good reason that these plants shouldn't receive permission for full-scale operation. The Nuclear Regulatory Commission, which in the past 15 years has been far more tolerant of anti-nuke obstruction than mere prudence demands, finally is getting fed up. Its vote to override nuclear politicking is long overdue.

From the Waterbury Republican:

NUCLEAR FOES SOUGHT VETO

At least two multimillion dollar power plants—whose only "fault" is to be nuclear—can't open simply because local officials say so.

That's the power the Nuclear Regulatory Commission wants to take away from Govs. Michael Dukakis and Mario Cuomo and others who have blocked opening of plants in New Hampshire and New York and who promise to take their fight to the courts and Congress know that the commission has landed on the side of energy policy sanity.

Ostensibly at issue is the nature of evacuation plans for areas around nuclear power plants.

But what's really at issue is whether local officials who simply refuse to act should be permitted to keep inoperative power plants that have been built by investors in good faith and that abide by all the requisite federal safety and design features.

By recommending that the evacuation plan requirement be waived or modified in those areas where local officials refuse to assist in their development, the commission hopes to make ineffective the stonewalling that has kept the Shoreham nuclear plant on Long Island and the Seabrook nuclear plant in New Hampshire from producing electricity.

At Shoreham, local officials, with the backing and encouragement of Cuomo, have simply said that no evacuation is possible, and therefore they don't intend to present a plan.

Dukakis and others who oppose Seabrook are employing a similar tactic.

This position doesn't represent any good faith effort on the part of local officials. It is merely taking advantage of a vulnerable—and very recent; it was adopted in 1979—link in the licensing process for nuclear power plants.

Cuomo, Dukakis and others don't want the plants to open, and blocking the evacuation plan is their way to keep them closed.

Opponents of the rule change argue safety and even states' rights to assert that, through official inaction, they should have the right to block the operation of plants which are as safe or safer than the many that have operated for years without incident.

Though Chernobyl, naturally, is the boogeyman for anti-nuclear forces. Three Mile Island is the blot on this country's nuclear record and in this worst case incident, mass, immediate evacuations were not necessary.

Cuomo, Dukakis and others can chatter all they want about the evacuation nightmares that a Shoreham or Seabrook accident would cause, but their worries are based on fears born of prejudice and political expediency, not experience.

The commission is correct to rebuff such thinking, and the nation can only hope the courts and Congress see things the same way.

From the Hartford Courant:

GOVERNORS SHOULDN'T VETO THIS

When the Nuclear Regulatory Commission decided in 1979 that operators of nuclear power plants must draw up detailed evacuation plans in the event of an emergency, and test those plans in drills, no one thought the NRC was giving state governors veto power over new generating plants.

But that is exactly the weapon that Gov. Michael S. Dukakis of Massachusetts has tried to wield at the Seabrook plant in New Hampshire, and Gov. Mario M. Cuomo of New York has used at the Shoreham plant on Long Island.

Each governor by refusing to cooperate in evacuation plans, has made it impossible for utilities to open their plants.

The NRC last week tentatively approved a modification that would take the veto club out of local or state hands. A proposed amendment to the rules would establish the presumption that any "non-cooperative" state or local authority would, in fact, respond to an emergency, and that an operating license may therefore be issued.

That is an imperfect solution, but it is probably the best that can be designed. Once each nuclear plant is functioning, it will be in the interest of local or state governments to participate in evacuation plans and drills.

Opponents of the plants argue that they have been built in densely populated areas, and that no evacuation plan is credible. That is a good argument, but the question of sitting safety was addressed publicly in each case well before construction began. The sites were approved.

Furthermore, even in densely populated areas, evacuation can save lives and avoid serious contamination and illness in the event of an accident like that at Three Mile Island (which led to the evacuation requirement) or even that at Chernobyl in the Soviet Union.

Nuclear power plants should not be allowed to operate, regardless of the investments already made, if new information shows that they pose an imminent danger to public health. No such information has surfaced about Seabrook and Shoreham.

Federal regulatory authority could be challenged in court, but Messrs. Dukakis and Cuomo have simply decided to ignore the evacuation plan required by Washington.

It is cavalier of any governor to assert a last-minute right to block a plant after years and billions of dollars have been spent in planning and construction. It is equally cavalier to refuse to plan for the health of citizens in the event of a catastrophe.

Here is another one from the Boston Herald, April 22, 1987:

POLITICS AND POWER

Why doesn't Gov. Michael Dukakis come right out and say it: He's opposed to nuclear power—any where, any time.

In a speech at Dartmouth College, the governor declared we shouldn't build any more nuclear plants until the waste disposal problem is solved.

Combine this with his other positions (after Chernobyl, it's impossible to approve an evacuation plan for Seabrook), his policies and his perspective on the issue is clear.

If we had waited to solve all of the problems contingent with the generation of power from other sources before actually expliciting them, we probably still would be burning candles and whale oil. Technology may well need to be used before further innovations can deal with subsidiary difficulties.

Massachusetts' power needs are growing at a pace exceeding the national average. Absent the development of nuclear energy, how will these burgeoning requirements be met?

Does the answer lie in more oil and coal-fired plants? But, without exceedingly costly controls, this inevitably will lead to an increase in acid rain, which, he assures us, the governor also is quite concerned about.

It's time for a modicum of candor, from our governor. If he is indeed opposed to the use of nuclear power, he should admit it. And if this is mere political expediency, he ought to admit that too.

Mr. Speaker, I have a number of others which I will mention when I talk about this tomorrow, but let me state that another thing told to me by an official from the State of New York was that the State of New York had approved the plan, insisted on nuclear rather than coal for the reasons mentioned by the gentleman from New Mexico [Mr. LUJAN] and also approved the sitting.

It seems to me that they should not now pull the rug out from under them after they have approved all of these points.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

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

Mr. Speaker, to listen to the gentleman from Massachusetts [Mr. MARKEY] speak, one would think that the local authorities and the States were frozen out of the decision process on evacuation planning and emergency response planning. That is not what happened.

What really happened and the real issue is blockage of licensing and operation by nonparticipation in the emergency planning process after 10 years of local government support for those two powerplants. What the NRC seeks to do is clarify the rule so that nonparticipation is not tantamount to stopping the licensing or operation of a nuclear powerplant.

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I rise in support of Mr. MARKEY's amendment to the NRC authorization bill (H.R. 1315).

Mr. MARKEY's amendment would prohibit the Nuclear Regulatory Commission from relaxing its emergency preparedness procedures for the Shoreham and Seabrook nuclear powerplants. Local and State officials and

others in New York and Massachusetts have made it abundantly clear that the offsite emergency plans—specifically plans to safely evacuate the local population in the event of a nuclear incident—cannot work. In the absence of a workable evacuation plan, these officials have taken the only prudent course open to them. They are objecting to licensing these two plants.

When confronted with the Seabrook and Shoreham situations, the NRC apparently decided that the easiest course of action was to amend its own rule. Accordingly, last spring, the NRC issued a proposed rule to relax the existing requirement for State and local involvement in emergency planning. The proposed rule would allow the NRC to issue a full-power license to a nuclear plant where there is no State or local participation in the offsite emergency planning.

The NRC action is a blatant attempt to circumvent the legitimate concerns of the people of New York and Massachusetts about their safety. As one former NRC Commissioner, Mr. Asselstine, put it in his dissent from the proposed NRC rule change—and I quote—the NRC's "commitment to emergency planning only lasts as long as it does not get in the way of expeditious licensing of plants."

Much has been made of the argument that States should not have a veto over powerplant licensing. This argument begs the real issue. The real issue is whether or not effective and workable emergency plans can be developed and put into place for these two plants. If they cannot, then the plants should not be licensed. It is not a question of a State vetoing a plant. It is a question of prudent public policy—a basic question of public health and safety.

Since Three Mile Island and since Chernobyl, we have learned some valuable lessons about nuclear safety and nuclear powerplants. We have learned that serious accidents can and do happen. Fortunately, these are not frequent, but they do occur. When they occur, the local populace is affected—seriously affected. We have also learned that emergency procedures for handling the public—evacuating them or taking other measures, requires a prepared, ready, and cooperative local government. It is not—it will not ever be—enough for a utility to have some plans on a piece of paper. It is essential that the local community be part of the emergency planning process.

For the most part, State and local governments have participated in developing emergency plans. For the most part, the existing rules have worked well. Now, we are confronted with just two instances where the State and local governments have raised serious concerns about public safety—about whether or not people can be evacuated safely from the area in the event of an accident.

The NRC's response to these safety concerns is to overturn the rule, rather than listen to the State and local governments.

My response is that public health and safety are of paramount concerns. Public safety should not be compromised because it is inconvenient for the NRC or the local utilities. The existing rules should continue to apply to Seabrook and Shoreham. I urge you to join with me in supporting Mr. MARKEY's amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, as I see it the issue with regard to the Markey amendment is who should decide what is in the interest of public safety for the States of New York and Massachusetts. Who should make the decision on that very important question? Should that decision be made by a few members of the Nuclear Regulatory Commission here in Washington, or should it be made by 18 million citizens in New York and 6 million citizens in Massachusetts through their respective Governors?

Basically what it comes down to is this: Should this decision rest with millions of citizens through their highest elected States officials or with a handful of bureaucrats here in Washington? I think the answer is clear. The Governors of the States of Massachusetts and New York are certainly in a far better position to determine whether evacuation plans are realistic and workable for their States than a handful of bureaucrats in this city.

We are not talking about defense policies which are the special reserve of the Federal Government. We are talking about emergency evacuation plans and the ability of these States to respond effectively to a serious nuclear accident.

I do not believe there can be any question whatsoever but the people at the scene of a possible nuclear accident, and those are the people who are most vitally affected, those are the people whose lives are in jeopardy, those are the people in the States and the cities and towns who bear the brunt of any nuclear accident, would be in a far better position to determine what is a safe evacuation plan for them.

I think bascially we are showing some respect for local officials. I have been here 7 months or so and I hear a lot of talk about respect for the States. These are the people who have elected their Governors, whether it is Governor Cuomo or Governor Dukakis. I think we have to respect the fact that they are going to act conscientiously and they are going to act in the best interests of their citizens. I think we ought to show them that respect by letting them make that decision.

So I urge my colleagues, when the vote comes up, to strongly support the Markey amendment.

Mr. TAYLOR. Mr. Speaker, I think we will have ample time tomorrow, and we have 2 hours of general debate plus time under the 5-minute rule, to pursue this debate. I think we all look forward with great anticipation to an enlightening continuation of this dialog.

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

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The SPEAKER pro tempore (Mr. DONNELLY). Pursuant to House Resolution 237 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1315.

The Chair designates the gentleman from Minnesota [Mr. OBERSTAR] as chairman of the Committee of the Whole, and requests the gentleman from Massachusetts [Mr. MOAKLEY] to assume the chair temporarily.

□ 1635

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. 1315) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes, with Mr. MOAKLEY [Chairman pro tempore] in the chair.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Arizona [Mr. UDALL] will be recognized for 30 minutes, the gentleman from New Mexico [Mr. LUJAN] will be recognized for 30 minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

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

Mr. UDALL. Mr. Chairman, I yield myself 3 minutes and 30 seconds.

Mr. Chairman, I rise in support of H.R. 1315, the Nuclear Regulatory Commission Authorization Act for fiscal years 1988 and 1989.

This is a simple, straight-forward bill. It does two things. It authorizes

appropriations for fiscal years 1988 and 1989, and it raises the portion of the NRC's annual budget that will be recovered through user fees on the agency's licensees.

The bill authorizes a total NRC appropriation of $427.8 million for fiscal year 1988 and $422.6 million for fiscal year 1989. These figures represent a 4.3-percent increase in fiscal 1988 and a 3-percent increase in fiscal 1989 over the NRC's estimate for fiscal year 1987.

These increases are necessary for the Commission to meet responsibilities thrust upon it by the increased number of operating plants and by the low- and high-level waste laws, and to shore up the NRC's Safety Research Program. Safety research is essential to the Commission's regulatory program and to ensuring the safety of nuclear powerplants. Funds for this research were cut in half between fiscal 1981 and 1987. Unless the erosion of the NRC's Research Program is reversed, the Commission's ability to address future safety problems may be hampered.

The bill also increases the portion of the agency's budget recovered through user fees on agency licensees. Currently, the NRC collects about one-third of its annual budget through fees. As introduced and reported by the Interior Committee, H.R. 1315 calls for the NRC to collect half of its annual budget through user fees. This was the portion recommended by both the Commission and the Office of Management and Budget. The Energy and Commerce Committee amended the bill to recover a full 100 percent of the budget through fees.

Mr. Chairman, the two committees have assembled a consensus bill, H.R. 3037, that splits the difference between the 50-percent fee approved by the Interior Committee and the 100-percent fee approved by Energy and Commerce. H.R. 3037 recovers 75 percent of the NRC's annual budget from user fees. In practical terms, this will probably mean the average nuclear utility will pay a fee of about $2.3 million per reactor in fiscal 1988, compared to the fiscal 1987 fee of $840,000 under current law. The rule makes this consensus bill in order as original text for the purpose of amendment.

That is the sum and substance of the bill now before us, Mr. Chairman. The gentleman from Massachusetts [Mr. MARKEY] intends to offer an amendment, which I support. The amendment simply prevents the Commission from licensing nuclear powerplants unless they meet the emergency planning requirements now on the books—the same requirements that all presently operating plants have already met. This is a reasonable requirement and it has my support.

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

Mr. LUJAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 3037, legislation which would make appropriations for the Nuclear Regulatory Commission for fiscal year 1988 and 1989.

It would authorize appropriations of $427.8 million in fiscal year 1988 and $422.6 million in fiscal year 1989;

It would direct NRC to annually assess and collect charges and user fees that approximate 75 percent of the annual NRC budget starting in 1988; and

It would reiterate congressional support for gas-cooled thermal reactor safety research.

Mr. Chairman, this has traditionally been a fairly controversial authorization bill.

Let me quote from the Interior Committee report on H.R. 1315, report 100-90, issued on May 12, 1987, which reads on page 3 as follows:

> Although there are many nuclear policy issues of particular concern to Committee members at this time, the Committee has kept H.R. 1315 free of nuclear policy provisions that are not germane to an authorization bill. The Subcommittee on Energy and the Environment will carry out oversight and legislative activities on a broad variety of national nuclear policy issues throughout the 100th Congress. The Committee believes that the authorization process is not the appropriate context within which to consider nuclear legislation such as amendments to the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Nuclear Waste Policy Act of 1982.

Unfortunately, Mr. Chairman, nobody seems to have read that material, or if they did, they have forgotten it.

Today, we will have five or six amendments presented and most of those amendments consist of significant nuclear policy changes.

Mr. ECKART may be offering an amendment which would prevent the NRC from closing certain meetings to the public.

Mr. MADIGAN may offer an amendment directing NRC to suspend a certain operating license for a nuclear facility in Will County, IL.

Mr. MARKEY may offer an amendment allowing local governments to veto the opening of two fully constructed nuclear powerplants.

Mr. PASHAYAN may offer an amendment directing NRC to promulgate certain regulations relating to emergency planning.

And the list goes on. Somebody may offer an amendment to overhaul the entire NRC and I can't say I'd oppose that but I question whether or not this is the time or the place for all of these major nuclear policy changes.

In closing, Mr. Chairman, I support H.R. 3037 but I think we should follow committee procedures and not try to make all of these nuclear policy decisions on the floor of the House.

□ 1630

The CHAIRMAN pro tempore (Mr. MOAKLEY). The Chair recognizes the gentleman from Indiana [Mr. SHARP] for 30 minutes.

Mr. SHARP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1315 which authorizes appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989.

As I think our colleagues have heard, the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce have worked well together on this legislation and are largely in agreement on the bill.

Mr. Chairman, I want to commend Chairman UDALL and Chairman DINGELL for their leadership on this legislation.

I want to take this opportunity just to indicate that one of the real rewards in being a Member of the House of Representatives is to serve with and work with the distinguished gentleman from Arizona, a man of extraordinary ability and character. His intellectual vigor, his unbending integrity, his legislative skill and his well-known humor have enriched this institution and they reflect a measure of honor and credit upon all of us who have the privilege of serving with him.

This again, Mr. Chairman, this piece of legislation is just another of the many indications of his skill.

The authorization before us, Mr. Chairman, requests a total of $428 million annually which is only a modest increase over the current appropriation.

It has been adjusted for inflation. It is certainly a lean budget. The Commission has indicated that it is sufficient for it to carry out its responsibilities.

We have provided a slight increase for safety research recognizing the critical importance of that portion of the job of the NRC. There will be two amendments derived from the Committee on Energy and Commerce, which the committee did adopt and which I hope our colleagues will adopt in the House.

One is to make the user fees 100 percent for this agency. We have done that in terms of the Federal Energy Regulatory Commission and the SEC, and I think it is clearly a direction in which we are moving and we might as well get onto it this year given our deficit problems.

The second amendment from the Committee on Energy and Commerce would prevent the operation of an NRC rule dealing with the Sunshine Act. Frankly, the NRC has seen the wisdom of not operating under that rule which they adopted without following appropriate procedures. That is what led to our concern and the over-

sight by the Committee on Energy and Commerce about this issue.

Our distinguished colleague, Mr. ECKART from Ohio, will be offering the amendment to neutralize that particular rule.

Finally, as our colleagues are very much aware, we will have Congressman MARKEY's amendment which I intend to support tomorrow when the House gets to that amendment. It received almost a majority in the Committee on Energy and Commerce. It failed because it was a tie vote of 21-21.

Mr. Chairman, we are dealing with the one agency of our Federal Government which has first and foremost responsibility for safety at our nuclear powerplants. And it certainly is my goal, as it is the goal of Chairman UDALL and many others in the House, that the agency function with a fundamental and firm commitment to the safety of the American people—as well as the people who work in those plants—and that it pursue the goal of safety vigorously, thoroughly and efficiently. We intend to do all that we can through oversight and through legislation to make sure that the NRC is clearly focused on that goal.

That is its critical function and, for those who wish to advocate nuclear power in this country, it is important to recognize that the NRC can give the greatest assist to nuclear power if it is helping to enhance confidence here in the Congress and around the country that safety concerns will be taken extremely seriously and pursued regardless of cost.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] has consumed 4 minutes.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the chairman and would like to enter into a brief colloquy with the distinguished gentleman from Arizona.

Mr. Chairman, the Court of Appeals for the Tenth Circuit recently affirmed an injunction barring the Department of Energy from enriching foreign source uranium for domestic end use to the extent necessary to assure the maintenance of a viable domestic uranium industry. The court noted that that industry is "vitally important to U.S. defense and security interests" and that Congress under the Atomic Energy Act "did not want the United States to become dependent on foreign sources of uranium." DOE has expressed concern that some of its customers may evade the effect of the injunction as well as harm DOE's enrichment enterprise by going abroad for enrichment services. Is it your understanding that NRC has authority upon proper request to limit importation of enriched uranium for domestic use under the Atomic Energy Act?

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

Mr. RICHARDSON. I yield to the distinguished chairman, the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, the answer is "Yes."

In response to recent questions, NRC has informed Congress as follows: "The Commission has broad authority under sections 161(b), 161(i), and 161(p) of the Atomic Energy Act to promulgate whatever regulations or orders are necessary or desirable to carry out the purposes of that act—namely the protection of the public health and safety and promotion of the Nation's common defense and security." NRC indicated that "any Commission regulations or orders of the type under discussion would need to be based on a finding that these are necessary or desirable to promote the common defense and security." The Commission further indicated that it could be requested to make the necessary finding, and that it could in fact make such a finding upon an appropriate record.

Mr. RICHARDSON. May NRC use funds authorized under this bill for the purpose of responding to a request to implement authority of the kind described under 161b, 161i, and 161p of the Atomic Energy Act?

Mr. UDALL. Yes.

Mr. RICHARDSON. I thank the gentleman. Appropriate exercise of NRC's authority would appear to fully protect DOE from any feared loss of business due to the injunction.

Mr. Chairman, I thank the chairman for his leadership on this legislation and I thank Chairman SHARP and Representative LUJAN and the distinguished minority leader from the House Committee on Energy and Commerce.

Mr. LUJAN. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, let us make no mistake about it, the debate has now come down to whether or not we are going to approve at a later stage the Markey amendment. I believe everyone who objectively looks at the report of the committee and the bill that it has fashioned, that there is really no objection to any of the general features of the continuation of the work of the Nuclear Regulatory Commission.

The question is how should we deal with this Markey amendment that is yet to come up? We have had a preview of the arguments already.

What I am mulling over in my mind, and I need some help from the people who work on this on a regular basis is this: I feel on the one hand that the Markey amendment is a bit extreme, that it calls for a kind of antinuclear response to a problem centered around two nuclear installations that may have an effect on the rest of the country and the ongoing nuclear industry. And to vote for it would be to succumb to the temptation to enter into a philosophical kind of decision.

On the other hand as one who lives within the shadow of Three Mile Island, I am dissatisfied with the ability of the local community to give a full vent to their concerns about any portion of nuclear power.

Now on the question of evacuation, it seems, as we have already learned, that communities can evade the aegis of nuclear power by simply not proposing an evacuation plan or not cooperating with one that the utility might advance. And so are they being in false logic in refusing to cooperate? Therefore, they are refusing themselves the opportunity to give input? It is a kind of an irony.

What I would like to know and I would like to have the gentleman from Arizona answer if he would not mind: without the Markey amendment passing are we not still in a position where a local community or a State can appeal an adverse decision by the Nuclear Regulatory Commission on the implementation of an evacuation plan whether or not the local community or the State cooperated?

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

Mr. GEKAS. I yield to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, the answer is yes, they can do that.

Mr. GEKAS. And further if the gentleman would not mind pursuing this, if the State government or local municipality wanted to present new facts or evidence, there are avenues to do that even after a decision is made by the NRC to adopt an evacuation plan without the original cooperation of the State and local government? Is that not the case? I ask the gentleman is that not the case that there would still be this arena available to the State government and the local communities for fighting through what they consider the adverse decision of the NRC on the evacuation plan on which they failed in the origins to cooperate in bringing about?

Mr. UDALL. There would be a wide variety of actions available to citizens, to groups in that case, both within the NRC which has provisions for restudy and appeal to higher authority and so on, plus the court system.

Mr. GEKAS. Yes. Now if that be the case then why are people like me who are caught in this quandry eager, as I was at one time, to vote for the Markey amendment to send a signal to the NRC that we have got to give

more opportunity to State governments and local municipalities and local communities to have an impact on the adverse decision on evacuation plans?

Mr. UDALL. The gentleman's experience is similar to mine. I thought some time ago they were attempting to set up a system whereby a mayor or a Governor or a governing body of a small town within 10 miles from the nuclear plant could prevent it from operating, after it is all paid for and in position. That is not the case now. The Markey amendment has been changed.

I reluctantly came around to voting for it.

Mr. GEKAS. I thank the gentleman for supplying me with some of those answers. But I think that what his answers imply to me and bring me about to the position where I think I must vote against the Markey amendment, is that the Markey amendment does not by itself foster additional ways that the State or the local community can make its voice, their collective voices heard in the absence of an evacuation plan.

□ 1655

So if that be the case, if I brought myself around to that way of thinking, then I must devote myself—and I aim to do so, and I ask for the help of the members of the committee—to the goal of seeing if we can revise the permanent rules and regulations of the NRC to give an additional measure of ability to the State governments and the local governments to have even further input, even after the initial decisions are made by the NRC, as to the efficacy of an evacuation plan.

Mr. Chairman, I do believe that at this juncture I am ready to vote no on the Markey amendment.

Mr. LUJAN. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from New Mexico [Mr. LUJAN] has 20½ minutes remaining.

Mr. LUJAN. Mr. Chairman, since I have no additional requests for time and since the gentleman from New York [Mr. LENT], who controls the other time on this side, does have numerous requests for time, I ask unanimous consent that I be allowed to yield to him the remaining time that I have, and I also ask unanimous consent that the gentleman be allowed to apportion and to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. UDALL. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, it seems to me that today, as we begin the debate on this issue—and we really are, as was pointed out, debating the Markey amendment; that is really what it comes down to—the question comes down to the basic issue of whether the NRC should have the absolute right to turn on nuclear powerplants without the consideration of legitimate local concerns. That is really what the issue is when we think about it.

Now, there is not a problem with new plants because clearly the problems that have occurred with nuclear power have sensitized the American people to the concerns about nuclear power, and so as far as new plants are concerned, there will not be a problem because they will never be sited. People will never turn them on initially in terms of their site plans. The problem we have to deal with is what we do with regard to the plants that are in the pipeline.

Certainly the Markey amendment will not do anything to affect the 107 nuclear powerplants that exist in the United States today, and there are 15 plants in the pipeline. The Markey amendment will not affect those except for the Shoreham and Seabrook plants. That is the goal of the amendment. That is its only concern.

This is not the first step to stop nuclear power in the United States. This is a step to stop two plants that should never have been sited in the first place. That is the problem. So we do not have a future problem with nuclear power. We have a problem that we must deal with today, and that problem is: how do we deal with the Shoreham and Seabrook plants, because with regard to the other plants in the pipeline, there are no concerns about local safety and evacuation plans. No one is raising a voice about that. It is only two plants we are talking about, and that is the issue.

So since this is a 2-day debate, let me start out, I say to my colleagues, by providing a little education on the Shoreham situation, because the Shoreham nuclear plant is in my district.

The question was raised before: "Mr. MARKEY, why are you concerned about nuclear power in your district with Seabrook? It is not physically in your district." Well, the Shoreham plant is in my district, and I am concerned about that plant, and 85 percent of the people in my district do not support that plant. Let me tell the Members why they do not support that plant and why I am here on this floor to explain to my colleagues why the Markey amendment is absolutely essential in order to stop a plant that many people do not want.

So let the education begin, because obviously the vote will not happen until tomorrow. There are three good reasons why the people on Long Island do not want the Shoreham nuclear powerplant. First, they have come to realize that there is no safe evacuation plan that can apply to Long Island. Look at Long Island. It is 125 miles long. I represent essentially the eastern 70 miles of that Long Island—which it is; it is a long island. The Shoreham nuclear plant has been positioned right here, as the arrow shows. Think about this. If there were a nuclear accident and the alert went out, the horns rang, the buzzers went off, and the radio station said, "There is a problem at Shoreham, folks," my people, over 200,000 of them, would have to drive past the nuclear powerplant in order to evacuate Long Island.

The NRC will say, "Well, they don't have to evacuate; only a 10-mile radius should be concerned." Tell that to the mothers, tell that to the fathers, and tell that to the schoolchildren. Did only the people in a 10-mile radius evacuate Three Mile Island? Of course not. When the bells go off, people are concerned, people are frightened, people are scared, and people leave. And everyone will tell us that the Long Island Expressway really is the longest parking lot in the world.

Let me give the Members an example of what happened on Long Island on Thursday, July 17, 1986. The Newsday's front page says: "The day the LIE stood still." It shows a nice picture there of thousands of cars stuck on the Long Island Expressway. The capiton reads: "Slimy mess from an overturned mayonnaise truck near the Glen Cove exit above creates a 5-hour ordeal for thousands of motorists." Glen Cove is over here on the western end. Very clearly, we could not evacuate Long Island safety, and that is the point.

The CHAIRMAN. The time of the gentleman from New York [Mr. HOCHBRUECKNER] has expired.

Mr. UDALL. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. So, Mr. Chairman, the fact of the matter is that we cannot have a safe evacuation from Long Island. That is very clear. Look at the map. Look at the geography. The plant should never have been built there.

Now, we raised that question. In 1970 the people of Long Island raised the issue and said, "You can't evacuate Long Island. Stop building the plant."

What did the establishment or what did the AEC or the NRC say? Their response was: "Don't talk about evacuation now. It is not time. You talk about evacuation plans when it is time to talk about an operating license."

So they turned us off. In the Seabrook case, it was 1975 when they first raised the issue. They said, "Go away and come back later when it's your time."

Well, it is now our time, and we are saying you cannot evacuate Long

Island and you cannot evacuate the Seabrook area, and how dare you try to jam these plants down our throat?

The fact of the matter is that the NRC in 1980, because of Three Mile Island, put in place a very good plan, a rule that said, "We, the NRC, will not grant an operating license for any nuclear power plant that does not have a State and locally approved evacuation plan." It was a great idea, a great rule, and a great regulation. We supported it then. It made sense then, and it makes even more sense now. Yet the NRC is in the process of changing that rule.

That is what the Markey amendment is about. It says, "No, NRC. Do not change that rule for the Seabrook and Shoreham nuclear power plant." That is all the Markey amendment says.

Mr. Chairman, I am pleased to say that the gentleman from Massachusetts [Mr. MARKEY] has informed me that this is now really the Markey-Hochbrueckner amendment, and I am delighted to have my name on that amendment because it makes sense. The people of Long Island need that amendment, the people of Seabrook need that amendment.

Mr. Chairman, I think my time is nearly up, but let me assure my opponents that I will be back in a few minutes.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. LENT. Mr. Chairman, I rise in support of H.R. 1315.

The authorization proposed for the Nuclear Regulatory Commission in this bill is the amount requested by the administration. It holds the line at the agency's current funding level and increases the amount of funds to be recovered from fees paid by regulated entities.

As we consider this legislation, let's remember why we in Congress created NRC. Congress created NRC as a specialized agency to make technical safety judgments on the use of radioactive materials. The many uses of radioactive materials, from medical therapies to generating electricity, provide needed services to the American public but also represent potential harm if they are not carried out correctly. It was and is sound public policy to establish an expert agency with broad authority to protect the health and safety of the public, free from the politics of special interest groups. It is best to leave the specifics of how to assure the protection of the public to these experts.

I urge my colleagues to support this legislation which authorizes funds necessary for NRC to continue to fulfill its health and safety responsibilities.

Mr. Chairman, I had not intended to talk about the Markey amendment today. That is going to be debated tomorrow. But a lot of things have been said, and I understand it will be put over for a vote at a subsequent time. But this is a very controversial amendment that will be offered by the gentleman from Massachusetts [Mr. MARKEY], and I think it is only prudent that I at this time alert my colleagues to the situation and urge them to defeat this amendment.

The effect of this amendment, as I read it, is to block this special agency, the Nuclear Regulatory Commission, from remedying a situation which allows any State or local governing body to shut down a nearby nuclear plant. This is a very dangerous amendment because it affects the security of the United States. That is what this fight over the Markey amendment is all about.

Many of us in this body can recall the two energy crises of the 1970's when the OPEC cartel ratcheted down the oil spigots and almost brought this Nation and other industrialized nations to their knees. When it came time during these crises to allocate the precious oil supplies to alleviate the inflation and the unemployment that resulted and to set up strategic petroleum oil reserves, it was the National Government that had to bear the burden and lead this Nation out of its predicament. We did not then hear the supporters of the Markey amendment talking about handling the energy problem by home rule. We were in the throes of a national energy shock, and the National Government had to deal with it.

Are our memories so short that we have forgotten the spectacle of President Carter on television wearing his sweater with the fireplace ablaze behind him? Have we forgotten that winter the Christmas trees and the monuments in this city went unlighted? Have we forgotten the temperature controls, the gasoline lines, and the rationing coupons that were actually printed, although never used? Have we forgotten the summer we sweltered in this very Chamber to conserve precious energy? And do we not remember the rhetoric of our own speeches resounding in this Chamber about energy independence and how we would never again allow our Nation to become dependent on foreign oil?

George Santayana put it best when he said: "Those who cannot remember the past are condemned to repeat it."

Mr. Chairman, the fundamental lesson that should have been learned from the experience of two oil shocks during the 1970's is that excessive reliance on oil imports from a market ultimately controlled by OPEC undermines our national security. It is here in Washington, not in the States or in the county legislative bodies, it is here in the Congress that responsibility for our energy security ultimately lies.

Now, what are the real facts about Shoreham and about Seabrook? The electricity generated in the area represented by the gentleman from Massachusetts is 40-percent generated by oil.

□ 1710

Long Island, and I live on that island, is even more dependent. Three million Long Islanders depend on oil for 80 to 100 percent of their power.

When and if these two plants, Shoreham and Seabrook, are placed on line, they will displace 20 million barrels a year of OPEC oil, so a vote on the Markey amendment is a very important one, because of the message it will send to OPEC and to the American people on how deeply committed this Congress really is to energy independence.

In deciding how to vote on this amendment, keep two additional points in mind.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

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

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

It seems rather strange that in the midst of a national crisis involving the commitment of American sailors to the Persian Gulf, we are talking about not bringing on line $10 billion worth of investment in American, yes American, energy production that almost one for one displaces foreign oil, but Persian Gulf oil production.

I think the gentleman's point is well taken. The percentages that the gentleman mentions for both New England and Long Island are very, very important. I know Members from other congressional districts might say, "That does not affect me." They are hyperdependent on foreign oil.

Those Members' oil does depend a lot on what happens there, because if there is a blowup in the Middle East, and if Persian Gulf oil is cut off, whatever the percentages that are stopped, the whole world converges on the rest of the oil-producing markets.

We need energy independence like we have never needed if before, and this is a rather absurd time for curtailing directly America's attempt at energy independence.

Mr. LENT. Mr. Chairman, I thank the gentleman for his contribution, and point out if any Member has taken the trouble to look at today's issue of the New York Times, the front-page story, and it is ironic, is this:

"Oil prices rise as fears grow of cut in supply." So many of the Members who are saying, well, we can trust the Ayatollah, the OPEC countries, we do not have to worry about this, forget about what happened to us twice during the 1970's when the spigot was turned down, ought to read today's edition of the New York Times.

In deciding how the Members will vote, keep in mind, and do not let yourself be hoodwinked into thinking that the Markey amendment applies only to Shoreham and Seabrook and the 2,000 megawatts of oil-free electricity they will generate.

At first glance, this is all that is at stake; but once Congress embarks on this very heady process of micromanaging the licensing of nuclear plants, the inevitable result will be more and more Markey-type amendments applicable to the 110 operating nuclear plants and 4 plants under construction.

All of those operating plants in this country come up for a relicensing every 2 years. The question of emergency evacuation is restudied and rethought out for every single plant in this country every 2 years.

If the Markey amendment is adopted, God forbid, it will give tremendous aid, comfort and inspiration to antinuclear activists, and will be used by antinuclear activists around the country.

The Markey precedent could, and I say will, be applied in the case of plants already licensed and operating which, for one reason or another, have fallen into political disfavor.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

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

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman makes an excellent point, not just a theoretical point.

The May 1987 publication of Ralph Nader's Public Citizen entitled "Shutdown Strategies," that is right.

That is not just a new plant coming on line; that is existing powerplants that could, in the gentleman's words, "fall into political disfavor."

Citizens efforts to close nuclear powerplants, May 1987 report; and in that report there is a full section, section 3B, emergency planning, and there are few cases listed here.

Illinois, the LaSalle plant, we are talking about two little nuclear powerplants, only 2,000 megawatts of electricity-generating capacity. That is a great deal of foreign oil.

A case study described here of the LaSalle plant in Illinois, and in Massachusetts there is an interesting element here, so we are not just talking about Seabrook.

Massachusetts might be interested in this, because in Massachusetts there is also Pilgrim and Yankee. Massachusetts gets some 50 percent of its electricity from foreign oil.

In addition to the State of Massachusetts, there is another powerplant in New York State that is part of this document on shutdown strategies, this Ralph Nader document, the Indian Point plant in New York State.

For those Members from North Carolina who might think that this debate is limited only to Shoreham and Seabrook, in the Ralph Nader document entitled "Shutdown Strategies," citizens' efforts to close nuclear powerplants, we see the Shearon Harris plant. Beyond North Carolina, we can go to Ohio where the Perry and Davis-Besse plants are both viewed as potential shutdowns by Mr. Nader and his colleagues.

Mr. LENT. Mr. Speaker, I thank the gentleman for his contribution.

I am going to reclaim my time to put Mr. Nader's antinuclear piece in the RECORD, so that the Members tomorrow would have an opportunity to review it, because the gentleman's point is very well taken.

As we indicated, the Markey precedent could and will be used in the case of plants already licensed and operating which, for one reason or another, have fallen into political disfavor.

In other words, notwithstanding the fact that we have an NRC, an independent regulatory agency charged with making complex, technical decisions on matters affecting public safety, the Congress would under the Markey amendment, and in a precedent on a case-by-case basis, be second-guessing the Commission's judgment when it proved politically expedient to do so, so today we are not just asked to look at the special circumstances surrounding Seabrook and Shoreham. Tomorrow we will be asked to look at nuclear plants in Ohio, Pennsylvania, or Massachusetts. Consider the fact that the State of Ohio is refusing to participate in emergency planning for the Perry plant, and reports that Massachusetts may decline to further participate in emergency planning for the Pilgrim plant, an operating plant currently down for repairs.

There is also the case of Limerick II in Pennsylvania where the new Governor campaigned on a promise to assist opponents of that plant.

Clearly there is more at stake here than just two unpopular plants in the Northeast. It is a trend threatening to spread far and wide.

In the context of nuclear security, this becomes a very critical matter. In fact, it is the most important of all.

Today in an increasingly dangerous world, we rely on nuclear power for nearly 20 percent of our Nation's energy needs. Frankly, it bothers me.

It bothers me that the proponents of this amendment would put this important source of energy at risk, without any thought whatsoever as to how we are going to make the shortfall; and if we encourage the systematic shutdown of nuclear plants with the adoption of this amendment, we may eventually have to burn another 2 billion barrels of oil a year to offset the nuclear power that would be lost.

Yet, we contemplate this at a time when our own domestic oil industry is in the depths of a depression, and when our reliance on imported oil is rising, further aggravating our trade imbalance on a day when the front page of the New York Times headline is "Oil Prices Rise As Fears Grow of Cut in Supply."

□ 1720

Mr. Chairman, watch when this vote on Markey is taken, because many of the same Members who support this amendment opposed reflagging the Kuwaiti tankers in the Persian Gulf. They also opposed burning coal because it causes environmental damage through acid rain. They also opposed drilling for oil offshore. They will also vote against opening up the Arctic National Wildlife Refuge in Alaska for exploration and possible development. They also oppose damming America's few remaining wild rivers in an effort to increase our supply of hydroelectricity, yet they would buy it from the Canadians at inflated prices.

They oppose all this, and yet put our reserves of nuclear power at risk, so it is as if the two energy crises of 1970 never happened. It reminds me of a character from a Robert Louis Stevenson novel who proclaimed, "I've got a grand memory for forgetting."

If the House adopts this Markey amendment, it can be said that we possess the same talent of that character; so vote no on the Markey amendment, strike a blow for energy independence.

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

Mr. LENT. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Speaker, I would like to read into the RECORD a letter from the Governor of South Carolina, our late colleague, who said:

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, August 3, 1987.

Hon. ARTHUR RAVENEL,
House of Representatives,
Washington, DC.

DEAR ARTHUR: I understand that a letter I sent to the Nuclear Regulatory Commission is being circulated among the South Carolina delegation as an argument in support of the proposed Markey amendment to the NRC authorization act. I want to state in the strongest terms that I am not a supporter of the Markey amendment.

I am extremely reluctant and would be deeply concerned to see the Congress seek to make decisions about the operation of individual nuclear power plants, as the Markey amendment would have you do. Inasmuch as the amendment speaks specifically to ongoing licensing procedures affecting the Seabrook nuclear power plant in New Hampshire and the Shoreham plant in New York, two projects which are already beset with controversy and politics its passage would raise serious questions about the role of Congress in individual nuclear decisions in the future.

About 60 percent of South Carolina's electricity last year was produced by nuclear power and the citizens of our state will rely on this source of power for many years to come. South Carolina has enjoyed excellent relationships with the NRC and our utilities, and has cooperated fully in developing effective evacuation plans. As governor, then, my rationale for opposing the proposed rule change is two-fold. First I do not see the need to change a system that has worked for most states and works well for South Carolina simply to deal with Seabrook and Shoreham. Secondly, as my letter indicated, I believe that the federal government already has the power sought in the rule change.

However, as governor, my reason for opposing the Markey amendment is much stronger: I do not want to see the future of an industry vital to our state clouded by an amendment which I view as a political statement about federal preemption and about the nuclear industry as a whole.

Safe management of nuclear power requires close cooperation between the states and the NRC, and there is no question that sincere concerns raised by Seabrook and Shoreham have strained that cooperation. However, I believe we must rely on the regulatory system in place to find a solution to these problems within the delicate balance of power that has prevailed since the Atomic Energy Act of 1954. I believe passage of the Markey amendment could threaten that balance, and with it the future of nuclear power, and I urge you to oppose it.

Sincerely,

CARROLL A. CAMPBELL, Jr.,
Governor.

Mr. LENT. Mr. Chairman, I have to reclaim my time, because there are others that I promised.

I think we get the point that the gentleman's State and the gentleman's Governor is opposed to the Markey amendment.

I did promise the gentleman from Massachusetts that I would yield to him for the purpose of asking a question, not making a speech. If he wants to make a speech, he can do that on his own time.

Mr. MARKEY. Mr. Chairman, the question I would like to pose is to the gentleman from Pennsylvania through the gentleman from New York, if I could, because the gentleman made references to the Massachusetts economy.

What is the unemployment rate in Pennsylvania?

Mr. RITTER. What is the unemployment rate in Pennsylvania?

Mr. MARKEY. That is correct.

Mr. RITTER. It is probably around 6 percent.

Mr. MARKEY. The Massachusetts unemployment rate is about 3 percent. We are doing quite well, thank you. The gentleman's concern for our economy and the way in which we generate electricity is very much appreciated, but as they say, "Doctor, heal thyself."

When the gentleman has the prescription for the Pennsylvania economy that can get his unemployment rate down, we would appreciate knowing that.

Mr. LENT. Mr. Chairman, I will reclaim my time.

I think the gentleman from Massachusetts talked about the plant in New Hampshire, which is not in the gentleman's district. As a matter of fact, the Congressman from New Hampshire in whose district the Seabroak plant is located is here in the Chamber now and he intends to vote against the Markey amendment. He wants the Seabrook plant opened; so the gentleman was poaching a little on New Hampshire, so I can forgive the gentleman from Pennsylvania for talking a little bit about Massachusetts.

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

Mr. LENT. I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

Pennsylvania has been through some very tough times and has come out with great progress having been made. Our unemployment not too many years ago was 13 and 14 percent, probably under 6 percent right now; but it is interesting, the Massachusetts economy does very, very well. It is true they do it on imported oil and a lot of imported electric power from Canada. New England tends to do that very well; but I should say that given what is going on in the Persian Gulf today, given the tremendous potential for 1979 and 1973 recurring, doing what the gentleman from Massachusetts wants to do really cripples America's energy producing potential.

Mr. LENT. Mr. Chairman, could the gentleman refresh our recollection collectively of this body what happened to the employment situation nationwide during the time the OPEC nations turned the ratchet on the oil supply? What happened to inflation? What happened to employment?

Mr. RITTER. Well, I thank the gentleman for asking me that question.

There are so many Members of this House who blame the surge in inflation which crippled the American economy, led to massive layoffs and unemployment, the surge in inflation, on oil prices. Now, I do not know whether that is true or not, but a lot of people think that is true and all we need to do is to curtail America's oil energy production capacity at this time and promote further dependence on foreign oil, all we need to do is that and we will see 1973 and 1979 recurring if something happens in the Persian Gulf.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding.

I have been listening to this debate with great interest from my office on the television screen. Rarely do I watch television, it is usually so poor, but this debate has been very interesting.

I want to compliment the gentleman from New York [Mr. LENT] for his statements on this issue.

What has brought me to the floor is the concept of dependency on foreign oil, the Persian Gulf, the loss of lives, the reflagging of foreign vessels so we can protect the supply of oil not only to ourselves, but to our so-called friendly allies.

The reason I stand in the well, Mr. Chairman, is to bring to light a little information concerning the dependency on fossil fuels from overseas and some alternative solutions. One of those solutions, of course, is the development of the Arctic Wildlife Range in my district. We have 29 billion barrels of oil with an infrastructure in place, 150 Congressmen support that position, but it is ironic to me and I have gone over the list of those supporting the amendment of the gentleman from Massachusetts [Mr. MARKEY], they also oppose the development of the Arctic Wildlife Range, including the chairman, the gentleman from Arizona.

In fact, those who are speaking in support of the Markey amendment all oppose developing our sources of energy within the United States.

I say sources of energy. I have never heard the gentleman from Massachusetts [Mr. MARKEY] or any other of those groups presenting their views on that amendment today stand up and support oil and gas development, coal development, hydro development, or any source of energy.

I ask the listening audience and I ask this body to try to ask yourselves, where do they think the energy is going to come from? It has to come from somewhere, preferably from our shores and not from overseas.

I am urging this body to defeat the Markey amendment, because it is a mischievous amendment.

I understand the gentleman's desire. I understand what he wishes to do. I understand his position. We have debated this before, but the gentleman had his opportunity in the committee.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. LENT. Mr. Chairman, I yield 30 additional seconds to the gentleman from Alaska.

Mr. YOUNG of Alaska. The gentleman's amendment was defeated in the committee. It was defeated in the other committee, and now he brings it to the floor. That is his prerogative.

But I am suggesting if this Nation is to have the energy necessary for the younger generations and to remain strong, we must have nuclear power, we must have oil and gas, we must have coal, and we must have hydro.

Power is very similar to blood. When you have a weakness in power, you have no opportunity for the future generations of this great Nation of ours. When you are weak with power, you are weak and you cannot expand. You cannot lead the free world. You cannot give the jobs and opportunities to the States we are speaking of.

Mr. Chairman, I urge defeat of the Markey amendment.

Mr. SHARP. Mr. Chairman, I yield 8 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am enjoying this debate, because this is the first debate on a national energy policy that the Republicans have had in the 7 years of the Reagan administration, and I am really enjoying it. I hate to be diverted down this blind alley, knowing that the real debate here is on whether or not we can evacuate the hundreds of thousands of people who live inside the emergency evacuation zones around the Shoreham and the Seabrook plants; but it is almost an irresistible target, the Reagan energy policy. That is an oxymoron, as I am sure everyone who is listening to this debate knows.

In 1981, when Ronald Reagan took over, two-thirds of the Department of Energy budget was devoted to developing new energy technologies, and one-third was devoted to developing new nuclear weapons.

When we come back in 1987 here on the floor, two-thirds of the Reagan Department of Energy budget is devoted to new nuclear weapons and only one-third is devoted to alternative energy sources.

As we know, there has been an ever-escalating importation of oil from overseas during the Reagan years, culminating in this year's numbers which are putting us pretty close to where we were back in the 1970's.

What I am always astonished to know is the incredible concern that the gentlemen on the minority side have for our energy crisis, but we can never quite get their answer as to what should be our level of commitment to conservation and solar energy, to filling the SPRO, or to auto-efficiency standards. After all, 50 percent of all the oil in this country goes into the gasoline tanks of our country.

Where do the gentlemen stand on mandatory fuel economy standards for new automobiles so that we can have 35 and 40 mile a gallon auto fleets by the year 1990 and 1995?

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am more than glad to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, how does the Markey amendment, which would shut down or keep from opening two plants that are going to use 20 million barrels a year of oil, how does that help us achieve energy independence? What is the gentleman's energy policy?

Mr. MARKEY. Mr. Chairman, if I can reclaim my time, as the gentleman knows, nuclear power in this country does not displace imported oil. It displaces gas or coal or the other alternatives which we would use, using domestic fuels.

As a matter of fact, the State of Massachusetts has indicated that if in fact this plant does not open, that we could very adequately satisfy the energy needs that we have for our region by using coal, gas-fired cogeneration, hydropower, and energy efficiency.

The crocodile tears which the minority are shedding for the Massachusetts and Long Island economies unfortunately do not relate to the question which is at hand. We can take care of ourselves. Do not worry about us. We are doing very well and Mike Dukakis is going to run for President on that lowest unemployment rate in the United States for the last 3 years, the lowest inflation rate. We are doing very well. Do not be concerned with us. We can take care of our future energy generation capacity.

As a matter of fact, Boston Edison has just put out bids for 200 new megawatts and 1,800 megawatts of orders came in as far away as Duke Power in North Carolina that wanted to supply us with cogeneration capacity.

□ 1735

We can do the job for our region, do not worry about us. What you should be asking is how are we going to evacuate the people in the 10-mile radius around these two plants? I know the gentleman does not want to deal with the question because he cannot answer it.

Two of the stupidest, most preposterous decisions were made to put a nuclear powerplant on a beach and on an island, for all intents and purposes, that requires hundreds of thousands of people to ride past the plant after it melts down to escape. That is the real issue here and I do not blame the gentleman for not wanting to debate that issue and for getting off on the red herring of what two nuclear powerplants that can be converted over to coal or gas will do to the American economy. What they do not want to debate is the central core issue which is that public safety is going to be seriously and irreparably compromised if the NRC is going to neglect to act.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding because I think he put his finger on the issue. The issue is not 107 other nuclear powerplants that when they come up for license renewal will have the issue raised for them, and if that issue were necessary to be raised it should be raised. The issue, as the gentleman from Massachusetts pointed out, is the question of safety, and not a word from our friends, the advocates of nuclear power, do we hear, not one iota about the question of an evacution plan, not a word.

The gentleman from Long Island has not addressed the issue and neither have any of the other gentlemen.

Mr. MARKEY. If I can reclaim my time, we just heard some comments from the gentleman from South Carolina. The Governor of South Carolina has today retracted his support for the NRC rule. I can appreciate the pressure he was under to change his position.

I would just like to put on the record, however, what Gov. Carroll Campbell of South Carolina said on May 1, 1987, 3 months ago, on the rule:

> The sweeping changes * * * proposed by the NRC * * * would not be in the best interests of the State of South Carolina, its citizens and their property. I strongly recommend that the present NRC rule * * * be maintained as presently written.

I appreciate the gentleman from South Carolina letting us know how the Governor of South Carolina feels about the issue today. I just wanted the listening audience to understand it is a pretty radical change of his views from a few months ago.

Mr. SMITH of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am happy to yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

On the question of evacuation plans, since the gentleman says we have not mentioned it, would the gentleman support in the case of the Seabrook nuclear powerplant putting the plant on line providing that the utility agreed to close the plant down during June, July, and August, when the evacuation plan is in question?

Mr. MARKEY. Does the gentleman mean during the summer months and when the beaches are loaded?

Mr. SMITH of New Hampshire. That is correct, and it is in my district.

Mr. MARKEY. I would be willing to support the rule if that happened, and also if we would shut it down when there is between 12 and 24 inches of snow. In New Hampshire on the same roads there are two seasons, the Fourth of July and winter. So if we are going to deal with the issue of evacuation, we have to realize that we

live in a very cold climate and we have snow on the ground a big chunk of the time. So unfortunately just dealing with the summer months does not deal with the evacuation problem for the roads of New Hampshire or Massachusetts.

Mr. SMITH of New Hampshire. If the gentleman will yield further, I would point out that he and I both well know that the numbers of people in the seacoast area during June, July, and August are far greater than they are in the wintertime, snow or not.

Mr. MARKEY. I agree with the gentleman. The problem is FEMA has not been able to certify a plant for any season of the year, and the State of Massachusetts has been also incapable of divining such an escape route for the people who live up there.

Licensing this plant without an emergency evacuation plan would be like licensing a high-rise building in a city without a sprinkler system in the event of a fire. It would be like licensing a ship without life rafts in the event that there was an accident and the boat was sinking.

This is not some arbitrary standard which we are trying to apply to this nuclear power plant. It is common sense. It is a minimal requirement that governments have a right to expect from private investment in terms of their relationship with the public in general.

So from sprinkler systems to life rafts to emergency evacuation plans, these are central questions that are involved in the day-to-day operations of State and local governments in terms of protecting their citizens. We are not asking for anything outrageous. All we are asking is that two of the worst decisions that have ever been made, the two worst in fact siting decisions in the history of the Nuclear Regulatory Commission be allowed to proceed under the existing rules that every other plant in the country has proceeded under.

Mr. UDALL. Mr. Chairman, could I have a reading on how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. LENT] has 24½ minutes remaining, the gentleman from Indiana [Mr. SHARP] has 18 minutes remaining, and the gentleman from Arizona [Mr. UDALL] has 16½ minutes remaining.

Mr. UDALL. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I am not a regular combatant in the House nuclear war here. I am a pronuclear Member of Congress, I am from a pronuclear State and I support the Markey amendment. That is right, I support the Markey amendment and I am a pronuclear Member of Congress.

Why do I support the Markey amendment? Because the Markey amendment, in my opinion, if my colleagues will look at the relatively narrow issue involved, just look at that issue, the Markey amendment, despite its characterizations here today, gives the nuclear industry about 98 or 99 percent of what it wants. The Markey amendment allows the proposed NRC rule to go into effect for 107 nuclear plants in this country and for all of the proposed ones except for 2, the Shoreham and the Seabrook plants.

So of the 107-plus plants we are only talking about 2 plants here and their evacuation problems. That, in my opinion, is giving the nuclear industry about 98 or 99 percent of what it wants.

My Governor of Tennessee has written me a letter urging me not to give the nuclear industry anything. He has urged me to give them zero percent, and yet I am today choosing to give the nuclear industry 98 or 99 percent of what it wants. In my opinion, my State's Governor has several well-founded concerns and he is a conservative man. My Governor, a conservative man, realizes that the ultimate responsibility for the health and safety of the citizens of the State lie at the Governor's doorstep. My Governor realizes that the NRC has not exactly been the most watchful watchdog in the Federal Government. My Governor is sorry that fine commissioners like Commissioner Asselstine have now left the NRC giving us even less confidence in NRC's abilities.

My Governor also resents the implication that a Washington set of bureaucrats like the NRC know more about safety in Tennessee and other States than their own Governor or local officials of the State.

Finally, my Governor is aware of the debate we had here on the House floor last week regarding Price- Anderson in which we put a $7 billion cap on liability, a debate in which the nuclear industry admitted that in the event of an accident in an urban area there would not be enough money in that fund to pay all of the costs involved, $7 billion will not cover the cost of an accident right next to Boston or right next to New York City. So the industry, by its own admission, has said they are not willing to pay for the damages that could be caused in an urban nuclear accident.

Why then am I not only overriding my Governor's wishes and giving the industry 98 or 99 percent of what it wants; why am I not willing to go ahead and give the nuclear industry 100 percent? Because, in my opinion, that would be unfair to the Shoreham and Seabrook folks who have worked under this NRC guideline since 1980. It is unfair to change the rules on them now, and it is also, in my opinion, appropriate in our democracy to let the people of these two New England States decide what they want to do with their reactors. This is a democracy, after all. I do not see why we should be afraid of democracy.

Why should we as Members of other States force nuclear reactors down their throats when they do not want them? We have heard testimony today that every single elected official of both parties on Long Island is against this plant, or at least of the immediate county involved. These are the people most directly concerned. it would be wrong for us to fail to exempt these few plants from the proposed NRC rule.

Mr. LENT. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. MOORHEAD], the distinguished ranking member of the Subcommittee on Energy and Power.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 1315, the Nuclear Regulatory Commission authorization for fiscal years 1988 and 1989. I do not believe that this legislation is controversial in any way, but amendments that may be offered to it are.

I think of greatest concern to the people of the country is the Markey amendment, which we have been discussing; 110 plants displace approximately 2.7 million barrels of oil a day in imported oil. This is approximately 47 percent of the total amount of oil that we import daily. Seabrook and Shoreham alone would displace 53,190 barrels a day of imported oil.

If nuclear units were shut down, the United States would import more oil because at today's relatively low oil prices, the additional demand would be met by foreign producers who have lower production costs than the U.S. producers.

I agree with those that say that local governments should have a voice, and we have passed laws giving local government a voice. They participate under the law in making the emergency evacuation plans. Unfortunately, some of them have found that they can defeat nuclear projects by refusing to participate, by saying we will not play, we want out of the action, we want the plants shut down or not opened because we will not even discuss the issue and we will not play a role.

This is the thing the Markey amendment would enable local governments to do. It has been told to this group today that local governments have no voice in Seabrook or Shoreham. I would tell my colleagues that in Long Island there were 75 different government permits that were obtained from local government before that plant was completed. They had a strong voice, they were heard.

In the plant that is in New Hampshire, only 2 miles of the 10-mile area is in Massachusetts, and the people of New Hampshire want the plant, they

want it opened, and I feel that they will get it opened.

Mr. SHARP. Mr. Chairman, I yield 5 minutes to the distinguished gentleman fron New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman the hour is late and I do not wish to repeat many of the arguments that were very brilliantly made, especially the remarks of my colleague from Long Island, GEORGE HOCHBRUECKNER. But I will make some remarks.

I heard the figure of 75 permits and so forth. How about the 75 percent of all of the people on Long Island of both parties who strongly oppose this plant? How about the Republican Party of Long Island that denied its nomination to Congress to an 8-year incumbent because of his support of the Shoreham plant? So offended were they and the rest of the population at that plant, it was that espousal of the Shoreham plant that made it possible for my colleague, GEORGE HOCHBRUECKNER, to make his brilliant and extraordinarily effective statement today.

Mr. Chairman, I am pronuclear, as was my colleague from Tennessee, Mr. COOPER. I believe in a mix. I have no problems with nuclear. In fact, I believe nuclear energy is probably the most safe and least environmentally degrading form of energy that we have available, certainly far more safe than digging coal out of mines, and far less environmentally degrading than coal, especially soft sulfur coal.

But that is not the point here. We are not on an antinuclear binge. I am pronuclear. What we are on is a pro-process binge, a pro-process binge. I am in love with process and never more so, and I am in love with legal niceties, that is the way we govern ourselves, and never more so than after having watched television these last 30 days or so. Every American should thank God that we have a government based on process and principle. We have learned to our regret what happens when process is brushed aside, and that is what is happening here.

□ 1750

Of the 110 nuclear plants there are only 2. I do not know whether the figure is now 107 or 108 that I approve of, where no controversy was to be seen at all. There are only two to which there are objection, there are only two that are delineated in the Markey amendment. The reason is because in the case of these two plants the Nuclear Regulatory Commission sought to sweep its established process under the rug, the established process by which States and cities would participate in the process.

So we are for process. We object to the irrational and improper procedures of the Nuclear Regulatory Commission in pushing aside the system, the process by which all levels of society and all levels of the government agree on these plants that were established after long deliberations in both Houses of the Congress and signed into law by the President.

As to how this is going to hurt our energy independence, there are lots of sources of energy in this country other than nuclear, other than coal; oil, alternative sources of energy. The total nuclear energy production of this country amounts to about 20 percent of our total energy.

So if you take the fact that there are roughly 110 plants you get down to the fact that any one plant produces about two-tenths of 1 percent of our national energy supply. So if you were to lose the energy output of Seabrook and Shoreham, which is not at all necessary because they can be converted easily to other forms of energy, you would lose an infinitesimal fraction of 1 percent of our national energy consumption.

I suggest that that is a proper and reasonable price to pay for the integrity of the processes of our Government. Never should we value them more highly than this day, the end of the 30 days of the hearings which have rocked the American public, and the 200th anniversary of the Constitution of the United States. What is more important than process? Let us preserve it, let us nurture it, let us respect it.

Mr. LENT. Mr. Chairman, I yield 5½ minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I had planned to make a longer statement on the general issue but I think I am going to confine myself to remarks that have something to do with the danger of the possibility of a nuclear accident and what it means to places like Shoreham and Seabrook.

I would like to remark on a letter that is sent to JIM WRIGHT, Speaker of the House, and ROBERT MICHEL, minority leader, by a group of scientists which includes eight Nobel prize winners, people like Luis Alvarez, of the University of California at Berkeley, Hans Bethe of Cornell University, A.M. Cormack of Tufts, Arno Penzias from Bell Laboratories, Glenn Seaborg from Lawrence-Berkeley, Charles Towns from Berkeley, Eugene Wigner from Princeton, and Rosalyn Yalow from the Albert Einstein College of Medicine.

Mr. Chairman, I would like to quote a few of these things that they say about nuclear plant safety because I think we need this out now, early in the debate before it gets too emotionalized.

They say:

Nuclear plants in the U.S. have inherent safety through the incorporation of the negative power coefficient which suppresses power in the event of a loss of coolant accident. (Tragically, the Soviet RBMK design has a positive power coefficient which caused an immense power surge as Chernobyl.) This fundamental stability of design is reinforced by redundancy of systems so no single failure can allow an accident. Those systems have been refined over the years both on the basis of experience, and the use probabilistic-risk analysis. As a final safety measure (absent at Chernobyl), containment has been required and, over the years, the specifications have been strengthened.

And I might add vastly strengthened in the wake of Three Mile Island's accident.

I go on:

The synergism of these safety features is such that the risk of reactors of the Seabrook and Shoreham generation having an accident with a sudden large release of radioactivity is on the order of one in a billion per year, about once in the age of the earth. This is about 10,000 times safer than the hazard encountered each time you ride a commercial aircraft. Is that a level of risk which a rational person avoids?

The fourth step, evacuation, would be necessary, if ever, only within one or two miles of the plant, followed perhaps by evacuation of those within a narrow strip downwind of the plant at a later time. In view of the low population density required in siting plants, the last resort of evacuation is not a challenging task. An evacuation of everyone within the entire ten mile radius probably would never be advisable but, if done, it would not incur the volume or congestion which local police routinely handle after a college or pro football game.

I do not know whether that is true or not, but, by gosh, let us listen to eight Nobel prize winners commenting on this issue.

They also talk about the irrational objection:

The only way that fear mongers can create a threatening scenario is by (1) characterizing the one-in-a-billion accident as a realistic basis for planning, (2) insisting on a zone for evacuation 25 miles in radius instead of the NRC's 10 mile radius, and then (3) postulating a need for instantaneous evacuation of the entire zone. The second and third parts of the scenario have no technical (or legal) justification. However, they do make a modest task much larger, as well as much more complex and hazardous.

Further perspective on this issue is gained by considering that evacuations are relatively often needed for many other industrial activities such as chemical plant and railroad accidents. However, nuclear power is the only human activity where such evacuation plans are a pre-condition to operation.

We have taken one of the safest technologies that has ever been created and created preconditions which are virtually impossible.

And they go on in conclusion:

What we need is an understanding of the immense amount of scientific scrutiny which has been given to develop safety in nuclear power plants and emergency planning to the point where the risk from a nuclear plant pales beside the risk of commercial air travel.

The Nobel prize winners go on to say that:

We also need a rational appreciation of the alternatives to nuclear energy. We do not need to further expose our economy and national security to the risk of reliance on imported oil or electricity. We do hope that the reflections presented in this letter will help you and your colleagues arrive at a considered position and assist you in avoiding the imposition locally or internationally of unwarranted statutory prohibitions which would proscribe otherwise very effective useful and by most professional reckoning safe nuclear power.

Mr. UDALL. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. I thank the gentleman for yielding.

Mr. Chairman, I think it is fair to ask the question why an overwhelming percentage of the people of Nassau and Suffolk Counties on Long Island oppose this particular nuclear powerplant? I want my colleagues to know that they are not all deep-seated antinuclear activists in Nassau and Suffolk Counties. The bottom line question that they had to ask themselves—and at one time it is important to understand that a big majority of the people in Nassau and Suffolk Counties wanted this plant to go on line—but their patience and their understanding ran out. It ran out because none of the 39 most sensitive safety components of that plant were ever effectively inspected by independent inspection teams and the first time that those safety systems had a chance to operate they broke down.

The three major backup generators, one by one broke down with circumferential cracks up and down the turbines.

The construction of the nuclear powerplant at Shoreham is a catalog of mismanagement and incompetence. I submit to you how many utilities in the United States of America ever bought their own uranium mine? Only one utility in the United States decided to go out and buy one. It was loco.

They bought the uranium mine from organized crime interests in New Mexico and it turned out to have no uranium in it. Two-hundred million bucks worth.

I submit to you that common sense and good judgment are the reason that overwhelmingly people in Nassau and Suffolk Counties are opposed to Shoreham going on line. I want to commend my colleague, JIM COOPER, from Tennessee. I am not, I would not consider myself pro-nuclear, but I do not have deep seated antinuclear feelings. I only know, as do the overwhelming percentage of people in Nassau and Suffolk Counties, that this was not the place to build a plant and clearly it was not the right utility to trust with the ability to construct a nuclear powerplant.

This is a States rights issue. It is a local issue. What we are asking for on Long Island is simply the right and the opportunity to make a judgment for ourselves.

If you think it is easy for 1.3 million people in Suffolk County and the same number of people in Nassau County to say we understand that if this plant does not go on line that we are going to end up paying a huge capital cost for an asset that does not exist, I submit to you that they made that decision reluctantly and over the course of years of disappointment and frustration over the incompetence and mismanagement by this utility.

They fear that if this plant goes on line, not only is it impossible to evacuate it, but that the plant is, in itself, unsafe. What does unsafe mean? Unsafe means that people in Suffolk County are concerned that if there is an accident and there could be an accident that there is no way for them to effectively protect their families.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. Yes, I yield to my colleague from Nassau.

Mr. LENT. I thank the gentleman for yielding.

The gentleman cited some statistics from long ago about different things that broke down. I just wanted to point out to the gentleman who may not know this that the NRC's latest systematic assessment of licensee performance review which covered the period of January 1985 to March 1986, awarded the Seabrook plant the highest mark on all facets of construction quality.

Mr. MRAZEK. I want to reclaim my time.

Mr. Chairman, I am not discussing the Seabrook plant.

Mr. LENT. And also the Shoreham plant, Shoreham also.

Mr. MRAZEK. I am discussing Shoreham. And there is a catalog of criticism and condemnation for ineffective management practices from the NRC of the Long Island Lighting Co. for its management of this plant.

I only submit to my colleagues as one Member of this body that the people of Suffolk and Nassau Counties have reviewed the case of Shoreham and they have come to a judgment. They did not come to that judgment, again, because of deep seated antinuclear feelings; they came to the judgment because they fear what Shoreham can be.

Mr. SHARP. Mr. Chairman, I yield 5 minutes to the gentleman from the State of Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I was interested in the remarks of my good friend from New York [Mr. LENT] when he referred to the Markey precedent that would be set if this amendment were to pass. And I would like to address that. But first I would like to address the Markey precedent that would be set if this amendment fails to pass. For all of the Members of this House who are from States that might be targets for nuclear waste repositories, that would be a very interesting precedent, indeed.

For the precedent would be "what the Government giveth the Government can taketh away." Those of us who are in some of those earmarked States know that in that legislation there is a State veto. It can be overridden by a two-thirds vote, but there is a State veto. If the Government can take a regulation that has been on the books and abided by and, when the conclusion that seems to be coming out that process displeases the Federal Government, it can then change the rule, then anyone from those States that is a first or second round repository State—New Hampshire is one, my State is another—what value does that veto power have do you think?

□ 1805

Or do you not think, when we finally find a place to put all this nuclear waste, we will roll right over the top of any State, just like we are about to roll over the top of a couple of States here?

Let me address the other part of the Markey precedent. My good friend, the gentleman from New York, said that this will lead to closing all the plants. That is the problem of the debate that we have all the time on nuclear power. The slightest question about safety is seen as the beginning of the ultimate mortal attack on all nuclear power, and we cannot get ourselves out of that frame of mind to be able to deal rationally with proposals that are brought to the floor.

I am the third Member to speak who is going to vote for the Markey amendment who is not antinuclear. I believe we need nuclear power, but I do not believe we have to have nuclear power exactly on the basis that the nuclear industry dictates we will have nuclear power. I think we have minds. We use our minds here constantly on other issues, but once we get inside these four walls, we seem to believe that we have to do what the nuclear industry tells us we must do or we will eliminate the nuclear option. That is nonsense, pure and simple. The nuclear industry seems very effective at persuading us of that and totally ineffective at persuading the American public that it cares about or knows how to assure safety of these plants, and one of the things that it does wrong is that it vehemently opposes anything we try to do to send a signal to the American public that we are concerned and we are going to deal with nuclear power safely.

I had a location in my district that was a proposed site for a nuclear plant, and some local people wanted a plebiscite on it. It had no force of law. It was just that they wanted to ex-

press on opinion. The utility went to court to get an injunction to keep them from expressing their opinion. That happened in America. Any industry that would think that was a smart policy move or a smart way to persuade the people they really care about probably could not get Ollie North elected commandant of a local American Legion post.

What we bring before the Members with the Markey amendment is not an attack on nuclear power. I would not support that. It says, let the rules that applied when these plants started their process and went through it apply to end of that process, and then let the new rules go into effect. That is all it says. That is reasonable, and it is rational. If those plants were in our area, we would want no less. It is not an attack on nuclear power, and we should not be so foolish in this body as to buy that tired old line again.

We have got to use our own independent judgments and decide, if nuclear power is to continue to be a viable part of the energy mix in this country, that we are going to have to take over control and guarantee to the American public that it is safe, that it is cheap, and that it is going to be operated properly, because the industry simply has proven that it is not capable of doing that. We must do that ourselves. We must take it upon ourselves to do that, and we cannot achieve that end and send that signal to the American public if we simply do whatever the industry tells us we must do, because if we do otherwise, we put a bullet through the head of nuclear power. That is nonsense. We should not buy the argument as we bought it before.

Mr. Chairman, we should agree to the Markey amendment.

Mr. UDALL. Mr. Chairman, may I inquire as to the status of the unallocated time?

The CHAIRMAN pro tempore (Mr. MRAZEK). The gentleman from Arizona [Mr. UDALL] has 8½ minutes remaining, the gentleman from Indiana [Mr. SHARP] has 8 minutes remaining, and the gentleman from New York [Mr. LENT] has 16½ minutes remaining.

Mr. UDALL. Mr. Chairman, I yield myself 30 seconds just to say to my colleagues that I am under an obligation from the leadership to move that the Committee rise not later than 6:30. I thought that we were going to be able to conclude general debate by this time, but we will not do that unless a good deal of the time is yielded back. So I just want to put my colleagues on notice that in about 10 minutes from now, if a miracle has not occurred before that, we will have to rise for the evening.

Mr. LENT. Mr. Chairman, I yield 5 minutes to the member from the Seabrook vicinity, the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, with all due respect to the preceding speakers, the Markey amendment does not deal with safety at all. I do not understand where we get the impression that the Markey amendment deals with safety. Nor does it deal with States' rights.

The final rule, as issued by the NRC, has not even been adopted yet, and here we are trying to preempt this authority. The Markey amendment was defeated in two House committees. It would not only block the NRC from doing the job this Congress authorized it to do at Shoreham and Seabrook, but it could jeopardize the future of our nuclear power plants by setting an unprecedented pattern for Congress to manage nuclear power plant by plant. Congress did not intend that.

Now, I might point out to my colleagues, the gentleman from Massachusetts [Mr. MARKEY] and others, that these are New Hampshire beaches he is referring to, and that the utility has offered to close that plant down during those summer months. That is very important. The utility has offered to close that plant down during summer months so that the evacuation of those beaches would not be an issue.

This is not a State's rights issue either. Under the terms of the gentleman's amendment, the NRC can use this rule in all other cases except Shoreham and Seabrook. So how can it be a States' rights issue? The fact is that we would all like to have States participate fully in the process. As a matter of fact, they should. If you are a town or a city or a State, you would want to participate in the process to insure that safety would prevail. The problem is that States are simply refusing to participate at all, so that no other determination on emergency planning can be made one way or the other.

There is no stronger advocate of States' rights in this place than me, and I would support an amendment, quite frankly, to the Atomic Energy Act which would give veto power if it is applied to new plants. So if the gentleman from Massachusetts [Mr. MARKEY] would like to amend his amendment, he would have my support. That is not the case with Shoreham, and it is not the case with Seabrook.

This amendment before us does absolutely nothing to assure safety in the operation of nuclear powerplants. In fact, I would join with the gentleman from Massachusetts [Mr. MARKEY] if it did. The amendment is saying that Congress does not want to solve the problem, and that in fact we simply want to maintain the current state of limbo which the nuclear powerplant licensing process is in. That is not facing up to the issue.

Let us not be led into believing that this amendment is somehow going to clear the way for a determination of whether the seacoast area of New England can or cannot be evacuated. It will not kill the Seabrook plant, as some would like to believe. It will only contribute to current delays in litigation. For those who believe it would stop the submission of utility plants for Seabrook, it will not. Even if the amendment were to pass, it is my understanding that the utility could and would still submit evacuation plans for Seabrook station to the NRC for review. The amendment would prevent the NRC from using the criteria necessary to judge the adequacy and the safety of such plant.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, a little while earlier, during the debate, we looked at a picture, a photograph in color, purportedly of the Seabrook plant and showing a beach down the road. Does that picture represent an area that is in the gentleman's district?

Mr. SMITH of New Hampshire. Yes, it does. It is in this gentleman's district. That was a New Hampshire beach we were looking at.

Mr. LENT. Mr. Chairman, I want to commend the gentleman for his courage in standing up for America's energy independence and standing up and supporting this plant and expressing his opposition to the Markey amendment.

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman.

Mr. Chairman, let me in conclusion address this issue: I have been accused of being "in the pocket" of the nuclear industry. I venture to say that there may be some on this floor right now who take the opposite position on the Markey amendment who did not vote as I did last week to totally remove the cap on Price-Anderson, to totally make the nuclear industry liable. I voted for that. That is not being "in the pocket" of the industry.

I also voted to insure that the lawyers would get paid after the victims. That is not being "in the pocket" of the nuclear industry.

For the same reasons, I oppose the Markey amendment, I also do not plan to support, if it is offered, the Stratton amendment, which is the opposite, the antithesis of the Markey amendment, because that amendment is wrong, too, because it butts into the right and the opportunity of the NRC to make decisions regarding safety.

Mr. Chairman, the Markey amendment does not stop the NRC's proposed rule in any other district for any

other plant, other than Shoreham and Seabrook.

Second, it does not kill these two plants. It merely exacerbates the litigation and their costs. It does not stop the utility from submitting emergency plans for consideration to NRC. It does not address the safety concerns or the emergency planning for Seabrook. It changes the law midway through the licensing process. It is the total opposite of what the preceding speaker said.

Finally, Mr. Chairman, it is not a States rights issue. In conclusion, I ask the Members to vote against the Markey amendment.

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, with the admonition in mind that everything has been said but everyone has not said it, I would just like to make a few points that need to be made, I think, to bear closer scrutiny. First of all, the gentleman from Washington made a point that I think needs to be made over and over again. Those who talk about the Markey amendment as a precedent lose the capacity, it seems to me, to make distinctions in the law.

The Markey amendment applies to Shoreham and Seabrook alone, to no one else. It is painful, I know, for Members who are staunch advocates of nuclear power to recognize that fact because it leaves them in the position of having to argue the point that we make about safety. That is an issue that has been made over and over again.

With respect to Long Island, our Governor is not antinuclear. During his administration there have been two nuclear powerplants, one at Indian Point and the other at Oswego, that have gone on line. He is opposed, as am I and other Members of the Long Island delegation, for one very simple reason. The Nuclear Regulatory Commission, after Three Mile Island, understood the need for an evacuation plan. They recognized that it should be a condition precedent to the operation of a nuclear power plant. The people of Long Island, Democrats and Republicans, sober public officials, felt in their good judgment that they could not safely get the people away from a powerplant if there was an accident. However remote the possibility of that accident may be, it was their judgment that they could not be removed in time to protect them.

So the issue for many of us, if we feel deeply about this on Long Island, is to be lectured about the safety, not so much from the perspective of a gentleman from Pennsylvania or a gentleman from California who feels that the precedent is so much more important than the safety of the 2.6 million people of Long Island that we need to brush aside that issue and raise a cloud of obfuscation about precedent and never deal with the most fundamental problem, and that is that these two plants, their siting and their location, is a profound mistake that we must not allow to happen.

Mr. GEPHARDT. Mr. Chairman, on Wednesday, we will consider the Markey amendment to the NRC authorization bill, which would prevent the NRC from licensing the Shoreham and Seabrook plants on the basis of relaxed emergency planning standards. I intend to support this amendment, and I urge my colleagues to do the same.

Just over 1 year ago, the Chernobyl accident sent a radioactive cloud across thousands of square miles of Europe. Nearly 40 people have died. Over 200 were exposed to serious levels of radiation and 135,000 were evacuated from an area 20 miles around the reactor. The city of Pripyat remains deserted. The Soviet Government continues a long, difficult clean up.

Some have said that Chernobyl cannot happen here, that our commercial reactors are different from those in the Soviet Union.

But this cannot be a reason for complacence. It cannot be a reason to belittle the importance of emergency planning.

The NRC reports that there is a significant chance of another reactor accident over the next 15 years. Former NRC Commissioner Jim Asselstine is on record saying that the containment on certain types of our reactors have "an 80- or 90-percent chance" of being breached in the event of a core meltdown.

The 1979 accident at Three Mile Island demonstrated clearly the need for adequate emergency planning around nuclear plants and for State involvement in that planning.

In 1980, after much deliberation in the wake of the Three Mile Island accident, the Nation implemented policies to improve nuclear plant safety. The Nuclear Regulatory Commission issued rules requiring "an applicant/licensee * * * to submit its energency plans, as well as State and local governmental emergency plans, to [the] NRC."

These rules provided States an explicit and critical role in developing plans to protect the public in the event of a nuclear accident.

The NRC is now considering a rule to bypass the present emergency planning process if States do not approve emergency plans. The practical effect is that State and local governments might have to implement plans they had no hand in designing and that are inadequate to protect public safety.

The result is this: two densely populated areas where evacuation planning is most critical, those around the Seabrook and Shoreham plants, could end up with inadequate emergency planning.

What Mr. MARKEY proposes to do is to maintain current regulations for two plants: the Shoreham and Seabrook plants. The legislation simply applies current rules to those two plants. It doesn't say that Congress will shut them. What it says is that we aren't going to let the NRC change the rules and override local concerns just so they can get two plants on line.

Whatever you think of nuclear power, whether you are for it or against it, the question today is whether you want the States to have real roles and prerogatives in protecting public safety. Will they have the leverage they feel that they need to get others to take seriously their concerns about safety?

Safety must be our paramount concern. If evacuation plans ever have to be used, we had better make sure that those plans are workable and that the States are up to the job.

This amendment will put Congress firmly on record in support of nuclear safety. I urge your support.

□ 1820

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SHARP] having assumed the chair, Mr. LANTOS, Chairman pro tempore 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. 1315) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes, had come to no resolution thereon.

ANNUAL REPORT OF SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LANTOS) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Tuesday, August 4, 1987.)

ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs.

(For message, see proceedings of the Senate of today, Tuesday, August 4, 1987.)

GENERAL LEAVE

Mr. DAVIS of Michigan. 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 the subject of the special order today by the gentleman from California [Mr. BADHAM].

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

There was no objection.

EXPLANATION OF ABSENCE AND VOTE ON H.R. 27

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, yesterday, I was absent from the House due to prior commitments. However, if I had been present I would have supported and voted "aye" on the bills that were considered and passed in the House under a suspension of the rules.

I also want to express my very strong support for the conference report on H.R. 27, the Competitive Equality Banking Act of 1987. I would have voted "aye." This passage of this legislation was, without a doubt, long overdue. Members who supported the bill, including myself, understood the serious financial condition of the FSLIC and the need to provide Federal legislative support at this time.

I would note the conference report eventually won a consensus of support from the members of the Banking Committees in both the House and Senate, the administration, and the various interest groups in the financial community.

While some members of the House Banking Committee might have preferred that H.R. 27 only address the FSLIC recapitalization problem, the House and Senate conference report is an amazing compromise among the many factions involved. In addition to recapitalizing the FSLIC, H.R. 27 closes the nonbank bank loophole, places a moratorium on all new nonbanking activities until next March, provides faster check clearance by banks, gives Federal regulators broader authority to deal with failed and failing institutions, and permits qualified farm banks to amortize losses from agricultural loans over 7 years.

I commend the members of the House Banking Committee who were conferees for their perseverance and hard work during the conference. I applaud the administration for their willingness to work and compromise with the House and Senate conferees to reach a bill that would not be vetoed by the President. And finally, I thank my colleagues in the House for giving their overwhelming support to H.R. 27.

LICENSING SEABROOK AND SHOREHAM

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

Mr. MARLENEE. Mr. Speaker, I urge my colleagues to examine very closely yesterday's New York Times article by John Chubb which headlines read, "License Seabrook, Shoreham."

I visited Shoreham with the gentleman from Massachusetts [Mr. MARKEY]. The purpose was a hearing on licensing procedure. As the hearing unfolded, it became increasingly clear that the antinuclear crowd did not want to play by the rules of the game. It went something like this:

Yes, we will let you spend $5 billion to build Shoreham. Yes, we will allow you to pay millions of dollars in taxes. Yes, we will participate in developing an emergency evacuation plan.

Then came rug-jerking time. Ship in some activists who were formerly the Jerry Brown crowd in California. Inflame the people; change local government. Said new local government then refuses to participate in developing an evacuation plan; but even that was not enough.

The antinuclear crowd now sees this as an opportunity to have the gentleman from Massachusetts [Mr. MARKEY] cinch killing nuclear power by offering an amendment on emergency evacuation plans.

Vote "no" on the Markey amendment.

[From the New York Times, Aug. 3, 1987]

LICENSE SEABROOK, SHOREHAM

(By John E. Chubb)

WASHINGTON.—Tomorrow, Representative Edward J. Markey, Democrat of Massachusetts, is expected to ask the House to prevent the Nuclear Regulatory Commission from proceeding with its licensing of two completed nuclear power plants. This is not a routine legislative matter. Congressional action could determine not only the immediate fate of both plants—which should be licensed—but also the future use of nuclear power in this country.

The debate pits two states against a Federal agency and thus is being cast as a classic confrontation between state and Federal rights. But the real issue is not rights: It is what to do when a clash of rights threatens the national interest. When compelling the national interest must prevail.

At issue are emergency plans for the $5 billion Shoreham plant on Long Island and the $4.8 billion Seabrook plant in New Hampshire. Both have been completed and are ready for operation, pending approval of operating licenses by the Nuclear Regulatory Commission.

Both plants were built with the backing of state and local officials. Both have successfully obtained the dozens of state and local permits needed for construction and operation. Both have completed the N.R.C.'s extensive safety review, including hundreds of hours of public hearings. Both will help avert electric power shortages in their regions.

But both are being held up by the persistent refusal of state and local officials to participate in the emergency planning and testing required by law before a nuclear plant is allowed to operate.

Shoreham is blocked by Suffolk County and New York State Officials. Seabrook has been approved by New Hampshire but is still blocked by the Governor of Massachusetts, for his state's border lies within the requisite emergency planning radius of 10 miles around the plant.

After the accident at Three Mile Island in Pennsylvania in 1979, Congress required that an emergency response plan be created and tested with the cooperation of state and local governments before a nuclear plant received an operating license. Congress assumed that state and local officials would cooperate in such activities. And at plant sites throughout the country, including California's controversial Diablo Canyon, planning has proceeded cooperatively.

But recognizing that on rare occasions planning might not proceed cooperatively, Congress has repeatedly stated that it did intend to empower states to veto plant licensing by failing to participate. Congress also gave the N.R.C. authority to issue licenses without state and local cooperation if utilities developed feasible emergency plans.

Faced with the intransigence of New York and Massachusetts officials and threats of similar action from officials in a few other states, the commission has proposed specific criteria to exercise this authority and break the licensing logjam.

Since the N.R.C.'s proposal was released for public comment, Representative Markey has tried unsuccessfully to prevent the N.R.C. from taking actions that could lead to operating licenses for Seabrook and Shoreham. Twice defeated in committee votes, he now wants to bring the matter before the full House, asking it to defer to his wishes on what he portrays as a "local" issue.

But the issue is not local. The emergency planning controversy bears directly on America's ability to maintain an energy supply that is not vulnerable to international insecurity and instability.

The states, which are not individually responsible for the national interest, can refrain from developing their own resources by importing a large volume of their energy from other states and from friendly countries like Canada—or from insecure, unfriendly sources like many of the nations that belong to the Organization of Petroleum Exporting Countries.

Ironically, the region most dependent on foreign oil for electricity production is the Northeast, where Seabrook and Shoreham are located. More than 40 percent of all electricity used in New England is generated with oil. The Long Island Lighting Company, struggling to license Shoreham, depends on oil for 80 percent to 100 percent of its normal generating capacity, depending on the season of the year.

Excessive reliance on imports from a market ultimately controlled by OPEC constitutes a serious threat to our security. Washington, not the states, is responsible for maintaining the kinds of diplomatic and military relationships with the Middle East—for example, escorting tankers through the Persian Gulf—that will keep the oil from there flowing.

If that supply should be interrupted or, more likely, cut back, the national Government will bear the burden of allocating precious supplies and strategic reserves and of

alleviating the inflation and unemployment that would probably result.

As our demand for electricity rises, as our conservation efforts slip with falling oil prices, as our domestic supply of oil continues to dminish, as potential energy alternatives like solar power languish and as available alternatives such as coal and nuclear power are put on hold, America is turning again to imported oil.

Thus, we cannot escape dangerous dependency unless we act to break the regulatory logjams. Clearly, states vetoes of Shoreham and Seabrook would set a dangerous precedent that could prevent utilities from considering nuclear power as an option for future generating capacity.

This is not to say that the states do not have the right to participate in decisions that vitally affect their interests and the nation's—only that they cannot have the final say.

Throughout our history, the states have argued that to permit the national Government to pre-empt them is to threaten the dual sovereignty that is the basis of the Federal system. That argument is fair, but the courts have told us time and again that states' rights must be balanced against the national interest.

The Federal Government thus enjoys ultimate authority over an impressive range of activities that affect interstate commerce, not to mention national defense. It should exercise the same authority over the nation's energy policy.

Three things should happen immediately. Congress should defeat the Markey proposal, reiterating its view that emergency planning does not provide the states with a veto. The Nuclear Regulatory Commission should implement its proposed criteria for dealing with uncooperative states, and proceed with its consideration of operating licenses for Seabrook and Shoreham. Finally, politicians at all levels of government should elevate the debate from the rhetoric of states' rights to the reality of genuine national interest.

In energy, the overriding national interest lies in taking whatever steps are necessary to break our dependence on foreign oil.

A TRIBUTE TO RAOUL WALLENBERG

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to Raoul Wallenberg, a man whose love, compassion, and faith in God led him to risk all to save and to preserve over 100,000 innocent people from the atrocities of the Nazis.

Raoul Wallenberg is 75 years old today, Mr. Speaker, and his fate in the bowels of a Soviet gulag remains a mystery. Absent our abiding hope of eternal life, Mr. Speaker, it would be absolutely unbearable to dwell on the cruelty suffered by this man of peace at the hands of his Soviet jailers.

It is a bitter irony that one who has done so much good should be forced to endure so much evil. Throughout the world, Raoul Wallenberg is loved and admired. Nowhere is this devotion and respect more powerful than among those for whom he interceded to save.

Recently, I had the privilege of meeting one of those survivors, a constituent of mine, who told me the story of how she was saved by Raoul Wallenberg, her own miracle. In 1944 Dr. Vera Goodkin and her family were being held by the Nazis in a prison camp just outside of Budapest. As Jews, they were made to suffer unspeakable abuse. Vera Goodkin was just barely alive and was emaciated and very frail when Raoul Wallenberg came to vist that day leading a team of Red Cross workers. The purpose of the visit was to rescue the children, to plead with the authorities to at the very least let those children go.

Mr. Speaker, I include for the RECORD her full story taken from excerpts of a speech she recently gave, as follows:

EXCERPT OF SPEECH BY DR. VERA GOODKIN

The process of dehumanization I spoke about earlier began with incredible manifestations and grew like a malignancy toward its ultimate goal of extermination. The jovial barber refused to cut my father's hair; my first-grade classmates started calling me names; family friends reduced the amount of socialization and finally, appealed to my parents' sense of fairness to let them go completely. Then came the curfew from sunset to sunrise. All the while, I heard and watched my father get up and go downstairs with a pail of water and a brush at 5:00 a.m. Each day to scrub scurrilous propaganda off his shingle, so that his remaining patients would not be treated to all that obscene graffiti. Soon, he was forbidden to practice medicine and drafted into forced labor.

How prophetic were my hysterical screams of fear when I heard the goose-stepping German troops in the town square on March 15th. "They're going to kill us: I cried. And that was exactly what they had in mind in slow, painful stages.

As you have undoubtedly heard, to make sure that Jews could readily be indentified and targeted for ridicule and abuse, a yellow felt star, six inches in diameter, graced the left side of the chest of all adults and children of walking age. Even infants did not escape this badge of shame which had to be pinned to their carriages and strollers. Failure to display the star prominently was a criminal offense punishable by penalties ranging from fines to sentences of death, depending upon judicial whim. "Where did all this cruelty come from in a formerly ideal democracy?" One might ask. I guess, I must agree with Voltaire who said that, given a few rabble rousers, the rabble soon surfaces everywhere.

Our efforts to emigrate to the U.S. failed on what, later on, when the name of the game became survival, was a mere technicality. The authorities refused to grant us a passport and my father, a law-abiding citizen, would not leave the country illegally. Thus, the last door to freedom was shut tight, and we became hostages. Shortly thereafter, we started a career as professional escapees from one city to another, from local holding prisons to temporary safe havens and from one country to another, always one step ahead of the Nazis and their collaborators. The latter were always ready, willing, and able to do the Nazis' dirty work by delivering three more Jews for bondage and destruction. Having been denounced in our last hiding place in Slovakia, we were visited by four members of the Jewish property confiscation team. The group consisted of one member of the SS, one representative of the Slovak secret police, one local collaborator, and one member of the Jewish community, an attorney who was forced to join the unholy trio to draw up papers, making the confiscation proceedings "legal". We wondered why they bothered.

Within a few days, after the SS kidnapping of Jewish women between the ages of 18-25, both single and married, for the use of troops at the front, the Jewish community of Banska Bystrica was included on the Auschwitz shipping list. We knew that, as aliens, we would be part of the first transport. We also knew that there was an organization akin to the underground railroad for slaves. It was, however, not based on altruism, but cold, hard cash paid to members of certain farm families whose properties spanned the Slovak and Hungarian sides of the border. We made contact, and having agreed to surrender our remaining assets, were smuggled out to a farm house whose living quarters consisted of one large room which housed three generations, along with assorted farm animals and an attic filled with rats. We cohabited with the rats, remaining virtually motionless for 24 hours since we were warned that grandma was a Nazi sympathizer who would have cheerfully had us removed from the premises and handed over to the authorities. As sleep settled in on family and livestock, on the second day, the young farmer led us into the darkness of a dismal November night. The torrential downpour drenched our bodies and the ankle-deep mud in the forest made each step difficult and painful. In order to proceed, we had to forcibly extract each foot from the mud and, having shaken off the excess, reinsert it one step farther along the way. While we concentrated on this routine, suddenly a flash of light appeared at a distance. This frightened our guide who decided to leave us to our own devices. Without a word, he turned and began heading home.

After all those years, I can still feel the crippling exhaustion that overtook me and remember an eerie sense of relief that the journey was over. In my child's mind, I could only picture how wonderful it would be to slump down against a tree and go to sleep. I even said so to my mother, but she was not impressed. Giving up my fantasy, I watched in utter amazement as my mother broke away from us to pursue the guide. "You have children of your own," she cried out, "don't let this child die:" Miraculously, she won.

The next night, we made it across the Hungarian border and boarded a train for Budapest where Jews, while harassed, still lived in relative safety, but not for long. We were arrested and taken to the infamous prison fortress, Tolonc. It was filled to capacity, so we stood in the courtyard overnight, packed so tightly that we could not sit down. As we kept dozing off in a standing position, we resembled a field of wheat swaying in the breeze. When they made room for us inside, we were not at all it was an improvement. We were separated from my father and herded into empty, concrete-floored dungeons whose walls were polka-dotted with well-nourished bedbugs—although there were no beds or cots for that matter. We got our nourishment in the

form of watery potato peel soup, with an iron supplement from the rusty cup. Crusts of stale bread made relatively effective spoons. Soon the men were shipped to Sarvar, a prison on the Austrian border and the women and children to Kistarcsa, a prison on the outskirts of Budapest.

One day, two months later, when most of us were suffering from ailments brought on by filth and malnutrition, there was a great commotion; all women and children were called out into the courtyard. The prison commandant introduced three members of the Swedish Red Cross who explained that they could secure the release of all prisoners below the age of 14 and appealed to the mothers to let their children go. Their words certainly rang true to my mother who literally pushed her child into their arms. As the prison gates shut behind us, and we were on our way to the Swedish Red Cross headquarters, I found out that a Mr. Wallenberg engineered these prison visits for the express purpose of saving children. In a makeshift dormitory, I met 36 other children whose mothers had the foresight to let them go in the hopes that they would have humane treatment and, above all, a chance to survive. Within two weeks, while helping care for a little girl with scarlet fever, I contracted such a severe case that I was transferred to the hospital for contagious diseases. During my hospitalization, the Hungarian Arrow Cross kidnapped and killed my little friends. Upon my release, I was taken to an orphanage operated by the Swedish Red Cross in the firm belief that I, too, was an orphan. In the interim, an incredible interplay of random circumstances became responsible for a miracle. Soon after I was saved, my mother found herself in a sealed cattle wagon en route to Auschwitz. As the train kept rolling along, prisoners familiar with the landscape and able to get near the iron-grated openings, began noticing that the train was being side-tracked. They soon found out why; the Hungarian prison authorities had made a mistake by unwittingly including the Jewish wife of one member of the ruling Horthy family. While the Horthys could not keep this woman out of prison, they were going to see to it that she did not end up in a crematorium. Since the cattle wagons had no passenger lists, the only way she could be found was by emptying the entire train to search for one individual, a needle in a haystack. For security reasons, this could best be done in the yard of another prison which turned out to be Sarvar, where my father now worked as prison physician. In the monumental confusion, he casually sauntered by my mother's group and whispered, "take this!" As he slipped a vial of poison into her hand. A few minutes later, she was carried, unconscious, into the so-called infirmary. The scheme almost didn't work as the SS guard furiously insisted on taking her along "as is" to complete his roster of 2,000 bodies. Just then, he was urgently summoned by his superior and ordered to move the transport immediately. The German high command was perturbed by the lateness of its human cargo and issued a change of orders: the prisoners were to be shot right outside the prison walls . . . my mother got another reprieve.

A couple of months later, during a 36-hour underground coup, my parents found one another and left Sarvar together on foot en route to Budapest. By the time they arrived, the coup had been crushed, and freed prisoners were being recaptured in droves. That was when the "Angel of Budapest" reentered our lives. Everyone spoke with awe about the young, handsome Swede who was issuing "schutzpasses", protective passes, and placing people in houses protected by the Swedish Government. My father decided to try reaching the Swedish embassy; a risk well worth taking, when recapture meant death. Having weathered the trip, my father found himself in the company of the legendary Swede whom he described as gentle and compassionate. Within minutes, in utter disbelief, he even found out where his little girl was. To complete the miracle, he was clutching a schutzpass that would entitle his reunited family to asylum in one of those Swedish houses. For the next 2½ months, we joined 128 others in waiting for the end of a long nightmare. The last 6 weeks were spent in the basement to escape the shelling and bombing during the siege of Budapest. Food was scarce, but morale was high. On January 16, 1945, the Russians drove the Germans out of our street. Within 48 hours, still in a hail of bullets, we began our journey back to Czechoslovakia and the life we knew before March 1939. On January 17, 1945, the Angel of Budapest disappeared into the Gulag.

HAMILTON AND JEFFERSON WERE RIGHT ABOUT THE MINT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the bicentennial of the Constitution this year has led many people to go back and study the early history of our Nation and the thoughts of the founders. I, too, have done this. My studies confirm my belief that our Founding Fathers possessed profound wisdom. Their words and warnings are as appropriate today as they were 200 years ago.

The thoughts of Alexander Hamilton and Thomas Jefferson regarding the U.S. Mint are a case in point. Their comments on the operation of the U.S. Mint are particularly relevant to my efforts to require that the current U.S. Mint contract with American rather than foreign firms.

After the adoption of the U.S. Constitution in 1788, Alexander Hamilton, the first Secretary of the Treasury, wrote a report favoring the establishment of a national mint. Hamilton, a fervent advocate of a strong central government recognized the need for the Nation to closely control its coinage. His views were contrary to the practice in the States at the time, since State coinage during the period of the Articles of Confederation was struck by private concerns under contract with the States.

While Hamilton originated the idea of a national mint, Jefferson was its greatest advocate. As the first Secretary of State for the new republic, Jefferson devoted much time and effort to killing efforts to contract abroad for the production of United States coins. His efforts were successful and on March 3, 1791, Congress passed a resolution calling for the establishment of a national mint. The following year the first coins were struck by the U.S. Mint.

Unfortunately, this lesson of history seems to be lost on the current administration, despite much talk of the framers' "original intent."

Over the past several years the Subcommittee on Consumer Affairs and Coinage has seen an increasing tendency on the part of the mint to rely on foreign sources for machinery and services. In just the past 2 years, for example, the mint has purchased foreign coin presses, used foreign gold refiners, used foreign coin distributors, and purchased foreign metal for use in United States coins. Two years ago it was about to purchase coin blanks from foreign producers, until the threat of legislative action forced it to abandon its scheme.

Fortunately, members of the subcommittee continue to be better students of American history than the U.S. Mint. On July 15, the subcommittee adopted amendments I offered to the mint's budget authorization that will require the mint to use American sources to manufacture American coins.

I think Hamilton and Jefferson would approve.

FREEDOM OF THE DEPARTMENT OF DEFENSE PRESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I am today introducing the Freedom of the Department of Defense Press Act. The purpose of this bill is to establish a temporary commission to investigate allegations of censorship in the editorial operations of newspapers published by the Department of Defense. This bill is virtually identical to S. 1130 which was introduced by Senator WILLIAM PROXMIRE on May 5.

Both Senator PROXMIRE and myself have received numerous complaints from civilian journalists at Pacific Stars and Stripes. These complaints allege that the newspaper is being censored and that the news is being managed in order to keep out or suppress unfavorable news.

These charges are very serious. Pacific Stars and Stripes is a Department of Defense sponsored newspaper that provides news to Army, Navy, Air Force, and Marine personnel serving our Nation overseas in Asia. The mission of the newspaper is to bring DOD personnel and their dependents the same international, national, and regional news and opinion from commercial sources available to newspapers throughout the United States.

According to the Department of Defense, this news makes possible the continued intelligent exercise of the responsibilities of citizenship by DOD personnel while they serve away from home. This helps improve morale and readiness by dispelling rumor and by keeping servicemen and their families in touch with

many aspects of life in the United States while they serve overseas.

It is the written policy of the Department of Defense that a free flow of news and information shall be provided to all military personnel without censorship or news management. In addition, written guidelines governing the Stars and Stripes newspapers specifically prohibit the calculated withholding of unfavorable news.

Notwithstanding this formal policy, the history of both the European and Pacific Stars and Stripes is full of battles over censorship. Lately, the tension between censorship and responsible editing has increased, and there is strong evidence that the hand of the censor is more and more replacing that of the editor.

We need an independent review of the problems that have arisen. That is the purpose of the legislation. It would establish a commission to examine the editorial policies and operations of both Pacific and European Stars and Stripes in order to determine whether any censorship or news management is permitted or practiced. The commission would also explore whether increased civilian control over editorial operations would help to alleviate the problems. The commission would be composed of distinguished journalists appointed by the Secretary of Defense from nominees of professional journalism organizations.

Mr. Speaker, we need to make sure that men and women who are serving our Nation overseas in the struggle for freedom are not deprived of their first amendment rights. The bill I have introduced will help to make sure that the Stars and Stripes newspapers are giving these people all of the news that is available in the United States.

VACATING SPECIAL ORDER

Mr. HYDE. Mr. Speaker, since it is my intention to join the gentleman from New York [Mr. FISH] today in the gentleman's special order, I ask unanimous consent that my special order be vacated.

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

There was no objection.

HAPPY BIRTHDAY, COAST GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, today is the U.S. Coast Guard's 197th birthday and, as the chairman of the Subcommittee on Coast Guard and Navigation, I want to take this opportunity to wish all the fine personnel of the Coast Guard a "happy birthday."

The Coast Guard has a long and distinguished record of service to the American people since its beginning as the Revenue Cutter Service in 1790. While the Coast Guard's role as the Good Samaritan of the seas is widely recognized, the Coast Guard really is a multimission agency. It is responsible for patrolling the waters out 200 miles from our shores to enforce fisheries laws and for national defense purposes under the Maritime Defense Zone agreement with the Navy signed in 1983. It's responsible for investigating major maritime casualties, such as the recent collision of two ferries in Long Island Sound. It's responsible for marine environmental pollution control, particularly the cleanup of oil spills such as the large spill last month off the coast of Alaska. It plays a major role in drug interdiction, and does it very well, as proven by the May 8 interception of nearly 2 tons of cocaine—the second largest cocaine bust every made by a Federal agency.

On July 8, the House approved our subcommittee's Coast Guard authorization bill for fiscal year 1988. That bill contained a very lean budget that is adequate—but certainly not excessive. It does not provide funds for major acquisitions or new programs. It simply provides the basic amounts necessary to pay personnel, buy fuel and spare parts, perform critical maintenance, and continue current programs, including drug interdiction operations originated by last year's omnibus drug bill. Unfortunately, the transportation appropriations bill passed by this same House just 5 days later contains a Coast Guard funding level that is more than $300 million below the authorization figure.

This time last year, the Miami News ran an editorial entitled "Rescue the Coast Guard So It Can Do Its Job." In that editorial was the following statement: "Congress is fast with ideas for new things the Coast Guard could do but slow with the money to do them." There is entirely too much truth in that statement, Mr. Speaker. Despite the fact that we continue to increase the missions of the Coast Guard, in constant dollars there has been no growth in the Coast Guard budget over the last 5 years. And, to literally add injury to insult, the appropriations level passed by this House for the Coast Guard actually cuts Coast Guard funds by more than 10 percent from fiscal 1987 funding levels.

Mr. Speaker, all Americans benefit from the services of the Coast Guard, whether it be directly as the result of a search and rescue mission, or indirectly through port security, the safe transport of consumer goods made possible by the Coast Guard's maintenance of aids to navigation, the cleanup of an oil spill, or the interdiction of the illegal drugs plaguing our Nation. The Coast Guard is one Federal agency that truly gives the taxpayers the most value for money spent. The Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96-hour work weeks, without overtime pay, if that's what it takes to get the job done.

The many missions we have assigned to the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. For the Congress to continue to expect the Coast Guard to do more jobs while we give them less money flies in the face of plain common sense. The dedicated personnel of the Coast Guard do not deserve the shameful treatment they are receiving from this Congress.

The best birthday present this Congress could give to the Coast Guard—although it will have to be a belated one since we obviously cannot do it today—would be to give them the necessary funds to carry out their many missions and to contiue to live up to their motto—Semper Paratus—Always Ready.

CONFERENCE ON DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACK] is recognized for 5 minutes.

Mr. MACK. Mr. Speaker, I take this opportunity this evening to raise an issue that just developed as a result of the conference committee on the debt ceiling.

As many Members are aware, annually this is a debate about the level of the debt ceiling of the Nation should be. During the last several years, the issue of Gramm-Rudman; that is, a deficit-reduction plan which the Congress passed back in 1985 asserting its position that the No. 1 concern was the reduction of the size of the national deficit on a gradual reduction over a 5-year period down to a balanced budget.

We are at a point now where the debt ceiling has to be raised again; and because of the actions of the Supreme Court in early 1986 which held that the automatic trigger mechanism, the automatic trigger enforcement mechanism of Gramm-Rudman was held unconstitutional.

We are in the process of trying to fix that, so as a result, we are in conference over the positions of both the House and the other body relative to how to fix the automatic feature to Gramm-Rudman and what level to establish the debt of the United States. The reason I went through that background before I made my point is because I think it is important to understand that context.

The first order of business in that conference was for the Members of both the House and the other body to take up what they considered their No. 1 issue, and that was the protection of how they receive pay increases.

In the other body's plan, the Senate amendment said that it provides for the recommendations of the President concerning the salary rates for Members of Congress and certain other officers and employees of the United States.

It said in essence, in order for that pay increase to go into effect, it would take a positive vote on the part of the Members of the Congress in both the House and in the other body.

That is contrary to present law that allows for the President to make recommendations, and those recommendations will go into effect, unless the Congress were to act to the negative. That is, within a 30-day period of time, both the House and the other body have to get together and establish the fact that they disagree with those pay increases. That is present law.

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The other body wanted to change that, and basically made the statement that if Members of the Congress are going to get increases in pay, that we ought to vote for them before they go into effect. That was what the Senate provision was.

Without any information beforehand that this was a point that was going to be brought up for discussion, or even a decision being made on it, it was breezed through the conference with basically no Member being informed.

I used this time to say how ironic it is that the Congress talk of the importance about controlling spending, reducing the deficit; and yet, the very first thing, and the only thing done during that conference meeting earlier today, was to protect the Members of the Congress, to ensure that while the Members are having to make deficit reductions from other sources, that the Members' own pay is going to be protected.

The Members are going to get their increases without having to vote for them, so I took this time to bring that information forward, and to make it available to the other Members who did not participate.

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

Mr. MACK. I yield to the gentleman from Illinois.

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

Conceptually does the gentleman not think that voting for a Member's own pay increase is the ultimate conflict of interest?

Mr. MACK. I do not think so at all. It is the only mechanism that we have in this particular body to in fact do that.

I happened to have been in the business community before I came to the Congress; and I would say to the gentleman that one of the most difficult things to do under any circumstances is to make a determination about how somebody should be paid.

In this body everything we do should be voted on by the Members of the Congress.

□ 1835

Yes, it is difficult, but it should be voted on by the Members of Congress.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, I think especially spending money, but it just is ironic. It seems to me a conflict of interest is where you have a personal interest in the outcome of a particular vote and we shy away from those, but we insist on voting on our own pay raises.

Reverse English applies. Nobody will vote for a pay increase if they are forced to, or very few will, but it is a very complex problem. I think the gentleman has done a great service in bringing it to our attention.

Mr. MACK. Well, I appreciate the gentleman's point of view, but again I would make the point about how ironic it is that the point issue that we dealt with today during a conference over how to reduce Federal expenditures, the only action that was taken, and I might add, not in the total light of day, not in a way that was totally understood and explained to everyone, the decision was made to protect the way Members of Congress receive their pay.

I know the gentleman and I have a disagreement over that particular issue.

Mr. HYDE. Well, I do not disagree.

Mr. MACK. Mr. Speaker, I thank the gentleman.

HIDING AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I rise to further elaborate on the point just made by the gentleman from Florida, because this gentleman was in the same conference with the gentleman from Florida. I would like to perhaps detail exactly how this came about. Maybe the gentleman from Florida could confirm my version of the facts.

We arrived in the conference, not ever having had a meeting of the House conferees, is that correct?

Mr. MACK. Mr. Speaker, if the gentleman will yield, that is absolutely correct.

Mr. WALKER. When this issue came up, it came up as amendment No. 3, which was buried at the back of a packet of papers that we were given.

Mr. MACK. Mr. Speaker, if the gentleman will yield, I have in my hand the packet of information that was given to us. There is no indication of amendment numbers.

Frankly, there were several issues that were brought up at the same time. Members were told that they could be found either on page 6 or page 23, but there was no identification as to what amendment numbers were being discussed.

Mr. WALKER. The gentleman is correct. Then the issue was raised that the House insisted that the Senate recede to the House position on this particular matter. At no point had the House been given an opportunity to even make that kind of determination, so that the House position was stated without the House conferees ever having been given a chance to reflect on what our position should be; is that not correct?

Mr. MACK. Absolutely.

Mr. WALKER. Then when the Senate went to confer on this matter as to whether or not they were going to recede to the House position, as I recall, it took them about 2 minutes to make their decision that indeed they were going to recede. They kind of got together and discussed it and it took them about 2 minutes to decide that they would in fact recede on this issue of whether or not we ought to vote on our pay raises; is that the gentleman's recollection?

Mr. MACK. That is correct.

Mr. WALKER. And this vote in the Senate, as I understand it, was about a 90-to-4 vote, so it was not a matter of minor concern in the United States Senate.

Then when we raised questions about how that whole process had taken place, we were told that it took place in a process where unanimous consent was asked, without objection.

I turned to one of the Members sitting beside me and asked whether or not they had ever heard the term "without objection" used and they had not.

Does the gentleman ever recall that terminology being used?

Mr. MACK. I did not hear that, either.

Mr. WALKER. But nevertheless, it took place, and then it was not timely to ask that the whole matter be considered.

The only point that I am making is that once again, instead of being straightforward in the way we make determinations about things like congressional pay, we used a rather underhanded process to assure that the Senate provision regarding pay; namely, that we ought to vote for our own pay raises in the future, was totally obliterated from the conference report.

I have to say that what we now have is a conference report when it comes back to us that will not only increase the debt to $2.8 billion, it will not only have some kind of a Gramm-Rudman-Hollings fix in it that we do not know what it may be, but we now will have the issue before the House, although it will not be stated as such, but that particular conference eliminated language that would force the Members to vote on their own pay.

Therefore, what you have in the conference report coming back to us by implication will endorse the present system of doing pay increases.

I think that the Members are going to have to be very careful of this conference report in that light. It would certainly be this gentleman's intention not to sign such a conference report unless we go back and revisit that issue and at least give us a chance in the conference to vote on whether or not this is how we want to proceed.

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

Mr. WALKER. I am happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I would like to ask the gentleman a question.

Is it the gentleman's understanding or impression that the amendment that was offered in place of the Senate provision, will that language actually end up in the conference report, or will it just totally drop out the issue of the pay raise?

Mr. WALKER. My understanding is that the House position is current law, so therefore what we are doing is simply dropping the Senate language, which was not language that the House passed, so the conference report coming back will remain moot on this particular point; but the fact is that there will have been a conscious decision made to eliminate the Senate language with regard to congressional pay.

THE NOMINATION OF JUDGE ROBERT H. BORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 60 minutes.

(Mr. FISH asked and was given permission to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, the purpose of this special order is to discuss the pending nomination of Judge Robert H. Bork to be an Associate Justice on the Supreme Court of the United States. This time has been reserved so that some of us who serve on the Committee on the Judiciary in the House of Representatives can share our thoughts and views on this important subject with our colleagues and with the American people.

Of course, we fully recognize that confirmation is not a matter that will be decided in this House. However, as members of the House Judiciary Committee, we have an abiding interest in the overall quality of those who serve on the Federal bench and on the Supreme Court in particular. The Judiciary Committee regularly deals with constitutional issues. Included within our legislative jurisdiction are proposed constitutional amendments and bills dealing with the Federal criminal and civil procedure. It is the Judiciary Committee that recommends the creation of additional Federal judgeships and the disciplining of Federal judges through impeachment. Our jurisdiction also includes amendments to our civil rights laws, the antitrust and intellectual property laws, bankruptcy, immigration, Federal administrative procedure, and virtually all Federal criminal laws.

Because of our committee's jurisdiction, we are in frequent contact with the Judicial Conference of the United States, the Administrative Office of the U.S. Courts and, most importantly, with members of the Federal judiciary themselves. Members of our committee get together with the Chief Justice, along with Federal appellate and district court judges, at an annual conference known as the Williamsburg Conference. There we focus on our ongoing commitment to improving the administration of justice. Those meetings and discussions provide an opportunity—in an informal atmosphere—for members of the judicial branch and the legislative branch to share ideas and possible solutions to matters of mutual interest.

Perhaps more than any other committee, we consider and act upon legislation that directly impacts upon the Federal judiciary and the laws they interpret. We, then, have a particularly strong interest in the tone and quality of the debate over the Bork nomination, as well as a direct stake in its outcome. In the time allotted to us, we hope to frame the issues and acquaint our colleagues in greater detail with legal credentials, judicial philosophy, and appellate court decisions of Judge Bork. Hopefully, the view from our vantage point will make a positive, substantive contribution to the ongoing debate over the merits and implications of this nomination.

Mr. Speaker, I am happy now to yield to the gentleman from California [Mr. MOORHEAD].

□ 1850

Mr. MOORHEAD. Mr. Speaker, I commend the gentleman from New York [Mr. FISH] for taking this special order.

Mr. Speaker, this special order is very timely and I hope that it will make a positive contribution to both the congressional and public debate surrounding Supreme Court nominee Judge Robert H. Bork.

Mr. Speaker, at the outset, it would appear logical to begin with the following question—what are the relevant factors or qualifications that go into the selection of an individual to serve on the U.S. Supreme Court? First, I think we all would agree that legal training is an important and fundamental factor. Second, the length and scope of the nominee's practical legal experience is also an important consideration. Third, does the nominee have prior judicial experience and, if so, has he exhibited legal ability and fairness in exercising those judicial responsibilities? Finally, while not an absolute prerequisite, I think all of us would agree that a demonstrated record of legal scholarship would also be a strong factor in favor of a particular nominee.

Now, with these factors in mind, allow me to briefly review the career of Robert H. Bork. Judge Bork is a graduate of the University of Chicago—BA 1948—and in 1953 received his juris doctor from the University of Chicago Law School, as well. While at Chicago, he was a Phi Beta Kappa and managing editor of the Law Review. Robert Bork has been engaged in the private practice of law on three different occasions during his career—for a total of 10 years—most recently as a general partner in the prestigious law firm of Kirkland and Ellis. His reputation in private practice was that of an outstanding litigator.

Those demonstrated legal skills led to his appointment as the Solicitor General of the United States—a position he held from 1973 to 1977. The job of Solicitor General is universally recognized as requiring the talents of a "lawyer's lawyer." The Solicitor General is the principal litigator for the Government of the United States and, in that capacity, Robert Bork represented the United States before the Supreme Court in literally hundreds of cases. As Solicitor General, he was called upon to determine whether lower court decisions adverse to the Federal Government should be appealed. He also directly involved in decisions as to whether or not the United States should file an amicus brief in any Federal appellate court or the Supreme Court. While the position is that of an executive branch official, highly placed in the Department of Justice, the Solicitor General also has a special, unique relationship with the Supreme Court as a result of exercising those duties.

Both prior to and following his service as Solicitor General, Judge Bork was professor at Yale Law School for a total of 15 years. In that capacity, he was the holder of two endowed chairs, that of the Chancellor Kent Professor of Law, 1977-79, and the Alexander Bickel Professor of Public Law, 1979-81. Robert Bork is considered one of the Nation's foremost scholars on both constitutional law and antitrust law. He is the author of dozens of scholarly articles and books—including the widely quoted "The Antitrust Paradox," considered by many to be a landmark contemporary work on antitrust law.

In 1981, Robert Bork was nominated to serve on the Circuit Court of Appeals for the District of Columbia—one of the Nation's most prestigious Federal appellate courts. At the time that nomination was pending, it was greeted with almost universal favorable acclaim. For example, he received the American Bar Association's highest rating—"exceptionally well qualified"—a rating that is received by only a handful of Federal court nominees annually.

In fact, allow me to share with my colleagues some pertinent quotes from two interesting sources. On December 10, 1981, the New York Times wrote about the Bork nomination in the following manner:

Mr. Bork, moreover, is a legal scholar of distinction and principal. For instance, he opposes the various court-stripping bills that have been introduced in Congress, a braver position than any so far taken by his Justice Department sponsors. One may differ heatedly with him on specific issues like abortion, but those are differences of philosophy, not principle. Differences of philosophy are what the 1980 election was about; Robert Bork is, given President Reagan's philosophy, a natural choice for an important judicial vacancy.

During the confirmation hearings held before the Senate Judiciary Committee on January 27, 1982, Senator BAUCUS made the following statement:

Senator BAUCUS. * * * Mr. Bork, I want to thank you for appearing before us and I want to congratulate the President on his nomination of you. I think there is no doubt that you are eminently qualified to serve in the position to which you have been nominated. There is no doubt in my mind that you will be confirmed, and I hope very quickly and expeditiously.

Judge Bork was unanimously confirmed by the U.S. Senate on February 8, 1982.

Since Judge Bork has been a member of the U.S. Court of Appeals for the District of Columbia Circuit, he has participated in a total of 426 cases. Of those cases, Judge Bork has been the author of the majority opinion in 106 instances. With respect to those 106 majority opinions, it is deserving of emphasis that he never has been reversed by the Supreme Court. Furthermore, of the 401 cases in which Judge Bork joined with the majority, none have been reversed by the Supreme Court. Judge Bork authored dissenting opinions in 25 remaining cases, and the Supreme Court adopted the views expressed by Judge Bork in those dissents on six different occasions. Many have offered the observation that Judge Bork may well have the most remarkable record on appeal of any currently sitting U.S. Federal judge.

Now, I ask: Would a judicial radical—a man who has been accused of being out of the mainstream of America legal thought—have this kind of record? The answer, of course, is no. Judge Bork is not only highly qualified to fill the vacant seat on the U.S. Supreme Court, he may well be the best qualified person in America for that vacancy.

His judicial philosophy is not that of an interventionist judge. Both as a professor and legal practitioner, he has been a strong critic of what he refers to as "judicial imperialism." That is the term he applies to judges who would substitute their personal philosophy or political views for that of the legislators who actually wrote the laws. It is his strongly held view that a judge should abstain from following his own desires or views and rather attempt to place himself in the Framers' or the legislators' minds. Judge Bork's supposedly radical philosophy is that judges should confine themselves to interpreting the law—rather than advocating and imposing their own public policy ideas on individuals or society.

It is now abundantly clear that the President's nomination of Judge Bork has been used by opponents as a forum for a national debate over certain controversial social issues. It is extremely unfortunate that this man of exceptional ability and outstanding qualifications is not being judged for what he is, and how he has judged—but rather on the unfounded speculations of certain special interest groups. Congress and the American people should look at the real record of Robert Bork. That record demonstrates that he is a remarkable lawyer, a widely recognized scholar and an exceptional appellate jurist. His career—marked by numerous professional achievements and a demonstrated history of excellent public service—should be allowed to speak for itself.

Mr. FISH. I thank my colleague from California for his thoughtful statement. I think the statistics cited by the gentleman are particularly impressive. They show that Judge Bork has voted with the majority in the D.C. Circuit 94 percent of the time and he authored the majority opinion in 25 percent of those decisions.

I would like to add a further breakdown of Judge Bork's voting record on that court. Significantly, the statistics show that Judge Bork voted with Judge Scalia—who was confirmed by the Senate for the Supreme Court last year—98 percent of the time. Judge Bork voted with Judge Ruth Bader Ginsburg almost as often—90 percent of the time. Indeed, Judge Bork voted together with Judge J. Skelly Wright—who some view as one of the most liberal judges on the D.C. Circuit—74 percent of the time.

Much has been made of the fact that Judge Bork would be replacing Justice Powell and doing so would significantly alter the makeup of the Supreme Court. It is difficult to reconcile this assertion with the position that Justice Powell took on the 10 cases before the Supreme Court in which Judge Bork participated at the circuit level. The facts are that Justice Powell agreed with Judge Bork 9 times out of those 10 cases.

Mr. Speaker, I am happy to yield to my good friend from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, first of all I want to congratulate the gentleman from New York [Mr. FISH] who is also the ranking Republican member on the Judiciary Committee, for taking the initiative which has resulted in this special order.

It is most appropriate that we, as members of the House Judiciary Committee, publicly express our views on the pending nomination of Judge Robert H. Bork.

There are two fundamental points that I would like to address. First, given all the discussion and controversy of Robert Bork's judicial philosophy, I think it is important for the American public to understand that his views are premised on very fundamantal mainstream moral values. Second, I would like to discuss the scope of "advice and consent" in an effort to demonstrate that the factors involved seem to change with time and to change with respect to particular nominations.

Robert Bork's view of the appropriate role of a judge in our society is both simple and demanding. He feels that it is inappropriate for a judge to go beyond what Congress or a State legislature intended when it passed a particular law. He does not believe that judges have the authority to write the law themselves, but rather the obligation to decide on the basis of what the legislature did and did not do. He rejects what he refers to as "judicial imperialism" where the unelected, appointed for life presume to tell Congress what it should have done. He understands the significant distinction between legislation and adjudication.

Simply put—for Robert Bork—the legal end does not justify any judicial means. In a democracy, we must care not only about the societal goals, but we must care about how we proceed to get there. In his view, judges are not appointed to make policy choices—that responsibility can only be exercised by those elected by the public; for example, the President of the United States and the Congress. His approach to judicial analysis demands an intellectual honesty and consistency to reach a particular goal or result; he cannot set aside the moral responsibilities of the process involved.

Despite what his critics have said, his judicial philosophy fully recognizes the protections that are specifically guaranteed in the Constitution and its Bill of Rights. He refuses, however, to go beyond those protections enumerated in our Constitution and create new "rights" that have no foundation either in constitutional principle or in authorized legislative action. For Judge Bork, the "plain words" of the Constitution are to be respected, not circumvented.

Now, allow me to turn to the concept of "advice and consent" and raise some questions that I feel need to be asked. Since President Reagan decided to nominate Judge Bork for the Supreme Court, there has been considerable comment on what is the appropriate

role of the Senate in this process. In my view, the qualifications of the individual for the position involved are the principal criteria to be looked at. There can be admittedly disqualifying factors that involve the individual's integrity or a political philosophy that is inconsistent with our form of Government. I think my colleagues have and will accurately demonstrate that Robert Bork's legal views are well within the acceptable realm of American legal thought. But, allow me to pose some questions that need to be asked, that may answer themselves.

Is the scope of "advice and consent" different from a Supreme Court nominee than it is for a Cabinet nominee? If so, why?

Is the standard for Senate confirmation of a Supreme Court nominee more exacting than it is for a Federal district court judge or a Federal circuit court judge? If so, what is the logic for this distinction, and how different are those criteria?

What is different about Robert H. Bork in 1987 than was the case with Robert H. Bork in 1982?

In 1982, Robert Bork was unanimously confirmed for the position of circuit court judge on the United States Court of Appeals for the District of Columbia. At that time, he received the highest possible rating from the American Bar Association—"exceptionally well qualified." An "exceptionally well qualified" rating from the ABA is extremely rare, and one need only look at a random sample of recent Federal court nominations to understand the significance of that high rating. For example, from December 1981 to June 15, 1982, 25 individuals were nominated for Federal judgeships; only Robert Bork received the highest rating of "exceptionally well qualified." Between December 1982 and June 1983, 11 individuals were nominated for Federal judgeships—1 of the 11 was deemed to be "exceptionally well qualified." In the rating period between June 16, 1986 and December 12, 1986, 15 persons were evaluated by the American Bar Association's Standing Committee on the Federal Judiciary. None of those individuals were accorded the "exceptionally well qualified" rating previously received by Judge Bork. It is estimated that less than 5 percent of the nominees for all Federal court positions receive the rating that Judge Bork received prior to his circuit court confirmation. Now, again, how much different can Robert Bork's qualifications be 5 years later, except that he now has 5 years of appellate judicial experience?

Are the criteria different, or more exacting, if the "balance" in the Supreme Court may shift?

Judge Bork has been nominated to replace Associate Justice Lewis Powell, who is popularly characterized as a "swing vote" on the Court. Do the factors involved in "advice and consent" differ, based upon the person the nominee is replacing? I would have to observe that no one postulated this particular theory when President Kennedy nominated Arthur Goldberg to replace Felix Frankfurther.

My point in raising these admittedly rhetorical questions is that the scope of "advice and consent" often is subjectively determined by the "eye of the beholder." More accurately, it may well rest upon "who" is in the eye of the beholder.

Recently, I reviewed the transcript of a hearing held by the Senate Judiciary Committee when they were considering the nomination of my good friend, Abner Mikva, to the Federal Court of Appeals for the District of Columbia in 1979. The hearing was held on July 12, 1979, and as background, I should mention that the Mikva nomination was vigorously opposed by the National Rifle Association, principally based upon then Congressman Mikva's position on gun control legislation as a Member of the House of Representatives.

With that as background, allow me to quote from some of the exchanges between Members of the Senate Judiciary Committee and the witnesses at that hearing:

Senator BIDEN. Congressman, what is your view of the proper scope of the responsibilities and concerns of a member of the judiciary? Specifically, do you see a distinction between the role of advocating a change in law as a legislator, and interpreting the law as a judge?

Mr. MIKVA. Very much so. The judge ought not make the law, and ought not advocate changes in the law. The judge ought to interpret the law as policymakers decide.

As a member of legislative bodies for almost 20 years, I have, as I indicated before, marveled at the way the system works when that difference is maintained, that important line is kept, where the judge interprets the decisions that policymakers have made, but scrupulously avoids getting into policymaking areas himself.

Senator BIDEN. Do you believe, in spite of your strongly held views on some issues, you can make that scrupulously needed distinction?

Mr. MIKVA. Yes, I can.

* * * * *

Senator METZENBAUM. I am intrigued by the whole idea that because you have taken a position in connection with some pending issue, or some issue in the past, or some organization in the past, you thereby should be excluded from consideration to sit on the bench * * *.

Mr. MIKVA. * * * All of us have been activists—the kind of people who rise up to seek judgeships and come before this committee have all been active. Lawyers who have taken active cases, argued passionately on one side of the matter; sometimes on both sides.

It is impossible to find people to be judges who have not been involved in the passions of our time. The question is, not have you been involved, but the question is, can you leave those passions at the courthouse door * * *.

Senator METZENBAUM. I just think this whole approach raises so many potential problem areas for every nominee to come before us that I have difficulty in following the line of reasoning that suggests you are not qualified by reason of some of your past advocacy positions * * *.

* * * * *

Senator BIDEN. * * * Now, if you are arguing that the judicial temperament of Abner Mikva is improper, that is a judgment for us to make. I think that is a legitimate one to be made and for us to act on. But what I have philosophically rejected is the nontemperamental aspect of that argument; that on the basis of a position, or regardless of how it is arrived at, he could be disqualified. That is different.

Do you understand the distinction I am making?

Mr. FEATHERSTONE. To address that point, Mr. Chairman, do you not think that prospective nominees' philosophy is important? Do you not think that a judge takes into consideration how he views certain matters?

Senator BIDEN. I think that is precisely right and I think that the advice and consent responsibility of the Senate does not permit us to deprive the President of the United States from being able to appoint that person or persons who have a particular point of view unless it can be shown that their temperament does not fit the job, that they are morally incapable or unqualified for the job, or that they have committed crimes of moral turpitude.

This is where you begin to make the distinction. Obviously, President Nixon picked members of the judiciary because they reflected a philosophy. It was designed to reflect the philosophy that he hoped would be consistent with his. Had I been in the Senate at that time, I would not have been able to vote against Justice Burger, although philosophically I often disagreed with him and if we had examined his stated positions on the issues, I would have gone on the record and said I have a different philosophy than Justice Burger on most constitutional issues.

On the other hand, I would not have had much problem in voting against Justice Carswell at all, and the reason it was not a question of whether I agreed with him philosophically, which I did. It dealt with the question of whether I thought he was competent intellectually, by way of training, background, and disposition to sit on the Bench.

That is a judgment that I believe as a Senator I have right to make.

I do not think that under the Constitution I have a right to say I will not vote for someone to be on the Supreme Court or to be Secretary of Treasury, because I disagree with the view that he holds on a particular issue. I think it is important for this record, that we do not establish that the line of questioning raised here was raised for the purpose of arriving at a position for or against Abner Mikva because we believed or did not believe in the positions he held, or that the fact that he took strong positions qualified him or disqualified him. I think it is a question of temperament * * *.

Mr. Speaker, in the context of today's debate over Judge Bork, I think these prior statements are worth remembering. They have a special resonance and relevance for those Mem-

bers of the Senate who will—soon we hope—have an opportunity to put them in action.

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I thank the gentleman for yielding me this time.

Mr. FISH. I thank my friend from Illinois.

Mr. Speaker, at this time it gives me great pleasure to yield to my friend from Wisconsin, the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, the ugly campaign to portray Supreme Court nominee Robert H. Bork as lacking sensitivity toward victims of discrimination has been marked by calumny and stridency. But veteran observers of Supreme Court confirmation battles should be struck by such campaigns with a sense of deja vu.

In 1971, a distinguished member of the House Judiciary Committee opposed the confirmation of Lewis Powell stating that "Powell's lifestyle, his views of Government as evidenced by his activities on the boards of education, his close association with a variety of corporate giants, his public conduct, his membership in the largest all-white law firm in Richmond, his support of segregated social clubs, and his defense of the status quo, are inconsistent with the kind of jurist needed for the Court in the 1970's and 1980's." Wilma Heide of the National Organization for Women [NOW] opposed Powell's confirmation, reasoning that "because we have no evidence that Mr. Powell exercised positive action leadership in acts of commission, we must conclude his acts of omission vis-a-vis women disqualify him to make the Constitution a living document to balance the scales of justice."

During the confirmation battle of Justice Rehnquist in 1971, a former leader of a county NAACP chapter branded the nominee as a "sophisticated racist." Opposition by Joseph L. Rauh, Jr., of the Americans for Democratic Action and the Leadership Conference on Civil Rights became so strident. Senator Kennedy rebuked Rauh for his "uncalled for and unwarranted" personal attack on Rehnquist.

In 1975, NOW opposed the confirmation of John Paul Stevens to the Supreme Court. Their opposition during the confirmation hearings was summed up as follows: "[T]he National Organization for Women believes that this record of antagonism to women's rights on the part of Judge Stevens is clear. We oppose his confirmation. We oppose his confirmation not solely because of his consistent opposition to women's rights but, more importantly, because Judge Stevens has demonstrated that his legal opinions on women's issues are based on an apparent personal philosophy and not on the facts and laws of the cases before him." Fortunately, these characterizations of insensitivity did not carry the day in the confirmation hearings of Justices Powell, Rehnquist, and Stevens.

However, there was an instance where attacks by civil rights groups against a Supreme Court nominee prevailed, much to our nation's regret. In 1930, President Hoover nominated Chief Judge John J. Parker, of the U.S. Court of Appeals for the Fourth Circuit. According to Supreme Court scholar Henry J. Abraham in his book, "Justices & Presidents" (2d edition, Oxford University Press, 1985), Parker was "a prominent and distinguished Republican leader in North Carolina for many years and an outstanding jurist" who "fell victim to the sustained opposition of the American Federation of Labor [AFL] and the National Association for the Advancement of Colored People [NAACP]." Parker was rejected by the Senate 41 to 39, but Abraham's commentary explains the irony of the rejection:

> The N.A.A.C.P. contended that the nominee was generally opposed to black participation in politics and especially to black suffrage. Thus, Walter White of the N.A.A.C.P. leadership pointed out that Judge Parker, while stumping North Carolina as a gubernatorial candidate in 1920, had indeed made an unfortunate remark: "The participation of the Negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina." Parker had uttered the statement in response to repeated taunts and charges by his Democratic opponents that he intended to enfranchise blacks and to alter the North Carolina constitution to accommodate "them." Ironically, it would be Judge Parker (he continued to sit on the Fourth Circuit bench after his rejection) who would write some of the earliest and most significant pro-black opinions on desegregation. Among them were *Rice* v. *Elmore* in 1947, in which he sustained U.S. District Court Judge J.W. Waring's outlawing of South Carolina's machinations to bar blacks from primary elections, and his 1955 remand opinion in *Briggs* v. *Elliott*, in which he rejected "massive resistance."

Indeed, Justice William O. Douglas later wrote that, in his opinion, John Parker was a more capable man and would have made a better Justice than the man appointed in his place, Owen Roberts.

Given this track record, virulent opposition from civil rights activists to a Supreme Court appointment should be viewed with a healthy skepticism by the distinguished Members of the other body. More importantly, the civil rights record of Robert H. Bork reveals that attacks on his alleged "insensitivity" to civil rights are utterly wrong. Not a scintilla of evidence has been produced that shows bigotry, racism, or prejudice on the part of Judge Bork.

But one need not even strain through the record to find Judge Bork advancing the cause for minorities or exhibiting fairness to those with differing viewpoints throughout his professional career.

During his private law practice, Judge Bork fought antisemitism in his law firm. A July 26, 1987, Washington Post article noted the following:

> Another Director protege, Howard Krane, came to interview at the firm a couple of years later, but was given short shrift. One associate overheard a partner mentioning in the corridor that Krane was passed over because he was Jewish, and reported this to Bork, who had an affinity for Director's students.
>
> Then a star lawyer on his way to becoming partner, Bork went with this associate to see several senior partners and said, according to his colleague, "We have a larger stake in the future of this firm than you do. We want this man considered on his merits." The partners agreed to take a second look. (Krane is today the managing partner of Kirkland & Ellis.)

His years at Yale Law School hardly show him as an unsociable, cold-blooded intellectual his opponents say he is. In a July 27, 1987 article in the New York Times, many of Bork's former Yale colleagues and students—mainly moderates and liberals who disagree profoundly with Judge Bork's constitutional philosophy—were interviewed about their recollections of Professor Bork. The article states, "Many described him fondly in interviews as a decent, vibrant and devastatingly witty man, a complex and powerful intellect tempered by a fine sense of humor, a warm friend, a stimulating teacher wreathed in a cloud of cigarette smoke who could be cutting with people he did not know or did not respect." Significantly, the interviewees recalled, "that he had been fair in grading student papers that challenged his basic philosophy head on."

By the way, there has been an attempt to make much ado about nothing of a 1963 article in the New Republic where Bork criticized proposed public accommodations provisions that eventually became part of the Civil Rights Act. But 10 years later at his confirmation hearings for Solicitor General, Bork recanted his position. The article was not even raised during his unanimous confirmation to the D.C. Circuit in 1982. Moreover, the article itself makes clear Bork's abhorrence of racism: "Of the ugliness of racial discrimination there need be no doubt." Finally, using this 1963 article to imply Judge Bork is insensitive on racial issues makes as much sense as calling a U.S. Senator a Communist sympathizer because of certain organization affiliations he had 40 years ago.

During his tenure as Solicitor General, Judge Bork was responsible for the Government arguing on behalf of the most far-reaching civil rights cases in the nation's history, sometimes arguing for more expansive interpretations of the law than those ultimately accepted by the Court. It was this

record as Solicitor General that prompted Senator JOSEPH BIDEN, the distinguished chairman of the Senate Judiciary Committee, during the Fried confirmation hearings to cite Judge Bork along with other Solicitors General as officials who "remembered that their first responsibility is to the people of the Nation."

Among Bork's most important arguments to advance the civil rights of minorities were:

Beer versus United States: Solicitor General Bork urged a broad interpretation of the Voting Rights Act to strike down an electoral plan he believed would dilute black voting strength, but the Court disagreed 5 to 3.

General Electric Co. versus Gilbert: Bork's amicus brief argued that discrimination on the basis of pregnancy was illegal sex discrimination, but six Justices, including Justice Powell, rejected this argument. Congress later changed the law to reflect Bork's view.

Washington versus Davis: The Supreme Court, including Justice Powell, rejected Bork's argument that an employment test with a discriminatory "effect" was unlawful under title VII.

Teamsters versus United States: The Supreme Court, including Justice Powell, ruled against Bork's argument that even a wholly race-neutral seniority system violated title VII if it perpetuated the effects of prior discrimination.

Runyon versus McCrary: Following Bork's argument, the Court ruled that civil rights laws applied to racially discriminatory private contracts.

United Jewish Organization versus Carey: The Court agreed with Bork that race-conscious redistricting of voting lines to enhance black voting strength was constitutionally permissible.

Lau versus Nichols: This case established that a civil rights law prohibited actions that were not intentionally discriminatory, so long as they disproportionately harmed minorities. The Court later overturned this case and narrowed the law to reach only acts motivated by a discriminatory intent.

As a member for 5 years of the United States Court of Appeals for the D.C. Circuit, Judge Bork has compiled a balanced and moderate record in the area of civil rights. He has often voted to vindicate rights of civil rights plaintiffs, frequently reversing lower courts in order to do so. For example:

In Palmer versus Shultz, he voted to vacate the district court's grant of summary judgment to the Government and held for a group of female foreign service officers alleging State Department discrimination in assignment and promotion.

In Ososky versus Wick, he voted to reverse the district court and held that the Equal Pay Act applies to the Foreign Service's merit system.

In Doe versus Weinberger, he voted to reverse the district court and hold that an individual discharged from the National Security Agency for his homosexuality had been illegally denied a right to a hearing.

In County Council of Sumter County, South Carolina versus United States, Judge Bork rejected a South Carolina county's claim that its switch to an "at-large" election system did not require preclearance from the Attorney General under the Voting Rights Act. He later held that the County had failed to prove that its new system had "neither the purpose nor effect of denying or abridging the right of black South Carolinians to vote."

In Norris versus District of Columbia, Judge Bork voted to reverse a district court in a jail inmate's section 1983 suit against four guards who allegedly had assaulted him. Judge Bork rejected the district court's reasoning that absent of permanent injuries the case must be dismissed; the lawsuit was thus reinstated.

In Laffey versus Northwest Airlines, Judge Bork affirmed a lower court decision which found that Northwest Airlines had discriminated against its female employees.

In Emory versus Secretary of the Navy, Judge Bork reversed a district courts decision to dismiss a claim of racial discrimination against the U.S. Navy. The district court had held that the Navy's decisions on promotion were immune from judicial review. In rejecting the district court's theory, Judge Bork held: "Where it is alleged, as it is here, that the Armed Forces have trenched upon constitutionally guaranteed rights through the promotion and selection process, the courts are not powerless to act. The military has not been exempted from constitutional provisions that protect the rights of individuals. It is precisely the role of the courts to determine whether those rights have been violated."

It is on the basis of this record that Stuart Taylor wrote in a July 5, 1987 New York Times article that Judge Bork's hard-edged theories "are devoid of bigotry". It is on this record that Lloyd Cutler wrote in a July 16, 1987 New York Times op-ed piece that "Judge Bork is neither an idiologue nor an extreme right winger, either in his judicial philosophy or in this personal position on social issues." It is on this record that U.S. Senators can be confident that Judge Bork will be a fair-minded Justice who is sensitive to the rights of all Americans.

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Mr. FISH. Mr. Speaker, I am happy to yield to my colleague from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I think as we listen this evening to the debate there is no question but there is a sense about it that Robert Bork is one of the most highly qualified men ever to be nominated to the U.S. Supreme Court.

The real question is whether or not naked political power of those who oppose him on philosophical, ideological grounds is going to prevail in this situation. History says that it should not. Tradition says that it should not, and I think that we owe it to our colleagues to discuss as we are this evening the rationale and the reasons.

Mr. Speaker, Robert Bork, as has been stated before but I think bears repeating, has been highly acclaimed by the American Bar Association when he was first put up as a nominee of the President for the Federal Appeals Court. He has in fact received their highest rating.

He is a past Solicitor General of the United States and during a period of time, a very troubled time in this country, was acting Attorney General.

He served this country ably in those capacities as he has served ably as the appellate court judge here in this District of Columbia Court of Appeals.

In more than 100 decisions as the majority writer of opinions in this court since he has been appointed to it, he has never once been reversed by the U.S. Supreme Court, a truly remarkable record.

Mr. Speaker, looking back to the time he was editor of his Law Review, at a very distinguished law school, or look back 15 years at his record of a respected professor of law at Yale University, one of the most prominent universities in our country, look at all of these things and there is absolutely nothing that his opponents can do to attack this gentleman on the basis of his credentials. What we are left with is the fact that he is a strict constructionist of the Constitution; that he believes in judicial restraint; that his views consequently flowing from that opinion and that philosophy might yield results differently from what the Supreme Court majority has been deciding on issues over the past few years, some very sensitive issues to our public concern, and the fact of the matter is that no one can ever be sure of how the Supreme Court is going to decide anything.

Justices, once they are appointed, and once they are accepted by the Senate and confirmed, tend to go marching to their own tune but, generally speaking, if you have someone who expresses the views that Judge Bork has expressed time and again about being a strict constructionist, and belief in judicial restraint, you have a measure of predictability. It scares those who think he is the swing vote, the pendulum vote or potential deciding vote on a divided Supreme Court, that he might be there. All of a sudden those liberals who have hereto-

fore been more than happy to fall behind the bandwagon and saying that anyone who is really qualified who doesn't have a taint on their record, who is not only pure and moral but also eminently distinguished in the bar and in his activities previously, to be on the Supreme Court should be there regardless of philosophy, they are turning the other way. I would like to quote from one of those critics and it surprises me that he has been a critic, and I certainly hope he will not be much longer because it defies previous rationale and logic.

In the CONGRESSIONAL RECORD of September 25, 1979, Senator KENNEDY said, and I quote:

> If strong political views were a disqualifying factor from serving on the Federal bench, then all of us here today—and every man and woman who has ever served in either House of Congress, or held political office—would be disqualified. In my judgment, such a rule makes no sense at all.

It does not make any sense at all and I trust that when the folks who have to make the votes talk to their constituents, talk to the country as a whole, reason with their consciences, that in due course they will realize that this distinguished jurist, Robert Bork, should be a member of the U.S. Supreme Court.

Mr. Speaker, I urge the confirmation of Judge Bork to the U.S. Supreme Court.

Mr. Chairman, I thank the gentleman from New York, Mr. FISH, for yielding me this time to participate this evening. It is quite a debate.

Mr. FISH. I am very happy to recognize the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Speaker, I first want to commend the gentleman from New York [Mr. FISH] for calling this special order. I think that it certainly is something that needs to be discussed prior to the beginning of the confirmation hearings that I understand will start on September 15.

Mr. Speaker, as a number of people have already stated, I think there is some significance to the fact that that is a delay of over 70 days. I say that is significant because the average over the last 25 nominees has been 18 days with the longest of any of those being 41 days.

Mr. Speaker, the question, I think is, Why are we seeing this delay? I think the answer is fairly obvious. It is to give those from the liberal left wing adequate time to marshal their lobbying resources. People for the American Way, which I would categorize as one of those leftwing organizations, founded by Norman Lear, has already pledged that it will spend at least a million dollars trying to block this nomination as it spent when it tried to block the nomination of Dan Manion last year.

The real question I think is why are we seeing this concerted move to block the nomination of an individual that certainly from credentials ought to be quickly nominated and affirmed, and I think the answer has to do with the fact that last year the Supreme Court had half of its total 81 decisions determined by either a 6 to 3 or 5 to 4 vote. That comparies to roughly one-third along the same margin line the year preceding that.

So what is really happening here is that as those individuals that have political views substantially different from the President are seeing their margin of victory on some key issues narrowed, they want to apply an entirely different test with respect to this particular nominee. There is no other way that you can explain the 180-degree reversal of the chairman of the Senate Judiciary Committee, the gentleman from Delaware [Mr. BIDEN], when he stated just last year, and I am quoting, "Say the administration sends someone up like Bork and after our investigation he looks a lot like another Scalia, I would have to vote for him and if groups tear me apart"—and let me stop here and say I assume he is talking about groups like People for the American Way—"if groups tear me apart, that is the medicine I will have to take. I am not TEDDY KENNEDY."

Why, after making that statement, would he change his position so dramatically? I think the answer is fairly evident. He is an individual who has stated that he wants to run for President of the United States. He understands that in 1988 the party that he is running in largely being controlled by individuals from the leftwing ideologically are not likely to support him unless he jumps in and somehow becomes a champion for this blockage.

The problem with that is that it deprives the individuals in the 49 States of the 50 that voted for President Ronald Reagan in 1984 to make this nomination.

The SPEAKER pro tempore (Mr. LANTOS). The Chair will ask all Members to refrain from referring in their remarks or in insertions to members of the other body. The Chair must take this initiative under the rules, where references are made to Members of the Senate.

Mr. SWINDALL. Mr. Speaker, I have not referred to any of them. I have referred to comments and statements they have made. I think that is all I have said.

The SPEAKER pro tempore. That is not permitted under the rules of the House.

Mr. SWINDALL. Mr. Speaker, would you please state the rule that bars me from referring to the comments of any other Member of this body or the other body?

The SPEAKER pro tempore. Just the other body.

Mr. SWINDALL. Or the other body?

The SPEAKER pro tempore. Yes.

Mr. SWINDALL. No Member can refer to comments of the other body?

The SPEAKER pro tempore. That is correct.

Mr. SWINDALL. Mr. Speaker, could you tell me the rule involved?

The SPEAKER pro tempore. Jefferson's Manual. It is in Jefferson's Manual and in rulings of the Chair cited therein.

Mr. SWINDALL. I understand that, Mr. Speaker, but could you tell me the specific rule in Jefferson's Manual?

The SPEAKER pro tempore. Rule XIV clause 1 of the rules of the House.

Mr. SWINDALL. Would the Speaker mind reading specifically, because I do not believe that that refers to comments that have been made off the floor. These are all off the floor of the other body. They are public comments in the public domain.

The SPEAKER pro tempore. The rules and precedents of the House preclude any critical reference to Members of the other body or to comments made by them, on or off the floor.

Mr. SWINDALL. Mr. Speaker, is that on or off the floor?

The SPEAKER pro tempore. On or off the floor of the other body, yes.

Mr. SWINDALL. Mr. Speaker, let me quickly say that I am not sure that it is a fair analysis to say that they are critical remarks. I am certainly willing to say that some may find them critical. All I am saying is these are comments that they have made that explain actions with respect to the delay. I do not know how my colleagues in this body can understand the gist of my debate if I am not allowed to state what my interpretation of their comments is with respect to why we are seeing a delay any more so than I think we can debate amendments like a balanced budget amendment without talking about some of the comments that have been made on or off the floor, and if that is the rule, I think that the rule clearly has to do with the critical nature of them meaning to criticize him.

Mr. Speaker, that is certainly not my intent here. My intent is simply to lay before my colleagues the facts with respect to what their statements have been.

If they want to criticize, that is their prerogative, but certainly the rule would not cover such criticism.

The SPEAKER pro tempore. Other than the rules and precedents cited by the Chair, nothing prevents the gentleman from laying facts before this body. The gentleman is prevented from referring critically to Members of the other body.

Mr. SWINDALL. Mr. Speaker, let me quickly say that I am not referring

critically. I am stating facts, factual statements in quotes with respect to my interpretation as to why there is a deliberate delay with respect to these particular hearings, a delay that is roughly double any precedential hearings we have seen with respect to the last 25 nominees.

The SPEAKER pro tempore. For the benefit of the gentleman, the Chair would quote from the rule XIV, page 489,

Debate may include references to action taken by the Senate or by committees thereof which are a matter of public record, and to the pendency or sponsorship in the Senate of bills, resolutions and amendments, but may not include other references to individual members of the Senate, expressions of opinion concerning Senate action, or quotations from Senate proceedings.

Mr. SWINDALL. Mr. Speaker, I probably need an attorney, or a fleet of attorneys to understand exactly what that means, but I am not talking here about action of the Senate. I am talking about inaction of the Senate, which I think is a major distinction here.

The SPEAKER pro tempore. That is implicitly precluded.

Mr. SWINDALL. Inaction, Mr. Speaker? I did not hear that.

The SPEAKER pro tempore. Any characterization of Senate action or inaction.

Mr. SWINDALL. Mr. Speaker, does it say "inaction"?

The SPEAKER pro tempore. That is the Chair's interpretation under the precedents cited on page 170 of the manual.

Mr. SWINDALL. Mr. Speaker, I would respectfully say I think that they are talking about action, and I am talking about inaction. But I will certainly respect your opinion that you are also including their inaction.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SWINDALL. Mr. Speaker, let me say that certainly I think it is a fair interpretation of a number of statements and comments of individuals that have opposed this particular nominee's consideration that they understand that he may well be the pivot point on a number of key issues including issues like abortion and including issues like cracking down on the criminal elements in this country, including issues like seeing that victims have their rights taken into account as well as criminals having their rights taken into account.

Mr. Speaker, I would say to those individuals that they may well be jumping to conclusions because there is at least one individual who has reviewed, and knows Mr. Bork's record well, and that individual is Lloyd Cutler who was a lawyer who served as counsel to President Carter and was a founder of Lawyers Committee for Civil Rights Under Law.

His statement, and I am quoting from an article that appeared in the New York Times, was:

In my view Judge Bork is neither an ideologue nor an extreme rightwinger either in his judicial philosophy or his personal position on current social issues. I base this assessment on a postnomination review of Judge Bork's published articles and opinions and on 20 years of personal association as a professional colleague or adversary. I make it as a liberal Democrat and as an advocate of civil rights before the Supreme Court.

Let us look at several categories of concern. First of all, he talks about the Roe versus Wade decision, the abortion issue. What he concludes there is that if you really look at what Judge Bork has said historically he is not suggesting that he would necessarily overturn Roe versus Wade. What he is saying is that it is an issue that States' rights have preempted. Let me quickly say as a pro-life Member of this body that I differ with Judge Bork tremendously on that issue. I think that the Federal Constitution precludes any State from depriving an individual of their right to life or their right to liberty.

As a result of that, I would have to say that if that is the reason why some people are opposed to Mr. Bork's nomination, they are just simply not well grounded in their opposition.

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The second point that I would make is that many people say that the acid test of a rightwing conservative, to be precise, using the nomenclature of those that would not categorize themselves as such, is the balanced budget amendment.

It is significant that Judge Bork has on numbers of occasions stated his opposition to a balanced budget amendment.

Mr. Cutler's point is, you cannot really examine his record and reach any clear conclusion with respect to his ideology. His one point that is sticking in the craw of those individuals that have seen precious liberties taken away through judicial activism is this: There are those who would rather see the courts in this country make our laws rather than see those individuals that were elected by the people to make their laws make them.

We all know certainly in this bicentennial year of our Constitution that the Constitution placed all legislative power in this body, as well as the other body. It never intended to have the Supreme Court, through judicial activism, rewriting rather than interpreting laws. That is the heart of the issue.

That is why we see this opposition today. I would close by simply saying this. What we do here will have precedential value. If we in fact allow those individuals that have the most political clout and the most financial ability to sway this nomination or any other, what we will see in my judgment is a precedent that, in my judgment, says that the other body will become the nominating body, because in reality what will happen is, any President, Democrat or Republican, will have to go first to the other body and determine if they will accept that nomination.

There is a world of difference between that and advice and consent. For that reason alone, I would hope that we would respect our Constitution, and allow this eminently qualified justice to move to his position in the Supreme Court.

Mr. Speaker, let's face it—Judge Bork's credentials are impeccable. He has the ability, wisdom, and experience to be an excellent Supreme Court Justice.

What makes this individual so qualified? Certainly his experience speaks for itself. He was a professor at Yale Law School for 15 years; the holder of two endowed chairs; a graduate of the University of Chicago Law School; Phi Beta Kappa and managing editor of the Law Review. He is also an experienced practitioner of law, and was a partner in the firm of Kirkland & Ellis. He served as the Solicitor General of the United States from 1973–77, representing the United States before the Supreme Court in hundreds of cases. He was unanimously confirmed for the D.C. Circuit in 1982, after receiving the ABA's highest rating—"exceptionally well qualified"—which is given to only a handful of judicial nominees each year. No appellate judge in America has had a finer record on the bench; not one of his more than 100 majority opinions has been reversed by the Supreme Court.

These are a few of the highlights of his judicial career that demonstrate not only his ability as a legal scholar and a lawyer but attest to the general consensus of his peers that this individual is of truly extraordinary caliber, and one that we are lucky to have as a nominee for the U.S. Supreme Court.

So much has been written about the Bork nomination that it would be difficult to come up with anything new or original about his career that does not support his qualifications as a nominee.

In addition, we have not only had an in-depth discussion of Judge Bork's impeccable credentials and judicial philosophies but a history lesson on the constitutional origins of the U.S. Supreme Court and the process of selecting its Justices. Scores of material have been written by the best constitutional scholars on the intent of the Framers when they drafted article II, section 2, those sparse but important words that the President shall nominate, by "advice and consent" of the Senate "shall appoint the judges of the Supreme Court."

In this current debate, no words have been scrutinized more closely than these. What did the Framers really intend that the roles of the Senate and the President be in the selection of a Supreme Court Justice? Is the Senate to join with the President—to form a kind of nominating committee, or was it intended that

the Senate simply review the President's nominee, objecting only in cases where individuals are clearly not qualified.

Most of our knowledge about the intent of the Framers when they drafted the Constitution 200 years ago comes from the early Federalist Papers. As it is true of our legislative process today, the words used in the final draft of this document were not simply the product of one author, but the work product of many debates between individuals with different ideological and personal values. In addition, all of us know only too well that in most cases a bill is not drafted, introduced and signed overnight, but that the final product is based on rewriting and changing the work product until a consensus is reached. What does this add to our current debate on the Bork nomination?

Some have argued that because the Framers discussed and adopted various drafts which envisioned a greater role for the Senate that such history is evidence of the greater importance of the Senate than simply to review the President's choice. [Senator BIDEN's debate CR July 23, 1987.] I disagree. Whatever the Federalist Papers may say about the Framers' various drafts of article II, section 2, on this selection process, in the end, we are left only with the words currently existing in the Constitution—that the President nominates with advice and consent of the Senate.

I believe the meaning is clear. In the selection of a Supreme Court Justice, it is the Chief Executive of the United States, the Founding Fathers designated, to nominate its Supreme Court Justices and the Senate who reviews them. Both roles are equally important; however, one act is clearly before the other. It is not the job of the Senate to nominate Supreme Court Justices. In addition, the Senate acts as a "check" on the President's choice. The Senate has the power to veto, if you will, an individual who is clearly unsuitable to be a Justice and the President has no authority to override that veto power.

We know that this checks and balances system is a consistent theme of the Constitution. Three independent branches of government, the bicameral legislative process. The State and Federal system were not accidentally placed in the Constitution. Another obvious example is the legislative process. It is the Congress that introduces legislative initiatives, the President reviews it and has the authority to veto such legislation.

What then should the Senate do to sufficiently satisfy its advice and consent role? In my view, the Senate's review should concentrate on the individual's suitability as a nominee. In fulfilling this role, certainly, the Senate should carefully and thoroughly review the candidate's credentials to determine if the President's choice fits the necessary qualifications for the job—and in this case, a lifetime Supreme Court Justice—deserves close scrutiny. However, in my opinion, and in the opinion of many others, there is no doubt that Judge Bork is superbly qualified for this position.

If we were picking a professional for any other job, would we not want the same caliber of professional that Judge Bork has demonstrated in his career? Would we think twice about picking the best surgeon for an operation, or putting our best quarterback in the game for the Super Bowl?

What has confused the debate on this nomination is not that this judge lacks the professional qualifications to be an excellent Supreme Court Justice as demonstrated by the support he received during his confirmation hearings in 1982. But that this is a Reagan nomination—and a nomination of a conservative President—that in the past has supported conservative beliefs. In essence, some would have the Senate nominate the candidate.

I believe this is not the Senate's proper role. Who would they pick as their candidate? The name is not as important as is the nominee's ideological and political beliefs. A politically balanced Supreme Court in line, of course, with their own views, is their true objective. Why else would anyone question this nomination?

I think this approach not only violates the intent of the Framers with regards to the Supreme Court selection process, but also strains basic separation of powers principles by making Supreme Court Justices political puppets of the Senate. It is not the judicial qualifications and personal integrity of the nominee that become the issue—but how he will vote when he gets on the Bench. Why not simply pick someone with the right judicial voting record? Is this the kind of selection process our Founding Fathers envisioned? I think not.

Mr. FISH. Mr. Speaker, I thank the gentleman very much for the gentleman's contribution.

Mr. SHAW. Mr. Speaker, in November of last year a news story broke in the Middle East that quickly led to the uncovering of what America came to know as the "Iran-Contra Arms Scandal." When that event was made public to the American people, one individual in particular was immediately singled out as the "bad guy," guilty of dozens of untold, yet culpable acts. He was portrayed as the right-wing radical, the liar, the cheat, and the criminal. His name is Oliver North.

Many of the politicians, the news media, and consequently many of the American people prejudged Oliver North. Then something happened; Oliver North got his day in Congress, in front of the American public, to defend his record. And soon, those who were guilty of prejudging the man became silent and attempted to explain away their earlier statements.

This same Congress is once again embarked on the judgment of another individual. His name is Robert Bork. And once again, the liberal politicians, the news media and many of the American people have prejudged Robert Bork. What have they said? They said he is a right-wing radical, guilty of dozens of untold conservative wrongs, culpable of something bad—but just what we have not exactly been able to discern. Sound familiar? It is familiar. It is just another example of the wholesale prejudgment of a man before the public has had the opportunity to hear from him or look at his record. That is not supposed to be the American way.

What has Judge Bork been accused of by those who have already judged him? Has he been accused of being intellectually unqualified to sit as a Supreme Court Justice? No, his record of academic and judicial accomplishments is too substantial to support that accusation. Is he accused of dishonesty or lack of integrity? No, his reputation is unblemished. Is he accused of being a bad judge, a judge whose opinions for example are consistently overturned? No, his judicial record is proficient and in fact, not one of his more than 100 appellate opinions have ever been reversed. What Judge Bork has been accused of is that he is a conservative, that he is very conservative, and that he is too conservative.

Let's look at the history of this "radical conservative." When he was appointed by President Reagan to the U.S. Circuit Court of Appeals, Judge Bork was 1 of only 2 Republicans sitting on the 10-member panel. Today he is one of five Republicans on that panel. And, despite the disparity in representation on that bench, of the hundreds of cases heard and decided by that court, Judge Bork wrote only nine dissents and seven partial dissents. Of those few dissents, several were adopted by the U.S. Supreme Court as its reasoning when it reversed that Circuit Court of Appeals decisions. That does not sound like the judicial history of a radical conservative.

We have already heard here today of Judge Bork's fair-minded opinions regarding the broadcast media, free speech, economic policy, criminal justice, and civil rights. Let's turn for a moment to his support of labor unions in this country. As an appeals court judge, Bork has authored numerous decisions upholding significant victories for labor unions. For example, in his opinion in United Mineworkers of America versus Mine Safety and Health Administration, Judge Bork held on behalf of the United Mineworkers Union and against the administration. Judge Bork held that the Mine Safety and Health Administration could not excuse individual mining companies from compliance with mandatory safety standards, even on an interim basis, without following particular procedures to ensure that the miners were made as safe or safer by the exemption from compliance. In Musey versus Federal Mine Safety and Health Review Commission, Judge Bork ruled against the Commission and in favor of the union when he held that the union's attorneys were entitled to costs and attorneys fees for representing union members against the Commission. Again in Amalgamated Transit Union versus Brock, Judge Bork, writing for the majority, held in favor of the union and against the Secretary of Labor. He ruled that the Secretary of Labor had exceeded his statutory authority in certifying in Federal assistance applications that "fair and equitable arrangements" has been made to protect the collective bargaining rights of employees before the union and the management had actually agreed to a dispute resolution mechanism. And again, in Black versus Interstate Commerce Commission, Judge Bork joined in a per curiam opinion in holding that the ICC had acted arbitrarily and capriciously in allowing a railroad to abandon some of its tracks in a manner that caused the displacement of employees of another railroad. These are just a few of the several opinions that Judge Bork has authored or joined with the majority in upholding the rights

of union workers against unfair management practices or unfair administrative rulings.

In reviewing those labor-related cases wherein Judge Bork has ruled in favor of the labor unions as well when he has ruled in favor of the Government or of a private employer, one pattern becomes evident. That pattern is a consistency by Judge Bork to uphold the letter of the law regardless of the political or social ramifications. The pattern of judicial philosophy that is reflected in Judge Bork's labor opinions is consistent with Judge Bork's description of his philosophy that judges must apply the Constitution, the statute, or controlling precedent in cases of law and not their own moral, political, philosophical, or economic preferences.

Judge Bork's judicial philosophy, as exemplified in his opinions regarding labor law, is further demonstrated in his rulings in the field of administrative law. For instance, in the 1983 case of Planned Parenthood Federation of America, Inc. versus Heckler, Judge Bork concurred in a court of appeals opinion which held that the parental notification regulation under title X of the Health Services Act was inconsistent with Congress' intent. Judge Bork agreed with the majority that HHS had no authority to promulgate a parental notification rule with regard to the prescribing of contraceptives to minors. Consistent with Bork's strict constructionist philosophy, he reasoned that because HHS' authority claimed to be predicated on Congress' 1981 amendments to title X that the regulation must fail because title X did not grant the agency the authority to promulgate such a rule. Further consistent with his judicial philosophy to interpret the law as written, in Jersey Central Power and Light versus FERC, Judge Bork ruled against the Commission and in favor of Jersey Central's right to a hearing. In that case, the court of appeals, sitting en banc, considered the utility's argument that the rates it was permitted to charge by the Federal Energy Regulatory Commission were so low that they constituted an unconstitutional taking of property without just compensation. The Commission had ignored the utility's claim and refused to even grant the utility a hearing at which it could present its case. Although the court initially affirmed the Commission's action, upon rehearing by the full court, Judge Bork wrote an opinion for the majority sending the case back to the Commission and criticizing the Commission for its disregard of the utility's constitutional right to a hearing.

As we have heard from other Members today, Judge Bork's record with regard to criminal law and civil rights is a balanced one. The cases I have mentioned here concerning labor law and administrative law, I believe, again reflect a balanced record and Judge Bork's sense of fairness. Certainly in the fields of labor law and administrative law, Judge Bork has had an opportunity to side squarely with a conservative Reagan administration, time and again. The examples of cases set forth above, indicate that Judge Bork in his role as a judge has not taken political sides. He, in fact, has in many instances and in key cases, ruled against this administration. Judge Bork is the leading proponent of "judicial restraint." It has been said that he believes that judges should set aside the decisions of the democratically elected branches of government only when there is warrant for doing so in the Constitution itself. His decisions on the Circuit Court of Appeals very plainly reflect that principle. Judge Bork further believes that a judge has no authority to create new rights based upon his own personal philosophical views, but must instead base his judgment on the principles set forth in the Constitution. I believe his record supports this philosophy.

The rush to judgment against Judge Bork as a nominee to the U.S. Supreme Court is unfair. This sense of unfairness has apparently motivated even current members of the U.S. Supreme Court to speak out in his favor. Justice John Paul Stevens, in what has been described as an unusual public remark by a sitting Supreme Court Justice, praised Judge Bork's qualifications and explicitly rejected the portrait of Bork as a rigid rightwing ideologue. Justice Stevens, a moderate on the Supreme Court, in a speech 2 weeks ago in Colorado, likened Judge Bork's constitutional philosophy to that of himself and two other moderate centrists on the Court, Justice Lewis F. Powell, Jr., who Bork has been nominated to replace, and the late Justice Potter Stewart. Justice Stevens said of Judge Bork: "I personally regard him as a very-well-qualified candidate and one who will be a very welcome addition to the Court."

It has become evident to me during my review of Judge Bork's record and my review of the criticism hurled against him by the liberals here in Washington, that it is not Judge Bork's conservatism that they disdain. It is rather that Judge Bork is not a liberal and does not appear willing and prepared to impose a liberal agenda on the Court. It is obvious to me that Judge Bork is a very qualified candidate for the U.S. Supreme Court and has displayed an ability to interpret the law without regard to any political agenda.

That his absence of a liberal political agenda should be used as a basis to criticize his qualifications as a nominee to the Supreme Court is evidence that our confirmation process has degenerated into one purely political. I urge my colleagues in the other body to avoid repeating the recent mistakes made in the Iran-Contra spectacle. Wait and see for yourselves the record of Judge Bork and allow him an opportunity to be heard before you judge him.

Mr. FISH. Mr. Speaker, it is noteworthy, and it has come across in this hour that Judge Bork as a man, as an intellect and as a jurist, should be looked at closely and honestly by the other body and by the American people.

I find it difficult to reconcile the charges that have been leveled against him with the record since becoming an appellate Federal judge.

Mr. Speaker, I am going to close now; but this matter will be continued. It is a policy of the House to recognize Members from one side of the aisle and then the other side of the aisle.

The subject matter of the qualifications of Robert Bork as Associate Justice of the Supreme Court for the United States will be continued in a while under the special order of the gentleman from California [Mr. LUNGREN].

Mr. Speaker, I find if personally difficult to reconcile the charges that have been leveled against Judge Bork with his record since becoming an appellate Federal judge. It has been said that he reflects an extremist view that is somehow beyond the range of acceptable American legal thought. It has been charged that he is a rigid ideologue and that his rigid ideology will be translated into judicial rulings that are illogical or unfair. How do these charges actually jibe with Robert Bork's legal and judicial philosophy? How do they stand up, when one looks at the actual facts?

Robert Bork, both before he was a Federal judge and since his elevation to the D.C. Circuit Court of Appeals has been—both in theory and practice—an advocate of judicial restraint. Under that legal philosophy it is inappropriate for a judge to go beyond the intent of the statute in question or to attempt to deal judicially with matters that are the sole prerogative of the legislature. On December 6, 1984, Judge Bork delivered the Boyer Lecture before the American Enterprise Institute, and took that opportunity to summarize his judicial philosophy in the following way:

> The sole task of the judge—and it is a task quite large enough for anyone's wisdom, skill, and virtue—is to translate the framer's or the legislator's morality into a rule to govern unforeseen circumstances. That abstinence from giving his own desires free play, that continuing and self-conscious renunciation of power, that is the morality of the jurist.

So, Judge Bork asks the following kinds of questions: What does the law actually say? Does the statute permit a government agency, a private organization, or an individual to act in a particular manner? Do the regulations issued by the agency reflect the statutory authority given to that agency? Does the Constitution allow the outcome sought by the litigants in this particular case? Do these sound like the questions of a radical or an extremist? Or, do they sound like the type of questions that a judge ought to ask?

Critics of Judge Bork also assume that his philosophy of judicial restraint automatically results in decisions that would be popularly characterized as conservative as opposed to liberal. That presumption is simply not correct, nor even logical if one spends much time thinking about it. Legislatures can and do write liberal, as well as conservative, laws. If that is the statute before Judge Bork, that is the statute he applies and follows. Agencies can promulgate regulations that foster liberal political results and, if that is the case, Judge Bork looks at the language of that regulation and its statutory authority. Judge Bork does not substitute a desired philosophical result for sound legal reasoning.

Allow me now to cite some interesting cases on which Judge Bork has participated since he served in the D.C. Circuit Court of Appeals. I believe these decisions are illustrative of Judge Bork's philosophy in action.

In 1983, Judge Bork voted with the majority on the court so as to invalidate the so-called squeal rule. *Planned Parenthood Federation of America* v. *Heckler*, 712 F.2d 650, 665–668 (1983). The case involved a Department of

Health and Human Services regulation that required providers of family planning services—those receiving Federal funds—to notify the parents of minors when contraceptives were provided those minors. Judge Bork and his colleagues looked at the regulation in question, the authority cited by HHS, and concluded that the agency did not have the legal authority to issue that regulation under the statute they relied upon.

In 1984, Judge Bork wrote the unanimous opinion upholding the first amendment right of an artist to lease display space in Washington's subway stations. *Lebron* v. *Washington Metropolitan Area Transit Authority,* 749 F.2d 893 (1984). The artist sought to publicly exhibit a poster that was graphically critical of President Reagan and the Reagan administration. Judge Bork reversed the decision of the Washington Metropolitan Transit Authority, which had refused to lease the space to the artist on the ground that his poster was deceptive. Judge Bork determined that their refusal was an unconstitutional interference with that individual's first amendment right of political free speech.

In 1985, in the case of FTC versus Brown and Williamson Tobacco Corp., Judge Bork wrote for a unanimous court stressing that the first amendment protects not only political free speech, but commercial free speech as well. See: 778 F.2d 34 (1985). In that same year, Judge Bork joined in a majority decision in the landmark Quincy Cable case which overturned the controversial FCC must-carry regulation. *Quincy Cable TV, Inc.* v. *Federal Communications Commission,* 768 F.2d 1434 (1985). That decision, authored by Judge Skelly Wright, invalidated a regulation that compelled pay TV systems to carry a certain number of public service channels. The majority opinion, joined in by Judge Bork, determined that the FCC had overstepped its regulatory authority and in doing so unnecessarily impinged upon the first amendment rights of cable TV systems.

In his service on the D.C. Circuit Court of Appeals, Judge Bork has also demonstrated his sensitivity on civil rights issues. For example, sitting as part of a three-judge panel in the case of County Council of Sumter County, South Carolina versus United States, Judge Bork rejected the arguments of a South Carolina county that its change to an at-large election system did not require preclearance by the Justice Department under section 5 of the Voting Rights Act. 596 F.Supp. 35 (1984). I doubt that any Member of Congress of either party, who has been involved in voting rights legislation and litigation as I have been, would disagree with this decision.

In another case involving the Department of the Navy, Judge Bork rejected the notion that the military services are immune from judicial review in cases involving racial discrimination. *Emory* v. *Secretary of Navy,* 819 F.2d 291 (1987). In that case, Judge Bork decided that the courts had a right to inquire into whether or not the failure to promote a particular individual was based on racial discrimination.

My point in reciting these cases is that when Robert Bork exercises his judicial responsibilities, consistent with his view of the proper role of a judge, the result can often be civil libertarian in nature. To talk of Robert Bork, a man remarkably well qualified to serve on the Supreme Court, as an extremist or as being outside the realm of acceptable American legal thought is not only an unfair and incorrect—it reflects an elementary failure to look at his real record. The debate over this nomination has and will, inevitably, be a mixture of politics and law. In fairness to the man, let's look clearly at the facts in this case before a final judgment is rendered.

Mr. SMITH of Texas. Mr. Speaker, we are in the midst of thoughtful debate over the confirmation of Supreme Court appointee Robert H. Bork. Key issues raised involve the Senate's advise and consent role and what Senate precedent suggests about ideological opposition to Judge Bork's confirmation. The purpose of my statement is to bring certain Senate precedents to the public attention that will further inform the debate.

The first set of precedents I will mention are relatively recent. They concern statements made during the confirmation hearings of Justice O'Connor in 1981. These statements are from distinguished Democratic Senators, currently members of the Senate Judiciary Committee. I find their statements instructive about how the Senate should approach the nomination of Judge Bork to the Supreme Court. I also want to mention my appreciation about the fairness these distinguished Democratic Senators showed during the O'Connor hearings. It is my hope that Judge Bork will receive the same kind of fairness Justice O'Connor received.

Senator Joseph BIDEN, now the distinguished chairman of the Senate Judiciary Committee, made the following comment concerning the Senate's role in confirming Supreme Court appointments:

There is no more important responsibility for the Senators who serve on this committee, in my opinion, Judge, than the one we will exercise today—that is, reviewing the qualifications of the nominee for the U.S. Supreme Court. The Supreme Court has a profound impact on the shape of our Government and the well-being of our people.

Accordingly, I believe it is necessary at the outset of these hearings on your nomination to define the nature and scope of our responsibilities in the confirmation process, at least as I understand them.

First, as a Member of the U.S. Senate, I am not choosing a nominee for the Court. That is the prerogative of the President of the United States, and we Members of the U.S. Senate are simply reviewing the decision that he has made.

Second, our review, I believe, must operate within certain limits. We are attempting to answer some of the following questions: First, does the nominee have the intellectual capacity, competence, and temperament to be a Supreme Court Justice? Second, is the nominee of good moral character and free of conflict of interest that would compromise her ability to faithfully and objectively perform her role as a member of the U.S. Supreme Court? Third, will the nominee faithfully uphold the laws and Constitution of the United States of America?

We are not attempting to determine whether or not the nominee agrees with all of us on each and every pressing social or legal issue of the day. Indeed, if that were the test no one would ever pass by this committee, much less the full Senate.

Senator EDWARD KENNEDY, the distinguished former chairman of the Senate Judiciary Committee made these insightful remarks concerning labels and litmus tests:

By some, Judge O'Connor has been termed a judicial conservative. However, simplistic labels are inadequate to define a complex concept like judicial philosophy, let alone predict a vote in a future case. What we seek in the Federal courts are judges who will display legal excellence and personal integrity and sensitivity to individual rights.

It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. it is even more offensive to suggest that a potential Justice must pass the litmus test of any single-issue interest group. The disturbing tactics of diversion and distortion and discrimination practiced by the extremists of the "New Right" have no place in these hearings and no place in our Nation democracy.

Senator HOWARD METZENBAUM indicated his open-mindedness and fairness toward the O'Connor nomination.

I come to this hearing with no preconceived notions. If I happen to disagree with you on any specific issues, it will in no way affect my judgment of your abilities to serve on the Court. It is a matter of concern to me, however, that there are certain groups who have spoken adversely about this appointment by reason of some of your votes or actions as a State legislator.

I have some very strong feelings about judicial appointments. Basically, I think that the appointee must be a person of integrity; a person who has been shown to be a highly qualified scholar; and a person who will have the kind of character that reflects well on the judiciary in general.

Senator PATRICK LEAHY stated his views in a similar vein:

Our examination of Judge O'Connor's judicial philosophy, that is relevant and important, but we should not condition our confirmation on her agreement with any opinions of ours, so long as her philosophy is within the norms set down by the Constitution itself. We are a pluralist republic, no less on the bench than in a Vermont town meeting or a national election.

I enjoyed my own visit with Judge O'Connor. I told her at that time I really did not care whether she was a Republican or a Democrat, a conservative or a liberal. That is not the issue. The issue is one of competence and whether she has a sense of fairness. I am convinced on both counts.

Mr. Speaker, I believe these statements correctly portray the Senate's advise and consent role: open-mindedness without conditioning confirmation on ideology. These Senators deserve praise for their approach to the O'Connor nomination, and if they are mindful of their past statements, I feel certain they will be fair to Judge Bork.

Mr. Speaker, the second set of precedents helpful to the debate concern past Senate refusals to confirm Supreme Court nominees. I submit the table of Supreme Court nominees not confirmed by the Senate to be included in the RECORD.

SUPREME COURT NOMINEES NOT CONFIRMED BY THE SENATE

Nominee	Senate action	Reason(s) [1]
William Paterson [2]	Withdrawn, Feb. 28, 1793	
John Rutledge	Rejected (10–14), Dec. 15, 1795.	2.
Alexander Wolcott	Rejected (9–24), Feb. 13, 1811.	2, 6.
John J. Crittenden	Postponed, Feb. 12, 1829	1.
Roger Taney [2]	Postponed, Mar. 3, 1835	
John C. Spencer	Rejected (21–26), Jan. 9, 1844.	1.
Reuben H. Walworth	Withdrawn, Jun. 17, 1844	1, 4.
Edward King	Postponed, Jun. 15, 1844	1.
Edward King	Withdrawn, Feb. 7, 1845	1.
John M. Read	No action	1.
George W. Woodward	Rejected (20–29), Jan. 22, 1846.	1, 2, 4.
Edward A. Bradford	No action	1.
George E. Badger	Postponed, Feb. 11, 1853	1.
William C. Micou	No action	1.
Henry Stanbery	No action	1.
Ebenezer R. Hoar	Rejected (24–33), Feb. 3, 1870.	2.
George H. Williams	Withdrawn, Jan. 8, 1874	6.
Caleb Cushing	Withdrawn, Jan. 13, 1874	5.
Stanley Matthews [2]	No action	
William B. Hornblower	Rejected (24–30), Jan. 15, 1894.	4.
Wheeler H. Peckham	Rejected (32–41), Feb. 16, 1894.	4.
John J. Parker	Rejected (39–41), May 7, 1930.	2, 7.
Abe Fortas	Withdrawn, Oct. 4, 1968	1, 2, 3, 6.
Homer Thornberry	No action	1, 2, 3, 6.
Clement Haynesworth, Jr.	Rejected (45–55), Nov. 21, 1969.	2, 6.
G. Harrold Carswell	Rejected (45–51), Apr. 8, 1970.	2, 6.

[1] 1—Opposition to the nominating President, not necessarily the nominee. 2—Nominee's involvement with a visible or contentious issue of public policy or, simply, opposition to the nominee's perceived political or sociopolitical philosophy (i.e., "politics"). 3—Opposition to the record of the incumbent Court which, rightly or wrongly, the nominee had presumably supported. 4—Senatorial courtesy (closely linked to the consultative nominating process). 5—A nominee's perceived "political unreliability" on the part of the party in power. 6—The evident lack of qualification or limited ability of the nominee. 7—Concerted, sustained opposition by interest or pressure groups.

[2] Eventually confirmed.

Sources: "The Supreme Court and Its Work," Congressional Quarterly; Henry J. Abraham, "Justices & Presidents" (2d. edition 1985).

The table shows that the Senate has refused to confirm 26 of the 141 Supreme Court nominees forwarded to it in about two centuries of our history as a nation. However, the trend is toward a lower rate of Senate refusal to confirm. In the 19th century the rejection rate was 1 out of 3 nominees. Supreme Court scholar Henry Abraham states that a return to this record is "highly unlikely." In this century, even when counting the Senate's refusal to vote on the Fortas promotion, only 4 have been voted down for a 1 out of 5 rejection rate. It should also be noted that 3 of the 26 rejected nominees eventually were confirmed and 5 of the 26 served on the Court.

This table not only shows the increasing infrequency of refusals to confirm but also the reasons for these refusals. The opposition to Judge Bork's confirmation is an admitted frontal assault for ideological reasons. Thus, this opposition is based totally on what is called reason No. 2 in the table. Although Bork opponents are correct that ideology has played a role in the confirmation process, the reason column in the table—based on Henry Abraham's book "Justices & Presidents"—reveals that there are only three instances (Rutledge, Hoar, and Parker) in Professor Abraham's view where ideology or political philosophy was basically the only reason for the Senate's refusal to confirm. My argument is that these three instances do not constitute valid precedent for the Senate to refuse confirmation of Judge Bork to the Supreme Court.

First, each of these three instances are easily distinguishable from the circumstances of the Bork nomination. In the case of John Rutledge, the Senate reportedly rejected his confirmation as Chief Justice because of his vigorous opposition to the Jay Treaty of 1794. However, several other facts should be noted. Rutledge at the time of his rejection was serving as a recess appointment on the Court. It was a few weeks after his nomination and while he was Chief Justice of the United States, that Rutledge attacked the Jay Treaty—a conciliatory treaty negotiated by the Washington administration to ease tensions with Great Britain. Prof. Laurence Tribe in his book "God Save This Honorable Court" further describes the scenario:

> The treaty was ardently supported by the Federalists. Washington's Senate allies, as an integral part of party policy; it was opposed by Democratic Republicans as an affront to the nation's former ally, France. To the minds of many Senators, Rutledge's opposition to the treaty called into question his views on foreign policy and his judgment in taking so strident a position on an issue that polarized the nation. Rutledge's behavior even fueled rumors that he suffered from mental instability.

Indeed, the concerns about Rutledge's mental stability may have been more than rumors. In Congressional Quarterly's "The Supreme Court and Its Works," it is noted that:

> Rutledge attempted to drown himself after hearing news of his Senate rejection and suffered lapses of sanity until the end of his life.

The differences from the Bork nomination are considerable. Judge Bork is not serving on the Court as a recess appointment. Nor has he commented on a volatile political issue totally divorced from judicial proceedings as a distingiushed jurist on the U.S. Court of Appeals for the D.C. Circuit. Nor is there any concern about the mental health of Judge Bork. While the Rutledge case illustrates the consideration of ideology, it seems it is only strong precedent for Senate rejection where the nominee as a sitting Justice on a recess appointment made comments on a current political issue on the which his opponents disagreed. The closest analogy would be Judge Bork sitting as a recess appointment on the Court, vigorously opposing an Arms Control Treaty negotiated by the Reagan administration. Indeed, the situation appears to be the reverse for Judge Bork. We do not really know his political views. Only his judicial views have been publicized. Moreover, to the extent he has commented on pending legislation, it was as an authority cited as support by Senators who opposed the "human life statute" in 1982.

The rejection of Ebenezer Hoar came in the politically troubled times of the Reconstruction Era. In 1866, President Andrew Johnson attempted to fill the vacant seat on the Supreme Court created by the death of Justice John Catron. The radical Republican Senate, who would later try Johnson after his impeachment by the House, reduced the size of the Court to eight so that Johnson could not fill the seat. When Ulysses S. Grant became President in 1869, Congress restored the seat. Grant nominated his Attorney General Ebenezer Hoar to the Court. At the same time, Justice Grier announced his retirement creating another Court vacancy. The Senate then insisted that Grant appoint Secretary of War Edwin Stanton to the Court. After initial resistance, Grant agreed to nominate Stanton as a trade for confirmation of Hoar. Unfortunately, for Grant and Hoar, Stanton died 4 days after his confirmation and the deal for Hoar was off. Professor Abraham described the Senate's rejection of Hoar as follows:

> On December 15, 1869, Republican President Ulysses S. Grant nominated his eminently qualified and popular Attorney General, Ebenezer R. Hoar. The debate over his nomination dragged on for seven weeks until February 3, 1870, when Hoar was finally rejected by a vote of 24 to 33. He had antagonized most of the Senators by his consistent refusal to back Senatorial nominations for judgeships, by his publicly uncompromising insistence on "nonpolitical" appointments throughout the government, and by his early championship of civil service reform. Moreover, he had made enemies of fellow Republicans by his outspoken opposition to the proposed impeachment of President Andrew Johnson. Few professional politicians appreciated Judge Hoar's high standards of excellence and assertive political independence, and the Court was deprived of an unusually promising candidate.

Again, the political circumstances are obviously different from the Bork nomination. Judge Bork is not a sitting public official who has antagonized Congress. Opposition to Bork's confirmation is not based on his views on pending legislation but on his judicial philosophy. Most importantly, I don't believe anyone is arguing the Senate considering the Bork nomination should act like the radical Republican Senate of 1870.

The rejection by the Senate in 1930 of Chief Judge John J. Parker of the U.S. Fourth Circuit Court of Appeals was based on his perceived views toward labor in a judicial opinion and statements about black participation in politics made as a gubernatorial candidate in 1920. The American Federation of Labor's grudge against Parker was that they thought he was unfriendly to labor and that he handed down an opinion affirming a lower court decision that upheld yellow dog contracts. Professor Abraham observed:

> A close reading of Judge Parker's opinion in the case indicates neither approval nor disapproval of yellow dog contracts; rather it reflects the responsible jurist's belief that he was bound a U.S. Supreme Court precedent. Yet, according to Professor Tribe, one magazine characterized the issue in Parker's nomination as a concern that "dogmatic adherence to a judicial precedent * * * is not evidence that a man is fit to sit on the Supreme Bench."

Opponents argued that Parker should have ruled that yellow dog contracts were unjust despite the precedents.

Further opposition to Parker was generated by the National Association for the Advancement of Colored People [NAACP] because Parker had made the following remark during a political race:

> The participation of Negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina.

Ironically, Parker would later write some of the earliest and most significant problack

opinions ono desegregation. This example reinforces the view of Senator BIDEN made on the Senate floor September 21, 1981:

What dawned on me was that no one, Mr. President, in the approximately 200-year history of the Court, has been accurately able to predict what a Justice of the Supreme Court would be like prior to that justice's being appointed to the Supreme Court.

Again, the circumstances of Parker rejection are not analogous to Judge Bork's situation. Judge Bork has not made an unfortunate remark like the one made by Parker. Moreover, Parker was attacked for positions on two issues. Judge Bork is being attacked because he is a forceful and eloquent advocate of judicial restraint. Finally, no one is opposing Bork's confirmation because of "dogmatic adherence to a judicial precedent."

I think these precedents make it clear that the Senate has never rejected a nominee solely because of his judicial philosophy. To the extent the precedents indicate political ideology as a sole factor, they are not applicable to the circumstances of the Bork nomination. Most importantly, these refusals to confirm Supreme Court nominees have been some of the low points in the history of the Senate. Indeed, the historical view is that the rejections of Hoar and Parker were mistakes.

Those who argue that past Supreme Court rejections make the case of ideological rejection of Judge Bork to the Supreme Court are not supported by precedent. Refusals to confirm are becoming less frequent. Past rejections were in many cases mistakes and ugly moments in our Nation's history. In no instance has the United States ever rejected a "four star" appointment like Judge Bork. Nor is there an instance of rejection purely because of judicial, not political, orientation.

The Senate would be better served if it adhered to its approach taken in the O'Connor nomination and in about 80 percent of the nominations this century than in following inapplicable and wrong precedents in the few rare cases.

Mr. ARMEY. Mr. Speaker, I rise today to express strong support for President Reagan's latest nominee to the Supreme Court, Judge Robert H. Bork.

Since the President submitted Judge Bork's name to the Senate for confirmation, I've tried to understand why some of our colleagues in the Senate feel compelled to prejudge his fitness based on their perception of his political persuasion, without the benefit of his remarks. Sadly, it seems the confirmation process has degenerated to the point where politics has replaced professional ability as the central question.

The point is not whether or not you agree with Jude Bork's political ideology. The question facing the Senate is whether Robert Bork is qualified to be a Supreme Court Justice. Looking at Judge Bork's qualifications, it's hard to imagine a man with better credentials.

Judge Bork is a distinguished jurist, a renowned legal scholar, and a dedicated public servant. He's served the United States as Solicitor General and Acting Attorney General, and he has shared his knowledge of the law as a professor at one of our most prestigious law schools. In his current role as a judge on the District of Columbia Federal Court of Appeals, he has proven to be one of the court's hardest working and most influential legal minds.

Thus, it is truly astounding that some Senators have seen fit to lambast Judge Bork, saying that he is an extremist and unfit to replace Justice Powell. Are they unaware that the American Bar Association has given Judge Bork its highest rating, that of "exceptionally well qualified?" Are they unaware that a recent poll of judges nationwide showed a majority favor the confirmation of Judge Bork? Are they unaware that in his tenure at the Court of Appeals, he has written over 100 majority opinions, and not one has been reversed by the Supreme Court? It's hard to imagine a better-qualified nominee.

It is both obvious and outrageous that it is Judge Bork's politics, and not his qualifications, that are at issue. No doubt, many Senators would like to name their own replacement for Justice Powell, imposing their, and not our elected President's, views on the Supreme Court. However, that is not their prerogative.

In their limited role of confirming or rejecting nominees, Senators should not be driven by political considerations. However, it would appear that some are more interested in furthering their own political ambitions than in discharging their responsibilities. If that's not true, why has the chairman of the Senate Judiciary Committee, who said only a year ago that he would vote for Judge Bork if he were nominated, postponed Judge Bork's confirmation hearings longer than any others in history?

Mr. Speaker, Justice Powell chose this time to annouce his retirement for a specific reason. He wanted to give the President ample time to name a replacement and have that replacement confirmed by the Senate by October 5, when the Court reconvenes. He feared that if he waited the confirmation process would become bogged down in the 1988 Presidential campaign and that the Court would be forced to operate at less than full strength, reducing litigants' access to the Court and slowing the resolution of any cases in which the Court was evenly split.

I urge the Senate leadership to put politics aside and convene the hearings immediately. The American people deserve a Supreme Court operating at full strength.

GENERAL LEAVE

Mr. FISH. 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 the subject of my special order tonight.

The SPEAKER pro tempore (Mr. LANTOS). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 60 minutes.

[Mr. GLICKMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO FORMER CONGRESSMAN DOMINICK V. DANIELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. GUARINI] is recognized for 60 minutes.

Mr. GUARINI. Mr. Speaker, I am very saddened by the passing of Dominick Daniels who died July 17 after a long illness. Our former colleague was a dedicated representative of the 14th District of New Jersey which I now represent. He was a very effective member of the House Education and Labor and Post Office and Civil Service Committees for nine terms from 1958 until 1976.

Dominick Daniels was born in Jersey City, NJ. He was the son of an Italian immigrant. He graduated from Fordham University, and worked his way through Rutgers University Law School. He became a member of the New Jersey and Hudson County bar association at age 21.

In 1952, he was appointed magistrate of the Jersey City Municipal Court and was named presiding magistrate in 1957. Dominick Daniels also served as vice chairman of the Jersey City Civil Rights Commission from 1952 to 1955.

As a Member of the House from 1958 until 1976, Dominick Daniels championed the causes of health and safety in the workplace. He took the lead in efforts to provide compensation of injured workers and Federal job-safety rules where States failed to enforce any. His efforts led to a compromise that established the principle of Federal supervision over occupational health and safety in industries around the country. He was particularly instrumental in the passage of key labor legislation, including the Comprehensive Employment and Training Act [CETA], and the Occupational Safety and Health Act [OSHA].

Mr. Daniels was also outspoken in prodding the Kennedy administration to see that schools and colleges strictly complied with the 1954 Supreme Court decision against racial segregation. He wrote a bill that in 1962 closed a loophole through which land-grant colleges could escape such compliance.

He also guided legislation which made many improvements in the operation of the postal service and advancements for postal workers. He was instrumental in the development of the North Jersey Mail Facility in Kearny, NJ, which now employs over 4,000 workers. As a fitting memorial to Dominick Daniels, I have introduced

legislation to rename this facility the Dominick V. Daniels Postal Facility.

In 1976, he was awarded an honorary doctor of laws degree by St. Peter's College, where his congressional papers are now housed. In 1980, he was honored by the people of Hudson County for his special interests in the problems of older Americans.

Congressman Daniels was an advocate of pride in workmanship and often preached his ethic of hard work to school children in the area. He told a group of students at Public School No. 6:

It is easy to criticize, but hard work is necessary to improve things. Our forefathers did not retreat from the challenge of work. America is a great country today and will continue to be if we don't forget the principles laid down by its founders.

Dominick Daniels was a parishioner of St. Joseph's Roman Catholic Church in Jersey City and a fourth-degree member of the Knights of Columbus Council 137. He was also a member of the Elks Lodge 211 and had been the president of the Dante Alighieri Society of Jersey City.

Surviving Dominick Daniels are his devoted wife, Camille Curcio Daniels; two lovely daughters, Dolores Maragni of North Long Branch, and Barbara Coleman of Avon; a brother, Alfred J. of Englewood Cliffs; and five sisters, Anna Coglianese of Holmdel, Genevieve Daniels and Elizabeth Corrigan of Avon, Mildred Daniels of Cliffside Park, Eleanor Stutz who lives in Louisiana, and four grandchildren.

A front page article in the Jersey Journal concerning his death, said, "Hudson County has lost a true friend." Tributes by former Representative Joseph A. LaFante, who succeded Daniels in 1976, West New York Mayor Anthony M. De Fino, and others, recalled that "Hudson County showed its appreciation for Daniels by sending him back to Congress term after term with sweeping margins." Congressman Daniels left a legacy to the community leaders of Hudson County reminding them of the need of "service above self."

On a personal note, Dominick was a good friend of mine and my family. We held him in the highest regard and shared many happy times together over the span of our lives. His friendship and wise counsel was truly valued. He dearly cared for all his people and they return their feelings with love and respect. He helped to make the world a better place to live. He will be missed by all whose lives he has touched.

I urge my colleagues to join me in paying tribute to a worthy man. He has earned our accolades for a job well done. May he rest in peace.

Mr. RODINO. Mr. Speaker, it is with great sorrow that I rise to note the passing of Dominick Daniels, my good friend and former New Jersey colleague, who died on July 17 in Jersey City.

Dom Daniels was first elected to Congress in 1958 by the people of New Jersey's 14th Congressional District. He served them with distinction and integrity until 1976 when he opted not to seek reelection. Dominick Daniels was a distinguished member of the Committee on Labor and Education as well as the chairman of the Select Committee on Labor and the chairman of the Civil Service Committee Subcommittee on Retirement, Health Benefits and Insurance. In this capacity, Congressman Daniels was instrumental in the passage of landmark legislation that provided for national standards of worker safety and training, and for postal reform.

Dom was always an articulate and compassionate champion of the right to fairness, access, and equality in education, speaking out often and with force in behalf of minority interests in seeking to desegregate our Nation's schools. Refugees and migrant workers found in Dominick Daniels a man who was willing to fight for their human rights and dignity. Finally, as a man who held the highest regard for the institution of the family and traditional family values. Congressman Daniels worked to create programs that sought to combat the tragedy and debasement of drug abuse and hard-core pornography.

Dominick Daniels' life was a testimony to his compassion and commitment to public service. His wisdom, leadership, and friendship will be greatly missed.

I join with my colleagues in expressing heartfelt condolences to Dom's family.

Mr. HOWARD. Mr. Speaker, when I first came to Congress in 1965, Dominick Daniels was one of the Members to whom I went for guidance and advice.

He was a diligent and effective member of the New Jersey congressional delegation. Time and time again, we in the delegation looked to Dominick Daniels for direction, particularly in the areas of his committee jurisdiction.

The job safety legislation he championed will continue to protect millions of working men and women for generations to come. He was a leader in the fight to ensure desegregation on the college level.

Dominick Daniels served in Congress for 18 years, but he never forgot his humble beginnings nor the men and women who built this country and keep it running. Although he retired over 10 years ago, his legacy remains a part of this institution. Deep respect and affection for Dom Daniels will remain always in our hearts.

I extend my deepest sympathies to the family of this most able and respected legislator.

Mr. HOYER. Mr. Speaker, on July 17, 1987, Dominick Vincent Daniels, who served in this body for 18 years, with unusual distinction passed away in Christ Hospital in his native Jersey City after a long and debilitating illness. I never had the honor of serving with Congressman Daniels but as one who represents a district where the Federal Government is the largest employer, his name was a household word. His work as a ranking member of the Post Office and Civil Service Committee and as chairman of the Subcommittee on Life Insurance, Retirement and Health Benefits made him one of the best known and most popular Members of Congress. I am pleased to join with the gentleman from New Jersey, Mr. GUARINI, in paying tribute to the memory of a true statesman and to extend my sympathy to Mrs. Daniels, his two daughters and their children on the loss of this distinguished American.

My good friend Judge Gerard F. Devlin of the Maryland district court was a long time staff member in the Washington office of Congressman Daniels. Today I received a letter from Judge Devlin that I include at this point in the RECORD:

DISTRICT COURT OF MARYLAND,
Upper Marlboro, MD, August 3, 1987.

Hon. STENY HOYER, M.C.
Room 1513, Longworth House Office Building, Washington, DC.

DEAR STENY: Thank you for your telephone call informing me that our mutual friend, Congressman Frank Guarini, has arranged for a special order on the House Floor on Tuesday, August 4, 1987 to honor the memory of the late Dominick V. Daniels of New Jersey.

As you know, I worked for Dominick Daniels for a very long time as his press secretary, legislative assistant and eventually as his administrative assistant during the years 1965-1975.

Congressman Daniels was an unusually productive legislator and his name appears on legislation on many topics. He developed the landmark Occupational Safety and Health Act and was the father of Comprehensive Employment and Training Act. During the great 89th Congress, he led the war on poverty and he was the principal sponsor of about half the legislation which came out of the Education and Labor Committee in the years 1965-1966. During that two year period the Congress authorized and appropriated more money for education than the first 88 Congresses combined. Mr. Daniels as Chairman of the Select Education Committee was a dominant figure in that exciting era.

But as you well know in special orders the public record of a deceased Member is always made to look impressive. Even those whose contributions were modest come out a little better than they might. *De Mortius nil nisi bonum.* However, when a Member with a record of splendid accomplishments such as Dominick passes to his reward there are many to note his milestones indeed his epitaph appears all throughout the Federal Code. His successful battles for the less fortunate in our society are very much part of the public record. There is very little I can add. The record speaks for itself, and it is a splendid record.

On the other hand there is much that I can add about the private record of this most private of men. I know of his remarkable sympathy for those who needed help most. His instinctive feelings for those who needed help was very much a part of him. His generosity to charitable groups in Jersey City was simply boundless.

As a legislator he took an interest in causes remote from the crowded 14th District of New Jersey. His sponsorship of legislation benefiting victims of black lung disease produced no votes in Jersey City. His championing of the Federal employee played better in Hyattsville than it did in Hoboken. Very few of his people struggling to keep body and soul together sent their

children to summer camps. Yet Dominick Daniels fought the good fight to make summer camps safe with the Young Camp Safety Act. These causes were the extension of the man's private philosophy.

In the days when I was on his staff the demographic makeup of the 14th District was different than it is today. For the most part it was a virtually all white ethnic district. Yet, Dominick was a champion of civil rights in private as well as in public. In all my life I know of no man who was more free of bigotry or racism than he.

As an attorney, a judge in Hudson County, and, an important Member of the Congress he never became in his own esteem better than those with whom he lived for all of his 78 years. Indeed at the time of his death he lived in an apartment only a few blocks from where he was born in 1908. Tom Wolfe was wrong: you can go home. Dominick Daniels not only went home, he never left.

The child of an immigrant family he had unswerving love for this country and what it had permitted his family and his wife's to accomplish. And it is as a family man that he will be remembered. His love for his wife, the former Camille Curcio endured for a lifetime. His pride in his two daughters, Dolores Maragni and Barbara Coleman and their fine children is an inspiration to us all. He has left them a heritage for all time.

As you know, I am today a lawyer only because Dominick Daniels encouraged me to attend a law school, gave me time off to study and take the bar examination. Indeed when I ran for the Maryland General Assembly he told me to take as much time off as I needed. All this and a generous campaign contribution.

All I can say as one who was touched by this man's generosity in so many ways that I have lost a friend. We are all a lot better off that he came our way.

I know that I speak for all of the scores of people who worked for him here in Washington and in the Union City, Jersey City, Bayonne and Kearney offices that we have all lost a man whose generosity towards us and whose toleration for our short comings seemed limitless. Rest in peace, old friend.

Sincerely,

GERARD F. DEVLIN.

Mr. ROE. Mr. Speaker, it is with deep sadness in my heart that I rise today to join in this tribute to our former colleague, Dominick Daniels, who recently passed away.

Dominick Daniels served the people of the 14th Congressional District of New Jersey with great distinction during his nine terms in the House of Representatives. He was truly a hero of the "common man," fighting many uphill battles on this floor to insure that all Americans had the opportunity to earn a decent wage and to live a fulfilled life.

During his years in the House, from 1958 until he retired in 1976, Dominick Daniels was the acknowledged leader in efforts that resulted in passage of legislation to provide compensation of injured workers and establish Federal job safety rules where States failed to enforce them. As a member of the House Committees on Education and Labor and Post Office and Civil Service, he was instrumental in securing congressional approval of key labor legislation including Comprehensive Employment and Training Act [CETA] and the Occupational Safety and Health Act [OSHA].

In the area of civil rights, Dominick Daniels wrote the landmark bill in 1962 that closed the loophole through which land-grant colleges could escape compliance with the 1954 Supreme Court decision against racial segregation.

Dominick Daniels was truly representative of the American dream. Born the son of an Italian immigrant in Jersey City, he later graduated from Fordham University, worked his way through Rutgers University Law School, and at the age of 21, became a member of the New Jersey and Hudson County Bar Associations.

In 1952, he was appointed magistrate of the Jersey City Municipal Court and was named presiding magistrate in 1957. Following his retirement from Congress in 1976, Dominick Daniels was awarded an honorary doctor of law degree from St. Peter's College in his beloved Jersey City, where his congressional papers are proudly displayed.

The deep feelings of love and respect that those who know him felt about Dominick Daniels was perhaps best expressed by a headline in the "Jersey Journal" the day he died: "Hudson County Has Lost a True Friend."

Mr. Speaker, not only Hudson County but America has lost a great friend with the death of Dominick Daniels. I am sure that I express the feelings of every Member of this body when I say that Dominick Daniels represented the highest ideals that we all strive for in serving the needs of our great Nation. He was truly an "American Hero" and his guidance and clearness of thought will be deeply missed in the years ahead.

My prayers go out to his lovely wife Camille and the rest of the Dominick Daniels' family at this time of deep sorrow.

That sorrow is expresed by all those who were privileged to know Dominick Daniels. I am especially proud to say that he was my friend.

Mr. DWYER of New Jersey. Mr. Speaker, I am pleased to join my good friend and colleague from New Jersey [Mr. GUARINI] in paying tribute to Dominick Daniels who served with distinction in this body for nearly 20 years.

As a resident of New Jersey all my life, I know the dedication to his district, State, and Nation Representative Daniels brought to this job. Although I did not have the opportunity to serve with him in the House, I have admired him over the years for his leadership on such important issues as workplace safety and civil rights.

Dominick Daniels worked very hard throughout his career, working his way through Rutgers University Law School and becoming a member of the New Jersey and Hudson County Bar Associations at the age of 21.

His sensitivity to the needs and rights of working people led to substantive legislation to protect those rights, and he left behind him a legacy of legislative achievement in which he could take great pride.

While the people of New Jersey will miss him, Dominick Daniels will always hold a prominent place among those who represented our State in the Congress. His career spanned many pivotal years in our history, and he played a major role in helping to bring those issues which affect our people so deeply to the forefront of the legislative agenda.

Mr. ANNUNZIO. I rise to pay tribute to our former colleague from New Jersey, the Honorable Dominick V. Daniels, whose death on July 17 is a tremendous loss to the people of this Nation.

Dominick Daniels became my close and trusted friend during the period we served in Congress together, and I shall always be proud to have served with him in the U.S. Congress and have cherished the wise counsel, advice, and good will that he so generously extended to me.

The son of Italian immigrants, Dominick Daniels graduated from Fordham University and Rutgers University Law School, and was elected to the 86th Congress in 1958. As a Member of the House of Representatives, he championed the causes of American workers, serving as a Member of the House Education and Labor Committee and as chairman of the subcommittee with jurisdiction over health and safety in the workplace. Under Congressman Daniels' leadership, the principle of Federal supervision over occupational health and safety in industries around the country, including the provision of compensation for injured workers, was established.

Dominick Daniels also had an outstanding record of achievement as a member of the House Post Office and Civil Service Committee. He devoted his life to the betterment of his fellow citizens, and his dedication to the highest standards was an inspiration to his friends and to his constituents whom he so ably represented. His special commitment to the working men and women of America will long be remembered by those of us who had the privilege of serving with him in the Congress of the United States.

Congressman Daniels was a fine legislator who served the people of the 14th Congressional District of New Jersey with compassion and courage for 18 years until his retirement from Congress in 1976. In recognition of his many achievements and untiring service to his constituents, I was glad to add my name as a cosponsor to H.R. 2985, a bill to designate a post office in Kearny, NJ, as the "Dominick V. Daniels Postal Facility."

Mrs. Annunzio and I extend our deepest sympathy to the other members of his family who survive him.

Mr. HAWKINS. Mr. Speaker, on behalf of the members and staff of the Committee on Education and Labor, I am proud to participate in this special order in memory of one of our most respected colleagues and friends, Representative Dominick Daniels, the former Representative of the 14th District of New Jersey.

During his 18 years as a Member of the House of Representatives, he demonstrated integrity, dedication, compassion, and a genuine commitment to making life better for the men, women, and children of our country.

In his own and unique way, he worked to improve the lives of the people who help to build our bridges and houses, who assemble our automobiles, work in our coal mines, keep our government running, and work in the agricultural sector. Because of his gallant efforts, the safety and health of millions of American workers has been dramatically improved.

As a ranking member on the Education and Labor Committee and chairman of its Man-

power, Compensation, Health, and Safety Subcommittee, Dominick Daniels was responsible for shepherding numerous pieces of legislation through the Congress. With his guidance, such important legislation as the Occupational Safety and Health Act of 1970, the Vocational Rehabilitation Act of 1970, Comprehensive Employment and Training Act of 1973, and the Youth Conservation Corps Act of 1970 become law.

In closing, we in the House, and especially those of us who had the opportunity to work closely with him on the Education and Labor Committee, were fortunate to have a man of his caliber associated with us. A debt of gratitude goes out to this great humanitarian and friend of working people and the disenfranchised. He will be missed as both a colleague and a friend.

Mr. BIAGGI. Mr. Speaker, July 17 was a very sad day for me and I am sure for the others who had the good fortune to know and respect our former colleague and friend Dominick Daniels of New Jersey who passed away. While Members may have served longer than Dom in the House few served their constituents or their Nation any more effectively than he did.

For 18 years Dom Daniels served in this House. He served as a devoted champion of the working men and women of our Nation from our letter carriers to Federal workers, to those in organized labor. His leadership was best reflected in his outstanding service on both the Post Office and Civil Service and Education and Labor Committees. He was a persistent fighter for equality whether it be in adequate wages for the working man, or access to higher education facilities by people of all races, colors, and creeds. Dom Daniels and I served on the Education and Labor Committee for 8 years. He was a genuine inspiration to me during those years which were among my first in the Congress. He set the example upon which we all strived to match. He worked hard on the committee. He held his ground but he was not obstinate. He knew how to compromise as well as when. The fruits of his legislative labors are among some of the most landmark laws of the 1960's and 1970's.

Time does pass quickly. It is hard for me to imagine that it was more than 10 years ago when Dom retired. Yet his legacy of service has and will endure for years to come. He was a strong man with strong values and integrity. He was a good family man and friend. The people of Union County, NJ and the Nation were better served because of Dominick Daniels.

As I mentioned, I was proud to have served for 8 years on the Education and Labor Committee with Dom. Our labor force today owes much to his leadership in guaranteeing health and safety in the work place. Dom championed the cause of providing adequate compensation for workers injured in the work place and led the effort to ensure Federal job-safety rules were in place where States failed to provide or enforce their own. His strong leadership and constant commitment to the concerns of the American worker resulted in two major legislative initiatives—the Occupational Safety and Health Act and the Comprehensive Employment and Training Act. These laws provide protections and services for our Nation's workers. In this age of competitiveness, we can thank Dom for helping to ensure that our Nation has well-trained workers, who have a healthy and safe work environment.

Dom demonstrated this same leadership and concern for others in his work in education initiatives. He helped to ensure that schools and colleges strictly complied with the 1954 Supreme Court decision of Brown versus Board of Education which banned racial segregation. Dom authored legislation to close a loop hole which had allowed land grant colleges to continue segregation. His constant concern prodded the administrations he served under to enforce this historic court decision.

His work on the Post Office and Civil Service Committee reflected his concern for workers and their rights and safety. His legislative leadership resulted in improvements in the U.S. Postal Service and in advancements for postal workers. He was instrumental in the development of our nation's bulk mail system.

Dom and I share a similar background. As the sons of Italian immigrants, we both were raised in a strong family tradition. This family tradition has carried over and I would like to join my colleagues in extending our condolences to Dom's wife Camille and his children and grandchildren. You have much to be proud of; Dom dedicated his life for the service of others and many across this Nation are leading better, safer, and more profitable lives.

I would like to commend my colleague from New Jersey [Mr. GUARINI] for holding this special order this evening. I would also like to commend him for his effort to rename the North Jersey postal facility in honor of our dear friend. The postal employees in this facility owe much to Dom and it is indeed fitting that he be recognized for his contributions in this manner.

Mr. HORTON. Mr. Speaker, earlier this month we lost a former colleague after a long illness. Dominick Vincent Daniels, a former Member of Congress from New Jersey, died July 17 at the age of 78. My wife Nancy and I want to join our colleagues on the floor today in expressing our deep regret and sympathy for his wife Camille and the rest of the Daniels family.

Dominick came to the House in 1959. He quickly earned a reputation as a New Deal liberal, fighting the conservative committee leadership to protect public education and enact tough Federal labor safety standards. He was specifically instrumental in passing safety standards in youth camps across the country.

Dominick led an outstanding life. He was born in Jersey City as the son of an Italian immigrant. He was graduated from Fordham University and worked his way through the New Jersey Law School. His perseverance earned him admittance to the bar at the age of 21. Professionally, he became Jersey City's presiding magistrate, where he stayed until his election in 1959.

Many of us who had the honor and privilege of serving in this Chamber with Dominick will always remember his dedication to the many causes about which he felt deeply. Foremost among these are workers compensation, Federal health standards, antidiscrimination efforts, and job training and employment programs.

Mr. Speaker, I know that I speak for many Members when I say that Dominick Daniels gave his heart and soul to this Chamber. His work here was an inspiration to the many Members of the House with whom he served. Again, Nancy and I share the sorrow felt by the scores of friends and colleagues of Dominick, and wish his family the very best in this difficult time.

Mr. HUGHES. Mr. Speaker, I want to thank the gentleman from New Jersey for organizing this special order in honor of our late friend, Dominick Daniels.

Many Members of this House never had the opportunity of working with and getting to know Dominick, but during my freshman term in the Congress I had that privilege. At the time, I was grateful that a senior Member of this body would take the time to show the ropes to one of the new kids on the block. Now, in reflecting on his years of service to our country, I am struck by how much he embodied the kind of Representative whose quiet but persistent work is the backbone of this institution.

Perhaps it was his experience as the son of an immigrant worker—perhaps it was just because he cared so much about the little guy—that caused Dominick to become a champion of health and safety in the workplace. Whatever the reason, his tireless efforts in persuading others to do the right thing earned him the admiration of his constituents and the respect of his colleagues.

A forceful advocate of racial desegregation long before that cause became politically fashionable, Dominick's powers of moral suasion were instrumental in moving this House in the right direction on civil rights, and particularly in insuring equal opportunity for all Americans in our country's land-grant colleges.

Dominick Daniels was a man whose contributions to this House were to be found not only in the legislation that bears his name, but also in the example that he set for his colleagues as a Representative of his district and as a trustee for his Nation. Like many Members who have served in this great deliberative body over the past 200 years, he worked diligently, but without fanfare—quietly, but effectively.

In the brief time we had an opportunity to serve together, Dominick left a deep impression on me. I know that his colleagues who enjoyed the privilege of working with him for many years were similarly affected by his dedication to this institution, and that his influence still resonates within these walls.

Again, Mr. Speaker, I appreciate this opportunity to gather with my fellow Members who knew Dominick Daniels not only as an effective legislator, but also as a wise counselor and a trusted friend.

Mr. CLAY. Mr. Speaker, I would like to commend the gentleman from New Jersey, Mr. GUARINI, for providing this opportunity to pay tribute to his distinguished predecessor as Representative of the 14th District, the Honorable Dominick Daniels. I was privileged to serve on both the Education and Labor Committee and the Post Office and Civil Service

Committee with Judge Daniels. As one who was able to observe his efforts on behalf of all Americans from a close proximity, I was deeply saddened to learn of his passing. I extend to my sincerest condolences to his wife, Camille, and his family.

When I arrived in Washington in 1969, Judge Daniels had already been here for 10 years. In that period, he had already developed a deserve reputation as a strong proponent for the rights and welfare of all Americans. From 1969 until his retirement in 1976, I was privileged to witness first hand his concern and compassion for the welfare of his constitutents and his prodigious abilities as a legislator to fashion and shepherd legislation on their behalf. The list of Judge Daniels' legislative accomplishments reads like a bill of rights for the working men and women, the underprivileged, and those who have historically been ignored and discriminated against. Judge Daniels was instrumental in promoting integration on the part of schools and colleges and authored legislation in 1962 to close loopholes by which land-grant colleges had sought to escape compliance with Brown against Board of Education. As a member of the Post Office and Civil Service Committee, Judge Daniels was instrumental in assuring fair wages and working conditions for postal and Federal employees.

In my view, Judge Daniel's most significant legislative accomplishments were achieved from his position as chairman of various subcommittees of the Committee on Education and Labor. The legislation his name is associated with includes The Emergency Employment Act of 1971, the Manpower Development and Training Act Amendments, the Construction Safety Act, the Youth Conservation Corps, and the Federal Employee Compensation Act. His most significant legislative accomplishments include passage of the Occupational Safety and Health Act of 1970 and the Comprehensive Employment and Training Act of 1973 [CETA]. Few Members of Congress have earned as distinguished a summary of their congressional careers as that of Judge Daniels: he sought to ensure that all Americans had equal opportunity for gainful employment in safe and healthy circumstances. That his passing is tragic is because he did so much in his life toward achieving these goals.

Mr. JEFFORDS. Mr. Speaker, first I would like to thank the gentleman from New Jersey, Mr. GUARINI, for having taken this special order to permit us to express our sorrow at the loss of our former colleague Dominick V. Daniels.

I am joining in this tribute as a spokesman for the minority of the Committee on Education and Labor. Regrettably, I cannot personally claim that I knew Mr. Daniels very well or worked with him closely; I arrived here just as he was announcing his intention to retire from this body after serving nine distinguished terms. But those who preceded me as ranking minority member in Education and Labor did know him well and did work closely with him, and it is what they said almost 11 years ago on the occasion of the tribute extended to Mr. Daniels upon his retirement that has impelled me to join you today.

Yes, they cited Mr. Daniels' extraordinary list of legislative accomplishments in the fields of employment and training, safety in the work environment, and benefits for the working man. But then my predecessors quickly added that there was a great deal more to Dominick Daniels than his work record. Listen to what they said, for it is what we would all aspire to hear said about ourselves:

> * * * there is a question of credibility in people's minds concerning Congress, but there never has been a question of credibility in the minds of [Mr. Daniels'] colleagues when [he] gave [his] indication of [his] intent to do something or uphold a particular view.—Rep. Marvin Esch;
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> Though I often had disagreements with him, I have always had the greatest respect for his ultimate fairness, honesty, integrity, and friendliness. * * * Dominick V. Daniels has always kept his word. * * * Those of us on the Education and Labor Committee have been fortunate in having a man of his caliber serving so capably.—Rep. Albert Quie.

Mr. Speaker, we in the House will always mourn the loss of such a fine man. My colleagues—majority and minority—in the Committee on Education and Labor certainly do.

Mr. GAYDOS. Mr. Speaker, the death of my friend and former colleague, Dominick V. Daniels of New Jersey, is a great loss to our Nation.

The son of Italian immigrant parents, Dom showed his outstanding capabilities at an early age, and his admission to the New Jersey bar at the age of 21 proved what an energetic and intellectually gifted man he was.

When I came to Congress, I had the pleasure of serving with Dom on the Education and Labor Committee and the Subcommittee on Manpower, Compensation, and Health and Safety. Dom chaired the subcommittee until he retired from Congress in 1978, and since then I have had the privilege of chairing it, although we now call it the Subcommittee on Health and Safety.

During the years we worked together, I learned a great deal from him, and I can attest to his dedication to the welfare and protection of American workers. While he was in Congress, Dom Daniels probably did more to help American workers than any other person.

His involvement and leadership were crucial to the development and passage of some of the most important pieces of safety and labor legislation, including the Occupational Safety and Health Act, the Youth Conservation Corps Act, the Mine Safety and Health Act, the Youth Camp Safety Act, and other bills too numerous to name.

All during the long and agonizing process of moving these bills through Congress, Dom never faltered in his dedication to see them become the law of the land, and his persistence is evidenced by the health and safety protection enjoyed by millions of people.

Mr. Speaker, I was honored to serve with Dom Daniels in Congress and on the Education and Labor Committee, and I hope that I have continued his tradition of compassion and concern for working men and women during my tenure as chairman of the Subcommittee on Health and Safety. Dom's family, friends, colleagues in the House, and I, will all miss his quiet competence, his wise counsel, and his dedication to the people of New Jersey and the people of the United States of America.

Mr. RINALDO. Mr. Speaker, it is with deep sorrow that I join my colleagues today in paying tribute to the late Dominick Daniels, a fellow New Jerseyan and colleague who served in the House of Representatives from 1958 until his retirement in 1976. Dominick and I became close friends during the years we served in the House together, and I can say without reservation that he was a very capable and dedicated public servant who has left his mark on Capitol Hill.

During his 18 years of service, he brought to the deliberations of the House a strong sense of personal conviction, integrity and high moral character. In establishing an outstanding record of service, he contributed creatively and constructively to legislation advancing the welfare of the Nation. As a member of the Education and Labor and Post Office and Civil Service committees, Dominick championed the causes of health and safety in the workplace and of fair compensation for injured workers. He also made significant contributions to legislation affecting Postal Service operations, and was instrumental in the development of the North Jersey mail facility in Kearny, NJ, which employs 4,000 workers.

Dominick had a positive influence on all of us who knew him. He was a fine man and I'm going to remember the honor it was to know and work with him.

GENERAL LEAVE

Mr. GUARINI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

DEMOCRACY AT WORK IN INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

Mr. DYMALLY. Mr. Speaker, on June 4, 1987, I stood before this distinguished body to urge that world governments stand with Rajiv Gandhi as he worked to find a peaceful settlement to the Sinhalese-Tamil conflict in Sri Lanka. At the time, unfortunately, mainly criticism was heard in the United States regarding Mr. Gandhi's air drop of relief supplies in the war torn Tamil areas in the northern and eastern provinces.

I am happy to announce today that my trust in Mr. Gandhi's leadership has been reaffirmed. Through his efforts, a peace accord was signed July 29, 1987. It is a watershed agreement not only in South Asia but in the literature of international relations. It will be studied by statesmen and peace experts as a model for settlement of

future conflicts. To fashion a peace accord that places control of the peacemaking process firmly in the hands of the moderates on both sides is an accomplishment by itself.

This peace accord establishes the basis for a federation between the northern and eastern sections of Sri Lanka and the rest of the country. It restores the Tamil language as an official one, thus removing a longstanding grievance of the Tamil community. This peace accord also allows for the repatriation of 100,000 Tamils who have been made refugees in India.

While this accord is of overriding significance, it should be noted that it is one in a series of Indo-Sri Lankan agreements aimed at effecting a negotiated settlement of Indo-Sri Lankan bilateral problems.

It is my fervent hope that this agreement will be an effective assurance that the human rights of the Tamil minority, long grossly ignored, will at last be respected.

The agreement will also assure the Sinhala community which constitutes the majority of Sri Lankan society of peace and harmony for the whole country. That atmosphere of peace will bring them the economic development which their country so sorely needs.

In all honesty, this peace agreement demonstrates once again Prime Minister Rajiv Gandhi's ability at conciliation and pacific settlement of seemingly intractable problems. He did it in Assam, in the Punjab, and now in Sri Lanka. This accord in fact, preempts an effort I have made in Congress to pass a sense of the Congress resolution regarding human rights abuses in Sri Lanka. The numbers of Members who expressed interest or wanted to be original cosponsors of that measure reflect the important place which human rights still occupies in our hearts. Most encouraging to me is the bipartisan nature of this support.

Mr. Speaker, I also commend President Jayewardene for agreeing to a peace agreement. He has taken a great personal risk, given the opposition of groups within his own community. The agreement is a sound one. It constitutes a realistic basis for ending the ethnic civil war. It provides the best opportunity yet for resolving the conflict on an equitable, just, and lasting basis.

In beginning this peace process, Prime Minister Rajiv Gandhi knew that he risked being mired in an ethnic conflict which already has taken well over 6,000 lives in Sri Lanka, since 1983. He, nevertheless, worked relentlessly, unhampered by international criticism. His efforts will accomplish peace in that troubled land. His efforts culminated last week in a peace accord which reflects the moral conviction and courage which are prerequisites of leadership.

Mr. Speaker, I believe that we all should commend and recognize Mr. Rajiv Gandhi's achievement in accomplishing a peaceful settlement. It surpasses all expectations. Once again, we should note that he did this at a great personal risk soon after the set back of the peace accord he struck in Punjab.

Mr. Speaker, as we celebrate the bicentennial of our Constitution, India marks the 40th anniversary of her independence. These significant milestones in the national lives of our countries serve to remind us of the shared values and ideals which inspire and guide our policies. These bonds stress a commitment to individual rights, liberties, and freedom. They transcend distance and the ebb and flow, highs and lows, of our relationship. On their firm foundations we can construct the edifice of Indo-United States relations.

Some weeks ago, there was a focus of attention in this House on some domestic issues faced by India. Many colleagues highlighted India's internal problems, especially in the state of Punjab. Some leveled charges, I believe, based on a lack of adequate information about the true facts of the situation, or on account of misinformation. Many others were critical of different facets of India's foreign policy, in particular India's relationship with the Soviet Union. Here again, criticism based on a lack of appreciation of the totality of India's external relations, and the basic determinants of her foreign policy.

Our media report are selective on India. This phenomenon contributes to the information gap. Reports about passing events—accidents and natural calamities, occasional social disturbances, are highlighted. India's achievements, progress and indeed its comprehensive reality escape us. India has witnessed, in a relatively short span of 40 years, a quiet revolution which has transformed a backward society and a stagnant economy into a dynamic country. Its people are throwing off the bondage of poverty. V.S. Naipaul, amongst the world's greatest living writers, who comes from Trinidad and Tobago, now living in England, and who is of Indian origin, but no sympathetic observer of the Indian scene, had this to say in a recent interview, I quite:

> I think India's development since I went in 1962 is extraordinary. The newspapers were abominable. Reports of Parliament and speeches were clerk's writings. The politics was really court politics—who was close to Panditji and who was not close to Panditji.
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> But, after two generations, there has been a great efflorescence of intellectual life. There is a publishing industry which did not really exist in 1962. There is no problem that is not talked about. There is great tolerance, and great human values rather than rabble rousing.

Perhaps, India's greatest achievement in the years since independence has been the sustenance and the strengthening of democracy. India is one of the world's truly great democracies. Its open and free system is based on the will of her people. Elections, entirely free and fair, are a way of life. India's political system has withstood shocks both of external aggression and of domestic turmoil . India has shown a remarkable resilience. This is particularly noteworthy if we consider the complexity and size of India.

India's democracy stands in stark contrast to the inability of many countries which began as democracies at independence, but failed later to maintain a democratic process. Pakistan, India's neighbor to the west, fell victim to military rule within 10 years of its independence, and that rule has continued with a brief interlude ever since. Bangladesh succumbed to the rule of the generals soon after its birth as a free nation. India's democracy is strong and continues to grow stronger.

The U.S. administration emphasizes its work in restoring democracy throughout the world. It points to the dismantling of authoritarian rule in many countries in Central and Latin America as part of its record of achievement. I wonder if it ever considers its role in stregthening democracy where it exists. In South Asia one witnesses the extraordinary spectacle of an authoritarian army rule in Pakistan, closely allied with the world's powerful democracy, while some basic concerns of India continue to be neglected by this administration.

India pursues a policy of nonalignment. In the clash between superpowers, nonalignment has acted as a great shock absorber. It has served to reduce tensions. In its absence, the world would have been a far more dangerous place and the dangers of superpower conflict would have been much greater.

India is a founding member of the nonaligned group of countries, and has supported the forces of balance and moderation within that forum. Yet many in this country believe that India is closely allied with the Soviet Union and the socialist block of countries. The charges levelled against India in this context are: First, India imports arms mainly from the Soviet Union; second, Soviet ships have access to Indian ports; third, India gives aid to Nicaragua; fourth, India buys sugar from Cuba and exports it to the United States; and fifth, India is economically dependent on the Soviet Union.

Now consider the facts:

First, India imports arms mainly from the Soviet Union: According to reliable Western sources, including the

Stockholm International Peace Research Institute [SIPRI], about 40 percent of Indian arms supplies were procured from Western countries in the last decade. These defense systems included sophisticated aircraft from the United Kingdom and France, artillery from Sweden, naval ships, including an aircraft carrier from the United Kingdom, and submarines from the Federal Republic of Germany. India is interested in interacting with the United States in the field of defense supplies, and the two countries are exploring the possibilities of cooperation in India's light combat aircraft project. In fact, there has been a history of the United States denying access to India in the field of defense equipment. It is on this account that India, in the first place, turned to the Soviet Union for military equipment.

India's own defense industry supplies it with a large variety and depth of systems which are required for its defense.

Second, Soviet ships access Indian ports: There is no Soviet base or facility in India. Soviet ships visit on a case-by-case basis, as do Western ships including United States. Very often, more Western ships call on Indian ports than do Soviet ships.

Third, India gives aid to Nicaragua: This is a deliberate distortion of the Indian practice of extending technical credits to facilitate trade. As Representative STEPHEN SOLARZ pointed out in this House, this is the equivalent of export promotion. Even the United States does not prohibit trade with Nicaragua.

Fourth, India buys sugar from Cuba and exports it to the United States: This is a false charge. India does not have a bilateral agreement with Cuba. In years of sugar shortfall, India purchases through the London commodity exchange. The years of shortfall are not the periods of export.

Fifth, economic ties with the Soviet Union: While India does have close economic links with the Soviet Union, and the socialist block countries, the United States is her leading trading partner. It is the United States which has the highest number of foreign agreements with India. There is an impressive record of scientific and technical cooperation between the two countries. This has been further strengthened by the Gandhi-Reagan science and technology initiative which began during the visit of Prime Minister Indira Gandhi to the United States in 1982. This agreement was renewed for 3 years during the June 1985 visit of Prime Minister Rajiv Gandhi. In this program, Indian and American scientists work at the cutting edge of research in areas which include agriculture, nonsoon forecasting, solid state science, engineering, and health.

Another change leveled against India is her voting record in the United Nations. What is the truth? A majority of resolutions in the United Nations are passed by consensus. On these there is naturally an identity of views between India and the United States. In 1986, 152 resolutions were voted upon. India supported 85 percent of these, opposed 1 percent and abstained on 13 percent. The United States, on the other hand, opposed 60 percent, supported 15 percent and abstained from 24 percent. The differences between the two countries were on issues which touched fundamental concerns of the nonaligned movement. These are: disarmament, issues connected with the racist South African regime, and Namibia. Other issues are connected with decolonization and the Middle East. India's views on these matters are rooted in its historical experience and world views. Its leaders have asserted that they are committed, in principle, and will not compromise when it comes to racism, injustice, and inequality. They, however, recognize that the United States has its own perceptions, and in some cases even compulsions. There are two further aspects which are of significance. India voted 10.1 percent with the United States in the United Nations in 1986. The voting record of our close allies, such as Pakistan, 16.4 percent; Saudi Arabia, 16 percent; Indonesia, 13.2 percent; and even Singapore, 20.9 percent; was hardly much better.

Indian leaders assert that a difference in voting records does not imply hostility. Given the differing geopolitical situations, such as development, and historical experiences, there are naturally differences in perceptions on world issues. These do not mean animosity. There is force in these arguments. It must also be noted that on many issues which are of direct concern to the United States, India has raised its voice in favor of moderation. It has used its influence against name calling. Indeed, India feels that on many issues which are of vital concern to her interest, the attitude of the United States delegation to the United Nations has not been helpful.

Mr. Speaker, I now wish to turn to the troubled state of Punjab. Terrorist forces within that state seek to undermine the democratic traditions of India. They would like to erode India's policy of secularism. In its preamble, the constitution of India proclaims her as a secular democratic republic. The traditions of secularism and tolerance lie deep within the Indian consciousness and history, and thwart attempts of fundamentalists and communal forces to create problems. The Sikhs are a thriving prosperous community in a state which has been a success story in agriculture, industry, and economic development. The Sikhs are respected for their energy and enterprise. It is unfortunate that a small fringe among them has taken to terrorist violence. Two ghastly incidents on the 6th and 7th of July 1987, in which small terrorist groups waylaid buses in Punjab and Harayana and murdered 80 men, women and children, have again drawn our attention to the viciousness of these forces.

Earlier in June, Delhi witnessed a round of senseless killing. All right thinking people cannot but condemn these outrageous actions.

It is alleged that India does not permit visits of foreign journalists to the Punjab. The fact is that the foreign press has covered Punjab regularly. This is evidenced by stories printed in our media within the last year in all our leading papers datelined in towns in the Punjab.

It is important to consider events in the Punjab in their right context. There were extraordinary reasons which led to the actions in June 1984 by the Indian security forces. Terrorists who were using the temple as a sanctuary to direct the murders of political opponents and use other forms of intimidation and violence, including killing innocent people. Surely no democratic government can permit the use of religious shrines for such terrorist purposes. More recently it was the continuing problem of terrorism in Punjab, and the inability of the government of Mr. Barnala to control it that led the Federal Government to take over the administration of the Punjab directly. This was in keeping with India's constitutional practice.

The Punjab accord, signed between the late Sant Harchand Singh Longowal and Prime Minister Rajiv Gandhi, is a testimony of both the Prime Minister and moderate Sikh forces to work in harmony, in order to find a solution of the problem. This accord was welcomed by the people of Punjab who gave their verdict in the elections of 1985. It is the endeavor of the Government of India to implement this accord and a substantial portion has already been implemented.

The Government of India is aware of the need to implement the accord in full. In democratic societies, working out the modalities of a complex and contentious issue, particularly which one affects more than one State needs perseverance and patience. It is through the democratic method of resolving political differences that a solution to the problems faced in the Punjab will be found. This policy is being pursued by Prime Minister Rajiv Gandhi.

The Sikhs do not face any discriminatory laws. They are equal citizens in a society which has equal laws for all citizens. They take an active part in the political processes of the Punjab. The current President of India is a

Sikh, as is the Federal Minister of Home Affairs. They suffer from no discrimination. The forces of terrorism are forces of intolerance. The Government of India can surely not allow a tiny fraction of the political spectrum to impose its will on the rest by force. There can be no more questions of Punjab separating from India, than any State of the United States leaving the Union.

I remarked earlier that India has witnessed a quiet revolution since independence. What are the contours of this revolution? Consider:

First, India's agriculture, which was entirely dependent on rainfall, produced only 50 million tons of food in 1947. This was insufficient for India's needs. As a result of the application of scientific methods and technological development, India's agricultural scene has entirely changed. India meets all her food requirements herself. Its average yield is 150 million tons per annum.

Two thirds of the Indian population today is above the poverty line. There are better health and sanitation facilities. Malnutrition among the young is being overcome by antipoverty programs. There is a vigorous program for population control. That is, of course, the major problem faced by India.

Second, in 1947, India had no industrial base. Today India is amongst the world's first 10 industrialized countries. India produces a wide range of sophisticated industrial products, and has a space program as well as a nuclear program for peaceful purposes.

Third, above all, India has made phenomenal progress in science and technology. Mr. John Gunther Dean, our Ambassador to India, wrote recently, I quote: "In the years since independence, Indian scientific research has made tremendous strides. Basic and applied research has been conducted over a broad spectrum ranging from health and biomedicine to atomic energy and space." Applied research in agriculture has made the world's most populous democracy self-sufficient in foodgrains. Average life expectancy has risen from 35 to 58 years in the period since independence.

With the world's third largest pool of scientific and technological talent, India today is a nation on the move. In the words of the United States Vice President George Bush, India is "ready to do with the technological revolution what it did with the Green Revolution."

Our policies toward South Asia need to take into account India's sensitivities. Our military relationship with Pakistan has complicated our relations with India. While we need to be cognizant of the Soviet presence in Afghanistan, we must ensure that our actions do not create tensions for India. The Pakistani Nuclear Program is clearly weapons oriented. Pakistan's clandestine activities were evidence of this fact. The recent arrest in Philadelphia of a Canadian national of Pakistani origin, who was seeking to illegally export specialized steel which is required for use in Pakistan's Kahuta enrichment facility, causes serious concern. The administration's assertion that its policies have been able to restrain Pakistan in the context of its nuclear program now ring hollow.

The United States administration is also seeking a new assistance package for Pakistan which will include military supplies to that country. I think it is clear that such a package should contain defense equipment which will be of use only on the Pakistan-Afghanistan border, and not against India.

The administration justifies its request as a result of the pressues Pakistan faces from the Soviets in Afghanistan. However, the equipment it has received from us, since 1980, is clearly unsuitable for use on that border. M-48 tanks, armoured personnel carriers, heavy artillery, and counter battery radars, have little value on the Pakistan-Afghanistan border on account of the terrain. Harpoon missiles and gearing class destroyers are for use in the Arabian Sea. Afghanistan is a landlocked country. Indeed, these weapon systems may be deployed against India. The Pakistani military infrastructure does not take into account the threat from Afghanistan.

The current aid package contemplates supply of air borne early warning systems. Technically, they have no utility over the Pakistan-Afghanistan border. In these circumstances, the Congress must ponder deeply on the package and its suitability.

The stability and prosperity of India are in the national interests of the United States. These interests demand a close relationship with India. Instability in that region would strengthen those forces which are inimical to United States interest. The traditions of our society, which in harmony with India's free and democratic systems, underline this demand. The administration must act purposefully and reform its South Asia policies to ensure that it assists India's efforts internationally and domestically. Politics which retard these efforts are neither in the long term interest of the United States nor of international peace.

Mr. Speaker, I would like to conclude my speech by urging my colleagues to recognize India, a friendly nation, and a great democracy whose leadership is indeed inspiring. This peace accord is a great testimony to Prime Minister Rajiv Gandhi's personal statesmanship which in my opinion should not go unrecognized by the U.S. Congress.

I strongly believe that the Congress should officially commend Prime Minister Rajiv Gandhi for this milestone in accomplishing world peace. I think it not unreasonable to propose that we strengthen this accord by expressing our interest in rebuilding Srilunka's war ravaged economy. Now is the time to heal the wounds of a decade of violence.

Mr. Speaker, I shall introduce a resolution doing just these things. I hope my colleagues will wholeheartedly endorse this effort.

□ 2005

NOMINATION OF ROBERT H. BORK TO THE SUPREME COURT OF THE UNITED STATES

Mr. SPEAKER pro tempore (Mr. LANTOS). Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, at the outset I might say that it might be difficult for me to give my entire remarks because of the ruling of the Speaker with respect to a previous special order this evening.

While I understand the diligence of the Speaker and the Parliamentarians, I might just suggest that having looked at Cannon's Procedures in the House of Representatives I am reminded that there are several precedents which indicate the following: For instance, a Member may not in debate speak disparagingly about any State of the Union address by the President. According to the Cannon's Procedures in the House, the principles of decorum and courtesy governing the relations of the two Houses should extend to the relations of the House to the President. Further, in referring to the President a Member shall abstain from language personally offensive and shall eschew terms of opprobrium. It is the duty of the House to protect the President from personal abuse, innuendo, or ridicule.

I do not address my references here to the gentleman who presently is in the Speaker's chair. I would just comment, however, that there have been any number of comments made on the floor of the House that violate every one of those rules I have just suggested, and I have not seen the type of diligence displayed today displayed during those occasions when the President of the United States has been ridiculed, when he has been the subject of personal abuse in this House, when innuendo has been directed toward him, when a violation of the principles of decorum and courtesy governing the relations of the two Houses have been found on the floor of this House, when in fact just a couple of weeks ago the President was called on this floor a liar on about seven different occasions, and at that

time we discovered that the Parliamentarian was not paying attention to the debate so much so that we could not reflect on the statements made by the person then in the well.

All I am saying is if the ruling of the Chair is going to be tonight that we cannot even make a reference to the Senate, we cannot make any reference to statements made by Senators, we cannot make reference to references made by Senators on or off the floor with respect to Judge Bork or other nominations to the Supreme Court that relate to standards which were established in the other body to judge those individuals, then I think this House ought to be put on notice that we expect that same diligence to be applied to comments critical of the President of the United States that violate the precedents of the House and the rules.

□ 2020

I have been here 9 years and I must say I have not seen that displayed on this floor on a regular basis. And I would, of course, expect that to be done henceforth.

Next time I hope we will not get the excuse that the parliamentarians are not listening to what is being said on the floor and therefore criticisms of the President that go to the question of verbal abuse, go to the question of calling the President of the United States a liar are not heard and therefore rulings cannot be made.

Having said that, Mr. Speaker, I will try and go forward with my speech. I recognize the reason for the rule, that we should have courtesy and comity extended on both ends of Pennsylvania Avenue, in both ends of this Capitol. But it just seems ironic that the rules are such that the only place where people are gagged about speaking about one of the most important things in our Democratic system here, that is the nomination and then consideration of someone being appointed to the Supreme Court, is here in the House of Representatives.

We cannot make reference to statements made by Senators, we cannot make reference to inconsistent statements made by Senators in judging whether one should be placed on the Supreme Court. And yet everyone gives speeches in the well about how important it is and gives speeches here in the House about how it is of utmost importance, perhaps the most significant thing that this President or any President can do and yet we, the peoples' representatives, are gagged in the House from even making reference to statements made officially or unofficially by Members of the other body.

But that is the ruling of the Parliamentarian and I will attempt to abide by that ruling as best I can. But I will say I hope that we see the same consistency when disparaging remarks are made about the President of the United States on this floor.

Mr. Speaker, as we celebrate the 200th anniversary of our Constitution, a Constitution which is, of course, to accord all of us our freedom of speech, it seems somewhat ironic that controversy has arisen over the fact that Mr. Robert Bork actually believes that this hallowed document means what it says. Ironically, this is apparently difficult for some to swallow. The discovery of so-called penumbras and mystery of rights not obvious to the naked eye, brings excitement to the hearts of these constitutional revisionists.

In our pluralistic society, there is certainly room for disagreement over the Bork nomination or any other issue for that matter. Yet the current outrage expressed by the judge's detractors is simply too much. What has taken place, Mr. Speaker, since 1982 to generate such vitriol when Mr. Bork was nominated to serve on the Court of Appeals for the D.C. Circuit? It must be remembered at that time, Mr. Bork was the same individual, had been reviewed by the American Bar Association, had been judged to be extremely well qualified, the top rating that one can be given by the American Bar Association, was unanimously approved by the Judiciary Committee of the other body and then went on to be confirmed by the full Senate without a scintilla of dissent.

I had hoped at this point in my speech to make reference to one of the statements of a Member of the other body on that nomination in which there was a congratulations of the President for his nomination. But evidently I am prohibited from doing that. I would just say to those who might read this RECORD as well as to my colleagues, "You can look it up yourself."

There was a bipartisan endorsement of Judge Bork when he was before the other body being considered for the Court of Appeals for the District of Columbia. That circuit is considered the second most prestigious Federal bench in the United States.

There was a veritable love feast the last time Judge Bork was up for confirmation. And I just wonder what happens to alter some of the considerations being stated publicly at the present time.

Evidently, the newfound concern about Judge Bork is not attributable to anything which has transpired since he assumed his seat on the appellate bench. Again, if I were allowed to make references on this floor I could even cite speeches made by Members of the other body in which they indicated that Judge Bork has acquitted himself well while on the appellate bench.

I must say that in some circumstances even political courage has been displayed by some in suggesting that Judge Bork ought to be approved by the U.S. Senate despite the fact that his political philosophy may be in disagreement with some of those who sit in judgment upon him right now. This is nothing extraordinary. The same thing happened when we had Judge Sandra Day O'Connor before the U.S. Senate. Some disagreed with her positions at that time; some on my side of the aisle, some who considered themselves as strong conservatives did not think she was conservative enough. Yet the response to that was that it is too simple to identify someone as a strict constructionists or a conservative or a moderate; one has to look beyond that, it is more complex than that.

And I would think that that same sort of thought process ought to prevail in the present circumstances.

Remember we are talking about Judge Bork, a distinguished professor for 15 years at Yale Law School, background as Solicitor General of the United States, as Acting Attorney General of the United States, appellate court judge, prolific writer, lecturer, practitioner.

When you add up all of his background, his experience, his brilliance, no one can question his competence.

With respect to his sense of fairness, how can some suggest that he is going to so overturn the present balance, whatever that might be, on the U.S. Supreme Court when you realize that in his more than 100 majority opinions not a single one has been reversed by the U.S. Supreme Court.

I would hope that some would look at this without preconceived notions, that some who would disagree with him on specific issues would not allow that to affect judgments when they look at his ability to serve on the Court.

I would hope that some would believe that appointees should be people of integrity, people strong enough to stand up for their point of view, someone who has shown himself to be highly qualified as a legal scholar; perhaps someone will have that character. And when you wrap it altogether that would reflect well on the judiciary in general.

I mean I really wonder whether we want someone appointed to the bench who has no ideas, or someone who says, "I will give up my ideas once I get on the bench." Would you trust that person? Would you trust that person as your own attorney? Is that who you want to be before you as a judge? Of course not. What you would want is someone who admits that he has strongly held feelings but will attempt to be fair. That is all we can ask of one another.

Now there are few if any men or women in this country who possess the intellectual capability and compe-

tency and such a distinguished legal career.

Mr. Speaker, some have suggested that we should not have ideology as an element in the confirmation process. And I think that is true. Some have suggested in the past that ideology ought not to be the determining factor. And yet now from those same quarters we see the suggestion that we must examine the ideology of Mr. Bork. I just wonder with these outside groups making these suggestions whether they have ever watched the movie in which Michael J. Fox played the individual who got to go back to the future. Perhaps if they had an opportunity to look at some of the things they said in the past they would less likely to make some of the statements with respect to Mr. Bork today.

In fact, I think the contrast and contradictions are purely tragic comedy.

Maybe a possible answer for this can be found to exist somewhere in the political-judicial dialectic where inconsistencies abound. One possible explanation offered by the detractors of Judge Bork is that while he was an excellent choice for a position on the appellate court, more stringent analysis is now necessary because we are talking about the highest court in the land.

Let me ask you this: Do you really think the U.S. Senate would have approved Robert Bork for being placed on the second most important Federal bench in the land if in fact his philosophy was such that he would consign women to back-alley abortions, that he would bring back segregated lunch counters, that he would bring back midnight raids by police? I mean, what nonsense. Yet, that is really the outline of some of the attacks being made against Judge Bork. If he was that type of person, would the U.S. Senate have approved him unanimously in 1982 to sit on the second greatest court in the land? I doubt that.

Second, it is important to bear in mind that when the combined wisdom of the Senate gave rise to the doctrine on judicial confirmation, the very issue at hand concerned the question of nominations to the U.S. Supreme Court. That is, anybody who is concerned about an individual being placed on the U.S. Supreme Court, I would think, would also be concerned about placing someone on the Court of Appeals for the District of Columbia Circuit.

Why? Because it has long been known as the stepping-stone bench to the Supreme Court.

Evidently, much of the newfound concern about the nomination of Judge Bork relates to the impact that it might have on the so-called balance of the U.S. Supreme Court. Some are concerned that he would significantly alter the balance on the Court. This is a fascinating constitutional theory, probably to be found in a penumbra somewhere. Those of you who are wondering what a penumbra is, might look at some of the previous Supreme Court cases in which they said there is no right of privacy articulated in the Constitution of the United States or the Bill of Rights. Rather, it is within the penumbra of rights that exists in the Constitution of the Bill of Rights.

What is a penumbra? Penumbra is that kind of an air of radiance, that reflecting radiance that you find on a sun.

In other words, it is something that emanates out of the Constitution. And now if you would like to write a contract for yourself in which you would say that the "rights my opposite part in this contract has" or have "are not articulated in the contract but rather will arise from the penumbra of rights that emanate from the words of the contract," I think you would be rather worried. Yet that is precisely what is said by those who would oppose the judicial philosophy of Judge Bork. They do not want to be limited to the words of the Constitution nor to the intent of the writers of the Constitution.

Rather, they want to be free to discover whatever penumbras are out there.

Well, I suppose in this whole debate that balance is found in the eye of the beholder. And I guess those that are concerned that the fact that the zeitgiest has left them at the train station, would have a natural tendency to try to restrain the ideational flow of history. Nonetheless, while such an approach to the confirmation process may be convenient at the moment, I hope that it will not prove necessary to some day test the memory of any of those who would be President on this question.

In other words, some are now saying that this President's nominations ought to be carefully considered as to whether they alter the balance—remember the balance happens to be what exists right now—but if it alters the balance maybe they ought to think about what subsequent Congresses, subsequent Senates will do when the balance is to be adjusted once again.

In other words, it can go either way. If a nominee to the Supreme Court is going to be tossed out because he happens to be a conservative, I suppose that means that any liberal President of the United States who attempts to appoint a liberal to the U.S. Supreme Court could have his nominee tossed out because he was in fact liberal.

□ 2035

But this does raise an interesting question however, it might be fun to apply it to some real life examples. How would it have played in evaluating the eight nominations to the Court by President Roosevelt? Or what about Lyndon Johnson's nominees to the Warren court?

Prof. Laurence Tribe, who exemplifies the kind of ideological balance that never seems to offend Judge Bork's detractors, has penned some interesting thoughts on this subject. With regard to Justice Black's appointment in 1937 he writes that it:

> Took a delicately balanced court and turned it into a court willing to give solid support to F.D.R.'s initiatives.

As you will recall, despite the failure of President Roosevelt's famous Court packing plan—which has become synonymous with his name—eventually, he was able to replace those on the Court who had posed constitutional obstacles to his New Deal Program. With the change of opinion by Justice Hughes, there was a working majority on the Court which went on to uphold the Fair Labor Standards Act, the Wagner Act, and other social legislation.

Another ideological change in the balance of the Court took place when Justice Arthur Goldberg was appointed to replace Felix Frankfurter on the Court. As Professor Tribe writes:

> Arthur Goldberg's appointment to the Court in 1962 shifted a tenuous balance on matters of personal liberty toward a consistent liberalism * * *

Let's not kid ourselves. There is nothing new, or in any way unusual about a President of the United States appointing someone to the Court who has compatible views on judicial matters.

Can you think of any of the individuals that are either real candidates or prospective candidates for President of the United States campaigning on the promise that they will appoint people who do not agree with them, saying, "Vote for me for my views on crime, vote for me for my views on activism, vote for me for my views on the relationship of a President to the Congress, but I pledge to you if you vote for me to sustain those idea I will appoint someone who disagrees with me"?

That does not make much sense.

If the selection process is going to be limited to a pool of political eunuchs, we are not likely to enhance the quality of potential nominees.

This issue came to a head upon the nomination of judge—and former Member of this body—Abnor Mikva to the U.S. Court of Appeals for the District of Columbia. The issue was whether one with strong political views is an appropriate choice for the bench.

At this time I intended to refer to comments made by the Senator from Delaware, Mr. BIDEN, the present chairman of the Senate Judiciary Committee on that, but I am prohibited to do so by our rules, but let me

just suggest that it might make good reading for anyone who is interested.

I recall that Abner Mikva at that particular time asked me to make a call over to the other side of the Capitol to do what I could to vouch for his character, for the fact that he was a fair man even though we disagreed politically, and I did that because I thought it was an appropriate thing to do.

Mr. Speaker, I did not refuse that request, saying, "Ab Mikva, because you disagree with me you do not belong on the court, and I shall so tell those in the Senate who ask for my opinion."

I thought it was an appropriate thing to do, because he was qualified. He has added something to that court even though I disagree very strongly with him on any number of views that he may have.

That is the way that Ab Mikva's nomination to the U.S. Court of Appeals for the District of Columbia was considered.

This is a particularly interesting observation in light of the fact that the one quality about Judge Bork which is most salient is his belief that personal preferences and values should not be the basis for constitutional interpretation. This is an essential element of his philosophy of judicial restraint.

The idea of restraint on the part of the judiciary for some reason seems to put fear in the hearts of those who see the Court as an instrument for social engineering. Actually, Mr. Bork's detractors have nothing to fear but fear itself. What Mr. Bork is really saying is that those of us in the popularly elected branches of Government are the ones who should legislate in the critical areas of public policy which will determine the course of our country at the Federal, State, and local levels.

Of course it is a distinct possibility that this may in fact be the source of their fear. It is entirely possible that many of Borks congressional opponents would just as soon defer to the courts in order not to have to grapple with many highly contentious, and politically volatile issues. While this may be expedient it is contrary to the very concept of popular Government.

To borrow a concept from the political scientists, the legitimacy of democratic government itself ultimately rests with the concept of accountability to the people. That more than anything else is what distinguishes us from the banana republics of the world.

The idea that judges should formulate major social policy in a quasilegislative fashion is simply incompatible with the precepts of a free society. As Montesquieu wrote "There can be no liberty * * * if the power of judging be not separated from the legislative and executive powers. * * *." James Madison made a similar point in Federalist No. 47 in stating that:

> Where the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator.

The issue was framed well by former Justice Sutherland:

> The judicial function is that of interpretation; it does not include the power of amendment under the guise of interpretation.

Mr. Speaker, those who have expressed criticism about Judge Bork's personal conservatism have confused the issue by failing to understand that the essential feature of his judicial philosophy is that the personal preferences of judges should not be substituted for the prerogatives of the legislature. Judge Bork succinctly described restraint in a recent interview with Bill Moyers as an ability "to stick to the law as it was intended to be applied." Not only is this a wholey unradical proposition, but it is firmly rooted in our Anglo-American legal tradition. We can find its origins in Sir William Blackstone's "Commentaries on the Laws of England." In developing a framework for legal interpretation Blackstone laid out a number of valuable principles.

The first source of legislative intent was said to be the words of language of the text itself "in their most usual and most known signification * * * their general and popular use." If the "words happen to be still dubious" then the meaning was to be found from the context. In cases where "the words bear either none or a very absurd signification, if literally understood," deviation from "the received sense of them" is permissible. Finally according to Blackstone "The most universal and effectual way of discovering the true meaning of a law, when the words are dubious, is by considering the reason and spirit of it; or the cause which moved the legislator to enact it."

Mr. Speaker, I would say parenthetically that the cause which moved the framers of the Constitution, the writers of the Bill of Rights, to enact it, is that point.

Blackstone's impact on the American legal tradition can be seen in Hamilton's thoughts on interpretation:

> The rules of legal interpretation are rules of common sense adopted by the courts in the construction of the laws * * * in relation to such a subject, the natural and obvious sense of its provisions, apart from any technical rules, is the true criterion of construction.

A similar approach to the construction of legal language can be found in Justice Oliver Wendell Holmes opinion in United States versus Pulaski Co.:

> There is a strong presumption that the literal meaning is the true one, especially as against a construction that is not interpretation but perversion.

Judicial restraint is really nothing more than adherence to the rule of law. And I might add that it cuts across conservative and liberal lines. Judge Bork's belief in neutral, text-based rules of interpretation has put him at odds not only with those on the political left but with conservative activists as well. For example, he testified before the Senate Subcommittee on Separation of Powers that he believed the human life bill was unconstitutional. He is on record as having opposed efforts by some conservatives to deprive the Supreme Court of jurisdiction over issues like school prayer and abortion. And despite his libertarian leanings on economic issues, Judge Bork has differed with those conservatives who see the courts as a vehicle to invalidate economic regulation of business.

As a Member of the minority in this Chamber I can attest to the fact that Judge Bork is not motivated by the concerns of a conservative activist. In the case of Vander Jagt versus O'Neil, Judge Bork concurred in upholding a district court opinion which dismissed a complaint filed by 14 House Republicans which avered that our under representation in committee assignments was constitutionally infirm.

Although I am not all that happy with the result, I think it is illustrative of the integrity of Judge Bork's judicial philosophy. Rather than interject the court into a political question, Judge Bork's opinion is a classic exercise in restraint:

He said, "There are compelling reasons rooted in the concept of separation of powers, and in particular in the proper role of courts in relation to the political branches to hold that appellants lack standing here, for courts to reassign congressional committee seats would be no less intrusive than for Congress to enact a law forbidding the members of this court from sitting on cases of a particular type. If the courts would not accept such invasions of their sphere, they ought not attempt the invasion of Congress' sphere sought by appellants."

This classic delineation of the separation of powers doctrine reflects not only that Judge Bork is unwilling to interject the Court into mere political questions, and at the same time explodes the argument that he is a political judge.

While Judge Bork has been a staunch opponent of "judicial-legislation" at the same time he understands the important role of the Court in protecting those constitutional rights which depend on the Court for their protection and not the legislative branch. In this regard it is as important to understand what judicial restraint is not, as well as what it is. As Judge Bork made clear in the Moyers interview:

But, if you say that, then you're saying the constitutional provision which guarantees the freedom of the press is protected by the legislature and not by the Court. That's wrong. The Court has a function to perform, to protect the things that the Constitution tells it to protect.

In other words, where there are express constitutional provisions the Court has a responsibility, even a duty to inject itself into the legal fray. The restraint comes into the picture only when the Constitution assigns the remedial duty to one of the other two branches of Government.

This is perhaps best illustrated in Ollman versus Evans and Novak. In that case Judge Bork expanded the constitutional protections covering journalists in libel cases. He reasoned such protection as being entirely consistent with "a judicial tradition of a continuing evolution of doctrine to serve the central purposes of the first amendment." His staunch defense of the first amendment literally demolishes the efforts of his detractors to paint him as an inflexible "wooden literalist." He went on to write the following words in Ollman which briliantly balance a respect for the values of the framers with the demands of contemporary America:

It is the task of the judge in this generation to discern how the framer's values, defined in the context of the world they knew, apply to the world we know.

The judicial philosophy of Judge Robert Bork is thus an adherence to the values of the framers balanced by an appreciation of the fact that the complex world we face today is a far cry from that of 18th century America. For example there is little doubt that the framers had no knowledge of electronic surveillance. And yet the values inherent in the fourth amendment clearly bring such technological innovations within its parameters.

The vicious attack on Robert Bork should be understood for what it is. The menagerie of special interest groups who are "freaking out" over his nomination fear that if they are no longer able to use the Court as an instrument for their agendas they will have to go to the popularly elected legislators to plead their case.

Mr. Speaker, that is us.

Ironically, this result-oriented approach to the court strikes at the very heart of a democratic society. Just because one might desire a particular result, doesn't mean we should entrust the judiciary with the power to achieve it. Under such circumstances the nature of the law would become a mere product of who happened to be sitting on the court. In other words, legislation by judicial fiat is a lot of fun as long as those on the court are to one's liking. If we are truly a nation of laws and not of men, this would be unacceptable. Under the Constitution, such changes in public policy were deemed to be more appropriately dealt with by those more directly responsible to the people.

Mr. Speaker, I would say this; any of those of us who have studied philosophies of the ages, if we read Aristotle, we read of the concept of the philosopher king. In the concept of the philosopher king, it was premised on the fact that the people are incapable of deciding for themselves, and in ruling themselves, that we needed to have above us some sort of philosopher king or series of philosopher kings who would be far brighter than we were, who would have more wisdom than we would have, who would be detached from us and therefore be able to make those decisions that would basically rule our lives.

We reject that notion in America. The Constitution rejects that notion. But I would suggest those who say we ought to have judges who are not concerned about interpreting the words of the Constitution and the Bill of Rights and the other amendments in accordance with the attitudes of the people and intentions of the people who wrote those and adopted those, those very same people are those who would accept the concept of philosopher kings.

□ 2050

They just put it under a different rubric. We ought to be very concerned about that.

At one time Justice Oliver Wendell Holmes made the observation that "Judges should be a combination of Justinian, Jesus Christ, and John Marshall." Despite his impressive credentials I am not sure that even Robert Bork could fill this bill. Nevertheless, it is clear to me that this scholar-jurist has all of the qualities to distinguish himself and the intellectual integrity of the Court for years to come. I hope our colleagues in the other body will transcend the pressure of special interest groups and do the right and noble thing—confirm Robert Bork as a member of the Supreme Court.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, on July 1, 1987 President Reagan nominated U.S. Appeals Court Judge Robert H. Bork to replace retiring Justice Lewis Powell. The nomination was not really a surprise since Judge Bork's name had been suggested as a possible candidate for the Supreme Court as far back as President Ford and more recently his name was mentioned prior to the appointment of Justice Scalia.

Scores of material have been written on Judge Bork's credentials. I do not think anyone could disagree that Judge Bork is truly an outstanding legal scholar and judge. But what makes him a particularly qualified nominee is his principled judicial philosophy. It has been said by critics that Judge Bork is "a vehicle" for the Reagan philosophy. However, I believe that Judge Bork has repeatedly demonstrated that this is not so.

We do not have to guess about Judge Bork's judicial philosophies. We have the benefit of his judicial opinions and writings on constitutional law that demonstrate these philosophies. Judge Bork has spent more than a quarter of a century developing his philosophy of law.

He begins with the simple proposition that judges must apply the Constitution, the statute, or controlling precedent—not their own moral, political, philosophical or economic preferences. He testified in 1982 regarding the role of precedent within the Supreme Court:

I think the value of precedent and of certainty and of continuity is so high that I think a judge ought not to overturn prior decisions unless he thinks it is absolutely clear that the prior decision was wrong and perhaps pernicious.

Judge Bork believes judges are dutybound to protect vigorously those rights provided in the Constitution. However, he is a realist as well. He has written that it is the "task of the judge in this generation to discern how the framers' values, defined in the context of the world they knew, apply to the world we know."

He views the framers as having adopted certain core principles in the Constitution and he believes that the role of Judge is to apply these principles to the case. Judge Bork's concurring opinion in *Ollman* v. *Evans* 717 F.2d 568 (1984) en blanc is very useful in observing Judge Bork's balanced approach in interpreting the Constitution.

A judge who refuses to see new threats to an established constitutional value, and hence provides a crabbed interpretation that robs a provision of its full, fair and reasonable meaning, fails in his judicial duty. That duty, I repeat, is to ensure that the powers and freedoms the framers specified are made effective in today's circumstances. The evolution of doctrine to accomplish that end contravenes no postulate of judicial restraint. The evolution I suggest does not constitute a major change in doctrine but is, as will be shown, entirely consistent with the implications of Supreme Court precedents.

Whatever critics may say about Judge Bork, he is clearly not a political judge. He has repeatedly criticized politicized, result-oriented jurisprudence and disagreed with those who have urged conservative manipulation of the judicial process as a response to liberal judicial activism. His judicial record speaks for itself.

Statistics show that Judge Bork agreed with his colleagues the great part of the time. He voted with the majority in 94 percent of the cases in

which he participated, including cases concerning motion's for rehearing.

Judge Bork's record has been impressive. In the 106 majority opinions he has written, he has never been reversed by the Supreme Court. Perhaps even more remarkably, of the 401 cases in which Judge Bork joined the majority, none were reversed by the Supreme Court, and only one was reversed by the D.C. Circuit en blanc. In addition, in a number of cases where Judge Bork dissented, either the D.C. Circuit en blanc or the Supreme Court eventually adopted Judge Bork's position.

I believe, we are most fortunate to have a nominee such as Judge Bork who possesses the academic and professional qualifications as well as the judicial experience and necessary wisdom for such a position.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for the gentleman's comments; and I thank the gentleman for taking the time to be here at this late hour to participate in this special order.

I might say that I hope Members will avail themselves of the abundance of information that is available at the present time in terms of the qualifications of Judge Bork.

I suspect that many of the Members, as we return to our home districts for part of the August recess period, will be asked by our colleagues for our opinions on the qualifications of Judge Robert Bork.

I just hope Members realize that that information is available, that we attempted to spread some of it on the record today.

Because of the rules of the House, we were not able to spread as much on the record as we wished, but that there is no lack of information on the qualifications of this distinguished jurist, and that they need not worry about the qualifications of this jurist, if they have an opportunity to review his record, his experience, his credentials, his judicial philosophy.

INDIA SHOULD GUARANTEE HUMAN RIGHTS OF SIKHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. LANTOS). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS. Mr. Speaker, there are several Members who have statements that have been submitted as part of this record, the gentleman from Illinois [Mr. PORTER]. The gentleman from California [Mr. COELHO] has submitted a statement.

Mr. Speaker, I am very proud to say that we have the gentleman from California [Mr. HERGER], a distinguished Member, who wishes to join me tonight in this special order.

Mr. Speaker, I am going to allow the gentleman to go first, because the gentleman has some family considerations, and the hour is late.

I certainly appreciate the gentleman participating.

Mr. Speaker, I yield to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I thank the gentleman from Texas for yielding, and for arranging this special order to again call the attention of the Congress and the American people to the plight of the Sikh people in India's Punjab State.

Mr. Speaker, I want to emphasize my strong opposition to terrorist activities of any sort, and deplore the tragic loss of lives in India that have resulted from the continued strife in Punjab. Still I want to emphasize as well that I have spoken with Dr. Gurmit Singh Aulakh, president of the Washington-based International Sikh Organization, as well as his excellency P. K. Kaul, India's Ambassador to the United States, to emphasize this point. I further want to point out that Dr. Aulakh, speaking for his International Sikh organization, also deplores terrorist acts, a point which should be of interest to Ambassador Kaul.

Because of my concern over this issue, and my concern over the degree to which the Government of India has been a party to the violation of the rights of the Sikh minority in the Punjab, I rise today to make several requests of the Indian Government. I believe these requests would help greatly the Indian Government to prove its determination to respect human rights, not only for the Sikh minority in India, but throughout the world.

First, I would simply request that the Indian Government restore democratic government in the Punjab and allow the freely elected officials of the Punjab government which it has displaced to return to their posts. I believe that these officials, many of whom are Sikhs, have shown a determination to establish order in their homeland without trampling on the legitimate political rights of their citizens to participate in the political process.

Second, I would request that the Indian Government issue a directive to its police forces and other civil authorities that the individual rights of all Indian citizens are to be respected, including the right to a fair and speedy trial for any criminal charge, and the right to be free of the fear of methods of torture while in police custody. If India wishes to remain a respected member of the world community, it must repudiate torture and detention without trial.

Finally, I would ask the Indian Government to illustrate its commitment to oppose terrorism by example, through the implementation of Indian foreign policy.

Mr. Speaker, the Indian Government rightly condemns terrorist acts as barbaric and uncivilized. However, the Indian Government has curiously shown moral blindness by offering aid and encouragement to terrorists such as the Palestine Liberation Organization and the Communist Sandinista Government of Nicaragua.

Currently, India maintains full diplomatic relations with the PLO, an organization dedicated to terrorism, and an organization which has murdered American citizens in cold blood. If the Indian Government wishes to repudiate terrorism, let it sever its relationship with the PLO.

Moreover, the Indian Government has granted aid and subsidized credits to the Sandinista Government of Nicaragua, which terrorizes its own people, and is actively engaged in an effort to destabilize the governments of neighboring democracies in Central America. India, no wealthy nation itself, has given the Communist Nicaraguan Government 5,000 tons of wheat. This grant enabled the Nicaraguans Communist Regime to funnel even more of their scarce funds to its armed effort to crush freedom in Central America. Currently, the Indian Government is offering the Nicaraguans more than $10 million in subsidized sales. I find it offensive that India, a not too wealthy nation, is willing to spread its scarce resources on the Sandinista terrorists while denouncing those who urge humane treatment of the Sikh people as sympathizers with terrorism. To truly repudiate terrorism, the Indian Government must immediately cease all aid to the Sandinista Government of Nicaragua.

Mr. Speaker, if the Indian Government does these things, and commits itself to respecting the Sikh people's rights to self determination, I am sure the unrest in the Punjab will cease. That should be our goal here today, as it should be the goal of peace loving people of good will the world over. I thank the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I want to say that I appreciate the gentleman from California making the effort to be here tonight. The hour is late.

The gentleman did have family commitments, but the gentleman felt that this was an issue that was so important that the gentleman must be here personally to make this statement on the floor.

Like the gentleman, Mr. Speaker, I rise tonight to express my deep con-

cern about the ongoing problems between the Government of India and the Sikh people.

Disagreements between the two parties have resulted in a wave of violence that has pitted Hindus and Sikhs against one another and has caused an intolerable amount of suffering which has claimed the lives of thousands of people.

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A number of my colleagues addressed this matter during a special order on June 2. I was unable to participate in that session and my statement today is a continuation of that effort. I know that there will be others who will follow me in other special orders.

In my home district, Mr. Speaker, many of my Sikh constituents, including Dr. Assad and others, have told me they feel their fellow Sikhs are being treated unfairly by the Indian Government. In fact, the Sikh community came this past Saturday to one of my town meetings to discuss this very issue. I have been given a very real honor by the Sikh community in my district. I was asked to come to their temple for a religious service. I had lunch with them after that service. I experienced their hospitality. I heard their genuine concern about their family and friends in the Punjab. They have asked me to express their concerns regarding the plight of their family and friends back in India.

The Sikhs are fine people, and allegations of mistreatment by the Indian Government of its Sikh citizens should be of interest to all of my colleagues in the House who represent Sikh constituents, or who are just interested in human rights abuses. It is time Congress focuses its attention on this matter so that basic human rights can be guaranteed to Sikhs living in India.

The most notable and highly publicized example of the violence between the Sikhs and the Indian Government came in 1984, when the Indian Army stormed the Golden Temple in Amristar, the Sikhs' holiest shrine.

It is really hard for me to imagine an army overrunning a church.

Several hundred Sikhs were killed in the ensuing battle, and thousands of Sikhs reportedly were massacred the following week.

This incident fueled Sikh-Hindu tensions, leading to more bloodshed and death. To this day, three years after the storming of the Golden Temple, the violence in Punjab continues. We are still seeing the results of the storming of the Golden Temple. The Indian Government has been unable to bring about a political solution to what has to be its country's worst internal problem of this decade. The violence will continue unless Prime Minister Rajiv Gandhi steps up his efforts to respect the needs and freedoms of the Sikhs in India.

The Sikhs face a terrible dilemma. In their quest for greater religious and political autonomy in their home province of Punjab in northern India, they have had difficulties with the central government in New Delhi.

In response to these difficulties, certain Sikh extremists have taken matters into their own hands by engaging in terrorist activities. These extremists have been a wedge between Punjab officials and officials in New Delhi who have been negotiating for a peaceful settlement of the problem. Moderate Sikh representatives are continually threatened by extremist elements, who accuse them of compromising with the central government.

Even Harchand Singh Longowal, the former leader of the Sikhs' Akali Dal party and a principal in the Rajiv-Longowal accord, was assassinated by dissenting radicals.

Over the past 5 years, Punjab has been a virtual war zone as thousands of men, women and children have lost their lives in terrorist attacks and subsequent revenge attacks. Thus far, the Punjab government's efforts to counter this kind of terrorism have been unsuccessful. These terrorist acts have caused extreme prejudice against the Sikhs within the Hindu population.

As a result, in the government's quest for justice, many innocent Sikhs have been denied their basic human rights and civil liberties.

All Sikhs are suffering from the stigma of "terrorist," Mr. Speaker. Moderate Sikhs wish to disassociate themselves from the violent tactics used by extremists, but they are still burdened by this unfortunate and unwarranted stereotype. It also has been reported that police have been involved in rioting against Sikhs, and have been given sweeping powers of arrest and detention.

The Sikhs claim that thousands of innocent people are being brutalized and killed under the guise of fighting terrorism, as prescribed by Mr. Gandhi. The bloodshed and intolerance indicates a continuing spiral of violence, one which can only serve to complicate the process of finding a peaceful solution.

Not only is this not fair, it is not right.

India's Sikhs' population does not deserve to be denied its basic rights because of the terrorist activities of a militant few. It is not the type of image that is representative of India's 16 million Sikhs or it is not representative of the people that I have come to know personally in my congressional district in Houston, TX.

As a whole, the Sikh people detest terrorism and consider such activities as both unholy and uncivilized. Punjab Chief Minister Barnala called a recent terrorist attack "an act of criminal minds acting at the behest of foreign powers to disintegrate the nation." The Sikhs seek peaceful means to solve their differences with the New Delhi government. The anti-Sikh attitudes common among Hindus can only facilitate further abuses of Sikhs' human rights and individual liberties. The violence is unnecessary, and it only serves to undermine the efforts of reaching rational, practical, and legitimate solutions.

To complicate matters even further, Mr. Gandhi will not allow the foreign press, independent observers of human rights organizations into the Punjab for fact-finding missions. The area has been sealed off to outsiders. Foreigners are allowed to travel anywhere in India except Punjab. As a result, the outside world receives a biased, one-sided view of what goes on in Punjab because the Indian Government has control over most of the domestic media. This contributes to the stereotype that all Sikhs are extremist radicals who are terrorizing the predominantly Hindu nation, and that is just not the fact.

Government reports often conflict with eyewitness reports of arbitrary arrest, detainment and mass murder. This policy of censorship only enhances the complaints of the Sikh people. The accuracy of these allegations could be better determined if the press were allowed inside the Punjab. If the Indian government has nothing to hide, it should remove the news blackout and permit outsiders into Punjab. The free flow of information is essential to the preservation of rights and liberties in a democratic society, and India claims to be the world's largest democracy, so they should act as the world's largest democracy.

As I have mentioned before, Mr. Speaker, the Sikhs are a hardworking and honest people. The positive contributions they make to society are great, and those contributions should not go unnoticed. The great contributions of Sikhs to India are far out of proportion to what would normally be expected of such a small minority group. For example, the Sikhs make up approximately 2 percent of India's total population, yet they are responsible for a quarter of the country's gross national product. The Sikhs have transformed Punjab from a backward area into a model of agricultural efficiency that contributes to the self-sufficiency in wheat consumption that India now enjoys. Sikh farmers produce 73 percent of the wheat and 48 percent of the rice in all of India. In addition, many distinguished Sikhs have made great contributions in the Indian Government and military.

I may be incorrect on this, Mr. Speaker, and I will be glad to correct

my remarks tomorrow if I am wrong, but as I understand, as a percentage, I am told that there were more Victoria Crosses awarded among Sikhs than of any other group that was formerly a member of the British Empire. To me that is a testament to the Sikhs courage, to their valor, and to their determination.

Also, it is well documented that many Sikh lawyers and doctors are leaders in their fields.

The point I am trying to make, Mr. Speaker, is that the Sikhs are a quality people doing more than their fair share for the well-being of Indian society. The unselfish contributions and accomplishments of Sikhs also are well-known in the United States, especially in my home district. The Sikhs are a people who conduct themselves with dignity and have great respect for the individual. The Sikh people stand for individual initiative as indicated by their support of a free-market economy.

I might say, they are making a great contribution to the market economy of my home town of Houston.

They are aware of the deprivations of rights of the individual under a Communist or socialistic system of government.

Congress should not make it a habit to dictate policy to foreign countries or the President, but in this case, Mr. Speaker, it is important that we express interest and concern about the nature of alleged human rights abuses occurring in India. As the leader of the free world, the United States cannot ignore violent and repressive measures directed against the people of any nation—including India's Sikhs.

Justice, equality, and the pursuit of happiness are fundamental rights of all human beings—regardless of race, color, creed, sex, or in this case, religion. This is the foundation for a democratic nation, and it is not too much to ask of India to respect the rights of all of its people, not just the Hindu majority. It is not right for any government to deny 16 million of its own people their basic political and civil rights. India has a moral obligation to protect the Sikh community.

The United States should reexamine its policy toward India, and do what is in its power to encourage the restoration of civil liberties and human rights to the Sikh people. At the same time, we should demand that extremist Sikh factions reconcile their differences with moderates to prevent further terrorist acts. This should be a two-way street. If Sikhs truly want the atrocities to stop, it is necessary for both sides to cease all terrorist activity. Also, we should ask no less of Mr. Gandhi than to end this violence that is plaguing his country. A fast solution must be implemented so extremists will not be able to add more fuel to the already burning flames.

Violence, terrorism, or oppression have no place in solving the religious and political differences which divide India's Hindus and Sikhs. Much damage has been done already, and I implore Mr. Gandhi to dedicate himself to preventing further carnage and suffering among his people and throughout his nation.

Mr. COELHO. Mr. Speaker, today, I join my colleagues here in the House to express my concern over the violence that has taken place and continues to take place in India.

The people of the United States are generally unaware of the widespread killings that are taking place among Sikhs and Hindus in India. We know about the storming of the Golden Temple, the assassination of Prime Minister Indira Gandhi, and the brutal bus hijacking which took so many lives. However, we are generally not informed as to just how grave the situation is in India. Reporters and foreigners are not allowed in the state of Punjab where so much violence has occurred, and the central government of India controls the flow of information as to events there. Members of the Sikh community who live in my district are in constant worry about the safety and well being of their families remaining in India. For them, it is time that we demand the truth.

Both Sikhs and Hindus have made tremendous contributions in India and the United States. The high industrial and agricultural output in the Punjab is proof of how successful the Sikhs have been in helping to build a stronger, self-sufficient India.

Like their brothers and sisters in the Hindu community, the Sikh people want an influential India that will take her rightful place in the international community as a democratic power.

I join the many voices calling for action on the part of Prime Minister Gandhi to adhere to the provisions of the Punjab Accords and to move toward full recognition of Sikhs as Indian citizens, with all the rights and freedoms that other Indian citizens enjoy.

It is time that the world awake to the problems the Sikhs are facing in India. Too many Sikhs and too many Hindus have suffered because of the government's inability to uphold the guarantees established in the Indian Constitution. As the largest democracy in the world, India should look to the histories of other democratic countries and realize that freedom and equality are virtues that people everywhere are willing to die for.

India must live up to her promises and provide for all of her people the freedoms upon which a democracy is based.

Mr. PORTER. Mr. Speaker, as cochair of the Congressional Human Rights Caucus, I rise to join Representative JACK FIELDS in condemning the continuing violations of human rights occurring in India.

There has been no respite from the violence in the Sikh-majority Punjab since the 1984 fighting around the Sikh's holiest shrine, the Golden Temple of Armistrar. Since then, thousands of innocent people have died as a direct result of Indian-Sikh violence.

The tragedies in India are difficult to access. In early July, newspapers reported the "Worst Violence in Three Years." Stories described the deaths of at least 72 Hindu bus passengers by suspected Sikh terrorists. The stated facts were derived from official quotes taken by the Press Trust in India—a government controlled news service.

I am not disputing the legitimacy of the Indian press, nor am I condoning violent attacks against innocent people. I do protest the limited information we receive on the Sikh-Hindu conflict. Foreign journalists are not allowed into Punjab. Members of Congress who visit India are often denied the opportunity to visit Punjab. Just 3 months ago, the Indian Government dissolved the state government of Punjab. This city is now ruled directly from New Delhi.

Two weeks prior to the July bus killings, police and security forces raided the Golden Temple and surrounding residential districts. Homes were searched, hundreds of people were arrested and a curfew was clamped on the citizens of Armistar if the so-called extremists go ahead with a planned meeting. Why didn't we read about this in the newspaper?

Mr. Speaker, India claims to be a democratic nation. If this is true, I implore the Indian Government to respect the fundamental freedoms of their citizens and of the rest of the world. Prime Minister Gandhi must halt the violations perpetrated against the Sikh minority and allow the rest of the world to see the real situation in the Punjab.

TRIBUTE TO JOHN CRONIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BADHAM] is recognized for 10 minutes.

Mr. BADHAM. Mr. Speaker, it is my pleasure today to join my colleagues in the Orange County, CA, delegation to honor a man who has been a large part of the success of the Republican Party in southern California.

John J. Cronin will be honored August 17 when he is presented with a Volunteer of the Month Award from the Orange County Republican Central Committee. But he could just as easily be named a volunteer of the decade. Since he moved to California in 1969, John has been a dedicated worker, devoting himself to each and every of the many tasks he has accepted. Those tasks have included politics, work in the fields of recreational and commercial diving, and community service.

It is especially fitting that he should be honored by all of Orange County's Congressmen because of what he has given to Orange County and I will ask my colleagues to tell you more about him.

THE EARLY YEARS

Mr. DANNEMEYER. Mr. Speaker, John Cronin was born in 1928 in Albany, NY, and grew up there during the depression. He enlisted in the Marine Corps in 1946. When he was honorably discharged 2 years later, he went to work as a "gandy dancer," laying track for the New York Central Railroad. Two years later, he was recalled into the Marine Corps during the Korean conflict and served through February, 1952.

He then went to work in retail sales and soon moved into the diving industry. It is ap-

parent, Mr. Speaker, where John Cronin acquired his taste for hard work. There are few jobs more difficult than serving in the Marine Corps or laying rail and John Cronin puts as much effort into his current endeavors as he put into those tasks. It has been my pleasure to be associated with a man who has worked so hard for so long for so many.

DIVING

Mr. DORNAN of California. Mr. Speaker, in 1958 John Cronin initiated one of America's first diving training courses in upstate New York, and soon after that, in 1959, he accepted the position of promotions manager for U.S. Divers Co. in New York. John moved his family to the Midwest in 1961 where he formally established the Pacific Association of Diving Instructors [PADI] with Ralph Erickson in 1965. The Cronins moved to California in 1969 when John was appointed general manager and C.E.O. of U.S. Divers Co.

John Cronin worked vigorously to defeat Los Angeles County antidiving legislation that would have infringed upon the personal liberty of divers. While president of Divers Co., John also served as president of Body-Guard Corp. of Missouri, which produces protective clothing for firefighters. Over the years John has worked with Jacques Cousteau in his efforts to preserve and study our planet's marine life and he remains involved in the effort to promote safe diving. Through John's tireless work in support of safety, and other works which my colleagues will discuss, our good friend John Cronin has truly demonstrated concern for his fellow man.

PERSONAL AND POLITICAL

Mr. LUNGREN. Mr. Speaker, John Cronin is a generous community volunteer and has devoted himself to many worthy causes. He has served on the board of directors of the Boy Scouts of America, the Correctional Institution Needs and Assessment Committee, the Equestrian and Recreational Trails Committee and the State Underwater Parks Committee.

In 1985, he received the Good Government Lincoln Club Man of the Year Award. He was 1 of 49 people in the Nation selected to attend President Reagan's private breakfast for the official Presidential reelection kickoff. He has been a role model for many of the younger people who have become active in the Orange County Republican Party and I can think of no Orange Countian better suited to such a position.

A MAN OF CONVICTION

Mr. PACKARD. Mr. Speaker, by virtue of alphabetical order, I am privileged to summarize John Cronin's accomplishments and conclude this long overdue and highly deserved tribute. During the time that John Cronin has lived in Orange County, the population has boomed and there have been radical changes in the way of life for many residents. But John Cronin has been a stable force for conservatism, a dependable campaign worker, and a model citizen.

Indeed, even as we honor John Cronin as volunteer of the month, we ought to learn from him about the importance of the qualities that my colleagues and I have discussed and that he displays so well. John J. Cronin is a personal friend of mine and a treasure to the people of Orange County.

AMERICA'S ELDERLY AND THE FEDERAL BUDGET OPENING REMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROYBAL] is recognized for 60 minutes.

Mr. ROYBAL. Mr. Speaker, I rise today in response to the unrelenting assault on America's elderly and poor. That assault is most clearly and most recently reflected in the administration's threats to veto Congress' reasonable and compassionate budget plan for fiscal year 1988.

Sadly, the administration's continuing attacks come as no surprise to those of us who care deeply about the millions of elderly and poor Americans, who have always been at the very bottom of this administration's priority list. For 7 straight years, America's elderly and poor have been the target of a massive assault by this administration; and for 7 years, Democrats in the Congress have fought to shield these most vulnerable Americans from the unyielding onslaught of the Administration budget ax.

The administration advances the cynical, and convenient, argument that America's massive budget deficits simply make it impossible to do more for our elderly and poor. Yes, our deficits are massive. Yes, our deficits require us to make hard choices about our priorities. However, it is my conviction, Mr. Speaker, that many of the problems we face today are the result not of hard choices which the administration has made. They are the result of wrong choices—choices which have placed unfair tax cuts and excessive military spending above the real needs of the American people.

The administration blames the Congress, and our party, for the tremendous budget deficits now plaguing the American economy. But it is not our priorities which have caused the huge deficits these past 7 years—deficits which dwarf anything our republic has ever before experienced. Rather, if the policies and priorities of this administration which are, more than anything else, responsible for the deficits we face.

What's really driving the deficit? Based on CBO figures from the early years of this administration, the impact of tax cuts and excessive military spending more than equaled the huge deficits burdening America.

Let's take a look at some of the numbers. In every fiscal year between fiscal year 1981 and fiscal year 1987, the administration has demanded more increases in the military budget and more cutbacks in domestic programs. During this period, defense spending increased more than 40 percent while domestic discretionary spending decreased 21 percent. Moreover, this 21 percent decrease represents the average reduction in domestic discretionary programs. Some programs, such as subsidized housing and employment and training programs have been cut over 60 percent.

Suppose for a moment, that the administration's defense and revenue priorities since fiscal year 1981 had not been put into effect. According to the House Budget Committee, defense spending in fiscal year 1986, for example, would have been $54 billion lower, interest costs would have been $39 billion lower, and revenues would have been $66 billion higher had these administration priorities not been put into effect. That's a total of $159 billion that would not have been added to our deficits in fiscal year 1986 alone. Sadly, however, those administration priorities were put into effect, and it is those priorities which are driving the deficit today.

Mr. Speaker, contrary to what this administration would like to have the American people believe, it has never once sent a balanced budget to Congress. No, Mr. Speaker, this administration has, instead, repeatedly sent the Congress budgets with large deficits resulting from grossly misplaced priorities. Fortunately, we Democrats have succeeded in softening the blows inflicted upon the most vulnerable Americans by these misplaced priorities. Unfortunately, however, we have so far not succeeded in changing the basic thrust of these priorities.

Despite our efforts, this administration has largely succeeded in shielding high income people and large corporations from contributing their fair share to the Nation's support. It has succeeded in shielding the wasteful military from the kinds of massive cuts which have been inflicted upon critically needed domestic programs for America's vulnerable children, elderly, and poor.

What about the effects of this administration's priorities on specific programs that affect the everyday lives of America's elderly and poor? What about the effects of these priorities on programs like Medicare and Medicaid which protect America's sick and frail when they need medical care? What about the effects of these priorities on the Social Security, housing, health and human services programs which are supposed to make up the "safety net" protecting America's elderly, America's disabled, and America's poor from catastrophe and ruin?

Most of these programs have been threatened often, and cut repeatedly, by the administration budget ax. As a result, America's most vulnerable people have suffered desperately over the past 7 years. That suffering will continue to grow unless we act decisively and quickly.

Let's begin with Medicare which has suffered cumulative spending reductions of $34 billion since fiscal year 1981. In 1981, beneficiaries paid Medicare part B premiums of $11. Today they are paying $17.90, an increase of 63 percent in just 6 years. The amount beneficiaries must pay for the first day of hospital care has risen from $204 to $520 over the same period. That's a whopping 150 percent increase.

Incredibly, the Medicare reductions which have been put into effect over the past 7 years represent only a portion of the reductions which the administration has wanted, and it has continued to press for large Medicare reductions in its fiscal year 1988 budget. The administration is asking for Medicare part B premium increases that would add $11.4 billion to beneficiary costs over the next 5 years. Meanwhile, it doubles research on antisatellite weapons of questionable feasibility.

The Medicaid Program has also suffered heavily under this administration. Today, Medicaid protects fewer than half of America's

poor. Given this administration's record of insensitivity to our Nation's most vulnerable citizens, it is sad, but not surprising, that the administration's proposed Medicaid cuts would total $1.3 billion in fiscal year 1988 and $19.5 billion over the next 5 years.

The administration's proposals would result in a fiscal year 1988 cut of over $50 per beneficiary. The magnitude of the administration's proposed reductions goes far beyond what States could absorb. So-called savings under these proposals would jeopardize the neediest among us and shatter our State-run programs.

The administration has also repudiated its longstanding promise not to cut into the Social Security Program. The quality of services provided to the poor, elderly, and disabled has been repeatedly threatened by administration proposals to reduce Social Security staff by more than 20 percent in each of the last 5 years. Most recently, the administration's fiscal year 1988 budget requested 5,092 staff below congressional appropriation levels. Despite consistent rejection by Congress of these staff reduction proposals, the administration has continued to reduce Social Security staff below congressionally authorized levels through attrition and through its failure to hire any new staff.

Perhaps the administration's most relentless assault on America's needy has been its attempt to eliminate all funding for any low-income housing construction, rehabilitation, and senior citizen housing. Although Congress has rejected many of these proposals, Federal assistance has been drastically reduced by more than 70 percent over the past 6 years. The administration's budget proposals for fiscal year 1988 would all but end any Federal housing assistance for low-income Americans and senior citizens, despite the fact that nearly half the residents of HUD-assisted housing are among the poorest of our low-income elderly.

This administration has also proposed the total elimination of the low-income weatherization program and legal service assistance to the poor. Substantial reductions in funding were proposed for the low-income energy assistance program, the Community Service Block Grant Program, the Job Training Partnership Act's dislocated worker program, and transportation assistance. In the first 4 years of this administration, spending on the aged was cut by a cumulative $26.5 billion. Grants funding locally provided health and social services received cuts ranging from 22 to 39 percent.

One initiative by this administration, the block-granting of social services, virtually assures that older minority persons will not receive services which have been designed to serve their special needs. Programs are less likely to be culturally sensitive. Adequately trained personnel may not be available to administer supportive services, and services are much less likely to be located in the most appropriate community settings.

Low-income senior citizens have been particularly hurt by reductions in food stamp eligibility and benefits. Although not generally identified as an elderly nutrition program, one out of five households receiving food stamps have at least one elderly member, making the food stamp program this Nation's largest elderly nutrition program. Despite administration talk of preserving a "safety net," low-income elderly have been hurt most by this administration's misplaced priorities and have suffered a great loss as a result of this administration's misdirected policies.

Mr. Speaker, the time has come to be brutally honest with ourselves and with the American people. The Administration's priorities have had devastating effects on America's most needy and most vulnerable citizens. Children, the elderly, the sick, and the poor, have all suffered horribly because of the misplaced priorities of this administration. Just a few months ago, the administration described its budget proposal as "a plan, a hope, a vision of what America is and where it is going." But if you are poor, homeless, hungry, or sick in America, the administration's budget provides no plan, no hope, and no vision of what America is and where it should be going.

Just look at America in the seventh year of this administration: 12.6 percent of America's elderly still live in poverty, including 31.5 percent of America's black elderly and 23.9 percent of America's Hispanic elderly—more than half of Indian elderly live below the poverty level; 15.6 percent of America's elderly women live in poverty, including almost 20 percent of women over the age of 85.

In 1980, 19 cents was spent on subsidized housing for each dollar spent for national defense. By 1985, the administration proposed less than 1½ cents be spent on housing for every dollar spent on the military.

Two out of every five elderly Americans consume too few calories, proteins, or basic vitamins and minerals to meet even minimal requirements for good health.

Out-of-pocket health costs consume 16 percent of elderly income, more than when Medicare and Medicaid began. Even without further cuts, out-of-pocket costs are projected to consume up to 18.5 percent of elderly income by 1991.

Thirty-seven Americans are uninsured for any health costs; 200 million Americans are underinsured against the costs of catastrophic, long-term illness.

Sadly, what I have outlined here is just the tip of a large and threatening iceberg. Much more can and must be said about this administration's relentless assault against America's elderly and poor.

Mr. Speaker, the words we have heard today paint a tragic portrait of America—an America in which people are suffering because of the misplaced priorities of an insensitive administration. America's elderly and poor have been the target of this administration's assault for 7 long and tortuous years, far too long for a compassionate nation.

Mr. Speaker, contrary to what administration's speechwriters would like for us to believe, its priorities are way out of sync with those of the American people. Time after time, the American people have reaffirmed their compassionate commitment to protecting our most vulnerable citizens. In keeping with that commitment, time after time, Democrats in Congress have fought back and tried to shield America's poor, its homeless, its elderly, and its infirm.

Democrats in Congress have fought to strengthen programs weakened by the administration. We fought to protect and expand the Older Americans Act. The House version of this very important bill contains provisions to help low income and minority elderly, including Native Americans and others with the greatest social and economic needs.

For 7 straight years, we have repeatedly fought to save Medicare and Medicaid from destruction. This spring, our House Budget Resolution once again protected both of these critical programs from major cutbacks and precluded any increases in out-of-pocket costs to beneficiaries. Just last week, we acted to provide an extra measure of Medicare protection against catastrophic illness. However, much remains to be done, especially in the areas of long-term care and the medically indigent.

But the struggle continues and the challenge remains. This administration, as demonstrated by its veto threats and its budget proposals for fiscal year 1988, fully intends to continue its relentless assault. This Congress and these Democrats fully intend to block that assault and strengthen the protective shield surrounding America's most vulnerable.

Mr. BIAGGI. Mr. Speaker, as an original member of this committee I am proud to participate in this special order to discuss the issue of the administration's budget policies and their impact on the elderly.

The fundamental question we must deal with today—how best do we deal with the No. 1 economic threat to groups of all ages—the deficit?

I would submit that the approach that has been attempted by this administration has been narrowminded—shortsighted and punitive to groups in this Nation such as the elderly.

How can one be wedded to an economic principle which defies all economic logic. That principle says that you can eliminate a $200 billion deficit by merely reducing some spending.

You do not have to be a Rhodes scholar to realize that deficits can only be eliminated by either reducing spending—or raising new revenues. This administration as the champion of Gramm-Rudman disagrees.

It is true—and it is also fortunate that almost every administration budget that has been sent up here has been rejected.

However it is also true and more unfortunate that the administration budget has served as a catalyst for certain of the major cutbacks which have occurred in programs serving the elderly.

Let us consider some realities—today in the Nation the poverty rate for those 65 and over is the highest of any adult group in the United States.

SSI benefits reach fewer than half of those eligible for them—even those an SSI eligible person represents the very poorest segment of our elderly population.

From 1981–84, 9 percent of elderly Medicaid recipients lost coverage because of Medicaid budget cuts. Again we refer to the very poorest of our elderly citizens.

The misguided efforts at cost containment have in fact resulted in care containment for

our Nation's elderly. Today the elderly of our Nation pay more to get less in fact more than they did before Medicare was created.

Today in our Nation 4.6 million elderly need the help of others in activities of daily living. Yet this administration resists and rejects all efforts to develop a long term care policy. This despite the fact that by 2000 9 million seniors will need long-term care.

In housing this administration has launched an all out offensive to reduce the Federal commitment to housing. As a result—10.3 percent of housing units headed by persons 65 and over showed signs of mice and rats. A total of 54 percent of elderly lived in housing 40 years and over.

Consider that this administration's long-stated hostility toward legal services for the poor. As a result these services have experienced an inflation adjusted loss in funding of more than 30 percent between 1981 and 1983.

Administration proposals that fortunately were not adopted would have made matters even worse for millions more elderly such as those receiving Older Americans Act services and those from the social service block grant.

The point to make is that we must work for equity and fairness in our budget policies. The elderly are as committed as any other group to make their fair share of sacrifice for the cause of deficit reduction. They have proven this on several occasions in recent years.

However it is one thing to voluntarily sacrifice. It is something for any one group or segment of our population to be sacrificial lamb.

As I have said on several occasions in the past—in our passion for economy let us not economize on compassion for those in need.

Mr. Speaker, the administration's budget policy's impact on human services programs for seniors has been especially regressive; it has failed to recognize the infinitely and rapidly growing demand for services, and most importantly it has failed to provide the Federal dollars necessary that keeps the elderly living independently in their homes and active within their communities. When the elderly are institutionalized, it costs the Government much more.

One area of particular concern to me comes from a longstanding involvement I have had with the Older Americans Act. The Older Americans Act, now enjoying its 22d year of success, is the key vehicle by which services to the elderly are delivered. These services, whether they be meal programs, transportation to and from senior centers, employment for the aged, and a variety of others all stand to be affected by the administration's budget. The Older Americans Act reauthorization has recently been reported out by the House successfully which was the culmination of many months of holding hearings in Washington and around the country. One such hearing which I chaired in September 1986 focused on the administration's perspectives on the then-upcoming reauthorization. We were especially interested in a draft document which was making its way through the aging network that contained proposals that might have been extremely harmful to seniors served by the act. In these proposals, there were three basic issues I opposed. The first and most controversial was the proposal to raise the eligibility age for services under the act. Under current law, a State is allotted funds for supportive nutrition and home delivered nutrition services primarily on the basis of its population aged 60 and over as compared to all States. The proposal suggested by the administration would change the formula so that a State would receive funds based on its population aged 70 or over. I took, and always will, strong exception to this change for one major reason. The Older Americans Act at the present time has one targeting requirement—that is that seniors in the greatest economic or social need be served. This is a requirement directed at all older persons under this criteria. A change of this type would serve to eliminate that segment of seniors under the age of 70 despite their demonstrated need for services. Another concern that stemmed from this proposed change related to the disproportionate impact that this change would have had on low income and minority seniors. There has been a 24.7 percent decrease in the participation rate in services among minorities since 1980. Were the eligibility age to change to 70, it would only serve to exacerbate this problem. As of 1984, the life expectancy for whites at age 65 is almost 9 percent longer than for minorities. Any increase of the age requirement would have forced the reduction or elimination of services to persons between the ages of 60 and 70. This would hit the minority elderly the hardest.

A second major concern we addressed at our hearing was the suggestion that we completely block grant the services provided under tittle III of the Older Americans Act. Since the nutrition program was established in 1972, I have been a chief supporter of separate funding and a separate title for nutrition services in the act. Nothing that I have encountered since that time leads me to change my mind. Any further consolidation of title III is unwarranted and could be dangerous if it leads to erosion in funding for nutrition services. In a Library of Congress briefing paper prepared for me last year it stated, "Nutrition services under title III of the act are among the most visible federally funded benefits available to older persons and represent 47 percent of the act's total fiscal year funding (for 1986)."

The final and major area of concern I had was the suggestion by the administration to permit the States to waive on a demonstration basis any requirement of title III "if the waiver would result in greater flexibility and improved quality of efficiency in community or family services designed to enable vulnerable older persons to retain or regain their independence." The idea that a State could choose to waive any requirement under title III was unconscionable. That could lead to an end of a service, or even the abolition of an area or State agency on aging.

Another area that I am extremely concerned about when we speak of the administration's budget is the social services block grant. The present funding level for this program as proposed and supported by the administration is $2.7 billion. The social services block grant provides funding for a broad range of social and human services which includes adult day care, homemaker and chore services for the elderly and a variety of other programs for the elderly. The funding levels for this program have undergone a number of cuts since the authorization of the program in 1980. In 1981, the program was cut by 20 percent and in 1986 under Gramm-Rudman-Hollings, funding was reduced again—to $2.5 billion. In addition to proposing the $2.7 billion funding level, the adminstration has proposed eliminating legal services assistance, the work incentive program, vocational education and other programs, some of which would be included in the social services block grant without additional funding. I voted for the amendment that assumed $2.9 billion for the social services block grant and will support any legislation that seeks to increase funding for these services.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. DIOGUARDI, for 60 minutes, on August 5.

Mr. BADHAM, for 10 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today; 60 minutes on August 5 and 6.

Mr. MACK, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. SWINDALL, for 30 minutes, today.

Mr. HYDE, for 5 minutes, today.

(The following Members (at the request of Mr. ROYBAL) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.
Mr. ROYBAL, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) and to include extraneous matter:)

Mr. FIELDS in two instances.
Mr. RITTER.
Mr. PACKARD.
Mr. ROTH.
Mr. SUNDQUIST.
Mr. GEKAS.
Mr. GILMAN.
Mr. BADHAM.
Mr. MICHEL in two instances.
Mr. DORNAN of California.
Mr. PURSELL in two instances.
Mr. GINGRICH.
Mr. GALLO.
Mr. BROOMFIELD.

(The following Members (at the request of Mr. ROYBAL) and to include extraneous matter:)

Mr. STARK.
Mr. DONNELLY.
Mr. COELHO in two instances.
Mr. RAHALL.
Mr. MURTHA.
Mr. KANJORSKI.
Mr. DORGAN of North Dakota in two instances.
Mr. CLARKE.
Mr. BOLAND in two instances.
Mr. LOWRY of Washington in two instances.
Mr. YATRON.
Mr. MORRISON.
Mr. DOWNEY.
Mr. SKELTON in two instances.
Mr. BATES.
Mr. MONTGOMERY in two instances.
Mr. FLORIO in five instances.
Mr. FAUNTROY.
Mr. LIPINSKI.
Mr. MARTINEZ.
Mr. BEILENSON.
Mr. GARCIA.
Mr. LANTOS.
Mr. DELLUMS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1068. An act to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service;

H.R. 1403. An act to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building;" and

H.R. 1444. An act to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs.

ADJOURNMENT

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, August 5, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1900. A letter from the Secretary of Education, transmitting notification of final annual funding priority—Educational Media Research, Production, Distribution, and Training Program, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

1901. A letter from the Secretary of Education, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965, to enhance the equity and effectiveness of Federal programs in support of higher education, to restore the role of the family in financing a student's postsecondary education, to expand and improve the Income Contingent Loan Program, to provide the broadest possible access to student assistance by eliminating restrictions on the availability of supplemental loans for students and PLUS loans, to focus student assistance on the neediest students, to reduce waste and abuse, and for other purposes; to the Committee on Education and Labor.

1902. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes; to the Committee on Government Operations.

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:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Supplemental report on H.R. 1632 (Rept. No. 100-163, Pt. 2). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1871. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such act, and for other purposes; with an amendment (Rept. No. 100-265). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 2916. a bill to amend the act of March 3, 1901, and the Stevenson-Wydler Technology Innovation Act of 1980 to further U.S. technological leadership, and for other purposes; with an amendment (Rept. No. 100-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2372. A bill to exempt natural gas liquids from the minimum price requirement for the naval petroleum reserves (Rept. 100-267, Pt. 1). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 241. Resolution providing for the consideration of H.R. 2686, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 (Rept. 100-268). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2655. A bill to designate the Federal Building located at 330 Independence Avenue SW, Washington, District of Columbia, as the "Wilbur J. Cohen Federal Building" (Rept. 100-269). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. House Concurrent Resolution 161. Resolution authorizing a public ceremony on the East Lawn of the Capitol in honor of the Bicentennial of the United States Constitution (Rept. 100-270). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3085. A bill to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA. (Rept. 100-272). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. A report on the Implementation of the Regulatory Flexibility Act—a 5 year Report (Rept. 100-273). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2897. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes; with an amendment; referred to the Committee on Public Works and Transportation for a period ending not later than September 25, 1987, for consideration of such provisions of title II of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X (Rept. 100-271, Pt. 1). Ordered to be printed.

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. DAUB:

H.R. 3083. A bill to establish limitations and procedures in Federal tort claims cases; to the Committee on the Judiciary.

By Mr. SAVAGE (for himself and Ms. OAKAR):

H.R. 3084. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. CLINGER:

H.R. 3085. A bill to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA; to the Committee on Public Works and Transportation.

By Mr. BROOKS:

H.R. 3086. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to apply to welfare plans restrictions which currently apply to pension plans preventing cutbacks in benefits upon a merger or consolidation of plans or transfers of assets or liabilities between plans; to the Committee on Education and Labor.

By Mr. BROWN of Colorado:

H.R. 3087. A bill to authorize the Secretary of Agriculture to provide facilities and equipment for additional storage space and laboratories at the National Seed Storage Laboratory at Fort Collins, CO; to the Committee on Agriculture.

By Mrs. BYRON:

H.R. 3088. A bill to amend title 10, United States Code, to provide catastrophic loss protection for dependents of active-duty members of the Armed Forces under the Civilian Health and Medical Program of the uniformed services; to the Committee on Armed Services.

By Mr. CONYERS:

H.R. 3089. A bill to amend chapter 1 of title 1, United States Code, to include in the definition of fraud for the purpose of Federal laws frauds involving intangible rights; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 3090. A bill to amend the Clayton Act to limit mergers; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 3091. A bill to amend the Internal Revenue Code of 1954 to regulate and limit collection procedures of the Internal Revenue Service in order to provide protection of taxpayer civil rights, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. KLECZKA):

H.R. 3092. A bill to establish a commission to investigate allegations of censorship in the editorial operations of certain newspapers published by the Department of Defense; to the Committee on Armed Services.

By Mr. GLICKMAN (for himself, Mr. ENGLISH, and Mr. ROBERTS):

H.R. 3093. A bill to expand and improve the optional acreage diversion program for the 1988 crop of wheat; to the Committee on Agriculture.

By Mr. GREEN:

H.R. 3094. A bill to authorize the Administrator of the Environmental Protection Agency to establish an industrial assistance program for reducing the generation of all environmental pollutants and hazardous waste at their source, to assist States in establishing waste reduction programs, to establish an Office of Waste Reduction, and for other purposes; jointly, to the Committee on Energy and Commerce and Science, Space, and Technology.

By Mr. KEMP (for himself, Mr. ROTH, Mr. DELAY, Mr. BOULTER, Mr. HYDE, Mr. LUNGREN, Mr. SMITH of New Hampshire, Mr. GINGRICH, Mr. WOLF, and Mr. HILER):

H.R. 3095. A bill to amend the Export Administration Act of 1979 and the Federal Deposit Insurance Act to authorize controls on the export of capital from the United States, to control exports supporting terrorism, to prohibit ownership of U.S. banks by controlled countries, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. SIKORSKI:

H.R. 3096. A bill to establish a commission to study Federal voluntary service opportunities for young people; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. WAXMAN:

H.R. 3097. A bill to amend the Public Health Service Act to revise and extend the program of assistance to organ procurement organizations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BATES (for himself, Mr. VENTO, Mr. SABO, Mr. OBEY, Mr. MOODY, Mr. ASPIN, Mr. HUGHES, Mr. DORGAN of North Dakota, Mr. FRENZEL, Mr. OBERSTAR, Mr. SIKORSKI, Mr. COELHO, and Mr. GUNDERSON):

H.J. Res. 347. Joint resolution recognizing the identical plaques initiated by Sami Bandak, created by Margareta Hennix and Ginvanni Bizzini, and depicting the *Calmare Nyckel*, the ship that brought the first Swedish settlers to North America, as significant symbols of the "Year of New Sweden;" and providing for the placement of one of such plaques at Fort Christiana in the State of Delaware; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Colorado (for himself, Mr. CAMPBELL, Mr. BLAZ, Mr. RODINO, Mr. HENRY, Mr. DAVIS of Illinois, Mr. LANTOS, Mr. HORTON, Mr. SAVAGE, Mr. YATRON, Mr. MFUME, Mr. DAUB, Mr. HAYES of Illinois, Mr. WORTLEY, Mrs. MORELLA, Mr. FISH, Mr. CONYERS, Mr. VENTO, Mr. DELLUMS, Mrs. PATTERSON, Mr. NEAL, Mr. SISISKY, Mr. SOLARZ, Mr. SKAGGS, Mr. FRENZEL, Mr. BEILENSON, Mr. NICHOLS, Mr. LAGOMARSINO, Mr. BONER of Tennessee, and Mr. BEVILL):

H.J. Res. 348. Joint resolution designating the week of September 11 through September 18, 1987, as "National Week for Worldwide Conservation"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY (for herself, Mr. GALLO, and Mr. LIGHTFOOT):

H. Con. Res. 172. Concurrent resolution expressing the sense of the Congress with respect to human rights in Poland; to the Committee on Foreign Affairs.

By Mr. DIOGUARDI:

H. Res. 242. Resolution concerning the reunification of Ireland; to the Committee on Foreign Affairs.

By Mr. LAGOMARSINO:

H. Res. 243. Resolution expressing the sense of the House of Representatives on the occasion of the 25th anniversary of the independence of Jamaica; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARPER:

H.R. 3098. A bill for the relief of Mie Mie Joe; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 3099. A bill for the relief of the city of Minot, ND; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. FASCELL and Mr. CHAPPELL.

H.R. 74: Mr. SHAW.

H.R. 190: Mr. WOLF, Mr. BLILEY, Mr. LAGOMARSINO, Mr. TOWNS, Mr. ACKERMAN, Mrs. PATTERSON, Mr. LEHMAN of Florida, Mr. BILBRAY, Mr. ATKINS, Mr. DELAY, Mr. SKEEN, Mr. OWENS of New York, Mr. LANCASTER, and Mr. BROWN of California.

H.R. 260: Mr. WEISS.

H.R. 371: Mr. CLARKE and Mr. KOSTMAYER.

H.R. 378: Mr. DIXON.

H.R. 578: Mr. APPLEGATE.

H.R. 792: Mr. TAUKE and Mr. BROOMFIELD.

H.R. 911: Mr. BEREUTER, Mr. SPRATT, Mr. LOTT, Mr. HARRIS, and Mr. DYSON.

H.R. 958: Mr. RHODES, Mr. WILSON, Mr. STUMP, and Mr. MCCOLLUM.

H.R. 1036: Mr. KILDEE.

H.R. 1054: Mr. NIELSON of Utah and Mr. FEIGHAN.

H.R. 1115: Mr. KOLBE, Mr. BEREUTER, Mr. LIPINSKI, Mr. DENNY SMITH, Mr. GOODLING, and Mr. SHAW.

H.R. 1119: Mr. DIXON.

H.R. 1242: Mr. SABO.

H.R. 1332: Mr. ROGERS, Mr. BUECHNER, Mr. EDWARDS of Oklahoma, Mr. MOORHEAD, and Mr. YOUNG of Florida.

H.R. 1334: Mr. ROGERS.

H.R. 1342: Mr. WEISS.

H.R. 1395: Mr. LEWIS of Georgia, Mr. GRAY of Illinois, Mr. SAVAGE, Mr. WILSON, Mr. SOLARZ, and Mr. BORSKI.

H.R. 1512: Mr. STUDDS, Mr. MILLER of Washington, Mrs. KENNELLY, Mr. DYMALLY, and Mr. MFUME.

H.R. 1634: Mr. LANTOS.

H.R. 1707: Mr. GEPHARDT and Mr. PACKARD.

H.R. 1754: Mr. MCMILLAN of North Carolina.

H.R. 1800: Mr. DURBIN, Mr. GRAY of Illinois, Mr. WATKINS.

H.R. 1857: Mr. VENTO.

H.R. 1879: Mr. PERKINS, Mr. KOLTER, Mr. RAHALL, and Mr. TRAFICANT.

H.R. 2148: Mr. SIKORSKI and Mr. WALGREN.

H.R. 2165: Mr. HOWARD, Mr. NEAL, Mr. STOKES, Mr. BUSTAMANTE, Mr. MFUME, and Mr. BONKER.

H.R. 2371: Mr. PICKETT.

H.R. 2429: Mr. SOLOMON.

H.R. 2434: Mr. PANETTA.

H.R. 2454: Mr. FLAKE and Mr. MAVROULES.

H.R. 2482: Mr. FISH.

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H.R. 2497: Mr. DONNELLY.

H.R. 2498: Mr. DONNELLY.

H.R. 2517: Mr. LIPINSKI and Mr. JONTZ.

H.R. 2586: Mr. FASCELL, Mr. HYDE, Mr. GRANT, Mr. LOTT, Mr. SWINDALL, Mrs. LLOYD, Mr. LEWIS of Georgia, Mr. BONER of Tennessee, Mr. HORTON, Mr. DANIEL, Mr. GORDON, Mr. LEHMAN of Florida, Mr. SAWYER, Mr. JOHNSON of South Dakota, Mr. CALLAHAN, Mr. SLAUGHTER of Virginia, Mr. BOEHLERT, Mr. THOMAS of Georgia, Mr. SCHEUER, Mr. FORD of Tennessee, Mr. MFUME, Mr. SOLARZ, Mr. DIOGUARDI, Mr. PRICE of Illinois, Mr. HUBBARD, Mr. MAZZOLI, Mr. DARDEN, Mr. FRANK, Mr. TORRES, Mr. GEKAS, Mr. CROCKETT, and Mrs. JOHNSON of Connecticut.

H.R. 2609: Mr. DREIER of California, Mr. MORRISON of Connecticut, Mr. HOYER, and Mr. BILIRAKIS.

H.R. 2626: Mr. OWENS of New York, Mrs. KENNELLY, and Mr. ESPY.

H.R. 2655: Mr. FAUNTROY.

H.R. 2697: Mr. GRANT, Mr. PENNY, and Mr. IRELAND.

H.R. 2717: Mr. MARKEY, Mr. STARK, and Mrs. SCHROEDER.

H.R. 2732: Mr. LELAND, Mr. MFUME, Mr. STOKES, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. LEVINE of California, Mr. MINETA, Mr. DWYER of New Jersey, and Mr. HOWARD.

H.R. 2743: Mr. FLAKE, Mr. PRICE of Illinois, Mr. GEKAS, and Mr. LANCASTER.

H.R. 2762: Mr. BORSKI, Mr. BIAGGI, Mr. FLORIO, Mr. FRANK, Mr. KILDEE, Mr. SAVAGE, Mr. VENTO, Mr. SOLARZ, Mr. TRAFICANT, Mr. WISE, Mr. GRAY of Illinois, Mr. RODINO, Mr. TRAXLER, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. JONES of North Carolina, Mr. HARRIS, Mr. DYMALLY, Ms. OAKAR, Mr. ST GERMAIN, Mr. WEISS, Mr. HERTEL, Mr. BROWN of California, Mr. YATES, Ms. PELOSI, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. KASTENMEIER, Mr. HOWARD, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. PRICE of Illinois, Mr. SABO, Mr. CLAY, Mr. DEFAZIO, Mr. ACKERMAN, Mr. GEPHARDT, Mr. GILMAN, Mr. BONIOR of Michigan, Mr. FOGLIETTA, Mr. YATRON, Mrs. COLLINS, Mr. ECKART, Mr. ANNUNZIO, Mr. WILSON, Mr. RAHALL, Mr. TOWNS, Mr. BILBRAY, Mr. FORD of Michigan, Mr. MAVROULES, Mr. KENNEDY, Mr. CROCKETT, Mr. DE LUGO, Mr. STAGGERS, Mr. MFUME, Mr. FORD of Tennessee, Mr. EDWARDS of California, Mrs. JOHNSON of Connecticut, Mr. GARCIA, Mr. COYNE, and Mr. CARDIN.

H.R. 2787: Mr. LIPINSKI AND Mr. JONTZ.

H.R. 2792: Mr. JOHNSON of South Dakota.

H.R. 2859: Mr. VALENTINE and Mr. DEFAZIO.

H.R. 2831: Mr. SYNAR and Mr. LELAND.

H.R. 2837: Mr. FRANK, Mr. CONYERS, and Mrs. BENTLEY.

H.R. 2916: Mr. LUJAN, Mr. RITTER, Mr. TORRICELLI, Mr. BUECHNER, Mr. NOWAK, Mr. MCMILLEN of Maryland, and Mr. HAYES of Louisiana.

H.R. 2969: Mr. REGULA, Mr. DAVIS of Illinois, and Mr. FASCELL.

H.R. 2972: Mr. HUNTER, Mr. STOKES, Mr. ROSE, Mr. MCEWEN, Mr. ORTIZ, Mr. PEPPER, Mr. LELAND, Mr. MARTINEZ, Mr. DWYER of New Jersey, and Mr. ROYBAL.

H.R. 2999: Mr. ATKINS and Mr. SCHEUER.

H.R. 3025: Mr. MURPHY.

H.R. 3039: Mr. CLAY and Mr. SWIFT.

H.J. Res. 34: Mr. BROOMFIELD, Mr. FLIPPO, Mr. BURTON of Indiana, Mr. HORTON, Ms. OAKAR, Mr. RINALDO, Mr. HENRY, Mr. FUSTER, Mr. HAYES of Illinois, Mr. JACOBS, Mr. MATSUI, Mr. FAZIO, Mr. BRYANT, Mr. TRAXLER, Mr. ESPY, Mr. ORTIZ, Mr. DYMALLY, Mr. MARTIN of New York, Mr. MURPHY, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. DARDEN, Mr. LIVINGSTON, Mr. HATCHER, Mr. LIPINSKI, Mr. COATS, Mr. MOORHEAD, Mr. JENKINS, Mr. MCGRATH, Mr. HUTTO, Mr. DWYER of New Jersey, Mr. NIELSON of Utah, Mr. SIKORSKI, Mr. SCHUETTE, Mr. DAUB, Mrs. BOXER, Mr. WYLIE, Mr. WOLF, Mr. OWENS of Utah, Mr. GRANT, Mr. HUCKABY, Mr. GRAY, of Illinois, Mr. ROE, Mr. TOWNS, Mr. HASTERT, Mr. ERDREICH, Mr. TRAFICANT, Mr. FEIGHAN, Mr. PANETTA, Mr. WHITTAKER, Mr. HARRIS, Mr. BEVILL, Mr. DORNAN of California, Mr. RAHALL, Mr. MCHUGH, Mr. DEWINE, Mr. SUNIA, Mr. FISH, Mr. HAMMERSCHMIDT, Mr. MONTGOMERY, Mr. DYSON, Mr. HOWARD, Mr. WORTLEY, Mr. FIELDS, Mr. YOUNG of Florida, Mr. FAUNTROY, Mr. SHUMWAY, Mr. LUNGREN, Mr. HUGHES, Mr. CROCKETT, Mr. HOLLOWAY, Mr. BLILEY, Mr. CONYERS, Mr. KOSTMAYER, Mr. ANDERSON, Mr. ANNUNZIO, Mr. VALENTINE, Mr. NICHOLS, Mr. KOLTER, Mr. MFUME, Mr. SPENCE, Mr. GRADISON, Mr. SCHEUER, Mr. WHITTEN, Mr. VOLKMER, Mr. REGULA, Mr. PACKARD, Mr. CONTE, Mr. CAMPBELL, Mr. COLEMAN of Missouri, Mr. BONER of Tennsesee, Mr. KASICH, Mr. BUECHNER, Mr. FRENZEL, Mr. GARCIA, and Mr. DE LUGO.

H.J. Res. 92: Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BORSKI, Mrs. BOXER, Mr. CAMPBELL, Mr. CHANDLER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FROST, Mr. GILMAN, Mr. HALL of Texas, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. KENNEDY, Mrs. KENNELLY, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PARRIS, Mr. PICKLE, Mr. PORTER, Mr. RHODES, Mr. RICHARDSON, Mr. ROBERTS, Mr. RODINO, Mr. SAVAGE, Mr. SCHAEFER, Mr. SUNDQUIST, Mr. WALGREN, Mr. WELDON, Mr. WHITTAKER, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 180: Mr. FRANK, Mr. KILDEE, Mr. SYNAR, Mr. HARRIS, Mr. DOWDY of Mississippi, Mr. CAMPBELL, Mr. GUARINI, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. ROE, Mr. WHITTEN, Mr. AUCOIN, Mr. HEFNER, Mr. STALLINGS, Mr. CARDIN, Mr. HAYES of Louisiana, Mr. GEPHARDT, Ms. PELOSI, Mr. SAVAGE, Mr. SAWYER, Mr. JONES of Tennessee, Mr. HUTTO, Mr. SABO, Mr. STRATTON, Mr. HUBBARD, Mr. OXLEY, Mr. HERTEL, and Mr. PANETTA.

H.J. Res. 198: Mr. SHUMWAY, Mr. MOORHEAD, Mr. SHAW, Mr. BUECHNER, Mrs. VUCANOVICH, Mr. GEKAS, Mr. COURTER, and Mr. NIELSON of Utah.

H.J. Res. 231: Mr. BROWN of Colorado, Mr. CHENEY, Mr. CLINGER, Mr. COUGHLIN, Mr. GRANDY, and Mr. PORTER.

H.J. Res. 240: Mr. STOKES, Mr. LUNGREN, and Mr. VOLKMER.

H.J. Res. 255: Mr. WHITTEN, Mr. TAUKE, Mr. SOLOMON, Mr. BUSTAMANTE, Mr. BENNETT, Mr. DAVIS of Illinois, Mr. FLAKE, Mr. GRAY of Pennsylvania, Mr. FRANK, Mr. MINETA, Mr. NICHOLS, Ms. OAKAR, Mr. RAY, and Mr. WEISS.

H.J. Res. 268: Mr. LANTOS, Mr. MARTINEZ, Mr. THOMAS A. LUKEN, Mr. IRELAND, and Mrs. SAIKI.

H.J. Res. 272: Mr. ACKERMAN, Mr. DE LUGO, Mr. PICKETT, Mr. BRYANT, and Mr. WEISS.

H.J. Res. 313: Mr. GILMAN and Mr. SIKORSKI.

H.J. Res. 343: Mr. BLILEY, Mr. TRAXLER, Mr. LIVINGSTON, Mr. WOLF, Mr. GORDON, Mr. DANIEL, Mr. SLATTERY, Mr. DORNAN of California, Mr. HORTON, Mr. GRAY of Illinois, Mr. LANTOS, Mr. PASHAYAN, Mr. ERDREICH, Mr. BATEMAN, Mrs. BOXER, Mr. YATRON, Mr. ATKINS, Mr. OXLEY, Mrs. BENTLEY, Mr. SIKORSKI, Mr. RITTER, Mr. MCCOLLUM, Mr. CONYERS, Mr. GINGRICH, Mr. AKAKA, Mr. STARK, Mr. CHAPPELL, Mr. KASICH, Mr. BEVILL, Mr. LUJAN, Mr. THOMAS of Georgia, Mr. PACKARD, Mr. LANCASTER, Mr. WALGREN, and Mr. LAGOMARSINO.

H. Con. Res. 66: Mr. BIAGGI.

H. Con. Res. 68: Mr. BEILENSON, Mr. BILIRAKIS, Mr. CLINGER, Mr. DELAY, MR. DELLUMS, Mr. DE LUGO, Mr. DONNELLY, Mr. FLAKE, Mr. FOGLIETTA, Mr. HEFLEY, Mr. HOLLOWAY, Ms. KAPTUR, Mr. LUNGREN, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. STARK, and Mr. STRATTON.

H. Con. Res. 138: Mr. LANCASTER and Mr. LEVINE of California.

H. Res. 188: Mr. BATES, Mr. PENNY, Mr. DELAY, and Mr. PARRIS.

H. Res. 229: Mr. HOLLOWAY, Mr. DAVIS of Illinois, and Mrs. JOHNSON of Connecticut.

EXTENSIONS OF REMARKS

DETROIT'S SPARKY ANDERSON—HE'S JUST GETTING WARMED UP

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PURSELL. Mr. Speaker, triumphant World Series pennants from 1935, 1945, 1968, and 1984 fly over Detroit's Tiger Stadium reminding fans of yesterday's Detroit Tiger conquests. But this summer, Tiger fans aren't dwelling on days gone by.

Under the direction of Manager Sparky Anderson, the Tigers are defying the dismal predictions of preseason critics and making the American League Eastern Division race one of the hottest in baseball.

After an abysmal start, Anderson's Tigers have muscled their way into contention going 34-18 in June and July. They are locked in a close, heated battle for first, with Toronto and New York, that may not be decided until the last out of the regular season.

Much credit for this comeback can be given to Sparky Anderson. He has masterfully meshed promising rookies like Matt Nokes, Jeff Robinson, and Mike Henneman with perennial Tiger stars like Jack Morris, Alan Trammell, and Lou Whitaker to make this club a contender and give it a sense of energy and excitement all its own.

Through his 17 major league seasons with Detroit and Cincinnati, Anderson has come to embody the belief that to persist is to triumph. His youthful exuberance, at age 53, is exemplified by his inability to give anything his undivided neglect.

Mr. Speaker, I would like to take this opportunity to share a charming article on Sparky Anderson by Richard Justice of the Washington Post. Justice paints a clear picture of the kind of man Sparky is—warm, funny, competitive, a winner. I urge my colleagues in the House, many of whom are also devoted baseball fans, to read it.

With Sparky Anderson at the helm, Tiger fans aren't dwelling on old championship pennants—they're dreaming of new ones.

[From the Washington Post, July 28, 1987]

DETROIT'S SPARKY ANDERSON—HE'S JUST GETTING WARMED UP

(By Richard Justice)

DETROIT.—Three years ago, Sparky Anderson was talking about retirement, about going back to his home in Thousand Oaks, Calif., working in his garden and staying close to baseball only through television and occasional trips to Dodger Stadium.

Why not? He'd spent 31 years in a uniform, and after the sting and embarrassment of being fired by the Cincinnati Reds eight years earlier, his 1984 Detroit Tigers were about "to take that monkey off my back" with a World Series championship.

He said, too, that 1984 "was my worst year personally. I knew we had a chance to win it all, and I became obsessed by it. I felt every loss was on me. We'd lose a game and I'd sit in the office and stare at the wall. One of the coaches would come in and say, 'Let's go have dinner.' I wouldn't go. I thought because we lost I couldn't even go eat.

"That goes back to what happened in Cincinnati. I've got as big an ego as the next guy and felt I just had to win it with another team. You win it in one place and maybe you'll get some credit. You win it in two places and it's yours, baby. But it was tough, and I remember telling Carol, 'If we win this thing, that may have to be it.' "

His wife advised him to wait a bit before announcing anything, and when he did he came back to her with some less-than-stunning news: He didn't want to quit.

"I don't think I ever will," he said. "But I did promise myself that nothing would ever eat at me like that season did. But, in the end, I didn't want to quit. This is my life. Now, they may call and tell me to go home tomorrow. Fine, let them do that. But quit? No."

So let's hit the fast-forward button to a clear summer afternoon in 1987, and Sparky Anderson hasn't yet retired. He's still the manager of the Detroit Tigers and, as he sits in a small neat office at Tiger Stadium before the all-star break, he's drinking coffee, tapping some sweetsmelling tobacco into his pipe and considering John McGraw and 2,840 victories as a manager.

"Connie Mack has [3,776]," Anderson said, "and that's out of reach. But McGraw . . . 2,800. That's possible. You know what I'd really like to do is win 3,000 games. That's a goal of mine."

He has figured all of this before and does so again. He began this season with 1,513 victories and, if he wins 95 this season, would need 16 more 87-victory seasons to reach 3,000.

A conservative man, he said, "You're looking at 17 seasons."

Are you looking at 17 more seasons?

He smiles.

"That's my goal."

These are the best of times for silver-haired George Lee Anderson, the times when he can remind people that only 11 men ever have managed teams to more major league victories and that there may be many more to come.

He has survived a game in which the burnout and firing index is high and, at 53, not only seems eager to get to the park "by 2 p.m. at least," but perfectly comfortable being one of baseball's few still-active living legends.

"It ain't the money," he said. "I don't spend much money, and what I have never changed me, anyway. I was raised in a poor family and was 35 before I made $30,000. My life style is about what it always was."

He lives in the same Thousand Oaks home he and the former Carol Valle bought in 1966 "because we couldn't afford anything in the [San Fernando] Valley." He drives a midsized American-made car, and his hobbies consist mostly of late-night television and early-morning walks.

A conversation with him is still a romp through anecdotes, philosophies, double negatives and misplaced metaphors. If he isn't yet Casey Stengel, he's at least close, particularly the moment last year when he said shortstop Alan Trammell would have to play through a shoulder problem because, "Pain don't hurt."

He admits that, yes, he sometimes gets a little too excited about games or players, such as the time two years ago when he abruptly moved all-star second baseman Lou Whitaker to third because rookie second baseman Chris Pittaro "is the best prospect I've ever seen." A couple of days later, after Pittaro began to look like something less than the next Jackie Robinson, Whitaker, was quietly moved back to second and Pittaro eventually was traded.

"The worst mistake I ever made," he now says.

And there was the time in 1979 when he moved reliable starter Milt Wilcox to the bullpen, explaining that, "We're going to build this team around [Steve] Baker."

Wilcox asked, "Baker? You mean the one that's here now?" That plan eventually was scrapped, too.

He admits to all of it, to wanting to make stars of Pittaro, Rod Allen, Rustry Kuntz and Howard Johnson before their times.

"I am," he said, "observed with youth a little bit."

But if he does get carried away now and then, he has at least retained his enthusiasm, his love of the game and his ability to perserve where others have grown tired, bored and cynical.

"Yeah, I don't let it bother me like I used to," he said.

"We lose, 10-0, and people say, "What are you going to do?" Well, what do you think? We're going to come back tomorrow and try again. Now, don't get me wrong. I do get upset. There's always going to be some idot [player] walking through that door trying to ruin your day."

He can laugh at all of it now, the firing by the Cincinnait Reds after winning five division championships in nine seasons, the grueling wire-to-wire lead of the 1984 Tigers and the image of Sparky Anderson.

He once saw a reporter leaving one of his news conferences early and yelled, "Don't leave yet. I'm just starting to sling it."

He has a large picture of his granddaughter on his desk, and above his right shoulder another photo with the words, "Wanted for stealing pacifiers."

Next to it is a motto that reads: "Each 24 hours the world turns over on someone who is sitting on top ot it."

At the moment, it doesn't appear the world is about to turn over on Sparky Anderson. Since winning that '84 World Series, his Detroit teams have had seasons of 84-77 and 87-75.

This year, picked by many to finish in the bottom half of the American League East, the Tigers are on a pace to win 96 games. It was Anderson who helped introduce players such as Lou Whitaker, Lance Parrish, Alan Trammell and Jack Morris to the big leagues in the late '70s, and this year's Tigers include members of another genera-

tion, one that will include catcher Matt Nokes and pitchers Jeff Robinson and Mike Henneman.

"I love this team," he said. "I love kids. We don't know how good we're going to be, but it might be better than people think. I wouldn't count us out yet. These kids are hungry, and they haven't been tarnished like some veterans. They want to learn. I'll tell you, I love having kids because, if you raise 'em right, they won't go bad on you. It goes back to the way you talk to 'em and treat 'em. If you see 'em starting to change, you get to 'em right away."

He called a Tigers-Reds exhibition game in 1986 and a conversation he had with Dave Concepcion, who had recently criticized Reds Manager Pete Rose for not playing him.

Yet the people who know him best aren't sure why he has succeeded. They say that, as far as strategy goes, he's something less than Gene Mauch. As a friend of the working player, he's not Lou Piniella or Roger Craig. And certainly players don't fear him as, say, the Seattle Mariners fear Dick Williams.

What then?

"I think his strongest point is that he gets together a group of people that get along," first baseman Darrell Evans said. "In the four years I've been here, that's the thing I've noticed. He'll scream occasionally, but not that often. I think his only rule is that he wants us to be on time."

Trammell added, "He's calmed down quite a bit since 1984, but don't let him kid you. The game is still his life. The big thing is that he's a good evaluator of talent. He assembles a team, then doesn't mess it up."

Another of his strengths is flexibility. He broke in just as the game was changing from total control by management to the players' union having more and more of a say. He leaves no doubt he's glad to see the power shifting back to management, but adds:

"There are a lot of things a million-dollar contract isn't going to change. They are still young guys searching for something. You see a guy go bad and it's just like he was a little boy again. Basically, you have to know these are good people. You have a few jerks, but those only mess up your day every once in a while. But think about it: How would the guy on the street react if he was given so much money at an early age? I think I wouldn't have been able to keep my senses, and I think it hurts the players. The one-year contract drives them, and I'm glad we're getting back to that.

"Some guys are still driven. I leave here late every night and guys like Evans and Trammell are still here talking the game. You have a lot of guys who can't wait to get out of here because they've got to go see their agent or their financial adviser or do a deal. That's what has changed. Players used to be clannish, have barbecues at each other's house and all that. Now, one lives in a $600,000 house over here and another over there."

He says now he can even enjoy the travel. "Let me tell you about our trip to Baltimore," he said. "I love that Inner Harbor and, on our day off, I went over there and walked around and drank a beer. That night, I went back for dinner and ended up in Little Italy. Ain't that a great city? I love just sitting there watching people, talking to people, I love every city we visit: Kansas City, Oakland, Seattle, you name it."

A simple man who brags that he's "never read a book, for instance," he has become a creature of habit, especially after games. He says he has probably had 25 postgame beers in his 18 seasons as manager, but that he's addicted to coffee and, recently, "ESPN and CNN. It's great because I never used to enjoy that stuff. I couldn't escape the game, but that has all changed."

He says he has even started enjoying the winters and that he and Carol spend a couple of days a week in Santa Barbara, Calif., "where no one has the phone number except the kids." And this winter, they're taking a cruise to Venezuela, and then spending a week at Disney World's Epcot Center with their granddaughter.

"It's like a whole new world for me," he said. "But I think I've finally learned how to enjoy myself."

ANDERSON'S RECORD

Year	Games	Won	Lost	Percent
Cincinnati:				
1970	162	102	60	.630
1971	162	79	83	.488
1972	154	95	59	.617
1973	162	99	63	.611
1974	162	98	64	.605
1975	162	108	54	.667
1976	162	102	60	.630
1977	162	88	74	.543
1978	161	92	69	.571
Detroit:				
1979	106	56	50	.528
1980	163	84	78	.519
1981	109	60	49	.550
1982	162	83	79	.512
1983	162	92	70	.568
1984	162	104	58	.642
1985	161	84	77	.522
1986	162	87	75	.537
1987	95	57	39	.594
Total	2,731	1,570	1,161	575

IS ERICH HONECKER A MURDERER?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MICHEL. Mr. Speaker, Erich Honecker, president of East Germany's State Council, and chief of the East German Communist Party, will visit West Germany in September. It should be recalled that the party headed by Mr. Honecker has for many years ordered that anyone attempting to escape from East Germany is to be shot. Despite this, thousands have tried to flee, some successfully.

The language of diplomacy, one part civility and one part hypocrisy, forbids us from using the blunt words usually applied to those who order the deaths of human beings for the supposed crime of wanting to live somewhere else. In fact, the language of diplomacy has deprived us of any moral vocabulary to describe, accurately and bluntly, the reality of Communist domination. We are left with innocuous phrases such as "our systems are different" and "we look at the world in different ways" and other such meaningless words that disguise the fact the Communists claim a total and unchallengable right to rule because Marxists-Leninists alone know the secrets of history through what they believe are scientific means.

This means that Communist parties, in nations where Communists rule, are not one among many or first among equals but, instead total masters of the destiny of those they rule in the name of Marxism-Leninism, a a theory that is as despicable in practice as it is intellectually incoherent in theory.

The language of diplomacy has acted like a drug on the West, lulling us into a moral stupor from which we awake from time to time when Marxist-Leninist practice reminds us of what Marxist-Leninist theory really means. The Korean airliner's destruction—to use but one example—was horrible in and of itself—but the real horror was that such a brutal act can be traced, with iron logic, back to the Marxist-Leninist theory of total power. When President Reagan said the Soviet Union is "an evil empire," the outcry in the media and in certain political quarters was deafening. Yet no one bothered to ask the critics the essential question: With which word do you disagree, "evil" or "empire"?

It will be interesting to see how the visit of Mr. Honecker is treated in the world press. He will probably be greeted as a statesman who has the unfortunate, but understandable, little flaw of shooting innocent men, women, and children because they want to leave the country.

At this point I wish to insert in the RECORD, "West Germany Gets Ready To Welcome a Murderer," by Enno von Loewenstern, in the Wall Street Journal, July 29, 1987:

[From the Wall Street Journal, July 29, 1987]

WEST GERMANY GETS READY TO WELCOME A MURDERER

(By Enno von Loewenstern)

BONN.—The West German government has announced that the president of East Germany's state council, Erich Honecker, will pay a visit in September. This will be the first time that an East German chief of state enters West Germany. Mr. Honecker is also chief of the East German Communist Party. The Bonn government is immensely pleased with itself for having thus proved that the conservatives too can have good relations with the East. This explains why the West German government receives Mr. Honecker at all—why, in fact, it so desperately has striven to entertain the Soviet puppet who embodies East Germany's oppression.

How would Norway celebrate Quisling, were he still alive? West Germany, it seems, is different. The prevailing opinion in the West German press is that thou must not anger those who control the roads to Berlin and the destinies of 17 million Germans behind the Iron Curtain, that "dialogue" is good for its own sake, and that the Western politician who gets the most attention from communist dictators is best for peace and should get the most votes.

There used to be a time when West German politicians would say: If Mr. Honecker comes, he will "have to bring something substantial along." Some even would demand that he rescind the Schiessbefehl, the order to shoot all East Germans who try to escape to the West. But the things that Mr. Honecker now is expected to "bring along" could have been settled at a lower level—agreements on ecological questions or cultural exchange or the like. West Germany is to pay for the cleaning up of East German rivers, which will benefit West Germans since socialist dirt is flowing westward.

There is hope that Mr. Honecker will widen the "family visits" program so that East Germans who have no relatives in the

West may take trips to briefly sniff the air of freedom (under current rules East Germans traveling to West Germany to see close relatives for three to 10 days leave their own families in East Germany as hostages). But East Germans first would have to find somebody to invite them and pay the bill, as East Germany just has cut down foreign exchange for travelers to the West; each traveler gets only 15 West German marks (a little more than $8) for the entire trip.

Mr. Honecker did announce an "amnesty." How many of the estimated 4,500 political prisoners in East Germany will benefit no one knows, since details will not be announced until September or October when Mr. Honecker is safely back in East Germany. He also announced abolition of the death penalty. But he stopped short of declaring that the death penalty for refugees, the Schiessbefehl, would be abolished or that the Berlin Wall would be torn down.

Thus, instead of having to make significant concessions, Mr. Honecker forced them upon his too-willing hosts. The oppressor of 17 million Germans will be received in Bonn, the West German capital, with (almost) full honors befitting a chief of state. This will make it extremely difficult for the West German chancellor, when returning the visit, not to go to East Berlin, which the East German government calls its capital city. A West German chancellor or federal president visiting the East German chief of state there would go far to undercut the Berlin status, the foundation of West Berlin's freedom. When former Chancellor Helmut Schmidt, a Social Democrat, visited Mr. Honecker in 1980, they met in a lodge on Lake Werbellin, outside Berlin's borders. The conservative Christian Democrats seem to have become less careful.

Chancellor Helmut Kohl will not remove his sofa as he did before receiving President Pieter Botha of South Africa. The idea was that he didn't want to be seen sitting down with Mr. Botha, a symbol of apartheid. The fact that Mr. Honecker embodies apartheid in Germany is not to be considered. But there is an even more embarrassing aspect to the matter: Mr. Honecker is, of course, a murdered, and so are his associates. They personally are guilty of the shootings at the Wall and elsewhere. There is a prosecutor's office in Salzgitter that collects data on crimes committed against East Germans. By rights, Mr. Honecker should be arrested the instant he steps on West German soil.

To avoid this, West Germany passed a law in 1966 to offer amnesty to East German leaders should they visit the West: at the time an "exchange of speakers" was envisioned. The East Germans protested against what they curiously called the "handcuffs law"; it was the opposite. It was dropped before East German Prime Minister Willi Stoph visited West Germany in 1970. Later the Supreme Federal Court ruled that chiefs of state have immunity anyway. So Mr. Honecker cannot be arrested if during his visit somebody is shot at the Wall, but the soldier who fires at Mr. Honecker's order could be arrested and tried here.

Mr. Honecker comes nevertheless because he wishes to impress the East Germans with the respect West Germans pay him. He does not feel compelled to pay an entrance fee in humanitarian coin, for his are loftier aims: furthering the cause of peace. He actually appealed to Chancellor Kohl "in the name of the German people" not to block nuclear disarmament by demanding some nuclear protection against Soviet conventional superiority. The fact that French newspapers upon announcement of the visit promptly speculated whether it means that "Germany is drifting off to the East"—a subject dear to the French press and many French politicians—must gratify Mr. Honecker. The Kremlin marked the recent visit to Moscow by the president of West Germany, Richard von Weizsaecker, with solemn assurances that the Soviet Union of course does not aim to lure West Germany out of the North Atlantic Treaty Organization.

Tension in East Germany still is high, despite seeming normalcy. Several hundred thousand people openly demand permission to leave the "second German Republic" for good. Were they successful, innumerable others would seek to leave. People still risk their lives in spectacular escapes, climbing the Wall, braving mine fields on the borders elsewhere, sailing or even swimming the Baltic Sea, or hopping the Wall in flying machines. What if a refugee is shot at the Berlin Wall while Mr. Honecker steps on Bonn's red carpet? Or what happens if a new riot explodes such as the unrest of June 7 and 8, when thousands of young people were driven back from the Wall after they had pressed close to hear a David Bowie concert on the Western side?

There is even fear that many might descend simultaneously on the Wall, hoping that Mr. Honecker has ordered his border guards not to shoot during those three sensitive days. What if they do not shoot and there is a mass escape? What if they do shoot?

TIME TO RETHINK INDIAN AID

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FIELDS. Mr. Speaker, several of our colleagues have recently been calling our attention to the cooperative efforts of India toward the Soviet Union and its client, the Sandinista regime in Nicaragua. The question has properly been posed as to why the American taxpayers should be sending aid to our sworn enemies through the guise of foreign assistance to India. Mr. Speaker, at a time when Congress is so heatedly debating the sending of funds to the Nicaraguan freedom fighters, it makes no sense to send United States wealth to India so that it can help fund the Sandinista Marxists.

Mr. Speaker, I offer for the RECORD a recent policy paper upon this subject for the serious consideration of my colleagues. We should all be grateful to the National Center for Public Policy Research, and others, for bringing this issue before the public.

GANDHI SENDS MILLIONS TO SANDINISTAS AS U.S. AID TO INDIA INCREASES

India's Prime Minister Rajiv Gandhi showed his true colors recently by pledging to give $10.4 million in financial assistance to the Sandinista regime—while many in his own country starve.

In light of the fact that Gandhi has expanded India's military and economic alliance with the Soviet Union, this assistance is not surprising. But what should concern Americans is that Gandhi's increasingly pro-Soviet stance and his generous aid to the Sandinistas comes at a time when the United States is dramatically increasing aid to India.

In response to reports of malnutrition and starvation in poverty-stricken India (1984 per capita income was only $240), Americans have dramatically increased aid to that nation in recent years. Since 1982, the United States has provided India with over $1 billion in economic and military aid, with well over two-thirds of this in the form of grants. Over the next four years, the U.S. will be giving an additional $600 million in direct aid to the Indian government.

In response to American generosity, Gandhi has shown his true sympathies by dedicating his nation to the Marxist-Leninist revolution in Nicaragua. During a recent visit to India by Sandinista dictator Daniel Ortega, Gandhi pledged $10.4 million of financial assistance to the Sandinista regime, and called Nicaragua's foreign policy of exporting violent revolution into Central American democracies a "positive response" to Central American difficulties. Oretega, for his part, announced that he values the "deep and abiding links" between India and Nicaragua. The brotherly alliance between the two leaders was quite evident. Ortega awarded Gandhi Nicaragua's highest award, the *Augusto Cesar Sandino Order,* making Gandhi the sixth leader to receive it. Fidel Castro was the first.

Congressman Dan Burton has criticized Gandhi's aid to Nicaragua, saying, "Should we give massive foreign aid to countries that aide enemies of our friends and the United States? Of course, the answer is 'no'. That is unthinkable. We are giving them $600 million, and they are taking our taxpayers' dollars and supporting a war against our friends down there."

Gandhi's announcement of the aid came only one day after the United States reiterated its accusation that Nicaragua was harboring terrorists. In fact, at the same time Ortega pinned the "Augusto Cesar Sandino Order" onto Gandhi the U.S. State Department was summoning Nicaragua's ambassador to formally accuse the Sandinista regime of planning attacks on American missions in South America.

This $10.4 million in aid is not poverty-stricken India's first gift to the Sandinistas. In the past India has provided medicines and thousands of tons of wheat to Nicaragua, has provided managerial, technical, and material assistance to the Sandinistas in a variety of industries, and expanded cultural exchanges. For example, an Indian economic and technical delegation was recently sent to Managua to identify areas of cooperation.

In a recent letter to the House of Representatives, Congressman Dan Burton, Bill Cobey and William Broomfield said, "We must realize that, by this action, India is now a direct sponsor of Nicaraguan terrorism in Central America. As such, we cannot define a difference between our giving aid to the Indian government and our giving aid to Nicaraguan Communists . . ."

Gandhi has clealy aligned himself with the anti-American, anti-democratic communist thugs in Nicaragua. But his fraternal ties to Marxist elements go much deeper. Since taking power in late 1984 upon the death of his mother, Prime Minister Indira Gandhi, Rajiv Gandhi has expanded India's continuing friendship with the Soviet Union.

During a recent visit by Soviet dictator Mikhail Gorbachev to New Delhi, Gandhi praised Gorbachev as "the great and dynamic leader of a great and friendly country." During talks with Gorbachev, Gandhi

endorsed the Soviet view of United States' plans to defend itself with the Strategic Defense Initiative. Gorbachev's response was to pledge $1.7 billion in new credits to India for financing a hydroelectric complex and other industrial projects. At the same meeting, the two signed a "Delhi Declaration" which called for total nuclear disarmament by the year 2000. According to Newsweek (December 8, 1986), "Gandhi's effusive reception of Gorbachev made it clear that despite the recent warmth in U.S.-Indian relations, the Prime Minister is determined to hang on to his friends in the Kremlin."

India's ties to the Sovet Union are nothing new. Military, economic, and cultural ties have increased since the signing of a 1971 friendship treaty. India's military dependence upon the Kremlin is especially alarming. Over 80% of Indian weapons are Soviet-made or produced in India under Soviet license. Soviet MIG-21 and MIG-27 fighters and the advanced T-72 tank are manufactured in India, and India has ordered 40 new MIG-29 state-of-the-art warplanes from Moscow.

The Soviet propaganda network within India is quite extensive. In the Indian capital, New Delhi, at least 500 Soviet officials operate. The Soviet embassy produces 48 publications in twelve of the languages spoken in India, and three Soviet radio stations broadcast in eight of the Indian languages. Furthermore, in the last 20 years over 400 Soviet university textbooks have been published in India. Gandhi has even sent his own children to study in the Soviet Union.

According to The Economist, Gandhi's government bears a remarkable similarity to that of the Soviet Union. On January 31, 1987, The Economist said "For [Gandhi's] purposes India is, almost as badly as Russia, a one-party state. As in Russia, the party does not want to change the old ways, because the old ways give its members their sense of self-importance, and often put money in their pockets too."

During a 1985 two-day trip to Moscow, Gandhi received an extremely warm welcome at the Kremlin. While there, he strongly denounced U.S. foreign policy, signed a major trade agreement with the Soviets, and attended a ceremony in which a Moscow square was dedicated to Indira Gandhi.

One can also clearly see just how anti-American India is by examining India's United Nations voting record. In 1985, India voted the same way as the United States 8.9 percent of the time. This is comparable to Libya's 6.9 percent, Cuba's 6.2 percent, and Nicaragua's 8.4 percent. Indeed, the United States received more support in the U.N. from East Germany, Mongolia, Uganda, and even the USSR than it did from India. As Congressman Burton noted, "Should we give aid to a country that votes against us continually at the United Nations? The answer is 'no'".

Gandhi has refused to condemn, and indeed defends, the Soviet invasion of Afghanistan. India is the only major noncommunist nation which maintains good relations with the Soviet-installed Afghan regime. India has endorsed as legitimate the communist puppet regime in Cambodia. Gandhi maintains full diplomatic relations with the terrorist Palastine Liberation Organization (PLO).

While graciously accepting millions of dollars in America aid, Gandhi has continually bitten the hand that feeds it. Not only has he increased his collaboration with the enemy of freedom, the Soviet Union, but he promotes unrest and suppression in Central America by sending millions of dollars to the Sandinistas.

In the words of Congressman Bill Cobey, "India is giving economic aid to the Nicaraguan Government while completely ignoring the terror the Sandinistas are spreading in our own backyard. It is time that we end our aid to India until it stops supporting the spread of communism in Central America . . ."

JAN DOZIER: HUNTSVILLE'S FIRST ASTRONAUT

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLIPPO. Mr. Speaker, in June of this year NASA announced the selection of Dr. Jan D. Dozier as a candidate for America's astronaut corps. Jan is a resident of Huntsville, AL, and the first Marshall Space Flight Center employee to be selected for the astronaut program.

I want to extend to Jan and her parents, Bryce and Dolly Davis of Huntsville, my hearty congratulations and best wishes on being selected for this high honor. I know that her fellow employees at Marshall and the citizens of Huntsville are very proud of this achievement.

On August 7, Dr. Dozier will be honored by her hometown as they celebrate "Dr. Jan D. Dozier Day." She will also be the honoree at a banquet hosted by the National Space Club and the Huntsville Chamber of Commerce.

Jan Dozier joined NASA in 1979 and has worked on several projects managed by the Marshall Center including the Hubble space telescope, the advanced X-ray astrophysics facility, and the Shuttle Solid Rocket Booster Program.

Jan is a graduate of Huntsville High School. She received her B.S. degree in biomechanics from Georgia Tech, a B.M.E. from Auburn, a M.S.E. and a Ph.D. in mechanical engineering from the University of Alabama in Huntsville.

It is interesting to note that as a astronaut Jan may have the opportunity to fly a mission involving the Hubble space telescope, a project that she is intimately familiar with. She received the Marshall Center's Special Service Award for her outstanding work on the space telescope project.

For a young woman who was born in the space town of Cocoa Beach, FL, grew up in the space town of Huntsville, AL, and has already made significant contributions to our Nation's space program, to be selected as an astronaut candidate must be the ultimate in personal and career satisfaction.

I look forward to the day when the television picture from space shows Dr. Jan Dozier working diligently in the bay of the space shuttle as thousands of her friends and neighbors in North Alabama cheer our fellow Alabamian on.

It is every child's dream to be able to reach out and touch the stars. Jan Dozier's career must be one of the best examples for any child to follow if they want to make that dream a reality.

TRIBUTE TO THOMAS E. WHITECOTTEN II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to an outstanding Missourian, Thomas E. Whitecotten II, of Jefferson City, who recently passed away. Tom Whitecotten was a truly remarkable individual whom I had come to admire.

Tom Whitecotten was one of the original members of the Missouri State Highway Patrol when the organization was created in 1931. Gov. Phil M. Donnelly appointed him to position of warden of the Missouri State Penitentiary and chairman of the penal commission in 1945. In 1953 he was appointed director of the department of corrections. He was employed also at the department of revenue. He was elected to the city council and served two terms. The Jefferson City Police Department building was named and dedicated in his honor in 1980.

Tom Whitecotten was a longtime leader in his community who devoted his time and energy to make the world around him a better place.

Mr. Speaker, I feel sure our colleagues join me in sending our sincere condolences to his loving wife Dee, son Lt. Col. Thomas E. Whitecotten III, daughter Mrs. Marilyn Finnical, Jefferson City, and his seven grandchildren. He will be greatly missed. I truly valued his friendship.

THE PRESENT STATE AND FUTURE OF AMERICA'S DEFENSE INDUSTRIAL BASE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. OAKAR. Mr. Speaker, on July 8, the Economic Stabilization Subcommittee which I chair, began extensive hearings on the present state and future viability of America's defense industrial base. Our second hearing was held on July 28, and we have scheduled further hearings immediately after the August recess. While it is yet very early in our investigation, we have already uncovered some startling facts regarding the defense production process. I would like to share this with you:

The Department of Defense has concluded that American industry very possibly cannot respond to defense surge requirements in the case of emergency.

Existing military supplies are inadequate to meet defense needs—there is a substantial shortfall of supplies which could last until U.S. industry was converted from peacetime to emergency production capability.

There is an alarming degree of fragmentation of responsibility within DOD and the Government regarding our Nation's industrial preparedness plans.

There has been a steadily increasing procurement of weapons subsystem and components from overseas, and that this is primarily the result of price competition practices of both United States and foreign owned corporations.

Policies regarding defense procurement, the defense preparedness of our allies, trade and the balance of payments, leading edge research and development, and the need to maintain democratic freedoms and defense security often act at cross purposes in maintaining the viability of the U.S. defense industrial base.

Mr. Speaker, because of my concern with maintaining American democratic institutions, I am conducting exhaustive investigative hearings through the Economic Stabilization Subcommittee which I chair. I am loathe to delay, yet because of the importance of this topic, I believe that thoroughness is the only proper course of action. I will conduct hearings which provide a sober assessment of the entire problem which is being addressed here. We cannot rush to judgment or act in haste, as the consequences are far too costly. This is a big task and will require the utmost of cooperation in conducting this investigation which I have initiated. I formally invite my colleagues to join me in this endeavour. Specifically, I welcome Ms. KAPTUR's participation in the subcommittee hearings, and encourage her assistance in the hearing process. This, I believe, is the most productive way to develop the comprehensive appraisal which has begun. I have worked with Mrs. BENTLEY to guarantee that the American metal fastener industry remains strong and continues to grow on our shores, and I welcome further joint efforts of this nature in the future.

THE VII INTERNATIONAL SUMMER SPECIAL OLYMPICS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. COELHO. Mr. Speaker, Eunice Kennedy Shriver's work on behalf of the Special Olympics has helped to instill a sense of pride and self-respect to tens of thousands of people. Through her own belief in the abilities of the mentally retarded, Eunice has built the Special Olympics into an international program of love and sportsmanship, breaking down the walls of isolation caused by a disability. She has reached out to the mentally retarded, giving them the encouragement all of us need, but they often did not receive.

This week, the VII International Summer Special Olympics is taking place in South Bend, IN. The efforts of not only 1 million athletes, but also 500,000 volunteers, will culminate with these games, and the Washington Post's recent feature only begins to appropriately pay tribute to Eunice Shriver:

The article follows:

[From the Washington Post, Aug. 3, 1987]

EUNICE SHRIVER AND THE POWER OF THE POSSIBLE

THE SPECIAL OLYMPICS FOUNDER, BREAKING DOWN THE WALLS

[By Victoria Dawson)

It's Friday night in a small plane bound for Allentown, PA., and Eunice Kennedy Shriver is asking questions.

She wants to know about Jane Austen, though no subject, it would seem, could be less relevant to Shirver's immediate interests—Special Olympics and the mentally retarded—than a 19th-century English novelist.

But since her questions have brought her to her seatmate's favorite author, she want to know: What was Jane Austen like? Was she the one with the nasty father? Were her books well received when she wrote them? The questions keep coming until, finally, an answer about "Persuasion"—that its heroine was deemed a "nobody" and a "nothing" by her family and her own selflessness—seems to satisfy her.

Shriver's lanky body sinks into a slouch. The briefing notebooks—filled with categorized information on the Pennsylvania Special Olympics, whose games she will visit in less than 12 hours—slide a little closer to the edge of her lap. Her right hand raps absently at the window. Several thousand feet above the ground and buckled in, she takes leave of the conversation and turns to stare out the window, into an empty darkness and an inviolable silence.

She sits there, dressed in a white-on-blue polka-dot outfit, with little, lacy bobby socks creeping out of a pair of blue loafers. Bobby pins dangle in her tousled thick hair, loose and useless like so many extra twigs in a nest.

Long minutes pass.

"That's interesting," she says suddenly. "I find that very interesting.

"You see, that's how the children are—that's what happens to them," she says. "So often they are isolated and overlooked, even by their own families. Pushed aside by society."

She leans toward the floor, rummages through a bag, pulls out a black notebook and prints on the top of a page "Get Persuasion."

Ethel Kennedy, Shriver's sister-in-law, says "she's just got her own spin on everything. It's a little different from everyone else. Like putting a spin on a billiards shot." She is constantly splicing together the most unlikely subjects and ideas—mixing something that was squirreled away in her mind years ago with a new scrap of information; Jane Austen and the mentally retarded. Abigail Adams and young women of the '80s who whine about balancing family and work. Or "E.T." and the mentally retarded.

"'E.T.' I just loved 'E.T.', didn't you?" Shriver says. "After I saw it, I wrote to Steven Spielberg—to see if he would do a [television] spot for special Olympics. Because, I thought E.T.—you know, that's how the children are sometimes ignored. Hidden. People are ashamed of them."

THE GENESIS OF A CAUSE

Today Special Olympics is the world's largest year-round program of sports training and competition for children and adults with mental retardation. It reaches more than 1 million athletes, ages 8 and up, and is run by more than half a million volunteers. Shriver is its founder and chairman.

This week, during the VII International Summer Special Olympics Games in South Bend, Ind., more than 4,500 Special Olympics athletes representing every U.S. state and more than 70 countries will compete in such sports as aquatics, basketball, bowling, soccer and softball. Last night's opening ceremonies will air tonight as a two-hour special on ABC.

But 25 years ago, Special Olympics was a back-yard summer camp with a three-digit enrollment. The Shrivers, who married in 1953 when Eunice was 31, lived on a farm in Rockville—Timberlawn—that in 1963 became Eunice Shriver's camp for mentally retarded children. The numbers were humble: 100 high-school-aged volunteers; 100 mentally retarded children; "about five" paid instructors; a week-long training session; one swimming pool; sundry horses, dogs, fields and barns; and Shriver says, "just lots of fun things."

Sargent Shriver, first director of the Peace Corps and now president of Special Olympics International, says the purpose "was for my wife to see what the truth was. What were the facts? What could the mentally retarded do? In that time you had to see for yourself. . .

"So she tried everything. She had 'em on horseback, swimming, on a trampoline, shooting bows and arrows, climbing trees, building tree houses, playing tennis. . .

"It wasn't that she was sitting up there with a magic wand waving to everybody, "Now do this! Now do that! She was out there. She'd be in the swimming pool, holding a mentally retarded [teen-ager] up to see whether she could teach him how to kick, how to swim. Whether she could get him through the water."

There were signs before Timberlawn that Eunice Shriver would devote herself to people with special problems. After earning her bachelor's degree in sociology at Stanford University, she worked first for the State Department reorienting American POWs after World War II, and later for the Justice Department as coordinator of the National Conference on Prevention and Control of Juvenile Delinquency.

But before all that there was Rosemary, three years older than Eunice and, as the family's euphemism goes, "slow to learn."

Edward M. (Ted) Kennedy, the youngest of the nine Kennedy children, remembers.

"It always seemed the Eunice reached out to make sure that Rosemary was included in all activities—whether it was Dodge Ball or Duck Duck Goose," he says. "Eunice was the one who ensured that Rosemary would have her fair share of successes.

Timothy Shriver, 27 and the middle of the Shrivers' five children, say his mother—"always committed to the possible"—saw in Rosemary, now 68, "somebody who was succeeding, as opposed to somebody who was barely doing what she could with her limitations.

"I suppose," Eunice Shriver, 66, says, "the fact that I had seen my sister swim like a deer—in swimming races—and do very, very well just always made me think that they [the mentally retarded] could do everything."

But to draw a straight line from Rosemary Kennedy to Special Olympics—or even to the Joseph P. Kennedy Jr. Foundation for the retarded—is, according to Eunice Shriver, a mistake. It wasn't because of Rosemary, she says, "And I think that's important. Certainly, if you have a sister who learns slowly, you are obviously aware of certain things—insights that you wouldn't have if you never had a sister who is slow to

learn. But, would I have gone into this for her, and do I run around for her? No."

BATTERING DOWN BARRIERS

Working his way toward an explanation of Eunice Shriver's ability to see the positive side of retardation, Sargent Shriver says, "She just didn't believe that there were human beings who were as useless or hopeless or whatever the right word might be as the mentally retarded were thought to be 40 years ago."

But 40 years ago hopelessness was indeed the state of science. The goal of medical intervention, says Dr. Robert E. Cooke—a specialist in mental retardation and professor of pediatrics at the State University of New York at Buffalo—was "custodial care and keeping people moderately alive."

"When I was a medical student, which would have been in the '40s, the general teaching regarding the mentally retarded was that they all belonged in institutions," Cooke says. "Retarded people and Down's [syndrome] people were just not the sorts of individuals who could benefit from the usual social contacts.

"And the notion that a Down's individual could run or jump or do gymnastics or participate in sports was unthinkable. They'd die. Somehow, constitutionally, no way could a Down's person run a race, or run a mile."

Then there was the idea that losing and disappointment would not be good for retarded children. The mention of it brings Shriver to a simmer. "Yeah, well, I heard a lot of that," she says. "That's a lot of baloney. What proof have they got that as a group of people they can't take losing? Who? Where does it come from, that idea? Somebody cries because they lose? I can tell you 50 people who cry—I go and watch my own kids cry when they lose."

The change in attitude—the recognition of the value of competitive sports for the mentally retarded—has been, Cooke says, "just phenomenal. When you think it is expected that they can run, that they will compete, and that people are even interested in their [race] times—to a very large extent, this is Eunice's accomplishment."

GREAT EXPECTATIONS

Behind the accomplishment—be it Shriver's or a Special Olympics athlete's—is expectation. The word runs through Shriver's life, present at every chronological turn, threaded through what others say about her and what she says about herself. "There's no sense [with her] that you can't do something very important," says Sargent Shriver. "And the back side of that is that you are expected to do damn well. You've got no damned excuse not to do well.

"And the retarded—well, I think my wife just expected them to do well. There's no mollycoddling in her. That's true with our own kids and with the mentally retarded."

Nor was mollycoddling a part of her own upbringing. Achievement was expected: She was part of a financial and political dynasty—daughter of businessman and diplomat Joseph P. Kennedy and Rose Fitzgerald Kennedy; sister of President John F. Kennedy, assassinated in 1963, and Sen. Robert F. Kennedy, assassinated in 1968, as well as Sen. Edward Kennedy.

In Rose Kennedy's 1974 memoir "Times to Remember," Eunice Shriver describes an aspect of her childhood that Rose called "training them [the children] for excellence";

I remember she [Rose Kennedy] would take us ice skating in Bronxville, and you just wouldn't go skating off into the blue yonder. She'd say, use your right leg or use your left leg better; again it was this terrific drive, she wanted everyone to do their best. There was quite a little pressure around. If you weren't doing very well there weren't any excuses for it. She'd say, you just get along there, don't be stupid about it, or something like that . . .

And she was always very energetic and expected us to be. Today, children stay in and watch television or listen to radio or records, but we were packed up and out we'd go, no matter what the weather was . . . so far as I can remember the first time in my life I ever stayed indoors was when I was in my thirties and had a baby and had to stay in. And I walked around in the hospital and thought, How odd, some people stay in and read all day . . .

Ethel Kennedy remembers a story about Shriver's drive to excel:

"Eunice prides herself on her sailing ability—she races. And one summer her boat wasn't going well. Like everything else she does, she got involved in it and she started to investigate. She climbed below [deck] and discovered heavy bricks in the bottom, beneath the floorboards—very, very heavy, like gold bars. She's so competitive that she probably thought—well, I don't know what she thought—that somebody was trying to sabotage her. Then and there, she threw the anchor overboard and she and the children tossed the bricks out of the boat. As it turned out, the bricks were the ballast.

"Later," Ethel Kennedy concludes, "she discovered that they were worth something like $3.75 each—and the rest of the summer those children were seen diving for them."

THE PERSISTENCE OF VISION

She's impossible. Autocratic, Shy. The most interesting and exciting woman in the world. Funny, Difficult, Curious, Bright as hell, Irreverent, Spiritual, Eccentric, Sensitive, Insensitive.

People say the most contradictory things about Eunice Shriver. But on one thing they agree: She knows what she wants and she is relentless in the pursuit of it.

"She has a great sense of priorities in her life," say longtime friend Donald Dell, a Washington sports attorney who was Sargent Shriver's assistant at the Office of Economic Opportunity in the '60s. "Whereas most people worry about 'What should I do with my life next year?' and 'Where do I want to go?'—for Eunice all that stuff is stuff, With her it's family, religion and causes."

"She has through her persistence, strength and the fear she creates, driven people to participate who otherwise wouldn't have. They might not like it, but they are better for it," says David Burke, an ABC News vice president who formerly was administrative assistant to Ted Kennedy. He considers his own enlistment in her causes and laughs: "If I get to heaven, it will be because she drove me to it."

"Sure," says friend Ann Buchwald. "She's very bossy. Very determined. Hurries. And drops things. And says only the important things. Talks only to the important people. And why not? She has only a limited energy. If she could put 13 more hours into the day, she would. Meanwhile, she wastes not a minute."

Eunice Shriver operates with a kind of high-octane fervor. "We don't usually sit and talk," Deeda Blair says of her friendship with Shriver. "We would swim and talk while we were swimming. Or we would walk rather briskly and talk. Or we would be driving somewhere to see something and do something and talk along the way."

Even when she sits, she's always moving. Swiping at her hair. Batting the bangs out of her way. Gnawing at one finger or another. Attacking the cluster of diamonds and sapphires on her ring finger, twirling it around and around.

And when she's moving, she expects others to move. She still seems vexed, for example, by a Timberlawn camp episode: "We had a day for parents and they came and sat by the pool. They were supposed to play sports, but they all sat around the pool. I was so mad 'cause I wanted them all to participate. But they sat by the—I suppose it was their day off and they lolled by the pool."

THE CHEERLEADER

The 25-meter freestyle swim behind him, the Special Olympics athlete, wet and draped with towels, steps up onto a plywood box, throws a tightly clenched fist into the air and shouts, "Eat your heart out, Stallone!" And then he shouts again: "Eat your heart out, Stallone!"

Before him stands Shriver, ribbons dangling from her hand. "The gold one. The gold one," he says, swelling with adolescent pride. Shriver pulls out a gold medal and hangs it around his neck. "Here you go," she says. "Well done. Terrific."

The Pennsylvania Special Olympics summer games echo with Shriver's "Well done . . . well done." She spends the day—a dry, hot Saturday—roaming from pool to playing field, one minute handing out medals, the next sitting on the bleachers talking to a corporate sponsor, the next disappearing into a crowd of children. She smiles with them. Pats their arms. Urges them on. "You look in good shape." Is this your first gold medal?" "Are you getting better?" "Practice every day." "Keep it up."

At the end of the afternoon, as she sits on a bench and talks to a softball player, one side of Shriver—restless, elusive and abrupt—gives way to another—calm, settled and delicate. "Do you read? Do you want to learn to read?" And Annie, an affable, red-haired young woman of almost 20 who pitches a mean softball, shakes her head, smiles and looks at Shriver.

"No," Annie says. She can't read. She doesn't know why not. She wants to, but she just can't.

"Do you read signs?" Shriver asks: "Do you know your address?" "Do you know what street you live on?" No, no and no.

Eventually Shriver, has, in her notebook, Annie's full name and, from another source, her address.

Annie has, from Shriver, the promise that she'll investigate the possibility of a tutor or a reading program, as well as a bit of advice: "What you oughta do," Shriver suggests, "is go home and memorize your address. If you said it to yourself five times a day, I betcha you could learn it."

ESTHETICS AND ESSENTIALS

Shriver, a devout Catholic, "would have made a wonderful abbess," Ethel Kennedy says.

"But she would have made a terrible cook," she adds. "She's totally oblivious to anything worldly. Sort of like Eleanor Roosevelt—she's into the world of ideas."

The esthetic expressions of self exist in her life like a necessary postscript, neither completely omitted nor completely incorporated.

Clothes, for example. "Her get-ups are beyond belief," Ethel Kennedy says. If

someone should register a comment or criticism, "she just looks at them like 'What are they talking about?' and goes on about her business."

And food. It's possible to spend a day with Shriver and see her nibbling at nothing more nutritious than a handful of graham crackers, cookies or bread—always in a kind of neutral, distracted manner.

"Lots of things that are terribly important to other people and that are life-enhancing, like delicious food and pretty flowers and well-organized households and that sort of thing—I guess Eunice likes all that, but she doesn't care about it intensely, in an obsessive way," says Deeda Blair. "You can go [over to the house] and things will be in wild disorder; and sometimes they will be spruced up and there will be a very pretty party. But nothing like that is terribly important to her."

Blair remembers visiting the embassy in Paris when Sargent Shriver was ambassador to France during the Johnson administration; "You'd walk in the front door and instead of being grand and imposing, it would be full of bicycles and motorbikes and skates and skis."

The tone was one of youthful, cluttered Shriver, vitality, Bobby and Maria, the two older children, were teenagers and scattered behind them in age were Timothy, Mark and Anthony.

And if, for a formal event, the skis and roller skates were temporarily contained in a closet, the children were not. Often, they were the life of the party. One reception Blair particularly remembers honored a group of African ambassadors. "All in these wonderful robes. And all these little children were going around, passing trays of hors d'oeuvres, sort of half of them falling off," she says, raising her arm and dangerously tipping an imaginary tray of food.

The Shrivers had put a trampoline in the embassy garden, she says. "And the children would pull and tug and get these African ambassadors to jump up in the air on the trampoline. It was absolutely so unconventional."

THE HAPPIER COURSE

"Let's face it," Ethel Kennedy says, "she would have made the best president of the United States."

"I mean," Sargent Shriver says, "she would have been a terrific United States senator."

"That's nice," she says quietly, when told of the many people who believe she could have held public office. "I think my brothers have done extremely well and enough. That's enough." She laughs lightly. "Enough," she says again.

"I really wanted to work with children," she says. "You can't do it—well, now, much more, because there are so many committees, but you do an awful lot of other things. And I wanted to devote all my time to the children. In Congress, you have to do 50 other things before you get there, then once you are there, you have to do so much."

Then, almost inaudibly, she says, "But that's nice." What they said, she means.

And she squirms out of the thought: "I chose the happier course as far as my life—no regrets."

THE NO-NONSENSE HOSTESS

Art Buchwald most admires the hostess in Eunice Shriver—the woman who "throws people out of the house at 10 o'clock because she's tired and she wants to go to bed."

Donald Dell laughs and talks about "the old coffee trick": At the conclusion of dinner, Shriver announces that coffee will be served in the living room. The guests file in, the maid serves the coffee, and everyone asks "Where's Eunice?" Eunice, of course, has gone up to bed.

Her finest party-ending moment may have been during the mid-'50s in Chicago, where Sargent Shriver was managing the Merchandise Mart, one of the Kennedy family holdings. It was, as former ambassador William McCormick Blair remembers it, the Shrivers' first formal party:

"We all got there promptly," Blair says, "No Eunice, as I recall. Or Sarge. That's often the way. They were busy doing useful things, and she'd been working all day on some important project.

"Finally they came. And we had a wonderful dinner and evening. After dinner—it couldn't have been much after 10 o'clock—Eunice kept saying to me, 'When is everyone leaving?' I said, 'Well, Eunice, this is a black-tie party. It's your first party. Everyone is having a good time. It's a wonderful dinner. And people don't go home, usually, until around 11.' She sort of rolled her eyes at that.

"Finally, in a loud voice, she said, 'I've got a wonderful new game to play.'

"Everybody looked horrified. Eunice likes playing games—charades. But this wasn't going to be charades. She said, 'Everyone stand up and close your eyes and put your hands on the shoulder of the person next to you. Then we'll all start marching. Going round in circles.' We all started and the next thing we knew, she said, 'Now you can open your eyes.'

"We were all standing out by the elevator. And she said, 'Good night.' "

A TRIBUTE TO CARLOS AND NORMA LONG

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PURSELL. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. and Mrs. Carlos Long of Clayton, MI. On September 4, 1987, they will be among 11 families honored at an induction ceremony for the Michigan Farmer's Hall of Fame.

The Michigan Farmer's Hall of Fame was founded in 1982 to honor farmers for the contributions to their community and to Michigan's proud agricultural industry. Just after they were married in 1939, the Long's began farming on a small piece of rented land in Oakland County. Through their hard work, patience and perseverance, they purchased this land and eventually bought the 510-acre dairy farm they now operate in Clayton. In addition to caring for 75 registered holstein cows plus 125 registered heifers, they crop 500 acres of land growing wheat, oats, corn, and alfalfa.

Despite the demands of farm and family, the Longs have been leaders in their community. Carlos was an active member of the Michigan Milk Producers Association and an ASCS committeeman. He also served as president of the Oakland County Farm Bureau for 2 years. His wife, Norma, was instrumental in establishing her local 4-H Club and was a volunteer at her local hospital for several years.

Both Carlos and Norma are active members of their local Methodist Church.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Carlos and Norma Long and offer them warmest wishes for good health and success.

HUMAN RIGHTS, THE CONTRAS AND THE TRUTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MICHEL. Mr. Speaker, we hear quite a bit about human rights violations in Nicaragua. But only one side of the battle allows an objective, serious, rigorous and honest outside group to investigate allegations of human rights abuses. The democratic resistance in Nicaragua, unlike the Communists they are fighting, allow members of the Nicaraguan Human Rights Association to monitor their activities, to investigate allegations and to question prisoners.

The United States Department of State recently published a brief study that outlines the work and the goals of the Nicaraguan Human Rights Association. I believe our colleagues should learn more about this organization.

At this point I want to insert in the RECORD, "Human Rights and the Nicaraguan Resistance," a publication of the United States Department of State, June 1987:

HUMAN RIGHTS AND THE NICARAGUAN RESISTANCE

A cadre of combatants from Nicaragua's internal resistance is being selected and trained to accompany resistance fighting forces into the war zone to report and investigate human rights abuses, particularly any committed by the resistance. The Nicaraguan Human Rights Association (ANPDH), headed by Nicaraguan human rights activist Marta Patricia Baltodano, is responsible for investigating alleged abuses and instructing members of the resistance in proper human rights conduct.

From 1979 to 1985, Baltodano served on the staff and, later as director of the Permanent Commission on Human Rights (CPDH) in Nicaragua, which brought international attention to Anastasio Somoza's human rights record and which today register more than 80 alleged Sandinista cases of violations each month.

On March 19 at a Nicaraguan Democratic Forces (FDN) base camp along the Nicaraguan/Honduran border, Baltodano counseled some 20 men in human rights reporting. Each delegate was to accompany a task force of 150 men into the war zone. "The primary role you will play is to make sure that human rights are not abused and that those 150 men will behave in a proper fashion," she said. "When there is an abuse, you will inform your commander and us."

Some 61 of the 80 resistance task forces now have human rights activists permanently assigned to them, according to ANPDH Washington representative Jose Antonio Tijerino.

ANPDH was created in October 1986 with funds appropriated by the U.S. Congress

and made available by the Department of State through periodic grants. Congress appropriated $3 million for human rights activities in response to allegations of human rights violations committed by soldiers of the Nicaraguan resistance, known as the "Contras," fighting for democracy.

In December 1986, the association began human rights training for military commanders and unit human rights representatives, or activists. Seven southern front commanders, eight platoon leaders, and 36 activists attended a 2-day seminar. In early 1987, the association held a seminar for 32 Miskito Indian military commanders in the Honduran Mosquitia; instructed 76 northern front activist candidates in international humanitarian law, the laws of war, human rights, and procedures for taking accusations; and gave similar classes, including a 4-day seminar, for some 170 Miskito Indian combatants.

"Our role is not simply to report violations, it is to establish mechanisms so that violations will not occur," says Baltodano. "In addition, our job is very difficult because we are trying to provoke a change in human rights behavior within a guerrilla force, not a regular army."

Sailing has not always been smooth between the ANPDH and the resistance. In May, the ANPDH was temporarily asked to leave the FDN base camps on the Honduran/Nicaraguan border after commanders complained that ANPDH observers were interfering with combat operations.

Since then, relations between the association and the FDN have been reinforced with a clearer understanding of the association's need to continue investigations.

A practicing attorney with more than 10 years' experience in human rights, Baltodano is also a Nicaraguan refugee forced into exile in December 1985 by the Sandinistas.

She is the first to admit that the resistance does not have a perfect record in human rights, but also is quick to expose the skill with which alleged violations are exploited by both the Sandinistas and their sympathizers. "I think there have been some abuses of human rights by the FDN," she admits, "but up to this point, I don't have any indication that this was a pattern of instruction or political policy of the FDN."

She claims, however, that a number of the alleged incidents of human rights violations by the resistance were actually set up by the Sandinista Front of National Liberation (FSLN), which rules Nicaragua as a totalitarian state. "Refugees have repeatedly told us how the Sandinistas will militarize a civilian target. They will establish a military command center within an agricultural cooperative, but will also locate a clinic or school within the cooperative. They give arms and uniforms to the *campesinos* (peasants). It becomes difficult for the guerrilla forces to determine at what point this is a military target or civilian target. This is an important point used by the Sandinistas to show that the contras attack civilian targets."

Baltodano notes that although public international opinion concedes that the Sandinistas commit human rights abuses, the Sandinistas have been able to sell the idea to the public that the resistance commits violations more brutally and as a matter of deliberate policy. "The Sandinistas have learned how to manipulate the human rights concept to get to power and how to manipulate it to remain in power," she says.

The Sandinistas claim, however, that were it not for U.S.-backed resistance, political repression would be unnecessary.

"So why are there contras?" Baltodano responds. "The contras were not created by the United States. Even without U.S. assistance, there would be contras. The fathers of all contras are Marxists. Everywhere there is a Marxist regime, there are contras."

The ANPDH's close ties with the Nicaraguan resistance has drawn considerable criticism from groups opposed to U.S. policy toward Nicaragua. The association also has been accused of being in the pocket of U.S. policymakers because it is financed by the U.S. Government. Baltodano herself has been the target of bitter criticism.

She counters, "The United Nations and other organizations also receive funds from the United States but are able to maintain their status as independent entities.

"Because we are receiving part of the assistance voted for the contras, that identifies us a lot with them, even though we don't want to be. Another thing that makes us look close to the contras is precisely that our work is with them," she notes.

"However, we are not an organization like Amnesty International. Rather, we are an organization that, within a movement that has political and armed characteristics, is trying to institutionalize mechanisms that will eventually mean reducing human rights violations and promoting human rights within the organization."

The association does this by monitoring military action, instructing the troops in the Protocols of the Geneva Convention, and investigating human rights abuses.

"If the violation was committed, then we make sure there is a hearing, sanction, and condemnation of those who have violated human rights. Also we are trying to update and put into use a code of conduct and fortify the judicial mechanisms that each troop has for the trial and the foundation of military courts," she explains.

The ANPDH has recently completed investigations on three out of six major cases of alleged resistance violations. The cases involved forced conscription of Sumo Indians, the execution of Sandinista soldiers in the Nicaraguan village of Cuapa, and the kidnapping of Nicaraguan Mennonite youths.

In the Sumo case, some 18 Nicaraguan Indian refugees were psychologically pressured into joining an independent guerrilla band, although some of them say they joined voluntarily. The band was organized by a former FDN Indian combatant. The ANPDH report was given to the U.N. High Commissioner for Refugees in Honduras and the FDN military prosecutor.

In the Cuapa case, patrols from the FDN Jorge Salazar Command were charged with entering Cuapa in August 1985, allegedly executing 11 Sandinista soldiers and one civilian night watchman. The ANPDH investigation established that FDN patrols captured 12 Sandinista soldiers on August 2, 1985. Of those, four joined the FDN. The ANPDH heard testimony that the rest were taken to a nearby hill and shot. The results of the recently completed investigation have been turned over to an FDN military prosecutor.

In March 1986, the Mennonite Central Committee claimed that the FDN kidnapped four Nicaraguan Mennonite youths. The ANPDH found no evidence that any of them were kidnapped by the resistance. Two voluntarily joined the FDN, and the other two are reportedly in refugee status in Honduras.

The association is concluding investigations into other allegations such as the El Nispero case involving civilian casualties by resistance forces. In addition, the ANPDH has received more than 30 denunciations from refugees and citizens still inside Nicaragua against Sandinista human rights abuses. These have been turned over to the Inter-American Commission on Human Rights, Amnesty International, and Americas Watch.

Inquiries into Sandinista abuses require coordination with outside human rights monitors since the Sandinista government has denied the ANPDH access inside Nicaragua. This denial has made investigations of resistance violations difficult as well.

Baltodano worked on an informal basis with the Permanent Commission on Human Rights while attending the Universidad Centro-americana. "When the Sandinistas took power, it was very strange to me that the office still had so many human rights cases before it. They [CPDH] asked me to join it in a formal fashion. I thought a couple months would be sufficient to complete the work," she says. "I became aware that human rights violations were not the result of an abrupt change in government. It appeared it was a pattern of conduct or a policy of the new authorities."

In October 1985, Baltodano left CPDH to attempt to create a human rights office within the Catholic Church.

"The [Sandinista] government impeded the creation of this organization within the Church. They confiscated the office, documents, funds, and started to persecute the people involved in that." Baltodano declined to make public some of the events that transpired because, she says, doing so would demoralize the victims and cause serious repercussions.

In December 1985, Baltodano went into exile.-(Sharon Isralow is the editor for the Office of Public Diplomacy in the State Department's Bureau of Inter-American Affairs. This report is based on a recent fact-finding trip to Central America.)

ADOPTION OF THE KENNEDY PLACE HOUSING PROJECT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FIELDS. Mr. Speaker, on July 23, 1987, President Reagan presented the 1987 awards for private sector initiatives. On this occasion, 100 businesses from around the country were honored for outstanding achievement in volunteer service and community outreach programs.

The President's Citation Program for Private Sector Initiatives was established in 1984 to recognize exemplary community involvement projects sponsored by businesses, trade associations, and professional societies. All private sector initiative projects qualifying for the citation program are eligible to fly the program's symbol—a red, white, and blue C-Flag bearing the slogan "We Can—We Care." The C-Flag identifies the organization as a contributor to the American spirit of volunteerism and community action.

Each year, President Reagan presents 100 citations for private sector initiatives to the

outstanding entries in the citation program. An awards committee, consisting of leaders from the business and association communities, reviews the entries and selects the top 100 programs for Presidential recognition. I am pleased to announce that a company located in my district, the Eighth Congressional District of Texas, was selected for recognition.

In 1984, Brown & Root, Inc., of Houston, TX formed a partnership with the city of Houston and the city's private sector initiative group to develop plans for a massive clean-up effort of Kennedy Place, a public housing project. The goal of the program was to remove dangerous buildings and trash from the housing development and to make the area a clean and safe place in which to live and work. To date, 35 unsafe buildings have been demolished and 183 truckloads of trash and debris have been removed from city streets and privately owned lots.

Vernon Black, manager of housing and conservation for the city of Houston recently commented on the Kennedy Place Housing Project. He said, "Demolition of so many dangerous buildings in one area in such a short period of time is unprecedented."

I would like to extend a personal thank you to Brown & Root, Inc., for playing a key role in this worthwhile community endeavor.

W.C. HANDY MUSIC FESTIVAL

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLIPPO. Mr. Speaker, I rise today to join my colleagues in cosponsoring House Concurrent Resolution 57 which designates jazz music as a national treasure, and to call attention to the 1987 W.C. Handy Music Festival taking place August 2 through August 8 in the Shoals area of north Alabama.

William Christopher Handy, a pioneer in jazz music, was born in Florence on November 16, 1873. W.C. Handy's musical interests began early. He saved money for a guitar, only to be told by his father, a minister, that he must trade it for something useful—a dictionary. The trade was made, but soon saved enough money for a cornet. Then, at every opportunity he studied and played music. To support himself, he tried foundry work, school teaching and, finally, he formed his own band.

By 1902, the man destined to become known as the "Father of the Blues" had moved to Memphis where a song he wrote for a mayoral campaign became "The Memphis Blues." His 1914 "St. Louis Blues" is probably most widely recognized in its military marching band arrangement by Glen Miller during World War II.

W.C. Handy's determination and his incredible talent allowed him to produce more than 100 songs, form a music publishing company, and inspire thousands of musicians. From his humble birth in a log cabin in Florence, AL, W.C. Handy went on to become an accomplished musician with worldwide admiration. When Handy died March 28, 1958, the world mourned the loss of composer, musician, publisher, and friend.

Each year the Shoals area honors W.C. Handy by holding a week long festival, bringing thousands of visitors from all over the United States as well as many foreign countries to north Alabama. Events include jazz concerts, special tours of the W.C. Handy Home, and a songwriters conference. This week the W.C. Handy Festival proudly celebrates a truly American form of music.

Jazz is indeed a national treasure, a quintessentially American art form. Events such as the Handy Festival and this congressional resolution give jazz the widespead recognition and appreciation which it deserves. Jazz is an important part of our 20th century culture and history.

Jazz musicians such as W.C. Handy, Charlie Parker, John Coltrane, Dexter Gordon, Theolonius Monk, Miles Davis, Louis Armstrong, Duke Ellington, Charles Mingus and others gave special contributions not only to music but also to American heritage. We celebrate them as great musicians and especially as great American musicians.

The hard work of the people involved in the planning of the W.C. Handy Music Festival has given the event the status of a national tourist attraction. Each year more people participate and more events are scheduled. The festival has been listed in several national publications and selected as one of the top 20 festivals by a panel of independent judges acting for the Southeast Tourism Society in Atlanta.

More important than the W.C. Handy Festival's value as a tourist attraction is the tribute which it pays to American music. This week jazz will be played live in music halls, theaters, parks, clubs, streets and sidewalks of the Shoals area. The joyful spirit shown by the people who come together to honor W.C. Handy is one which I think my colleagues in the House hope to foster through House Concurrent Resolution 57, and I am happy to join them as a cosponsor.

A TRIBUTE TO COL. JAMES McBRAYER SELLERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. SKELTON. Mr. Speaker, on August 22 a Shrine ceremony will be held at Wentworth Military Academy in Lexington, MO. The activities will include the induction of 20 candidates into the Shrine and then an hour long parade. This ceremony is being held in honor of Col. J.M. Sellers, an outstanding Mason, Missourian, and American. I would now like to tell you about this true American patriot.

James McBrayer Sellers was born on June 20, 1895, in Lexington on the campus of Wentworth. He graduated from Wentworth in 1912, then continued his education at the University of Chicago, from which he graduated Phi Beta Kappa in 1917.

Upon graduation he was commissioned as a second lieutenant in the U.S. Marine Corps. He served as commander of the 78th company, 6th Marines, American Expeditionary Force in France. Colonel Sellers' decorations for valor include the Distinguished Service Cross, the Navy Cross, the Silver Star, the Purple Heart, and the French Croix de Guerre. He remained in the USMC Reserve until 1945 after leaving active duty in 1921.

From 1922 to the present he has occupied various positions at Wentworth. He served as commandant from 1922 to 1928, executive officer from 1928 to 1933, and superintendent from 1933 to 1960. Since his semiretirement in 1960, he has continued his duties at Wentworth as president and chairman of the board. At age 92 he still comes into the office every day and even teaches a Latin class.

Through the years Colonel Sellers has been very involved with the Masons and the Shriners. He served as worshipful master of the Lexington Lodge No. 149 in 1939; as high priest in Lexington Chapter No. 10 in 1940; as commander of the DeMolay Commandery No. 3 in 1941; as grand commander of Missouri in 1951; and as grand master of the Grand Lodge of Missouri in 1953.

Colonel Sellers was married to the former Rebekah Evans in 1924. The couple raised three children: Steven W., James McBrayer, Jr., and Fred Evans. Along with his many other activities, he has served as a president of the Association of Military Schools and Colleges, and as an elder of the Presbyterian Church in Lexington.

Mr. Speaker, I feel certain that the Members join me in paying tribute to this great public servant and educator who has made his mark on the lives of thousands of people. His life has been and continues to be an example to all who meet him.

URGENT REFUSENIK APPEAL FOR ELBERT FAMILY OF KIEV

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted to let my colleagues know about an appeal that I will be making on behalf of the Elbert family of Kiev. Lev and Inna Elbert and their son Carmi are longstanding refuseniks who have faced repeated harassment as they have sought to rejoin their relatives in Israel.

A new, potentially hopeful development has taken place in their case. Lev recently met with a Foreign Ministry official, Arkady Shuvayev, who told him that the reason for denying the family exit visas—Lev's alleged exposure to state secrets—"does not exist." This marks the first official recognition of Lev's repeated insistence that he was not exposed to secret information.

Mr. Shuvayev also said that there was no reason why the Elberts should not be allowed to leave the Soviet Union. He indicated that their case would be referred back to the Ukrainian OVIR office in Keiv for a ruling.

Under the circumstances, a new congressional appeal on behalf of the Elberts may be effective. Accordingly, I plan to send the following telegram to the Ukrainian OVIR office. Because a decision is thought to be imminent, I will send the telegram late Thursday, August 6.

VLADIMIR SIFAREV,
Ukrainian OVIR, 34 Bulvar Shevchenko, Kiev, Ukrainian S.S.R., U.S.S.R.

DEAR SIR: We, the undersigned Members of Congress, urge you to grant exit visas to the Lev Elbert family of Kiev to implement immediately the Foreign Ministry decision to let them leave the U.S.S.R. and rejoin their family abroad in keeping with the Helsinki Final Act.

Thank you for your attention to this request.

Many Members of Congress have participated in earlier efforts to help this deserving family. I hope that many of my colleagues will be able to join me in this latest urgent, humanitarian endeavor on their behalf.

A REMARKABLE PERSON

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. OAKAR. Mr. Speaker, I rise today to honor Capitol Hill's premier lobbyist, Evy Dubrow. Over the past 30-odd years, Evelyn Dubrow has walked the Halls of Congress on behalf of the International Ladies Garment Workers Union. She is a staunch advocate of worker's rights, but has always tempered her arguments with liberal doses of good will. That good will has made her welcome in every office and the most effective voice for her many causes.

The New York Times paid tribute to Evy Dubrow in a glowing article last week. It is heartening to read that there are still those message-bearers and cause-carriers left for whom we can all have respect.

I have known Evy Dubrow for many years and respect her not only as a lobbyist, but as a woman who has defied many odds to attain the status she commands today. She worked on Capitol Hill long before the women's liberation movement and long before women were allowed to be anything else but clerical help. Evy Durbrow has made a career out of "bearding the lion in his den," so to speak, and in the process has advanced the issues she represents and the cause of women everywhere. My hat is off to Evelyn Dubrow as a lobbyist, woman, and friend.

The following article appeared in the New York Times last week:

[From the New York Times, July 27, 1987]

A CAPITOL HILL LOBBYIST EVERYONE LOVES

WASHINGTON, July 26.—One person on Capitol Hill gets to share the Congressional doorkeepers' chairs outside the House of Representatives chambers, a good spot to catch the eye of an arriving or departing member of Congress.

Evelyn Dubrow and no one else.

No one protests. This 4-foot 11-inch lobbyist for the International Ladies Garment Workers Union who began roaming the halls of Congress 29 years ago seeking support for a $1 minimum wage, and who still troops Capitol Hill in her size 4 shoes, has earned the privilege. Besides, explains a staff member in the doorkeeper's office, "Everyone loves Evy."

Everyone knows Evy. Senators, Representatives. Aides, Receptionists. The Capitol Police. In fact, the former Speaker of the House Thomas P. O'Neill Jr., the man who asked the doorkeepers to give her their seats, still keeps in touch with her.

Ms. Dubrow has been on Capitol Hill longer than most other lobbyists and most members of Congress. She will not, under any circumstance, say how old she is, only: "I will admit to being a senior citizen." She still works 15-hour days, still attends as many as a half-dozen political receptions in a night, still managed to meet with 30 senators on a recent day and still declares she is never going to give up lobbying "as long as I can stay on my feet and as long as my head is somewhat in the right place."

HER CAUSES AND OTHER TASKS

At the moment her causes are a bill to broaden laws against housing discrimination, legislation to bar discrimination in federally financed programs and, especially, a provision of the trade bill that would help protect the country's textile, apparel, shoe and copper industries from unfair competition by imports.

But other tasks come up. Take July 17 for instance. "I heard that Orrin Hatch, who is a very nice gentleman but who couldn't disagree more with me on our legislative program, was going to introduce a bill that I knew would be very harmful not only to our union but a number of other unions," Ms. Dubrow said. The bill would have lifted 44-year-old restrictions that prohibit employers from hiring workers to work in their homes. That would allow employers to escape paying benefits and minimum wages. Ms. Dubrow marched up to Capitol Hill to do something about it.

"I started with the leadership," she recalled. She talked with the Democratic leader, Senator Robert C. Byrd of West Virginia. "I then proceeded to see as many members of the Senate as I could, indicating to them that if this did come up I hoped there would be a move to table it or defeat it."

She will not know the fruit of her efforts for some time, but she bets she saw at least 30 senators that day.

When she talks to all these senators, this tiny woman with soft curls and light blue eyeshadow says she remembers one thing, which she likes to pass on. "The one caveat I would give to new lobbyists is don't pretend you know all the answers," she said. "Don't wing it. You better know what you're talking about. If you lie, they'll find you out."

Her voice is throaty, her tone serious, her manner charming, her politics liberal and her commitment unyielding. She is known for her diligence, her friendliness—and her height.

"She's my idol; I want to be just like her," said Sterling J. Henry, a 28-year-old, 6-foot 2-inch lobbyist for the National Association for the Advancement of Colored People.

"I once saw Senator Simpson, who must be 6-5 or 6-6, talking to her," Mr. Henry said. "The man looked up to her! You could see the respect."

"She's not confrontational," he went on. "She doesn't talk to senators or Congress persons like they're a little prima donna; she talks to them as a friend."

If asked why she became involved in labor and politics, Ms. Dubrow invariably points out that she was the daughter of a union man and the younger sister of a suffragette.

She was born in Paasaic, N.J., earned a degree in journalism at New York University in the late 1930's and began her career in the labor movement working as a secretary in the Textile Workers Union in New Jersey. She went to Washington briefly in 1947 to help organize Americans for Democratic Action, a liberal organization that to this day espouses traditional New Deal values.

A REVERENCE FOR CONGRESS

She returned to New Jersey the next year to do political organizing for unions. After the 1948 election she was named New York State director for the A.D.A. In 1956, seeking to return to the labor movement, she joined the International Ladies Garment Workers Union, and in 1958, when the union decided to open a Washington office, the leaders asked Ms. Dubrow to go to the capital and work as a lobbyist.

Through the years she has developed almost a reverence for the institution of Congress. "The one thing I have is a respect for the office," she said. "I might not agree or even like the occupant of the particular office but I've always respected and been courteous for that reason. I don't go around threatening members of Congress that if they don't vote with me they're going to be defeated or anything like that; I don't believe in it.

Likewise, she believes in her profession. "A lot of members will say I owe you a vote Evy,' or 'You're a good friend.' But I would never ask them to give me a vote on that basis. I like to think that when I'm asking for their vote it's because I really have a case. Now it doesn't mean I'm not enlighted if they think they'd do it to me because they personally like me. That's great; that's gravy. But that to me is not what lobbying is about."

"Lobbying," Ms. Dubrow said, is presenting your case and proving it."

THE PORTUGUESE ELECTIONS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. COELHO. Mr. Speaker, last month the people of Portugal took another bold step toward a stable and prosperous future. For the first time in the 13 years since democracy dawned there, the people elected a majority government, casting 50.2 percent of their votes for the Social Democratic Party and returning Anibal Cavaco-Silva as Prime Minister.

The people of Portugal are fortunate to have two men of extraordinary capability at the helm of state. The vision of President Mario Soares and the pragmatism of Prime Minister Cavaco-Silva combine to form a solid partnership dedicated to moving Portugal ahead. Dr. Soares brought democracy back to Portugal setting the stage as well as the standard for her development as a free nation. Prime Minister Cavaco-Silva has brought unity to the formerly divided Social Democratic Party and now has the mandate he needs to begin the economic reforms the nation so badly needs if she is to prosper as a member of the European Community and flourish as an example for other struggling young democracies.

We who are of Portuguese ancestry are especially proud to applaud this newest development in Portugal's progress. We salute the people of Portugal and their leaders, and we point to the Portuguese experience as another

example of democracy's victory in so many different parts of the world.

As we applaud our ally Portugal on her people's vote for stable development, we would do well to take a serious look at how we are investing our resources around the world. In too many instances the United States continues to waste our resources supporting military efforts, while we forget that the real goal, the goal of democracy and of all democratic-oriented nations around the globe, is power through economic stability. We claim to promote democracies, yet we allow ourselves to become overburdened with unparalleled expenditures in defense, losing the larger economic war because we are not putting our resources into partnerships in education, research, development—partnerships which will benefit our own economy at the same time they will strengthen our relationships with our allies throughout the world. We might do well to reorder our priorities and reprogram our resources.

SOVIET BANK LOANS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ROTH. Mr. Speaker, I am pleased to have my colleague, Congressman JACK KEMP, join me today in introducing legislation that goes to the heart of our Nation's security.

The issue which we are raising today comes down to one simple fact. The West is supplying the Soviet bloc roughly $1 billion every month in new bank loans. Every day, Western commercial banks send $33 million to the Soviet bloc on terms that you and I, or farmers, or blue chip companies, or homebuyers, or any working American would be very hard pressed to find.

Where is the money coming from? About 45 percent of it is coming from Japanese commercial banks; about 45 percent is coming from banks in Europe; and the rest is coming from our own banks right here in the United States.

The funding of the Soviet empire by us and our allies is not acceptable to the American people and it is time that Congress take action.

When he was before our Banking Committee on July 21, I asked our outgoing Federal Reserve Board Chairman, Paul Volcker, his views on this issue. He told the Congress that if we were seriously concerned about the consistency of Soviet bloc lending with our national security interests, then it was the responsibility of Congress to say so and to give banks some guidance. That is what we are doing here today.

What is particularly astounding about these loans is that most of them are given to the Soviets on an untied basis. That is, these loans aren't tied to any particular project. They can be used for any purpose. No questions asked.

On top of that, the Soviets are getting these loans at a very cheap price. In some cases, the interest rate is only one-eighth over LIBOR—the London-Interbank Offer Rate—which works out to about 7½ percent. And they don't have to pay back a dime in principal until 6 years from now.

This is an extremely hazardous direction for our banks to be headed. The rush to extend general purpose loans to Latin American governments in the 1970's was one of the major causes of the international debt crisis. Yet now we find our banks falling into the same trap, giving money to the Soviet bloc countries at a spead roughly six or seven times cheaper than is given to our Latin American friends. We are also concerned about the Soviet bloc being viewed as the new safe harbor of capital fleeing our hemisphere. Yet just yesterday in the Wall Street Journal, we learn of another rescheduling of Poland's debt.

Aside from the concerns we have on purely commercial grounds, there is another issue here. Is it in the interest of the West to provide $1 billion a month in cash to the Soviet bloc? We think not. These are not rubles we are lending. It's hard currency dollars which the Soviets can use to pay for anything ranging from their financial obligations to Cuba to acquiring illegal sophisticated Western high-technology.

It is time for this Congress to make it clear that we want banks to stop providing the Soviet Union and its client states with the financial resources that only enhance their ability to engage in subversive and aggressive activities around the globe.

We need to bring greater discipline and transparency to the Western banking community on this point. Not only for commercial reasons but also for the benefit of our collective defense.

It is imperative that Western banks begin now voluntarily to phase out untied lending to the Soviet bloc in favor of loans which can be verifiably linked to specific trade transactions and projects.

The legislation which JACK KEMP and I are introducing today gets at this issue in a number of ways. First, it requires banks to make public their untied loans to the Soviet bloc. Shareholders should know whether their bank is engaging in this foolhardy practice.

Second, it gives the President discretionary authority to control loans to the Soviet bloc. We would expect that banks will, on their own, voluntarily phase out untied lending to the bloc so that use of this authority won't become necessary.

The Toshiba case has brought home the critical importance of effective controls on Western technology. But we have the opportunity now to take this one case and look at the bigger picture. Let us today chart the true lessons of Toshiba.

It is not good enough to simply improve our export control system. All allies need to scrutinize and discipline the entire spectrum of their economic and financial dealings with our adversaries.

Better cooperation in the future includes discipline in Soviet bloc lending. We call on our friends in Japan and in Europe to cooperate with us in calling on banks to stop giving united cash credits to the Soviet bloc countries.

We were quite surprised to learn that Japan has been the Soviet bloc's single most important source of untied credits over the past 2 years.

Japan has been providing new loans and economic assistance to Vietnam, despite the vigorous protests of the Asian countries. And Japan has become Cuba's largest Western creditor and trading partner.

It is time for the governments of Europe and Japan to work with us and look beyond the enhancement of export controls to other equally crucial areas necessary for Western security.

Taking constructive action in this area is one way in which Europe and Japan can contribute importantly to the burden sharing in our common defense. Reducing the cash available to the East will lighten the load for United States taxpayers over time through a reduced Soviet capability worldwide.

I share Secretary Weinberger's view that the only safe way to reduce defense spending is to reduce the threat. These actions over time could result in billions annually in reduced defense costs. It is simply wrong for the United States to spend almost $300 billion a year for our own and allied defense while our allies and some of our own banking institutions are providing an inordinate amount of cash to our Soviet adversaries.

As long as the Soviet bloc is able to get $1 billion a month from us, they will continue to be able to finance sophisticated technology diversion schemes. As long as the Soviets have unqualified access to easy money from the West, they will continue to be able to fund their adventurism and aggression spanning from Nicaragua to Angola to Ethiopia to Afghanistan and elsewhere.

The time has come for the United States, Japan, and Western Europe to curtail its untied lending to the Soviet bloc.

SELF DETERMINATION IN PALAU

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. EDWARDS of California. Mr. Speaker, today the people of the Republic of Palau are going to the polls to vote on whether to amend their constitution to reduce the number of votes needed to adopt the Compact of Free Association with the United States. I want to bring to the attention of our colleagues that this vote, coupled with another plebiscite later this month, are cause for our concern.

Under the 1947 United Nations Trusteeship Agreement, the United States continues to have jurisdiction over Palau. This agreement is still in effect. As long as the United States continues to have responsibility for Palau, we have an obligation to ensure that basic rights and freedoms are protected.

Today's vote, and the upcoming vote on August 21, are part of a series of frequent plebiscites held in Palau. The upcoming vote on the Compact of Free Association will be the sixth vote since 1983, and the third vote in 9 months. The last vote was held just at the end of June. Each time the people of Palau failed to approve the compact.

Now, the Palauan people are voting to change the rules by amending their constitution to reduce to a simple majority the required 75 percent necessary to pass the compact.

Of course, the Palauan people have the right under their constitution to amend it. But because the United States has continuing authority under the Trusteeship Agreement, we have a responsibility to ensure that the amendment does meet Palauan constitutional standards. And some questions have been raised, under Palau's Constitution, as to whether a constitutional amendment can be voted on at any time other than a general election.

The frequent votes on the compact raise a number of policy questions for the Congress: Why have the votes happened so fast, and are the people of Palau really exercising free choice in this matter?

The Subcommittee on Insular and International Affairs, ably chaired by our distinguished colleague from the Virgin Islands, RON DE LUGO, held hearings on the stituation in Palau last month, following political and social unrest there. The subcommittee has been following this situation closely, and I want to commend them for their prompt and responsible actions in this matter.

But, Mr. Speaker, this is an issue that should concern the Congress as a whole. Are the people of Palau being given a fair chance at determining their future under a constitution they adopted? And what will be the response of the United States in guaranteeing that basic rights and freedoms are maintained in Palau?

THE SANCTITY OF LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DORNAN of California. Mr. Speaker, I would like to share a letter with my colleagues which I recently received from Mrs. Aletia Ellis of Rusterburg, VA. Mrs. Ellis is a woman who was almost talked into killing her preborn child, Aaron. It was discovered, during prenatal examination that Aaron had hydrocephalus—water on the brain. Although the Ellis' were put under tremendous pressure to abort the pregnancy, they placed their faith in God.

Mrs. Ellis' faith in God, her love for life and her struggle to keep her baby against the odds are heart-rending. Her story is not only dramatic and touching, but speaks volumes against the massacre of the innocents which takes the lives of 4,000 American preborn babies every day. Mr. Speaker, I urge everyone who has ever questioned the sanctity of preborn life to read Mrs. Ellis' letter:

DEAR CONGRESSMAN DORNAN: I have debated for many months if I should write to you or not, for fear of receiving glory that is not mine. I pray that the glory will go to the Lord Himself alone. I would also like for you to use this information and testimony for the good use of saving precious lives. I do regret not having spoken up sooner.

Let me start at a beginning which happened *almost seven years ago.* I wasn't saved at the time and was far from thinking about being a child of God. Well, I became pregnant while not married. I thought about abortion many times and almost had one a couple of times. But something inside me wouldn't let me do it. Undoubtedly, it must have been the Lord's small voice. I finally decided to go ahead with the pregnancy. I was advised to put the child up for adoption; but decided it was best for me and my child to keep it.

On March 28, 1980, I was blessed with a very beautiful, seven pound fourteen ounce baby girl. Today, that little baby is almost seven years old and is in the first grade this year. She's very intelligent for her age and said she has asked the Lord into her heart to save her. I rejoice everyday for this! From that first moment I saw her I have never regretted keeping her.

Another beginning that is just as important happened about two years ago. Around April 1985, my husband and I found out that we were to have a baby. We were really excited since it was to be our first child together.

My doctor wanted to do an ultrasound to determine an appropriate due date. This was done in about my fifth month of pregnancy. The ultrasound not only gave an approximate due date, which was January 10, 1986, but it also showed that our baby had hydrocephalus (or water on the brain). My doctor and the doctors of a well-known hospital in Virginia advised us to "terminate" the pregnancy or, in a better word, abort. Because there was something medically wrong with the child, they assumed we didn't want it and that it had no right to live. Needless to say, we were crushed and very disappointed with the news. After all, everyone hopes for a beautiful, "perfect" and normal child. We were very hurt and angry with God! We felt cheated somehow. All those people out there aborting their babies just because they didn't want it or it would embarrass them. Many abuse their children. We felt that it just wasn't fair! We loved the thought of our baby! But to be handed this! Through all the emotions we decided to ask God's forgiveness, guidance and strength. We chose to trust Him and go ahead with the pregnancy.

After two weeks of thinking about it, my doctor wouldn't even let me give him my answer, "no," to the abortion. He told me to think about it some more and let him know the next month I came in. I told him I already knew what the answer would be but he still wouldn't accept it. In the meantime, he said the doctors at the University of Virginia Hospital wanted to discuss the case and possible options. Notice the plural of "option." So August 1985, my husband and I went to the hospital in Charlottesville. The doctors there did two ultrasounds with two different pieces of equipment. After that we all went to a conference room to discuss their results, information and our options.

They told us that they felt it still best to "terminate the pregnancy." They told us the baby had very little brain tissue and that the baby would be severely retarded. They said if the baby lived after birth, it would more than likely be a vegetable. It wouldn't know how to perform the normal bodily functions to keep it alive: breathing, eating, and sucking. Again, the only option they gave us was abortion.

They told us they would call in a day or so to get our answer. One thing that I will never forget about that day was the very last picture the ultrasound made was a picture of our baby's face. You could actually see the places for the eyes, nose and mouth. I will never forget that picture.

We left that hospital totally crushed and defeated. We cried most of the way home from Charlottesville. We really didn't know what to do. To be honest, we thought for a little while that they might be right. Thank the Lord we finally came to our senses. I remember something I had heard before, "Sometimes the Lord makes everything look so humanly impossible, so that all the glory goes to Himself." I guess He sometimes backs you up to a wall so that the only thing you can do is look to Him. So instead of abortion, we chose to do what we thought He was leading us to do. We leaned totally on the Lord and decided to deal with the baby's infirmities later.

The hospital called us a few days later for our answer. I told them we were Christians and felt abortion was murder. We also told them that we still wanted to have the baby. At this moment the conversation made me so angry and sickened. Because their reply to my answer was, "How can we help you with the child at its birth?" Just two or three days before they were ready and willing and even wanting to kill my baby. Now they wanted to save its life. To me this is hypocrisy. I never answered them and I never called them back.

I went back to my doctor at home for my next checkup and told him. My husband and I wanted a second opinion from Duke University Medical Center in Durham, North Carolina. This was the advice of a friend. He said he would set up the appointment for us.

The day arrived when Roy and I went to Duke. Before we left the house, we prayed and asked God to have His way and no matter what, we would keep the baby. We were scared to death and also excited. We were going to be in such a big, well-known capital. We read that Duke University Hospital was ranked third in the South among major hospitals.

We expected to receive the very same information. We were taken to the Private Women's Clinic when we arrived and then to the ultrasound. We met my doctor there. He seemed to be very easy going and unusually kind and concerned for a doctor. He stayed with Roy and I during the majority of the day. They took so many pictures of what they found. It was hard to keep up with everything. We were hanging on their every word and gesture for a bit of hope. They reached their decision and let us go into a conference room so they could let us know what they came up with. They told us the baby had almost a full brain on one side and only a little on the other, which was better than none. To Roy and I that sounded better than "very little" as the other hospital had said. They also told us that it was getting very late for us to still consider abortion and if that was my decision, I would have to make a quick one. Also, they said it seemed as though we wanted the baby or else we would have aborted it long ago. So they told us of some of the things they could do to help the baby once it was born. They said they would give it the best chance for a normal life as they possibly could.

So, we decided to go with Duke. Because they had the opinions we wanted. Also, they gave us two options that let us do the choosing, not just one and then try to push it on us.

They suggested that I have a test done called amniocentesis to see if the baby had a disorder known as Downs Syndrome. We did this as they suggested.

We went home with somewhat lighter hearts, praising the Lord for a little positive information.

Time went so slowly between then and the results of the test. Finally, about three weeks later they let us know our baby was normal, except for the hydrocephalus. Also we found out the baby was a boy. We decided to name him Aaron. We finally felt like there was a ray of hope lightening what seemed to be the darkest time of our lives.

Each month from then on, I would go to Duke for an ultrasound to monitor the growth of Aaron's head. November 1985, the Wednesday right before Thanksgiving, we were scheduled for another ultrasound. This one showed the size of Aaron's head was somewhat larger, which concerned the doctors on the case. So they scheduled me to come in December 1, 1985, which was one month early, to have Aaron by Cesarian section on Monday, December 2, 1985.

The big day came and Aaron was born. I didn't get to see Aaron the first three days of his life because of my own operation and recovery. After I was alert enough, Roy told me Aaron had a beautiful full head of black hair and that he came out crying because he knew he wasn't supposed to be born yet. Also, my doctor told Roy, he had a little trouble getting Aaron out too, because Aaron tried to get away from him. This was an example of a baby knowing its time to be born had not yet come.

Aaron's neurosurgeon came to my room that evening and told me that because of the hydrocephalus; Aaron was forgetting to breathe. He insisted that Aaron have an operation the next day, Tuesday, December 3, 1985. I had to sign the papers to okay the operation.

Wednesday evening, December 4, I got to see Aaron for the first time. I just looked at first, but then I cried for him; he looked so pitiful and helpless. Being premature, he was rather purplish. I must admit, he wasn't very pretty. But my heart went out to him because he was mine and I loved him no matter what. They had IV's and monitors everywhere on him. The pain of the surgery must have been terrible for him. He was such a fighter though! When he was born, he weighed four pounds and fourteen ounces but because of the surgery he only weighed three pounds and six ounces. Due to his rapid improvements, we were able to take him home two weeks later.

One year and two months later on February 1, 1987, the Lord took Aaron home with Him. He had suffered enough. The week before he caught viral pneumonia and had high fevers for a couple of days. His little body just couldn't handle the sickness and strain. He died of respiratory arrest. Even in dying he fought for his life. We know he's better off now with the Lord than he could ever have been here on earth. He isn't suffering anymore. It was hard and his case took a lot of time and money. But it was all worthwhile. We loved Aaron as much as our daughter and his life blessed so many. The Lord was always there for us to lean on and to guide us. If I had to do it again I'd still keep the child because of the blessings the Lord can give.

Please, use this to let people know even in a case of physical impairments, abortion is not the answer, God gives life and creates everyone differently for a purpose. Sometimes God creates a little differently for a reason. Who are we to question God? Remember: "God doesn't make junk."

Also, what else can I do to get involved with the Right to Life Campaign. I will do whatever is needed to help save lives like Aaron's and even "normal" little Aarons.

In memory of Aaron Michael Ellis, In Christ.

ALETIA C. ELLIS.

VA EMPLOYEES VOICE STRONG SUPPORT FOR THEIR MEDICAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 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. Al Washko, Director of the VA's Department of Medicine and Surgery's Northeast Region, which demonstrates how the VA employees feel about their medical computer system. The letter follows:

MAY 15, 1987.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MONTGOMERY: As the Regional Director of the Northeast Region of the Veterans' Administration's Department of Medicine and Surgery, my primary responsibility is to manage medical care operations within this region. My primary mission is to provide the highest quality of care possible to our veteran population. One of the principal tools in meeting this mission has been the automation of our medical centers through the Decentralized Hospital Computer Program (DHCP).

Prior to the Decentralized Hospital Computer Program, the Agency unsuccessfully pursued a number of automation solutions for the medical centers. The most notable was a commercial implementation in seven of our largest facilities. This alternative failed due to severe limitations, lack of flexibility and prohibitive costs associated with ongoing maintenance and software change orders. During this same time period, a small number of dedicated VAMC staff members began development of a system that was the antithesis of the commercial products featuring flexibility, ease of change, a high degree of user involvement and minimal costs due to vendor independent design structures. This common sense approach overcame all obstacles to form the basis for the Decentralized Hospital Computer Program.

Thanks to this program, clinical test results are now obtained within a fraction of the time that it use to take; veterans' medical benefit eligibility can be obtained in a matter of minutes rather than the once-normal two weeks; VA pharmacies provide substantially greater numbers of prescriptions in reduced amounts of time; veterans' waiting times have been greatly reduced; patient information is available to doctors, nurses and other health care professionals in a fraction of the time that it took before the Decentralized Hospital Computer Program; and the overall care of the sick and disabled veteran has unquestionably improved. With the increased number of veterans being treated today, the increased number of diagnostic tests performed, and the need to maximize quality of care with minimum cost, the Decentralized Hospital Computer Program is critical to our success.

Unfortunately, a program that should be receiving accolades for reflecting government at its best, is instead under attack and facing loss of funding due to entrepreneurial interests of parties such as McDonnell Douglas within the commercial medical ADP sector. This firm has strongly lobbied the Appropriations Subcommittee on HUD-Independent Agencies and forced a reconsideration of the continued funding of the Decentralized Hospital Computer Program. As the Chairman of the House Veterans Affairs Committee, you are well aware of the published reports documenting the cost benefits of the Decentralized Hospital Computer Program as compared to commercial vendors; you are well aware of the success of the Decentralized Hospital Computer Program program and our prior history of automation failures; and you are well aware of the prohibitive costs and damage to morale that would result if the program was eliminated. Damage to government employee morale is a matter that must not be overlooked, as there is a trickle-down effect which ultimately impacts on the quality of care provided to veterans.

You have it in your power to settle this dispute and allow the Veterans' Administration to move forward with a program recognized internationally for its excellence and inventiveness. If this political battle continues, the only losers will be the Agency's health care providers and the sick and disabled veterans whom they serve. I ask you to lend your full support to the Decentralized Hospital Computer Program effort to ensure continued program funding for this critical component of veterans' care.

Sincerely,

AL WASHKO,
Regional Director, Veterans' Administration, Northeast Region.

SHARON FOX AND TEENAGE PREGNANCY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RICHARDSON. Mr. Speaker, I'm sure you are all aware of the problem of teenage pregnancy in the United States. The statistics are alarming:

Each year, 1.1 million U.S. teenagers become pregnant;

More than 500,000 of those young women give birth;

Ninety-six percent of those who give birth keep their babies.

And those figures are rising at an alarming rate.

I bring to your attention the accomplishments of Sharon K. Fox, a New Mexico woman who was recently honored for her work with teenage parents. The American Home Economics Association [AHEA] chose Mrs. Fox as the recipient of the 1987 National Home Economics Teacher of the Year Award.

Mrs. Fox is the employment program coordinator of the New Futures School in Albuquerque, a nationally recognized model school for teenagers who are pregnant or are already parents. With its award, the AHEA recognizes the creative and caring approach she takes to her work demonstrated by her Jobs for Credit Program, a course which gives teenage parents the skills, support, and motivation to find and keep jobs while properly caring for their children.

The Teacher of the Year Award is designed to reward and recognize creativity and innovation in home economics education programs. Dr. Joan R. McFadden, the executive director of AHEA explains:

As society's needs have changed, so has the focus of home economics education. Our focus is always on the family. Now it is on the realities that today's families face.

Statistically, the reality is that many of American families today consist of single, young, undereducated mothers who have neither child-rearing skills nor the skills needed to find and hold a job. Sharon Fox designed and implemented a program to meet those needs.

Mrs. Fox explains:

Parenting is not child's play, ask anyone who's been a parent. Every infant needs almost constant attention, regular medical care, clothes, food, and a clean, safe place to live. It's a challenge at any age. In addition, teen parents have other worries. Most are not married. Many feel a sense of loneliness, depression, and isolation. Few have jobs. None are finished with their education.

The New Futures School was designed to teach young parents both the family living skills required for maintaining a decent home and the employment skills needed to go out and find a job. Mrs. Fox states that: "The mission of New Futures School is to prepare teen parents to become self-sufficient, contributing members of society."

In her class, Mrs. Fox guides each teen parent through a 2-week intensive training program to develop such job skills as preparing résumés, establishing references, analyzing help-wanted ads, writing application letters, interviewing, dressing appropriately, and being responsible. A crucial aspect of the program is free child care which is provided both during academic hours and during work on weekdays. In addition, Fox visits students on the job and keeps in touch with them after graduation, providing not only skills training but moral support and motivation. Her program establishes attitudes and habits that hopefully will remain with her students all their lives.

The program has been extremely successful. For example, of the 32 students in Fox's program this year, 18 got their GED or high school diplomas; 17 of the 32 had been high school dropouts and 29 were economically disadvantaged. Mrs. Fox placed 32 students in jobs this year who worked more than 4,500 hours and earned more than $25,000. None made less than minimum wage and about half made more. In addition, 23 were offered continuing jobs with their employers when the class ended.

Those figures represent a significant impact on the Albuquerque community, especially in light of the fact that a considerable percentage of teenage parents who drop out of high school end up on welfare.

I bring Mrs. Fox's program to your attention in order to highlight her success in combating some of the problems faced by teenage parents. Mrs. Fox's Jobs for Credit Program is a successful, concrete effort on the part of a community to address the problem of teenage pregnancy. I think it is a wonderful example of a community-based effort to cope with the changes in our society and can serve as an example for the whole country.

I congratulate Mrs. Fox on her award and thank her for her contribution to the welfare of New Mexico's teenagers. I think she and her fellow teachers at the New Futures School in Albuquerque set a standard of attention and care for all educators.

DEATH OF JIMMY O'KEEFE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DONNELLY. Mr. Speaker, I am inserting in the RECORD today an article from the Boston Globe about a good friend who passed away last week: Jimmy O'Keefe of Boston.

This article tells the real story of this man's life: A man who owned a nightclub in the 1940's and 1950's that was frequented by the "greats, the near-greats and the failures in sports, politics, entertainment and the press"; a man who knew bank robbers, convicts, boxers, priests, cops, reporters and a thousand other people who were happy to be his friend.

I think that this article captures the Jimmy O'Keefe I knew and that most of Boston knew. It tells the story of how he helped elect Maurice Tobin the mayor of Boston and then the Governor of Massachusetts. It tells the story of his nightclub during prohibition days, his help to boxers—and other sports greats including Ted Williams.

Jimmy O'Keefe was buried last week, and a part of Boston was buried with his. He will be missed—and this obituary is a fitting tribute to his memory.

[From the Boston Globe, July 28, 1987]

THIS IS THE STORY OF JIMMY O'KEEFE AND WHAT THE DEATH NOTICES LEFT OUT

(By Douglas S. Crocket)

They're going to bury Jimmy O'Keefe tomorrow morning and when they do, a big portion of what used to be Boston will be gone.

He died at Deaconess Hospital Sunday, and he was 83 years old.

The death notice in yesterday's papers ran just a few lines and, at the end, said he was the owner of a place called The Dugout Cafe just outside of Kenmore Square.

It didn't say that James J. O'Keefe was the closest thing to a legend Boston had left.

It didn't say that many people believe that, if it wasn't for O'Keefe, one man, Maurice Tobin, would never have been elected mayor of Boston, then governor of Massachusetts and then appointed to a presidential Cabinet. It didn't say that once, O'Keefe physically beat up a Massachusetts governor because he did not get a job for a man who stood in the rain and snow and gave out cards for the governor at a polling place.

It didn't say that in the 1940s and 1950s Jimmy O'Keefe's nightclub and restaurant at the corner of Boylston Street and Massachusetts Avenue was the gathering place of the greats, the near greats and the failures in sports, politics, entertainment and the press.

It didn't say that he knew bank robbers and boxers and convicts and priests and cops and reporters and cab drivers and prostitutes and waitresses and bartenders and all the rest.

"He knew everyone but the unknown soldier," Frank Kennedy, one of his closest friends, said last night.

It did not say that thousands of Boston University students looked at him as a father figure.

It did not tell that thousands of alcoholics, homeless people and those down on their luck knew that Jimmy O'Keefe was always good for a handout.

It didn't tell of thousands of dollars loaned and never asked for, nor of jobs obtained.

But this is the story of Jimmy O'Keefe.

He was born in Boston's Back Bay and he never left that area.

He delivered groceries as a youth from a horse and wagon in the area now called Kenmore Square, played football and graduated from Boston English High School, worked for the telephone company for a while and then found his calling.

He became a bootlegger. He even bought a drugstore on Huntington Avenue and they used to say, "Jimmy O'Keefe sold more booze there than he did aspirins."

And, after Prohibition ended, he bought the Dugout in 1934.

There are so many stories about Jimmy O'Keefe they could never be told in a day.

ONE OF THE OLD SCHOOL

In politics, he was of the old school. He not only knew everyone in his area, he knew their cousins and friends and aunts and uncles and sisters and brothers and everyone else who even came in contact with them.

That was why Maurice Tobin went after him. O'Keefe didn't make speeches for Tobin. He organized his campaign for mayor.

O'Keefe brought all his friends into the organization and they came through. Tobin was elected but everyone knew O'Keefe was behind it.

Tobin went on to become governor but one day, when O'Keefe asked him to help a friend and Tobin said he was too busy, O'Keefe beat him up.

He never admitted it or denied it, but plenty of people knew it was true.

IN THE BOXING WORLD

In sports, he had countless boxers under contracts.

Could they fight?

"They eat better than they fight," he said. "Their feed bill is higher than Suffolk Downs."

He had Irish Bob Murphy and Bobby Quinn and no one knows how many more.

Sammy Fuller worked for him and called him one night to say he was taking a heavyweight to Providence to fight an "Italian shoemaker from Brockton."

Later Fuller called O'Keefe and said their man was knocked out, and he asked O'Keefe what to do.

"Sign the shoemaker," O'Keefe said, but he never got him. The shoemaker from Brockton was Rocky Marciano.

O'Keefe was among the closest friends of the greats of sport. When Ted Williams was a rookie, he drove O'Keefe's car. One night the police pulled him over.

"Why did you pull me over?" the Red Sox star asked.

"Why are you driving Jimmy O'Keefe's car?" the policeman said.

Forty years ago, Jimmy O'Keefe's Restaurant was the biggest spot in Boston. Sports figures such as Williams, Joe Cronin, Jimmy Foxx, Jim Tabor were only a few of those who congregated there.

Writers such as Dave Egan and Bill Cunningham and Walter Howie were regulars. The politicians were there. The people who later robbed Brinks were there. Everyone, it seemed, was there.

FRIEND TO ALL

But he always kept the Dugout and when everything was said and done, he loved the young people.

His bartenders were Boston University hockey and football players. He kept waitresses and bartenders on the payroll for decades.

Kids who needed $5 or $10 always knew they could get it from Jimmy O'Keefe.

In 1961, Boston police arrested him after an undercover officer said he heard O'Keefe calling in a bet. That wasn't news. Everyone knew Jimmy O'Keefe would bet on anything.

The news was when he was arrested. The switchboard at Boston Police headquarters lit up like a Christmas tree as friends called to ask why such a thing could happen. "It was like arresting Santa Claus," the Boston Record-American reported. The case was dropped.

Jimmy O'Keefe never married nor had children. His closest relative is a cousin.

His last request was that, instead of flowers, donations be sent to the Pine Street Inn, where the people he cared about live.

His heart was bigger than he was.

And you can bet a lot of people are going to be at a funeral Mass at St. Theresa's Church in West Roxbury Wednesday, July 29, at 10 a.m.

NORTH BROOKFIELD'S 175TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BOLAND. Mr. Speaker, I would like to call to my colleagues' attention a very special anniversary which is being celebrated in my district.

Almost all Americans are aware that 1987 is the 200th anniversary of what I believe to be the crowning achievement of modern democracy, the U.S. Constitution. To the people of North Brookfield, MA, however, 1987 is also being celebrated as the 175th birthday of their hometown.

Our Constitution has endured these many years because succeeding generations of Americans have renewed the commitment of the Founding Fathers to the fundamental right of the people to maintain the integrity of their life and thought—to govern themselves.

North Brookfield was established 25 years after that miracle at Philadelphia. Its endurance can be attributed to many of the same principles which have effected the longevity of that famous document. Each generation of residents of North Brookfield has renewed its commitment to the shared interests, civic values, and neighborly concern that motivated the ancestors of the present-day residents to settle there. That those commitments should last for 175 years is, in my mind, ample cause for celebration.

North Brookfield's anniversary will be a year-long affair, but I would like to give special recognition to what will surely prove to be its crowning moment—the six-division parade which took place on July 26. I would like particularly to recognize the efforts of Parade Committee Chairman Kathleen Crevier; 175th Anniversary Committee Chairman Robert Littlefield; and Town Selectmen Joseph A. Vallencourt, Jr., Raymond H. Small and Eugene Caille, Jr., for a tremendous display of civic pride and planning.

Mr. Speaker, it is a very special year in our country's history and the confluence of events which has made it all the more special for North Brookfield is truly deserving of our recognition.

JETS JAM NEIGHBORHOODS WITH NOISE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, in the friendly skies every morning, there is a noise that refuses to go away. It is that of airplanes landing in and taking off from our Nation's airports.

For the millions of individuals who live in the acoustic shadow of the aircrafts' flight paths, the noise they wake up to in the morning and live with as they sit in their homes is a persistent problem.

In the past few weeks, I have brought this matter to the attention of our colleagues in Congress because it is a matter that affects every community. There are hundreds of airports with airplanes crisscrossing the skies.

For every airplane that enters the airspace, there is that much more noise for our communities to contend with.

Yet there are solutions to the airport noise problem. Thanks to legislation that I supported and the Congress passed in 1979, Federal funding exists for programs to study the noise problem at all of the Nation's airports.

Since 1979, however, only 100 of the airports in the Nation have participated in the Federal programs. Of the remainder, much still needs to be done to address the noise pollution.

Indeed, airport noise is a very apparent form of pollution. It is not the kind that fills our lungs; it is the kind that rattles our homes.

Recently, when the Federal Aviation Administration adopted its expanded east coast plan covering north and central New Jersey, the impetus was the number of flight delays and safety problems with the amount of traffic in the skies.

Since then, the skies have become even more confused. The friendly skies are just as frantic with activity, but the noise problem has grown. With the FAA's plan, millions of homes were previously unaffected by airport noise now are affected.

In my State of New Jersey, the problem has been so dramatic, that I have asked several airports in New Jersey, Pennsylvania, and New York to participate in noise abatement.

Our colleague from California, NORMAN MINETA, has included a provision in the Airport and Airway Improvement Amendments of 1987, putting pressure on airports to participate in Federal noise monitoring and abatement. If an airport authority does not make reasonable progress in developing a noise compatibility program, then 10 percent of the airport's Federal funding would be redirected to the community level, so that the noise level can be addressed through the community.

The FAA and the Environmental Protection Agency are charged with protecting our Nation from the persistent problem of airport noise.

Much can be done to help the millions affected by airport noise. All it takes is doing it.

I am including an article from the Jersey Journal, speaking to the problem:

[From the Jersey Journal, July 8, 1987]

AIRPORT NOISE CONTROL STUDY SOUGHT

The Port Authority of New York and New Jersey should do a study on the problem of increased noise at metropolitan area airports, said Rep. James J. Florio, South Jersey Democrat.

Speaking yesterday at a news conference in a Kearny park, he said new flight patterns instituted in February at Newark International Airport and LaGuardia Airport in New York City have prompted complaints from residents in 27 New Jersey communities.

He said helicopter traffic that has risen considerably at Teterboro Airport also has contributed to the problem.

The Port Authority should request funds from the Federal Aviation Administration to examine noise levels in six counties near Newark International Airport, Florio and Rep. Frank J. Guarini, D-Jersey City, told P.A. Executive Director Stephen Ledger in a letter dated July 2.

The letter had not been received by late yesterday afternoon, said a P.A. official.

Surrounded by local officials, including state Sen. Thomas F. Cowan, D-Jersey City, and Kearny Mayor Henry Hill, Florio accused the Environmental Protection Agency and the FAA of being lax in enforcement of noise pollution laws.

"It seems that some people in Washington don't want the EPA involved in noise pollution. It's time to start thinking about it and doing it," Florio said.

He suggested that the state attorney general should consider suing the EPA if conditions do not improve soon.

Florio attributed the rise in complaints to the FAA's new system of routing planes, more flights spurred by deregulation, and overworked air traffic controllers "who are not cushioning the impact of higher levels of traffic."

Air safety is foremost at airports, Florio said, but high noise levels can add to health problems. He chided the EPA for "opting out of its responsibility" and said the EPA and FAA have not coordinated efforts on that front.

The FAA's decision to alter traffic routes from Florida to Boston was part of a plan to relieve congestion and improve safety.

Under the Expanded East Coast Plan, or EECP, planes flying south and southwest out of the two local airports were routed over the New Jersey communities of Tewnsbury, Long Valley and Hackettstown. Before the EECP, the flights went over Headington.

Legislation passed in 1979 by Congress allows airports to petition the FAA for a study of noise levels.

Such FAA studies allow federal funding for programs such as sound-proofing homes, changing traffic patterns, designating preferential runways, limiting night operations and enforcing minimum noise standards, Florio said.

Only about 100 airports in the country have conducted the studies, he said. Jim Muldoon, general manager of aviation technical services for the P.A., said both airports have studies similar to the one requested. "We've had it for four years and the FAA has been funding 90 percent of our noise abatement program, such as school soundproofing in 17 or 18 schools. We've done it in Newark's Ironbound and in Port Elizabeth."

The studies he said usually examine areas surrounding airports, not areas 20 to 30 miles away.

Florio said the higher volume of air traffic meant "more planes are circling over remote areas."

A CONGRESSIONAL SALUTE TO ROBERT E. RUSSELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ANDERSON. Mr. Speaker, it is my distinct honor to rise today to pay tribute to Officer Robert E. Russell, who is retiring from the Long Beach, CA, Police Department after having served over 30 years. Officer Russell will be honored at a retirement ceremony on Friday, August 14, 1987.

Officer Robert Lee Russell was born October 15, 1932 in Long Beach. He attended Long Beach Polytechnic High School where he excelled in track and field. Upon graduation he joined the U.S. Army where he served 4 years and was honorably discharged as a corporal. Bob then went to work for Douglas Aircraft where he was a union representative until joining the Long Beach Police Department in July 1, 1957.

During his career of service with the Long Beach Police Department, Bob has worked as a patrolman in the patrol division, the jail division, vice division, and community relations division. He spent a 7-year period in the vice division, which was divided between working the uniform vice zone patrol, whose responsibility was to maintain order in the Pike amusement area, and to enforce ABC laws in the restaurants and lounges in the area. The remainder of the time Bob spent on the vice force as a plain clothes officer dedicated to enforcing gambling, prostitution, and ABC laws.

Officer Russell was assigned to Community Relations in March 7, 1981. He immediately took over the responsibilities of the Officer Bill program, making presentations to elementary school children throughout the city of Long Beach. Bob is often recognized as Officer Bill by the children of the community. He has become an invaluable asset with the community relations division where he is often called on to speak to many groups and organizations who request crime prevention information in any area of law enforcement. He has been established as the liaison officer for the department in the areas of labor relations, Asian relations, and gay liaison.

For the past 7 years, Bob has organized the Police and Citizens Award Luncheon which has always been a tremendous success. His outstanding commitment to his community has never gone unnoticed as he has been recognized by many organizations for his contributions and presentations, and has received over 65 letters of appreciation and commendations.

Officer Robert Russell married his wife, Molly, on April 18, 1964. Together they raised two daughers, Colleen and Kathleen. They also have two grandsons, Matthew Allen and Bryan David.

Bob has many hobbies including collecting police patches and coins. He enjoys fishing, off-road biking, and horseback riding. He also enjoys traveling, water skiing, and is an avid fan of the Los Angeles Rams football team.

Bob raises Arabian horses, and aside from being an expert horseman, he has taken his Arabian horses to over one hundred first place trophies in open shows and rated class A Arabian, Halter, and Western pleasure competition. Upon retirement, Bob and Molly will move to Lockwood Valley to continue to raise horses on their ranch which is appropriate named Russell's All "R's" Arabians.

Mr. Speaker, Officer Robert L. Russell has proudly served his uniform and his community. He made the city of Long Beach a special place to live and work. My wife, Lee, joins me in congratulating Officer Russell on his many accomplishments and achievements over the years. We wish him and his wife, Molly, and their two daughters, Colleen and Kathleen, and their two grandsons, Matthew Allen and Bryan David, happiness and all the best in the years ahead.

COMMENCEMENT EXERCISE FOR ACTION TO REHABILITATE COMMUNITY HOUSING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to commend to my colleagues an outstanding vocational educational training program for young adults in the District of Columbia who aspire to enter the building trades industry.

Action to Rehabilitate Community Housing [ARCH] is a program which operates under the Cooperative Employer Education Program [CEEP], in conjunction with the Division of Adult Education in the District of Columbia Public Schools. As a building trades training program, ARCH provides two 26-week carpenter/drywall and weatherization mechanic programs, a 47-week housing rehabilitation specialist program, or a 16-week gas/heat maintenance and repair program. In addition to these skills, the curriculum focuses on cultivating good work habits, healthy customer/coworker relationships, and tutoring in reading, mathematics, measuring, and oral and written communication.

On August 14, 1987, ARCH will hold its first commencement exercise and will award certificates to 27 trainees who have successfully completed the prescribed course of study. These young adults having had the benefit of this vocational training program, which combined hands-on craft skills with classroom study, will be in a better position to enter the highly competitive job market in this metropolitan area.

Mr. Speaker, I am proud to bring this worthwhile program to your attention, and I want to express the gratitude of the citizens of the District of Columbia to the DC Government, the DC Public School System, PEPCO, and the Private Industry Council for their continued support and dedication to this project. Action to Rehabilitate Community Housing is the kind of program that might serve as a model for other communities.

IN HONOR OF THE VICTIMS AT NASSCO

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BATES. Mr. Speaker, I was deeply saddened to learn of the tragic accident which occurred at National Steel and Shipbuilding in San Diego on July 10, 1987. Six men lost their lives and six others were injured in this regrettable incident.

These brave men were victims of an unfortunate accident while serving the United States. These men had just completed their days' work assignments on the U.S.S. *Sacramento*, a fast combat support ship that was undergoing repairs at the shipyard.

I want to express my condolences and deepest sympathies to the families of Maurice McClure, Carlos Mendez Ortiz, William A. Starke, Jr., August Lawrence Unser, Rafael Barajas Magana, and Roberto Estrella, who lost their husbands, fathers and sons.

I wish to extend my sincerest wishes for a speedy recovery to Carge Johnson, Jr., Esteban Delgadillo, Ford Pulley, George Sumner, Doug Wilson, and Robert Miller, who were injured on this dreadful day.

The trades involved in shipbuilding are very dangerous occupations. I would like to impress upon officials at National Steel and

Shipbuilding, and at the Federal Occupational Safety and Health Administration, the need for a comprehensive updating of the safety regulations for this industry.

AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BROOKS. Mr. Speaker, today I have introduced a bill to amend the Employee Retirement Income Security Act of 1974 [ERISA]. This legislation is identical to that which I proposed in the last two Congresses.

As it stands now, ERISA's protections are incomplete; the law explicitly protects workers pension plans from the ravages of corporate mergers, but does not cover any of the numerous other, nonpension, worker programs—life insurance, accidental death and dismemberment insurance, and disability retirement income plans, and so forth—that millions of the Nation's workers have earned and rely on presently, any of these many nonpension programs can be wiped out through the course of a corporate merger. Often such programs are as important, if not more important, to the economic security and well-being of retirees as their basic pension plans which ERISA protects. This bill will extend ERISA's merger protection provisions to all employee benefit plans, pension or otherwise.

Hearings were held during the 98th Congress on this remedial legislation before the Labor-Management Subcommittee of the Education and Labor Committee. In light of the attention this subject has attracted recently, I am hopeful that this bill may be expeditiously considered by the House.

BORK SHOULD BE REJECTED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, the President's nomination of Judge Robert H. Bork to a seat on the U.S. Supreme Court is a grave mistake for our Nation.

I strongly believe that Judge Bork is a nominee whose extreme views threaten societal and constitutional balance. I have researched this and elaborated on my position at length in a letter to the chairman of the Senate Judiciary Committee.

For the benefit of my colleagues, the text of that letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 1987.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC

DEAR CHAIRMAN BIDEN: I write to express my views on the nomination of Judge Robert H. Bork to the United States Supreme Court. I hope your Committee will take these views into account in exercising its Constitutional responsibility to provide advice and determine whether consent should be given to the appointment.

Under our Constitutional system, liberty and justice depend on balance—a balance of governmental institutions and a balance of principles of popular sovereignty and fundamental rights. The Federalist No. 51. The Supreme Court plays a crucial role in determining the nature of the balance. Since a seat on the Supreme Court is a lifetime appointment, the stakes are high each time a nomination is considered. A justice with extreme views could upset the balance of our democracy.

The nominee's views have been set forth forcefully and articulately in the prolific writings of a long professional career. Regrettably, review of the record makes clear that this nomination threatens to upset the Constitutional balance. In evaluating a nominee's views, considerable latitude should be allowed for differences of opinion and philosophy. Here, however, the nominee's views are outside the mainstream of American Constitutional and legal thought.

The economic and social forces of the twentieth century accompanied by nearly perpetual state of international tension, have put to a severe test the Constitutional system devised by the Framers. But the system has, not without painful struggle, withstood the test, and in some respects it has grown stronger. For example, in the decades since World War II, America destroyed forever the curse of government-backed racial discrimination and strengthened the right to privacy, to free speech, and to vote. Nevertheless, national consensus on many public issues remains fragile, and many difficult challenges lie ahead. Can we move from a situation where government does not discriminate to a society without discrimination? Can we meet the current global economic challenge? Can we emerge from a Constitutional crisis in the implementation of United States foreign policy and restore compliance with democratic processes and the rule of law?

Judge Bork's record leads to the disconcerting conclusion that he has opposed virtually every aspect of the progress of the last generation. Equally troubling, the nominee's extreme views and rigid ideology are ill-suited for the challenges that lie ahead.

At a crucial point in the civil rights struggle, the nominee opposed as "coercive" the legislative effort to achieve decency and simple justice by ending racial discrimination in public accommodations. When public opinion passed him by, the nominee abandoned his position on public accommodations. In the ensuing years, however, he attacked the Supreme Court's decisions forbidding discriminatory real estate contracts, striking down the poll tax, and allowing universities to consider race in admitting students, if done for substantial public policy reasons. The last case is particularly instructive. The decision in *Regents of the University of California* v. *Bakke*, 438 U.S. 265 (1978), allowing affirmative action in university admissions, was written by Mr. Justice Powell, whose place on the Court the nominee would fill if he is confirmed. The nominee criticized Powell's opinion as an "uneasy compromise." Actually Powell's approach was conservative. He struck down the admissions plan in issue and simply suggested that a more flexible approach would have been sustained. Widely recognized as a conservative jurist, Powell nevertheless demonstrated the difference between conservatism and extremism. In leaving the door open to some forms of affirmative action, he had the personal flexibility to permit an interpretation of the Constitution in light of the evolving sense of justice of the American people.

The nominee has opposed improvement in the fairness of our political system, arguing against the landmark decision guaranteeing the principle of one-person-one-vote. He has authored opinions arguing for restricted access to the courts and against women's rights. He has criticized Supreme Court decisions elaborating the Constitutional right of privacy, and he had made troubling statements on free speech, suggesting a dangerously narrow approach.

When one turns from the need to preserve and strengthen individual rights, to the other challenges that lie ahead, the nominee's record is equally troubling. America, today, faces a world of fierce economic rivalry. In the short period of a half dozen years, ballooning debt, slipping productivity, and eroding market shares have put us on the defensive around the world. We need an undogmatic and flexible response, but the record of the nominee suggests a rigid and doctrinaire approach, ill-suited to the challenge. It is well known, for example, that the nominee has consistently espoused a rigid approach to interpretation of our antitrust laws. The sole criterion for interpreting the antitrust laws he would allow is an academic conception of efficiency that amounts to "anything goes." For example, his view of the mergers and takeovers that violate the Clayton Act is so narrow that if it were the law, even with an enforcement minded administration, little would stand in the way of the continuation of the present, "anything goes" approach. In such an environment, financial manipulation is rewarded, communities are dismembered, plants are closed, jobs are lost, and nothing is done to regain our international economic position.

Finally, in light of the fact that the United States is currently in the midst of a Constitutional crisis regarding official compliance with law in the implemention of foreign policy, it is impossible to ignore the nominee's role in what came to be called the "Saturday night massacre" during the Watergate scandal. The nominee was then the Solicitor General of the United States. When the Attorney General refused to follow the President's order to fire the Watergate special prosecutor, the nominee carried out the order, despite Justice Department regulations. Two weeks later, he told Congress that legislation to create a special prosecutor independent of the President could be unconstitutional. Such legislation was enacted, but it is now being challenged by former officials who are under investigation. Undoubtedly the Supreme Court will soon have to consider the status of the independent counsel and other matters relating to official accountability. Simply stated, the record of the nominee, on this point alone, disqualifies him for a seat on the Court.

Sometimes it is said that whatever else is revealed by the record of this nominee, he is at least an advocate of judicial restraint and of deference to legislative intent and the intent of the Framers of the Constitution. I am afraid that I am not persuaded that this assertion is correct. In his extensive writings on antitrust, the nominee argues, in effect, that the courts should read into the Sherman Act a particular, modern, academic economic theory, as the lode star for antitrust analysis. Bork, "The Rule of Reason and

the Per Se Concept," 74 Yale Law Journal 775, 839 (1965). In fact, the legislative history of the antitrust laws is filled with concern for the social and political consequences of concentrations of economic power, and this concern should be taken into account in application of the law. Pitofsky, "The Political Content of Antitrust," 127 University of Pennsylvania Law Review 1051 (1979).

As for deference to the intent of the Framers of the Constitution, the nominee has written extensively about the intent behind particular Constitutional provisions but has basically missed the point. Over a generation ago, Felix Frankfurter observed that the broad clauses of the Constitution, such as "due process" and "equal protection" and doctrines like the separation of powers, are vague. He said the ambiguity of these "is such that the Court is compelled to put meaning into the Constitution not to take it out." Mr. Justice Holmes and the Supreme Court (1938), page 7. For this reason, the emphasis on deference to the Framers' intent can be misleading. Part of their intent was that the great clauses of the Constitution would be adaptable to the needs of the times. McCloskey, The American Supreme Court (1960), page 15. Too often today, the claim of having found a specific intent in 1787 or 1867 is an unconvincing attempt to justify disregarding the precedents that prevail in 1987. Though purporting to reflect "restraint," the argument seeks to justify an exercise of power to overthrow precedent. Since dubious history is used to make respectable an effort to put certain things into the Constitution, we are returned to the need to scrutinize a nominee's philosophy, while regarding skeptically assurances of restraint.

Judge Bork's views stand in stark contrast to those of Justice Holmes. The nominee has attempted to nail antitrust law to a rigid, academic doctrine of neo-laissez-faire, yet can find only limited protection for individual rights in the Constitution. Holmes tended to be very deferential to legislatures on economic issues and less so when government action might impinge on fundamental civil rights. Justice Holmes understood how social arrangements are affected by time and circumstances and how "fragile, in scientific proof, is the ultimate validity of a particular economic adjustment." (Frankfurter, pages 50-51) Holmes attributed much more significance to the liberties of the individual, which are the foundation upon which our free society is based.

It has been frequently noted that the current nominee, if appointed, would replace a swing vote on a delicately balanced Supreme Court. Equally noteworthy, however, is the fact that our Constitutional system, and even our society, as we grapple with the challenges of a revolutionary age, are delicately balanced. The present nomination comes at a time when Congress is investigating an unprecedented challenge to the Constitutional balance of powers in the implementation of foreign policy. Serious questions are pending on whether care was taken faithfully to execute the laws. In these circumstances, the legitimacy of this nomination to the Court is clouded and both the nomination and the nominee should be reviewed with extra care.

I respectfully submit that the Senate should not consent to an appointment to the United States Supreme Court where the legitimacy of the nomination is in doubt and where the record reveals a nominee whose extreme views threaten to upset the social and Constitutional balance and jeopardize the hard-won gains of two centuries.

Sincerely,

JAMES J. FLORIO.

A TRIBUTE TO OUR LATE COLLEAGUE, WILLIAM S. MOORHEAD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. YATRON. Mr. Speaker, I rise today in great sadness to pay tribute to our late colleague, former Congressman William S. Moorhead. Bill Moorhead's life was dedicated to public service and to representing the people of the city of Pittsburgh in the U.S. House of Representatives.

Bill Moorhead ably served in the House for 22 years. I was privileged to serve with Bill for much of this period. His hard work and commitment ensured the admiration and support of his constitutents. In his long career, he was active on a number of legislative fronts. His work on the Government Operations Committee and on the Banking, Finance and Urban Affairs Committee was especially important. Bill was best known for his fine work in enacting the Privacy Act, providing Federal loan guarantees for the city of New York and the Chrysler Corp., and establishing the National Endowment for the Arts and the Humanities. In all of his endeavors, Bill represented the citizens of the 14th District of Pennsylvania with the utmost dedication and sense of responsibility.

I feel honored to have known and served with Bill Moorhead. He was a caring and compassionate man and a tremendous political leader and public servant. Mr. Speaker, I join with my colleagues in extending deepest sympathy to Bill's wife, Lucy, and all members of his family.

CLEAN AIR ACT AMENDMENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ANDERSON. Mr. Speaker, our colleague, Congressman WAXMAN last week introduced H.R. 3054, to amend the Clean Air Act. This legislation is the product of long and diligent work, and clearly Congressman WAXMAN is owed our gratitude for his good efforts on what is certainly one of the most critical problems facing our country.

On a bill so complex and so comprehensive in nature, it is not likely that any two individuals would agree on every provision. And so it is with H.R. 3054. Though I have cosponsored this because, as indeed it will point the Nation in the right direction in our struggle for clean air and is on balance a fine piece of legislation, there are provisions in the bill which trouble me. Among these is the provision which would authorize the Administrator of the Environmental Protection Agency to impose a gasoline tax increase in severe nonattainment areas.

While the people of our Nation must have clean air, there are various means of approaching this objective. But the people and the economy of our country also require a sound transportation network. And I am convinced that such a transportation network is dependent upon the existence of user fees that are used exclusively for transportation-related purposes.

I have suggested in recent weeks that highway user fees should not be utilized as a mechanism for achieving the vital national goal of deficit reduction. I am equally persuaded that they should not be a tool in our clean air campaign.

Mr. Speaker, we must have clean air. The obvious and simple truth is that we can't live without it. And for this reason I urge our colleagues to consider joining Congressman WAXMAN as a cosponsor of H.R. 3054. But I do so with the caveat that not every provision in this important legislation is perfect. Indeed, as H.R. 3054 runs the legislative gamut toward enactment, I would hope that any language which could provide for a highway user fee increase be dropped.

TRIBUTE TO MR. ANTHONY J. GIAQUINTA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FAUNTROY. Mr. Speaker, I am privileged today to bring to the attention of my colleagues an event on Thursday, August 6, 1987, sponsored by the Shaw Community Center Food Committee to honor Anthony J. Giaquinta for his outstanding community service in the District of Columbia.

In recognizing the charitable contributions of Mr. Giaquinta, who is the director of the Joint Carpentry Apprenticeship Committee, we acknowledge his many volunteer efforts and his unselfish commitment to serving needy families in the Washington community. His active participation on the Shaw Community Food Committee has enabled this volunteer group to raise funds for thousands of area families in celebration of the Thanksgiving holiday. In addition to his work with the Food Committee, Mr. Giaquinta is currently serving as the president of the Carpenters' District Council, chairman of the board of the Carpenter's Health and Pension Fund, and a board member of the Wider Opportunity for Women Advisory Council.

Anthony J. Giaquinta is a Washingtonian, who has remained involved in the city of his birth, both in a professional capacity and in his civic duties.

Mr. Speaker, I believe Mr. Giaquinta exemplifies the volunteer spirit that has contributed so much to the making of the District of Columbia, as a caring community, as a city, and as the Nation's Capital. I invite my colleagues to join me in saluting this American citizen for his dedicated service to worthy human needs and for his devotion to his city.

FAMILY PROTECTION ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to make my colleagues aware of three pieces of legislation I recently introduced with the goal of protecting, strengthening, and aiding low- and middle-income American families.

As we quickly move through the second half of this decade it has become apparent that a serious and harmful trend is taking place across this Nation—the disintegration of the traditional family unit. The shapes and needs of the middle-class American family are changing. Yet, this Nation's leadership projects an image of the family that no longer squares with the facts—facts that point to new pressures on the family budget. Nowhere are the new pressures on the family budget more evident than in their impact on home-ownership, postsecondary education and child-care arrangements.

Clearly, based upon the nature of a technological society, no government can avoid having policies that influence the family unit. The key issue, however, is whether these policies reach to the heart and soul of strengthening the American family.

There are two basic assumptions we must follow in order to adequately address this problem: The first being that the family structure has been the cornerstone for stability and understanding in our society; and second, the Government has the tools necessary to preserve the structure.

It is based upon these basic premises that Senator DENNIS DECONCINI and I have introduced three bills that will assist the middle-income American family in the areas of education, housing, and child-care.

Two of the proposals would provide tax incentives to low- and middle-income families to purchase their first home and/or pay for their children's postsecondary education.

These two bills are based on the individual retirement account [IRA] system and its income eligibility requirements. Couples filing a joint income tax return may take full deductions for the individual housing account [IHA] and the educational savings account [ESA] if their adjusted gross income does not exceed $40,000. The amount of their deduction is gradully phased out if income is over $40,000 until it reaches $50,000 at which point they are ineligible. For a single parent or individual filing a separate return the phaseout range is $25,000 to $35,000.

The ESA will provide parents with the opportunity to make maximum annual contributions of $1,000 for their child's postsecondary education until he or she reaches the age of 19.

Skyrocketing postsecondary education costs have priced many promising students out of the market. As the requirements of the workplace increase, we cannot allow the cost of education to become prohibitive to the American family.

The IHA, in turn, will help low- and middle-income families purchase their first home. The housing account proposal would have a maximum annual contribution of $2,000 per working person—$4,000 per working couple.

Clearly the American dream of owning your own home is getting more difficult for young families to achieve. The fact is that the prospects for most young people today are not as bright as those their parents had at a comparable period in their own lives.

The third phase of this family package, the day care tax credit bill, will provide incentives to employers who establish on site day care facilities for their employees.

Onsite day care provides the most promising solution available to many low-income families. Onsite care allows more direct contact between parent and child throughout the day and assists the parent in the return to the work force.

Too many families today are caught between the rising cost of achieving traditional family goals and stagnating family incomes. The dream of providing one's family and children with decent child care, a college education, and a good home is fading away. I feel strongly that government must now step in to help the family help itself.

If we are serious about strengthening the family, we must get a clear picture of what the family needs and how we might assist it. This legislation recognizes, understands, and deals with the reality of change and will once again make the American family the vital core of our society.

AN OPEN LETTER TO THE LEADERS OF THE PEOPLE CONCERNING THE ISSUES OF NUCLEAR WEAPONS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ROWLAND of Georgia. Mr. Speaker, in early May of 1986, the Council of Bishops of the United Methodist Church adopted the final drafts of a pastoral letter and a foundation document, both entitled "In Defense of Creation: the Nuclear Crisis and a Just Peace." We have attached a copy of the letter and foundation document to this, our response to the bishop's letter. Our youth ministry took these documents and used them as a guide to study the issues ourselves.

We listened to several speakers, studied various materials, had several audio-visual presentations, and were involved in many intensive discussions involving the policies concerning nuclear weapons. We studied Christ's teachings and the concept of Shalom, both as Christians and as youth raised with the moral traditions of our nation. These sessions have helped us understand and reach our own conclusions about nuclear arms issues.

As Christian youth, we all agree that nuclear weapons affect more than one aspect of our lives. After studying all the issues, we believe this is more than just a question of war or peace with the Soviet Union. Whatever we do affects the whole planet and everyone living on it.

In the midst of these arms issue, we as a Christian nation have a responsibility to protect all of God's Earth, not just our own nation. We see the situation growing and are concerned that unless we start trying to make peace and get rid of these nuclear weapons, then there won't be a way to turn back in the future. In other words, we know that there are already enough nuclear weapons to destroy the earth several times over. We've seen the effects, on both nature and society, of radiation from atomic explosions as well as from nuclear reactor leaks. Therefore, we must avoid a nuclear war, begin to control the situation, and begin working toward peace.

Everyone in our youth group agrees our country should do whatever is needed to prevent a total nuclear war. We feel there could be no "winner," but only destruction and death. We are split, however, on the issue of limited use of nuclear arms.

About half of our youth group believes that any use of nuclear weapons is not only harmful to the people and the world environment, but eliminates any real hope of world peace. One reason for this is the direct effects of radiation on the country attacked, as well as the indirect effects of radiation on the surrounding non-participating countries. Another reason is that we would instill distrust and fear in the rest of the world, if they see we actually are willing to use nuclear weapons. Finally, we see the real possibility that any use would lead to an all-out nuclear war that would destroy the Earth.

The other half of our group believes we should leave open the option of limited use of nuclear weapons as a means of national security. The fear of becoming a communist nation is the main reason for supporting limited use of nuclear weapons. Thus, we feel we must retain our nuclear weapons in order to give us a defense to threats toward our nation.

As Christian youth, however, we see how the threats involved in nuclear deterrence cannot be supported. We see that by supporting nuclear deterrence, the United States becomes the so-called "tough guy," rather than the peacemaker.

After studying the proposed Star Wars Defense Initiative, we are concerned with the tremendous cost of this defense system and the questionable effectiveness of it. This money could better be used to support existing social programs and to develop new programs to aid the hungry and homeless. It's time for the United States to take a positive step forward by dropping this proposed system and addressing the day-to-day needs of people.

Among the proposals in the Bishop's Letter, we strongly support a freeze in the production of all nuclear weapons. This would include a ban on both offensive and defensive weapons in space and on Earth. Next, the United States should re-affirm the ABM treaty of 1972 and ratify the SALT II treaty. By working toward treaties and agreements with the Soviet Union, we will lay the groundwork for more openness and better relations with other nuclear and non-nuclear countries as well.

We feel that an important first step toward peace would be an agreement with the other nuclear countries prohibiting a first use of any nuclear weapons. With the possibility of a first use eliminated, we could and should move toward the ultimate dismantling of all nuclear weapons.

These are important issues that need to be addressed now. They continue to grow more complex every day. Our nation cannot accept this situation as unchangeable. We must study the issues and consider all possi-

ble solutions. We must begin now to plan and move toward a lasting world peace.

COMMUNITIES CONFRONT AIRPORT NOISE PROBLEM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, in the past few weeks, I have brought to the attention of my colleagues in Congress a problem that affects hundreds of communities across the Nation. The problem is that of airport noise.

Although the problem can be treated with a number of effective solutions, the problem has refused to go away.

Since 1979, the Federal Government has made available to airport authorities around the Nation funds to perform studies of the airport noise problem and to improve the noise levels in affected neighborhoods.

The solution might involve rerouting traffic to lessen the impact of noise on the neighborhoods, installing better soundproofing, changing the flight schedules of airplanes and operating hours of airports, among others.

Yet despite the ready availability of Federal funding for these projects, only 100 airports have participated in the studies.

The problem of airport noise has only increased. In attempts to reduce flight delays and improve air traffic safety, the Federal Aviation Administration implemented its expanded east coast plan in the Northeast corridor earlier this year. Under that plan, neighborhoods that were previously unaffected by the noise, wake up in the early morning to the disturbing rattle of an airplane overhead.

Concerned by the noise pollution affecting residents of my own district, I recently asked the authorities at Philadelphia International Airport to conduct studies of the airport noise problem in the surrounding neighborhoods.

In that time, the authorities have agreed to cooperate in a limited study and the results are coming in. The airport noise problem is affecting those neighorhoods to a tremendous degree.

At the same time, the noise problem continues unabated from airports in Newark, NJ, and in New York.

The problem is so serious for our communities that the communities themselves are taking an active role in increasing pressure on airports to address the problem.

On June 25, Mayor Joseph N. Petruzzi of the Borough of Bellmawr, NJ, and the borough council adopted a resolution protesting the airport noise problem.

Their resolution is a model for other communities across the Nation affected by excessive airport noise.

The methods and the funds to improve the problem of airport noise do exist. I urge my colleagues in Congress to address this pressing problem for our communities and constituents.

I am including below the resolution as passed by the Borough of Bellmawr, NJ. That resolution can serve as a model for other communities in dealing with the noise pollution problem.

RESOLUTION 6:118-87

Whereas, the take-off and approach patterns of the aircraft utilizing the Philadelphia International Airport have created a noise problem in the Borough of Bellmawr; and

Whereas, this generation of larger and more powerful jet aircraft omits a higher level of noise pollution; and

Whereas, it appears that the aircraft departure and landings have been at altitudes that make this noise unbearable, especially in the borough of Bellmawr that is predominantly residential and where a large percentage of our population is comprised of senior citizens: Now, therefore, be it

Resolved by the Mayor and Council of the Borough of Bellmawr, County of Camden and State of New Jersey that the continuous communities in the County of Camden and their Governing Bodies be encouraged to join together to protest the problem of noise pollution being generated by aircraft leaving and entering the Philadelphia International Airport: Be it further

Resolved that a copy of this resolution be sent to all Mayors of surrounding communities and Local, State and Federal representatives.

JOSEPH N. PETRUZZI,
Mayor.

The foregoing resolution was duly adopted by the Mayor and Council of the Borough of Bellmawr at a meeting held on June 25, 1987 in the Municipal Building, Bellmawr, NJ, beginning at 8:00 p.m.

MARGARET WELSH,
Borough Clerk.

MODERN DAY BETSY ROSSES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FOGLIETTA. Mr. Speaker, I would like to take this time to recognize 15 highly-skilled women working in my district to whom I like to refer as the Betsy Rosses of modern times. They are all Federal Government employees working in the flag-making room at the Defense Personnel Support Center in south Philadelphia.

It was more than 200 years ago that Betsy Ross used her skills to create the first American flag at her home in Philadelphia, and today, these 15 women with backgrounds from all over the world are working together to create three more historic flags to commemorate the 200th anniversary of the U.S. Constitution. The flags are called We The People.

Although most of these women were born outside the continental United States in places like Korea, Italy, and Portugal, they are all now American citizens working together to hand embroider these beautiful patriotic flags.

Each of the flags takes more than 240 hours of embroidering with red, white, blue, and gold thread to complete. The flags are being made at the request of the Commission on the Bicentennial of the United States Constitution, which is headed by former Supreme Court Chief Justice Warren Burger. One of the flags will be presented to President Reagan, another will be placed in the Smithsonian Institution and the third will be used in bicentennial ceremonies in Philadelphia.

These flags proudly represent the freedom our Constitution protects, and these women should be recognized for their efforts. These women are: Anna Cavallucci, Grazia Panettiere, Grazia Marciano, Natalie Nardo, Mary Nociforo, Sarah D. Simon, Rose T. Clavin, Stella Crispno, Aida Figuerao, Maria C. Martins, Samye So, Christine Upchurch, Josephine Spitalieri, Maria Negron, and Anna Fantazzi. The shop foreperson is Magnolia Young. The illustrator for the flags is Judy Mendes.

I commend each of these women for their efforts, in this the 200th anniversary of the United States Constitution.

COAST GUARD: 197 YEARS OLD TODAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BIAGGI. Mr. Speaker, I want to congratulate the U.S. Coast Guard, which today is celebrating its 197th birthday. Since the early days of our Nation, the Coast Guard has had a proud tradition of service to the public. Its responsibilities impact upon each of us. I often wonder whether we truly appreciate its value to the health, safety, and security of our Nation. I say this because it seems that every year there is an attempt to reduce the financial resources essential for the Coast Guard to carry out its responsibilities.

The Coast Guard is cost effective. It is a bargain. It benefits all of us. Its mission capabilities run the gamut for aids to navigation to boating to vessel traffic systems and zeppelins.

Since 1790 when Alexander Hamilton created the Revenue Marine to guard our coasts, prevent smuggling, and raise revenues for our fledgling Nation, the Coast Guard has operated with a willingness to serve the best interests of our Nation. Its "can do" spirit is well known to all of us. Its motto, "Semper Paratus" ("Always Ready"), appropriately describes the Coast Guard.

Today, the Coast Guard continues to struggle to obtain the funds necessary to carry out its day-to-day missions, and for an acquisition and construction program to guard against deterioration of its physical assets. How much longer can we exploit the cost effectiveness of this proud and valiant organization? In 1981, the Committee on Merchant Marine and Fisheries issued an oversight report, entitled "Semi-Paratus: The United States Coast Guard, 1981." The committee found "that Coast Guard resources are not currently sufficient in quality or quantity to cope with the variety of responsibilities placed upon the agency by law."

The Coast Guard is a multimission agency, whose chief responsibilities are maritime safety, military readiness, and law enforcement.

Maritime safety includes one of the oldest missions of the Coast Guard—maintenance, repair, and operation of a system of short-range aids to navigation necessary for the safe navigation of our waters. There are over 47,000 such aids—including large navigational

lighthouses, small- and medium-sized buoys, 34 light stations, and a system of radio navigation aids to navigation to assist both air and marine traffic. In addition to providing 200 radio beacons in U.S. waters, the Coast Guard operates a 42-station, long-range navigation [loran] system and an 8-station Omega system. In accomplishing this mission, the Coast Guard uses 49 large buoy tenders, 29 smaller tenders, 64 aids to navigation teams, 18 bases, and 2 depots. It publishes the Coast Guard Light List, Rules of the Road, and local and weekly notices to mariners. The Coast Guard also operates vessel traffic systems in the Houston/Galveston, New Orleans, San Francisco, Puget Sound, Prince William Sound, and New York areas.

Maritime safety includes recreational boating safety. The objective is to reduce loss of life, personal injury, and property damage in the use of over 16 million recreational boats by more than 50 million boaters. Education is the primary objective; however, the program includes inspection and jurisdiction over manufacturers of boats and their associated equipment. To assist the Coast Guard in promoting recreational boating safety, the Congress established the Coast Guard Auxiliary—a group of 32,000 experienced boaters who volunteer their time, boats, and equipment.

Maritime safety also includes the preservation of the public right of navigation by assuring that 18,000 bridges are constructed, maintained, and operated to promote safe navigation.

Maritime safety includes the development and enforcement of standards for the safe design, construction, maintenance, and operation of commercial vessels and offshore facilities. In addition to approving designs, supervising vessel construction, and subsequent operations, it assures the competence of personnel through examination and licensing program. In any one year, this involves the inspection or examination of more than 40,000 U.S.-flag vessels and nearly 4,000 foreign-flag vessels, the conduct of about 13,000 merchant marine investigations, and in excess of 70,000 transactions involving seamen's documents and licenses.

Since the 1972 enactment of the Federal Water Pollution Control Act, maritime safety has been expanded to include environmental safety in recognition of the fact that, while accidents can be reduced, they can never be eliminate. The United States has, therefore, developed a national oil and hazardous substance spill response system that relies heavily on the Coast Guard. Its goals are to minimize pollution damage while also trying to reduce the threat of potential pollution in our coastal areas and within our inland river and Great Lakes systems. To do this, the Coast Guard maintains three strike teams that are highly trained in pollution response, maintains a large pollution response inventory, and provides a centralized reporting point for spills of oil or hazardous substances. This involves responding, on an annual basis, to more than 12,000 oil and hazardous substance spills; 11,000 cargo transfer operations; 300 major oil pollution removal operations; and thousands of vessel, barge, and waterfront inspections.

Maritime safety includes port safety and security. The Coast Guard's objective is to safeguard our Nation's ports, waterways, waterfront facilities, vessels, and personnel from accidental or intentional damage, disruption, destruction, or injury. The service also safeguards our ports from external threats of sabotage and espionage. In peacetime, its principal functions involve monitoring oil and hazardous cargo transfers, preventing spills and accidents, and inspecting waterfront facilities. There are 47 Captain of the Port Offices along our four coasts and inland waters. The Captains of the Port inspect more than 4,000 waterfront facilities and examine a multitude of vessels calling on our ports.

Maritime safety includes search and rescue activities. This activity is probably most typical of the Coast Guard's multimission concept in that is also encompasses the other two major missions, law enforcement and military readiness. Vessels and aircraft engaged in search and rescue play integral parts in military readiness and are also equipped for fisheries, oil pollution, and drug law enforcement activities. This multimission concept permits the flexibility to use vessels and aircraft to detect and chart iceberg movements as part of the annual International Ice Patrol. During 1985, the Coast Guard responded to 70,062 distress calls, saved 6,303 lives, and assisted 136,341 people in distress. The dollar value in property saved and in property assisted superseded the service's 1985 budget authority of $2.6 billion by a half billion dollars.

The Coast Guard is the smallest of the five armed services of the United States, but its military readiness responsibilities are very large and complex. As a matter of fact, Coast Guard forces have been assigned the responsibility for the coastal defense of the United States out to 200 nautical miles through the establishment of Maritime Defense Zones [MDZ's] in 1984.

Military readiness includes maintenance of radio stations, air stations, shore stations, shipyards, vessels, boats, aircraft, and engineering, repair, and support activities. Since 1790, readiness, preparedness, and training have been essential to the Coast Guard's multimission capabilities. Throughout our history, the Coast Guard has been an effective and ready Armed Force.

Last, but certainly not least, is the Coast Guard's third major mission—law enforcement. This mission includes enforcement of various laws or treaties on the high seas and waters subject to the jurisdiction of the United States. Today's emphasis is on the interdiction of drug smuggling and illegal migrants. A few years ago, the emphasis was on the enforcement of fisheries laws and regulations within our 200-nautical-mile exclusive economic zone.

As of July 1986, the Coast Guard, in the enforcement of our fisheries laws, has boarded 15,684 foreign and domestic vessels, issued 2,825 citations, seized 76 foreign and 4 domestic fishing vessels, and assessed approximately $25 million for various violations under the Magnuson Fisheries Conservation and Management Act. Coast Guard operations alone have led to the confiscation of 35 million pounds of narcotics and dangerous drugs, 2,000 cases involving maritime smuggling, with the seizure of 1,405 vessels and the arrest of 6,907 individuals.

On the Coast Guard's birthday, it is incumbent upon us to take a moment and reflect upon the impact this service organization has upon all our lives. I am pleased to have this opportunity to wish the entire Coast Guard family best wishes on this 197th birthday.

CONSTITUTIONAL CONVENTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PACKARD. Mr. Speaker, on August 6, 1787 the Convention reconvened after a 10 day recess. The committee of detail had completed the first draft of our United States Constitution. Copies were distributed to each of the members and at that time the Convention was adjourned to allot time for each delegate to study the report. The first draft consisted of a preamble and 23 articles. Of the 23 articles, two were introductions, seven dealt with Congress and its powers, one covered the executive, one the judiciary, three provided for interstate comity, and seven covered such miscellaneous topics as the admission of new States.

Much debate along with many changes were to follow the original draft, however, the main concepts behind the document could still be recognized if compared with the final work. Parts were agreed on with little difficulty whereas others ended in heated debates. Changes made by the committee were often questioned by many of the delegates. The most important change made by the committee was regarding the amount of authority given Congress. With the revised report Congress could no longer do things such as declare war, coin money or regulate foreign and domestic commerce. Restrictions on the various branches were added so that they could not have absolute freedom to do as they pleased.

With the Iran/Contra hearings, we are questioning certain sections of our Constitution just as our forefathers did. For example, did public officials go beyond the boundries of our Constitution? This is a question that will be debated for years. I think Thomas Jefferson sums it up most appropriately when he said, "some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched * * * I am certainly not an advocate for frequent and untried changes in laws and constitutions * * * but I know also, that laws and institutions must go hand in hand with the progress of the human mind * * * we might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors."

RAOUL WALLENBERG HAS PROVEN THAT ONE PERSON CAN MAKE A DIFFERENCE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GALLO. Mr. Speaker, today is the 75th birthday of a man who has proven for all time that one person can make a difference.

In honor of Raoul Wallenberg's birthday, the people of Morris County, NJ, have taken action to find an appropriate site for a permanent reminder of Mr. Wallenberg's life and his one-man stand against the tyranny of nazism. This action will honor the man, his Swedish heritage, and his unselfish dedication to justice and humanity.

The courageous actions of Raoul Wallenberg during the Nazi purges of the Jewish people saved the lives of tens of thousands of people. Acting at great risk to his own life, Mr. Wallenberg used every method at his disposal as a diplomat representing the neutral Swedish Government to prevent the Nazis from deporting as many as 100,000 people from occupied Hungary to the death camps.

It is appropriate that the 75th birthday of this brave man be celebrated through the efforts by Mount Olive Mayor Charles Johnson, Randolph Councilwoman Kayla Bergeron, and other local and county officials to find an appropriate site for this honor, with the support and cooperation of the Jewish Anti-Defamation League and the Jewish War Veterans.

As a supporter of this action, who also has called on the Soviet Government in the strongest possible terms to open their records on Mr. Wallenberg, I believe he would be pleased to know that his courageous actions on behalf of peace-loving people everywhere are remembered 40 years after he disappeared into the Soviet gulag.

The great irony of Mr. Wallenberg's life is that he is best remembered for singlehandedly freeing a people from bondage, only to be sentenced to the same fate by a Soviet Government under Stalin that proved no more sympathetic to human rights than the Nazis were.

The Soviet Government owes a 40-year debt to freedom-loving people everywhere who have waited for word of Mr. Wallenberg's fate.

This action is appropriate for another, equally important reason. I am very disturbed by the fact that a growing number of young people do not know who Raoul Wallenberg is. Long after we all are gone, his story should be told so that his example will continue to remind future generations that one person can change the course of history for thousands of others, if he or she has the courage to try.

MODEL CONGRESS CHARTERS PATH PROMOTING INTEREST IN GOVERNMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, for many years now, the Educational Information and Resource Center in Sewell, NJ has been sponsoring a "Model Congress" for middle, junior, and senior high schools throughout the State of New Jersey. Through this Model Congress, EIRC has promoted a renewed interest in the way the Government operates and has helped to restore confidence in the legislative process.

Originally sponsored by the Institute for Political and Legal Education, the Educational Information and Resource Center has served a vital need in our society for the past 18 years through the Model Congress by promoting an awareness among our children of how the Government works.

The Model Congress is patterned after the actual branches of Government of the United States, including the rules and procedures of the Congress of the United States. Elected by their peers, students from grades 7 to 12 participate in a model legislature to tackle issues that we in the Congress of the United States must also deal with.

The Model Congress Program allows students to study the Constitution, and the Federal Government's three branches—the legislative, the executive, and the judicial branches—in depth and hands on.

Through the Model Congress, students in my State of New Jersey have a forum in which to meet and discuss vital issues among themselves and with State and National Government officials.

Currently, several dozen schools in New Jersey are participating in the Model Congress with several hundred students getting a firsthand grasp of how the Government works each year.

The EIRC provides instructional background and materials for the students and their teachers to use. By working with the participating schools, the Model Congress combines an extracurricular activity with the academic program of the schools, adding to the students' understanding of the way Government works.

This forum is a way for these students to get firsthand experience as to the operation of the Congress. For some, it is the budding start of a congressional career or public service. For others, it is an insight into Government that can be shared with their peers back at school.

For all, it is a way of getting inside the Government and bringing the democratic ideals of the Nation closer to all.

For many congressional offices, the Model Congress offers an opportunity to participate in the education of children in our district's schools. Individual offices can work with schools in their districts, playing an active role in how the Congress works. That Capitol perspective is an invaluable part of helping students understand how the American system of democracy works in practice.

I commend the EIRC, its Associate Director Dr. Theodore J. Gourley, and the Model Congress in New Jersey and urge the sponsors to keep the program alive, making Government attainable for all.

THE CENTENNIAL OF THE BIRTH OF MARCUS MOSIAH GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RANGEL. Mr. Speaker, it is remarkable, and altogether fitting and appropriate, that this month we celebrate both the 25th anniversary of the independence of Jamaica and the centennial of the birth of Marcus Mosiah Garvey, its first declared national hero. I believe we have much cause to rejoice in this fortuitous conjunction to remember and reflect what preceded the 25 years of Jamaican independence and understanding that the long, hard struggle for independence were blessed by the presence and work of Marcus Garvey.

I am proud to be the sponsor of House Concurrent Resolution 84, a bill to exonerate Marcus Garvey of the unjust conviction he suffered as a result of the politically motivated persecution by the U.S. Government aimed at him because of fear of his growing influence with the black masses. I am pleased that on Tuesday, July 28, our colleague JOHN CONYERS chaired a hearing before the Subcommittee on Criminal Justice on my legislation.

I was thrilled to have the opportunity to testify on behalf of my bill and to have been joined by the sons of Marcus Garvey, Julius and Marcus Garvey, Jr. Mr. CONYERS, and the members of his subcommittee also heard from Ambassador Keith Johnson of Jamaica, and a distinguished panel of historians who presented clear and compelling evidence in support of the exoneration of Marcus Garvey. Also present and participating in the hearing was my good friend, former Ambassador from Jamaica, the Honorable Alfred A. Rattray. Mr. Rattray now serves as a member of the Executive and a Shadow Minister for Investment and Foreign Trade of the People's National Party, which last formed the Government of Jamaica from 1972 to 1980.

Freddie Rattray's stirring testimony supporting my legislation and commemorating the life and legacy of Marcus Garvey is a wonderful expression of the love that the Jamacian people have for their national hero. Regardless of their political persuasion, the Jamaican people appreciate Marcus Garvey for his contribution to their independence.

Today, Marcus Garvey's liberating message is as alive as ever, and as we join our Jamaican friends in celebrating the 25th anniversary of Jamaicans independence as a nation, let us recognize that independence is not simply an historical event, achieved once and settled forever. It is a continuing process, a struggle for each generation to define how it will meet the challenge of the day. On August 17, 1987, in every part of the world reached by the diaspora—Jamaica, United States, Europe, Asia, and Africa—millions will remember the mes-

sage and work of Marcus Mosiah Garvey. His message of liberation is alive, uniting us in purpose and binding us together.

I am pleased to join this important celebration of the centennial of Marcus Garvey's birth and to inform my colleagues of his rightful place in history through inserting the testimony of Ambassador Alfred Rattray in the RECORD.

The testimony follows:

STATEMENT BY HON. ALFRED A. RATTRAY

Mr. Chairman, Honorable Members of the Committee, I am Alfred A. Rattray. I thank you for the opportunity to present this statement to you on this very important matter. I am a former Ambassador of Jamaica to the United States and a former Ambassador/Permanent Representative of Jamaica to the Organization of American States. I am a Member of the Executive and a Shadow Minister for Investment and Foreign Trade of the People's National Party, which last formed the Government of Jamaica from 1972 to 1980. I am also Chairman of the North American Committee of the People's National Party of Jamaica.

Marcus Mosiah Garvey is one of a select few who have had a profound effect upon world history and human affairs during the 20th century.

Most of the territories of the Americas and the West Indies suffered conquest by external powers, and over time there arose liberators who freed individual territories or groups of territories from colonialism, or from foreign occupation. Marcus Garvey came along and ushered in a new concept of liberation. He viewed a world demeaned by the scourge of colonialism—that system whose very purpose is the enforced exploitation of whole races and classes of people by others more powerful than themselves. He saw everywhere in the Americas and in Africa, the denial of reasonable economic, social and educational opportunities for the vast majority of people. He observed the entrenched systems which deliberately and systematically debased and at times even sought to exterminate or enslave whole races, minority groups and disadvantaged persons.

There seemed no end to this global oppression of one race by another, of the weak and powerless by the strong and the powerful. The victims seemed powerless to throw off the shackles which so effectively impeded their economic, cultural, social and political mobility. The plight of the Negro race and of other oppressed peoples everywhere seemed hopeless.

And then, the 20th century produced Marcus Garvey. He led and helped to spawn a new breed of liberators who developed new strategies and employed new techniques to wage war against the seemingly impregnable fortresses of human selfishness, abuse, exploitation, callousness, and cynicism.

Tracing through the pages of history the methods and techniques used along the way to secure and perpetuate the bondage of oppressed peoples, Garvey noted that the Negro race, and by extension all oppressed people, were the victims of man's inhumanity to man. They were victims of that brutal inhuman urge which produced the twin systems of slavery and of colonialism, and which even today is dominant wherever one nation or class of people for whatever motive seek to dominate another.

Observing his people in Jamaica, in the Americas and in Africa, and learning from the lessons of history, Garvey noted that the conquest and subjugation of the human spirit was at least as important and as effective a strategy of enslavement, as the conquest and subjugation of the human body.

The establishment and perpetuation of the political, social, economic and psychological bondage of the Negro race, and indeed of all oppressed peoples, were facilitated and indeed secured by the false notion of their inherent inferiority. This notion was invariably implanted into their minds by their oppressors—be they slave masters, colonial masters, or other breeds of exploiters.

So carefully and relentlessly cultivated throughout the ages has been this notion of the inherent and inescapable inferiority of the oppressed, that it emerged as perhaps the greatest stumbling block to his liberation.

The abiding greatness of Marcus Garvey, and that which assures for him his place in the history of mankind, is not only that he clearly perceived all this, but also that he embarked upon a process which showed the way for the liberation of the enslaved spirit of oppressed people everywhere—in Jamaica and the Caribbean; in the Americas; in Africa—everywhere. It was this liberation of the beseiged spirit of the Negro race and of other oppressed peoples throughout the world that was the focus of Garvey's strategies and endeavours. He knew that once the human spirit is liberated the human being can reach out and firmly grasp and guide his own destiny. By the power of his ideas and his philosophies and by example, Garvey aroused in the mighty Negro race an appreciation of their true value, of their inherent worth, of their inherent equality, and their potential to achieve. A profound believer and practitioner of democracy he summoned the Negro race to unity of purpose and clarity of vision and set them on the road in pursuit of their political, economical, and social emancipation. Thus Garvey and the organizations he created and promoted waged war on ignorance and on inferiority syndromes, and in their place, sowed and nourished to maturity human dignity, self respect and self esteem.

His teachings, which had a profound impact upon Black and other oppressed people everywhere, helped to spawn that new breed of 20th century liberators and set in motion in Africa, in the Caribbean and in North America that irresistable tidal wave which swept away colonial empires and produced the massive gains of civil rights for so long denied to our people.

Such giants of history as Mahatma Gahndi, Namdi Azikiwe, Kwame Nkrumah, George Padmore, and Dr. Martin Luther King, Jr., some of the 20th century heroes of Asia, of Africa, of America, and of the Caribbean with numerous others from these areas, were deeply influenced and inspired by Garvey in the pursuit and fulfillment of their own great deeds.

Garvey's main gift to humanity was spiritual and his influence upon humanity will continue to increase with time.

Marcus Mosiah Garvey is National Hero of Jamaica and his life and work are a unifying influence in that great young nation. He has been acclaimed Hero of the Americas and his bust adorns the Hall of Heroes of the Americas at the O.A.S. in this great city. His great and untiring efforts which reached out to the world were wrought mainly in the small proud great nation of Jamaica and in our mighty proud great neighbour and friend the United States of America. Thousands of your people share with us and others throughout the Americas, the Caribbean, and Africa a common pride in this great man.

May his life and work, his struggles, his sacrifices and his triumphs and the realization of what he means to millions in our two countries and throughout the world, become and continue forever as a source of mutual respect, mutual understanding and friendship.

The people of Jamaica and I believe the vast majority of the people of the United States share the view that the charges brought by the Federal Government against Marcus Garvey were unsubstantiated and the conviction was unjustified and unwarranted. The People's National Party of Jamaica, on whose behalf I testify today, unequivocally supports House Concurrent Resolution 84 as introduced by Representative Charles Rangel and sincerely hopes that in this the Centennial Year of Marcus Garvey's birth the Congress of the United States will adopt this resolution.

RAOUL WALLENBERG'S 75TH BIRTHDAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PORTER. Mr. Speaker, under the leadership of my distinguished colleague Mr. TOM LANTOS, the Congressional Human Rights Caucus sponsored a rally on the steps of the Capitol yesterday to honor one of this century's greatest heroes—Raoul Wallenberg. In celebrating Wallenberg's 75th birthday, prominent speakers recognized how much one person can do for his fellow man, and how one man can make a difference.

Throughout history, many are known for their ruthlessness, but very few are remembered for their compassion. Wallenberg is one such man. Hundreds of thousands of individuals owe their life to him. Survivors remember that the name Raoul Wallenberg was their only key to freedom.

On October 5, 1981, President Reagan granted honorary citizenship to Wallenberg. Only two other persons, General Lafayette and Winston Churchill, have received this recognition. Under the leadership of Congressman LOWERY, Senator LEVIN, and others, we have renamed one of Washington's streets in his honor. Actions like these are the result of tireless work by Annette and TOM LANTOS, Rachel Haspel and the Raoul Wallenberg Committee of the United States. They have made Wallenberg's tragedy reknown.

The Soviets are well aware of our concern for Mr. Wallenberg, but have resisted all requests to satisfactorily account for his whereabouts. Since the Soviets took Wallenberg into protective custody in 1945, their sparce statements have been marked by inconsistencies and secrecy. Their inaction is immoral. Why does the Soviet Government persist in punishing Raoul Wallenberg?

The Soviets first claimed they knew nothing of Mr. Wallenberg's condition. Then they claimed he died in a Moscow prison in 1947. However, well-documented evidence insists

he was alive at least through the 1970's and may be alive today.

Stalin's injustice against Wallenberg is a disgrace. But if Gorbachev really believes in glasnost, then the chances of discovering Wallenberg's whereabouts are improved. Let Gorbachev's openness policy uncover the case of Raoul Wallenberg.

Over 200 people signed a petition to Secretary Gorbachev demanding the immediate release of Wallenberg and all information concerning his incarceration. By signing this petition, concerned citizens are making sure that this matter will not fade away. Free people everywhere demand to know what has happened to one of our greatest heroes.

Mr. Speaker, I commend my colleagues TOM LANTOS, STENY HOYER, BILL GREEN, ROBERT DORNAN, JOHN MILLER, BILL LOWERY, FRANK WOLF, BEN GILMAN, and Senator CARL LEVIN for participating in this important celebration. When Wallenberg was asked to go to Budapest as a representative of the American War Refugee Board, he said: "If I can save one life, I will go." He did that a hundred thousand times over. We must follow this example and bring Wallenberg home.

H.R. 2902, FOR THE RELIEF OF NANCY L. BRADY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BOEHLERT. Mr. Speaker, today I wish to bring to the attention of my colleagues an admirable example of compassionate volunteerism in the Federal workplace.

A Federal employee from my district has been kept away from her job by a long-term illness. In the process, she has used up all of her accumulated sick and annual leave. However, her coworkers, sympathetic to her situation, have come to her aid and volunteered to donate part of their own annual leave to hers. Their assistance will give her the reassurance of knowing she'll have both the time to heal and the constant income needed to pay for that healing.

Now that's a heartwarming story, isn't it? But there's a catch. Under current law, this yarn will remain a mere fairy tale. Our Government prohibits the commonly used and commonsense business practice of allowing employees to transfer their annual leave between each other during emergency personal situations.

This is the rule—regardless of the fact that the cost of employee annual leave is already budgeted into an agencies' appropriations for the year. And allowing Federal coworkers to transfer their annual leave between each other for such justifiable and extraordinary situations is budget neutral. Companies that have incorporated such plans into their leave policies have had no problem in finding employees willing to donate a portion of their leave. They've even reported that the program has fostered a renewed spirit of teamwork and cooperation in their offices, leading to increased amounts and quality of office production.

I became aware of this regulation only within the past month, after being informed of the plight of a constituent, Nancy L. Brady. Nancy has not only courageously battled cancer for over 2 years but she's also been forced to contend with the Federal bureaucracy for relief—a frustrating task, at best, when one is healthy. That's why I have introduced H.R. 2902, a private bill which would allow Nancy to receive transferred annual leave from her coworkers.

Passage of this legislation will help Nancy with her problems. But the problem won't really end here because this is not an isolated incident: There are literally hundreds of Federal employees that are faced with situations similar to Nancy's. They could all benefit from such a program. But what has been the Federal response?

The Office of Personnel Management is conducting a feasibility study toward universal implementation of such a plan. Hundreds of affected workers applied. Three were chosen to participate. Three.

Now, it will be at least 6 months until the conclusions of OPM's study are known. But I've spoken with OPM and they've told me that their program is virtually running itself. Mr. Speaker, we can already determine what conclusions OPM will reach—the evidence and employee support for the program is already overwhelmingly in favor of universal application.

So I'm here today to urge my colleagues to join me in cosponsorship of H.R. 2487, Congressman WOLF's legislation that would allow OPM to universally apply the leave-sharing program. There are too many people out there suffering needlessly. The problem is apparent and the solution won't cost the Government a single penny. But it would be priceless to Nancy L. Brady and those Federal workers who are being denied access to the relief this program would offer.

THE TRAGEDY OF THE INVASION OF CZECHOSLOVAKIA IS STILL WITH US

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BROOMFIELD. Mr. Speaker, 19 years ago, Soviet troops marched into Czechoslovakia and snuffed out that country's experiment with liberalization. Since that brutal invasion, Czechoslovakia has been kept under the thumb of the Soviet Union. If Mr. Gorbachev is the great reformer that he claims to be, now is the time for him to withdraw Soviet troops from that country and allow that closed society to breathe the fresh air of freedom.

We all remember that tragic day in 1968 when thousands of Soviet and Warsaw Pact troops invaded Czechoslovakia. The Kremlin leaders could not accept the flame of democracy that had begun to burn among the Czechoslovak people. Since then, over 80,000 heavily armed Soviet troops have been stationed in that country. The Soviet Army, the Czechoslovak Army, and a powerful internal security force maintain almost total control over the Czech people.

The violation of the human rights of those freedom-loving people occurs on a daily basis. Czech Government officials make free use of various forms of repression including house searches, detentions, and interrogations. Government security officials conduct intrusive surveillance and other forms of psychological pressure on anyone who "steps out of line." Opponents of the current regime face discrimination in employment and may have educational opportunities denied to their family members. Religious activists and groups which monitor human rights abuses in that country are particularly subjected to heavy repression.

Over the years, the Czech Communist regime has purged the party, the state, the economy, the arts, the universities, and the media of anyone who dares to speak critically or independently about politics.

In order to prevent their own citizens from escaping from the police state, Czechoslovak border guards have killed a number of Czechs and others from various Eastern European countries attempting to escape across the border to Western Germany.

Gorbachev should take this opportunity to fulfill the promises of glasnost. If glasnost is more than words, now is the time to show the world. This is the time for the Soviet leader to withdraw Soviet forces from Czechoslovakia and let the Czech people experience the new "openness" of the Gorbachev era. Actions, not mere promises, will give Mr. Gorbachev the credibility that he is seeking.

HONORING THE MEMORY OF WALTER HAWRYLAK

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the memory of Walter Hawrylak. Mr. Hawrylak, a resident of Irondequoit, NY, was a supreme advisor of the Ukrainian National Association [UNA] and a leader in the Ukrainian community of Rochester, NY%, for over 30 years. On July 25, 1987, Walter Hawrylak died at the age of 74.

Mr. Hawrylak emigrated to the United States from Rohatyn, Ukraine, in 1939. After arriving in Rochester, NY, he taught himself English by using a dictionary. In recalling his first glimpse of America, Mr. Hawrylak once said "We went past the Statue of Liberty * * *. I had read about it, knew that it stood for liberty. It was so big, everything was so big, so new, so impressive."

When his new homeland called on him to fight in the U.S. Army during World War II, Mr. Hawrylak was quick to serve. He fought in Italy with the 88th Division "Blue Devils" where he was wounded by mortar fire. After 2 months' recovery, Mr. Hawrylak returned to the front line to fight for his new country. Once out of the Armed Services, he worked for the postal service for 22 years before retiring in 1977.

True to the spirit of the American melting pot, Mr. Hawrylak actively kept his Ukrainian

roots alive throughout his lifetime. He was manager and treasurer of the Rochester Ukrainian Federal Credit Union, an organization he helped establish in the 1950's. The Ukrainian Civic Center, the Rochester District of the New York State Credit Union League, and other local commmunity organizations prospered under Mr. Hawrylak's leadership.

Mr. Hawrylak was also secretary of the UNA Branch 316 for 31 years, was an 18-time member of the UNA Champions Club, and was elected a UNA supreme advisor in 1982 and reelected in 1986. During the years of his fraternal activity, Mr. Hawrylak is credited with having enrolled a total of 600 UNA members.

The death of Walter Hawrylak is a deeply felt loss to Ukrainian Americans across the country. His loving leadership and guidance will be especially missed by the Rochester community. It is fitting, Mr. Speaker, that we join today in honoring Mr. Hawrylak's extraordinary contributions to our community. May we also extend our condolences to the Hawrylak family.

FRAUD AMENDMENTS ACT OF 1987

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. CONYERS. Mr. Speaker, I introduce today the Fraud Amendments Act of 1987. The proposed legislation is designed to strengthen our Federal laws dealing with fraud, particularly the insidious fact of the abuse of political power.

I

On June 24, 1987, the United States Supreme Court decided *Charles J. McNally* v. *United States,* No. 86-234 and *James E. Gray* v. *United States,* No. 86-286. In these companion decisions, the Supreme Court held, in the context of a political corruption prosecution in Kentucky, that the phrase "any scheme or artifice to defraud" within the Mail Fraud Statute, 18 U.S.C. 1341 (1982), did not include a "scheme or artifice to defraud" that did not seek to obtain "money or property" that belonged to the state government. As such, it rejected under the Mail Fraud Statute the so-called intangible rights doctrine, most often employed in politicial corruption prosecutions, which had been almost universally followed in the circuit courts of appeal. *See, e.g., United States,* v. *Silvano,* 812 F.2d 754, 759 (1st Cir. 1987); *United States,* v. *Von Barta,* 635 F.2d 999, 1005-06 (2nd Cir. 1980), *cert. denied,* 450 U.S. 998 (1981); *United States,* v. *Mandel,* 602 F.2d 653 (4th Cir. 1979) (en banc), *cert. denied,* 445 U.S 961 (1980); *United States,* v. *Keane,* 522, F.2d 534 (7th Cir. 1975), *cert. denied,* 424 U.S. 976 (1976); *United States,* v. *States,* 488 F.2d 761, 766 (8th Cir. 1973), *cert. denied,* 417 U.S. 909 (1974). This salutary doctrine was premised upon an underlying theory, reflecting the character of modern society, that a public official acts as "trustee for the citizens and the States and thus owes [to them] the normal fiduciary duties of a trustee, e.g., honesty and loyalty . . . ." *Mandel,* 591 F.2d at 1363. Indeed, in *Mandel,* a prosecution of the former governor of Maryland for "selling" racing days for horse tracks to his hidden partners, the Fourth Circuit confidently asserted:

> "[T]here can be no real contention that . . . schemes to defraud a state and its citizens of intangible rights, e.g., honest and faithful government, may not fall within the purview of the mail fraud statute." *Id.* at 1362.

For the tragic story of the corruption of Mandel and his ignominious fall from grace, *see W. Manchester, Thimble Riggers* (1984); the similar story of Otto Kerner, the former governor of Ilinois and judge of the Seventh Circuit, albeit told with little sympathy for the prosecution, is related in *H. Messick, The Politics of Prosecution* (1978). Essential to the "intangible rights" doctrine has been the notion that it is not necessary to show that the public or other body "lost" something in a narrow financial sense; it is sufficient to show a "loss . . . of . . . good faith services" by the fiduciary. *Silvano,* 812 F.2d at 760.

The rejection by the Supreme Court of the "intangible rights" doctrine under the Mail Fraud Statute is a crippling blow to the ability of Federal law to curtail political corruption in the United States, particularly at the State and local level. Among the recent prosecutions that may be adversely affected by these decisions are the convictions in New York of Stanley M. Friedman, the former Bronx Democratic leader, Joseph M. Margiotta, the former Nassau Courts Republican leader, Jack E. Bronston, a former New York State Senator, and Jay C. Turoff, a former chairman of the New York Taxi and Limousine Commission. I cite only a few examples. In fact, the list is long, and it extends to all areas of the Nation. Accordingly, Congress must act now to reverse, at least for the future, the deleterious impact of these two most unfortunate decisions.

II

Mr. Speaker, the 1970's and 1980's witnessed an unprecedented series of public corruption investigations and prosecutions by the Federal Government. A President left office in disgrace; a Vice-President was convicted of abuse of position; a Supreme Court Justice resigned under a cloud of suspicion; Cabinet officers, Senators, Congressmen, Federal judges, Governors and Lieutenant Governors, State judge, assorted mayors, State legislators, sheriffs and police officials were all indicted and convicted by a reinvigorated Federal law enforcement presence. The basic data are staggering. See the 1987 Almanac at 802:

FEDERAL PROSECUTIONS OF PUBLIC CORRUPTION: 1975 TO 1984

[Prosecution of persons who have corrupted public office in violation of Federal Criminal Statutes as of Dec. 31, 1984]

Prosecution status	1984	1983	1982	1981	1980	1979	1978	1977	1976	1975
Total [1] Indicted	936	1,073	729	878	721	687	557	507	563	255
Convicted	934	972	671	730	552	555	409	440	380	179
Awaiting trial	269	222	186	231	213	187	205	210	199	27
Federal officials: Indicted	408	460	158	198	123	128	133	129	111	53
Convicted	429	424	147	159	131	115	91	94	101	43
Awaiting trial	77	58	38	23	16	21	42	32	1	5
State officials: Indicted	58	81	49	87	72	58	55	50	59	36
Convicted	52	65	43	66	51	32	56	38	35	18
Awaiting trial	21	26	18	36	28	30	20	33	30	5
Local officials: Indicted	203	270	257	244	247	212	171	157	194	139
Convicted	196	226	232	211	168	156	127	164	100	94
Awaiting trial	74	61	58	102	82	67	72	62	98	15

[1] Includes individuals who are neither public officials nor employees, but who were involved with public officials or employees in violating the law, now shown separately. NOTE.—represents zero. Source: U.S. Department of Justice, Federal Prosecutions of Corrupt Public Officials 1970-1980, and Report to Congress on the Activities and Operations of the Public Integrity Section annual.

The scope of these prosecutions calls to mind the sad commentary of Livy, the Roman historian, "Roman was originally, when poor and small, a unique example of austere virtue; then it corrupted, it rotted, it slowly absorbed vices." *T. Livy,* "History of Rome" i (1854). A mainstay of this federal effort is—or was—a crucial group of federal fraud statutes. *See, e.g.* §§ 371 (conspiracy to defraud the United States), 1341 (mail fraud), 1343 (wire fraud), 2314 (travel fraud).

III

The Mail Fraud Statute, the prototype of the group, dates back to 1872. Act of June 8, 1872, ch. 335, sections 149 and 301, 17 Stat. 302 and 323. It was originally aimed at the "operation of lottery gamblers through the postal service." Note, *Intangible Rights Doctrine and Political Corruption Prosecutions under the Federal Mail Fraud Statute,* 47 U. Chi. L. Rev. 562, 567 (19809). The statute, however, was drafted in general, not specific, language. Until the Supreme Court's decisions in *McNally* and *Gray,* the statute had always been read broadly to reflect its expansive language and to implement its remedial purpose. *See, e.g., United States* v. *Maze,* 414 U.S. 395, 399 n.4 (1974) (Rehnquist, J.) ("While obviously not directed at credit card frauds as such [its language] is sufficiently general . . . to include them if the requirements of the statute are otherwise met"). Since its initial construction by the Supreme Court at the turn of the century, it had not, moreover, been limited—for good reason—to common law fraud.

Durland v. *United States,* 161 U.S. 306, 313–14 (1896) (not limited to statements of present fact). In contrast, common law fraud had had a sharply stunted development as part of the growth in a society dominated by a philosophy of *lassez faire* and *caveat emptor* of the law of larceny, which was aimed, at first, "to prevent breaches of the peace rather than * * * protecting property from wrongful appropriation." W. LaFave and A. Scott, "Criminal Law" 702 (2nd ed 1986). Justice Stephen summed up the early common law attitude well, "[A]gainst open violence people ought to be protected by law, but . . . they could protect themselves against breach of trust by not trusting people." "A History of the Criminal Law of England" 124 (1883). As late as 1761, Lord Mansfield, in fact, dismissed an indictment for fraud, castigating instead the plaintiff for his own carelessness in the market place. II W. Russell, "A Treature on Crimes and Misdemeanors" 522 (1877). The defects in common law of larceny, which did not, as such, reach fraud, had to be remedied by statute. Parliament acted in 1757, and it prohibited obtaining property by false pretenses. 30 Geo. III c. 24 (1757). Nevertheless, as befitting the 18th century, the central, although not exclusive, focus of the law of fraud was on the protection of tangible property. Largely ignored were intangible rights or broader conceptions of breaches of trust, which are far more significance to a modern society. When the Supreme Court, however, decided *Durland* in 1896, it farsightedly freed the development of the Federal law of fraud from this property-based and crabbed common law history. *See, e.g., United States* v. *Goldblatt*, 813 F. 2d 619, 624 (3rd Cir. 1987) ("term 'scheme to defraud' . . . is not capable of precise definition fraud . . . is measured . . . by . . . departure from fundamental honesty, moral uprightness, or fair play and candid dealing. . . ."); *United States* v. *Bonansinga,* 773 F. 2d 166, 173 (7th Cir. 1985) ("Congress has decided not to define . . . [it] because the range of potential schemes is as broad as the criminal imagination"), *cert. denied,* 106 S. Ct. 2281 (1986); *Weiss* v. *United States,* 122 F. 2d 675, 681 (5th Cir.) ("The law does not define fraud; it needs no definition; it is as old as falsehood and as versable as human ingenuity"), *cert. denied,* 311 U.S. 687 (1941). As such, the Mail Fraud Statute became the "first line of defense" of the Federal law against modern forms of fraudulent activity. *United States* v. *Maze*, 414 U.S. at 405 (Burger, C.J. in dissent). The Supreme Court's decisions in McNally and Gray, therefore, turn back the Federal law of fraud to an unwisely narrow conception of the proper scope of the interests to be protected, which is wholly inadquate to a 20th century society.

IV

Mr. Speaker, the McNally and Gray decisions potentially threaten, not only to undercut mail fraud prosecutions, but also to affect other similarly worded statutes or administrative regulations in the Federal law. They portend ill, for example for a decision that will be handed down next term, *United States* v. *Carpenter,* 791 F. 2d 1024, 1034–35 (2d Cir.), *cert. granted,* 107 S. Ct. 666 (1986). Carpenter deals with the breach of fiduciary relations concept in the context of the misappropriation theory under the Federal security laws and rule 10b–5, which was adopted by the Securities and Exchange Commission to implement section 10b of the Security Exchange Act of 1934, 15 U.S.C. § 78j. Rudolph W. Giuliani, the U.S. attorney in Manhattan, sadly observed of *McNally and Gray.* "A theory of prosecution is no longer available to us. On insider trading cases, we're going to have to allege and prove specific loss of money [, which will be difficult]." N.Y. Times, June 29, 1987, at 24, col. 1. The misappropriation theory was at the heart of a number of Guiliani's pending insider trading investigations on Wall Street. Current law, reflected in such important prosecutions as *United States* v. *Newman,* 664 F. 2d 12 (2d Cir. 1981), *cert denied,* 464 U.S. 863 (1983), must be safeguarded, at least for the future. As such, we must act legislatively to remedy McNally and Gray, not only under the Mail Fraud Statute, but elsewhere. *See, e.g.,* 7 U.S.C. § 60; 15 U.S.C. §§ 77q; 78jjj; 80b–6; 1703; 18 U.S.C. §§ 1341, 1343, 1344, 2314. Appropriate change, if necessary, ought to be made, too, by the various administrative agencies under the regulations entrusted to their care.

V

Fortunately, the Supreme Court has not told us that we cannot write a statute embodying the "intangible rights" doctrine. As it cut the theory out of "scheme or artifice to defraud" within the Mail Fraud Statute, it expressly recognized that it was fully applicable to the comparable language in 18 U.S.C. § 371 (1982) ("defraud"). *See, e.g., Haas* v. *Henkel*, 216 U.S. 462, 479 (1910). Justice White merely suggested for the majority of the Court that if Congress wanted to go further under the Mail Fraud Statute than the limited common law protection of property "it must speak more clearly than it has."

I, for one, do not believe that the original text of the Mail Fraud Statute was ambiguous. I agree with Justices Stevens and O'Connor, who suggested, in dissent, that the phrase "scheme or artifice to defraud" in context was broad, but not ambiguous. I also agree with them that the phrase originally had no "tangible rights" limitation built into it. I do not believe, in short, that "tangible loss" is of the essence of fraud. Such a rule might write, for example, into Federal law the so-called "Agnew defense." Former Vice President Spiro T. Agnew defended his conduct in 1972 by saying that no crime had been committed, since he had not altered his public conduct in response to the money he took, so no one was 'injured." R. Cohen & Witcove, "A Heartbeat Away" 349 (1974) ("I deny that the payments in any way influenced my official actions.") Agnew was eventually sued under a constructive trust, accounting, and breach of fiduciary duty theory; the suit was successful. *Agnew* v. *State*, 51 Md. App. 614, 466 A2d 425 (1982). I see no reason to give corrupt public officials an "Agnew defense" under the Federal fraud statutes.

I add another consideration. Congress itself is not unaware of the developments of legal doctrine. The Judiciary Committee, which authorizes funds for the Department of Justice, is now—and has been—fully aware—and supportive—of the Department of Justices' efforts to prosecute political corruption at the Federal, State, and local level. I, for one, have applauded the FBI's efforts since the death of its former director to turn away from chasing kids who steal cars and focus on adults who commit white-collar crimes. If the Department of Justice was wide of the mark in its legal theory in these prosecutions, voices would have been heard in this body calling it to task. We have not only been silent; we have supported the Department of Justice's prosecutive policies, at least in this area of the law. There is little in the area of civil rights that I can say anything charitable about. But I applaud its prosecutions in white-collar crime area, including political corruption and insider trading.

I conclude here by associating myself with another pointed coment of Justice Stevens. I, too, cannot understand why a majority of the Supreme Court reached out for this particular result in this particular prosecution. Justice Stevens observed:

> "[T]he Court has made a serious mistake. [Because it may be mitigated does] not erase my lingering questions about why a Court that has not been particularly receptive to the rights of criminal defendants in recent years has acted so dramatically to protect the elite class of powerful individuals who will benefit from this decision."

Justices Stevens and O'Connor were lonely voices, who could only vote against the Court's determined majority. We can—and should—vote to reverse these unwise decisions.

IV

Mr. Speaker, the impact of white collar crime, particularly political corruption, on our society cannot be understated. It is not limited either to economic damage, as the court apparently believed. It is not just the loss of money or property, which is important, although that figure may be as high as $200 billion. "Annual Report of U.S. Attorney General" 42 (1985). Writing in 1967, the President's Crime Commission observed:

> [W]hite-collar crime—now commonly used to designate those occupational crimes committed in the course of their work by persons of high status and social repute . . . [is] only rarely dealt with through the full force of criminal sanctions.
>
> * * * * *
>
> During the last few centuries economic life has become vastly more complex. Individual families or group of families are not self-sufficient; they rely for the basic necessities of life on thousands or even millions of different people, each with a specialized function, many of whom live hundreds of thousands of miles away.
>
> * * * * *
>
> Serious erosion of morals accompanies [the white-collar offender's] violation. [Those who so] flout the law set an example for other businesses and influence individuals, particularly young people, to commit other kinds of crime on the ground that everybody is taking what he can get.

"The Challenge of Crime in a Free Society," 47–48 (1967). It is no good telling people, as the common law did, to avoid breaches of trust by not trusting others. That common law attitude is fundamentally flawed. Today, each of us depends on government officials, insurance companies, bankers, stock brokers, law-

yers and accountants to provide us faithful service in our everyday lives. Modern society is held together by bonds of trust. The law must recognize, too, that wealth today is no longer held in only gold. Information may be worth more than precious metal. More illicit profit can be made, in short, on Wall Street by a single theft of inside information than can be stolen by robbing a Brinks truck with a gun. In addition, loss of property is not what is to be feared most. Abuse of trust in an interdependent society—whether of governmental character or otherwise—is far more threatening to our most basic and important values. If the Government is corrupt, for example, we will not be either Republican or Democratic, but plutocratic. No public policy value—liberal or conservative—can be implemented in a society tainted by political corruption. It is not stealing public money that we must fear most; it is the abuse of public power and the betrayal of public trust. President Theodore Roosevelt said it well long ago:

There can be no crime more serious than [public corruption]. Under our form of Government all authority is vested in the people and by them delegated to those who represent them in official capacity. There can be no offense heavier than that of him in whom such a sacred trust has been reposed, who sells it for his own gain. * * * He is worse than the thief, for a thief robs the individual, while the corrupt official plunders an entire city or State. He is as wicked as the murderer, for the murderer may only take one life against the law, while the corrupt official . . . aim[s] at the assassination of the commonwealth itself.

"IX Presidential Messages and State Papers" 3048 (M. Muller ed. 1917).

Mr. Speaker, I ask that the text of the bill appear in the RECORD following my remarks.

H.R. 3089

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 "Fraud Amendments Act of 1987".

SEC. 2. INTANGIBLE RIGHTS AND BREACHES OF FIDUCIARY RELATIONSHIPS.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by inserting at the end thereof the following new section:

"§7 'Fraud' or 'defraud' as including fraud involving intangible rights and breaches of fiduciary relationships

"The term 'fraud' or 'defraud' includes defrauding another—

"(1) of intangible rights of any kind whatsoever in any manner or for any purpose whatsoever; or

"(2) by using material private information wrongfully stolen, converted, or misappropriated in breach of any statutory, common law, contractual, employment, personal, or other fiduciary relationship.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"7. 'Fraud' or 'defraud' as including fraud involving intangible rights and breaches of fiduciary relationships.".

SEC. 3. CONSTITUTIONAL BASIS.

This Act is enacted on the basis of the following Articles of the Constitution of the United States:

(1) Article I, section 1 (legislative power).

(2) Article I, section 8 (specific powers and those necessary and proper thereto).

(3) Article IV, section 4 (republican form of government).

SEC. 4. CONSTRUCTION.

This Act shall be broadly construed to achieve its remedial purpose.

TO AMEND THE CLAYTON ACT TO LIMIT MERGERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing the Merger Limitation Act of 1987. The goal of this legislation is to slow down the pace of megamergers which are running rampant in our country. Present laws encourage giant mergers, while blunting America's competitive edge. This bill will require an affirmative test for megamergers, by making certain that large acquiring corporations demonstrate that a merger manifestly advances the national interest. Thus the buyer would have to prove to either the Federal Trade Commission or the Attorney General that the acquisition would not substantially reduce competition, would enhance operating efficiency and international competitiveness, and would promote the welfare of the affected employees and local communities.

Currently, billion-dollar corporations are roaming the forest of hostile takeovers, stalking and bagging one another. The only ones who benefit from the hunt are the paper shufflers on Wall Street who put these deals together. The victims in the hunt are American workers, communities, and the economy.

"Bigness is not a sign of strength. In fact, just the opposite is true," Martin Davis, president of Gulf & Western recently said. Most megamergers are simply not in the national interest. Studies show that they do not result in the creation of new products; they do not produce greater efficiency; they do not provide more jobs. For example, in 1986 there were $177 billion in mergers and acquisitions. This represents more money than was spent on all plant and equipment purchased by all manufacturing companies throughout the United States—$140 billion. In 1986 American corporations sold $263 billion worth of debt which is five times more than in 1982. In 1986, over $32 billion takeover deals took place in America. Seventeen of them, involving $41 billion, were the result of hostile bids. Almost 40 percent of all corporate marriages of the 1960's and the 1970's have ended in divorce. Some 80,000 jobs of members of unions affiliated with the AFL-CIO have been lost in recent raids. Bidders, on average, experience and immediate and sharp decline in profitability.

Studies indicate that corporate giantism and gargatuan acquisitions tend to create bloated, timid, and unimaginative corporations. Ironically, this is precisely what business so often decries in the Federal bureaucracy. Megacorporations tend to act in ways that undermine good economic performance and harm the American economy by, for example, reducing technological innovation; incurring large debt; reducing cash or engaging in unnatural company restructuring to make themselves less attractive as a takeover target; expending funds for acquisitions which could be utilized to increase American productivity; acting in ways to maximize short term profitability or cash flow rather than long-term productivity; and behaving without regard to the hardships created in local communities.

How does my legislation propose to slow down the pace of megamergers and promote American competitiveness? This bill amends section 7 of the Clayton Act by barring a corporation from acquiring more than 10 percent of the stock or assets of any billion-dollar corporation unless an affirmative test can be met. Thus, the Federal Government would allow large corporate mergers only when they clearly strengthen our economy and result in competitive and social advantages.

We should not forget basic fact: the marketplace works best when no giants dominate and competition is allowed to flourish. My legislation will help to focus business energies on creative, competitive decisionmaking rather than on counterproductive financial board games. I believe it's time that Congress stepped in and formulated the rules of giant acquisitions. I am requesting your cosponsorship of the Merger Limitation Act of 1987.

The text of the bill follows:

H.R. 3090

A bill to amend the Clayton Act to limit mergers

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 shall be known as "The Merger Limitation Act of 1987".

SEC. 2. FINDINGS.

The Congress of the United States finds as follows:

(1) Mergers of very large companies particularly, unfriendly takeovers, are presumptively not in the national interest.

(2) such mergers, and the threat thereof, have caused and are causing companies—

(A) to reduce technological innovation, incur debt, and reduce cash or engage in unnatural company restructuring, to make themselves less attractive as a takeover;

(B) to expend funds for acquisition instead of using funds to increase United States productivity;

(C) to act to maximize short-term profitability or cash-flow rather than long-term productivity, including—

(i) to discharge employees, often without adequate provision for retraining, relocation, pension beneftis, and severance allowances; and

(ii) to close or consolidate facilities with little or no attention to the hardships created in the communities involved; and

(D) to incur large debt in order to finance the merger, resulting in—

(i) a loss in competitiveness because of the costs associated with the debt; and

(ii) unnecessary and illogical divestiture of divisions or subsidiaries, reduction of research efforts, and procurement of supplies overseas, in order to reduce the debt.

SEC. 3. LIMITATION ON MERGERS.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end thereof the following: "No person shall, directly or indirectly, acquire more than 10 percent of the stock (or other share capital) or assets of another person which had, in the calendar year preceding such acquisition, assets or gross sales exceeding $1,000,000,000 in value unless the acquiring person receives, before such acquisition, a certificate issued under section 7B with respect to such acquisition.".

SEC. 4. NOTIFICATION REQUIREMENT.

Section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) is amended by inserting after "information" the following: ", including a list identifying each community in which the person to be acquired employs 500 or more individuals and a list identifying each certified representative of 1,000 or more employees of the person to be acquired".

SEC. 5. ISSUANCE OF CERTIFICATE.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting after section 7A the following:

"SEC. 7B. (a) The Assistant Attorney General or the Federal Trade Commission shall, not later than five business days after receiving a completed notification required under section 7A(a) or a request for the issuance of a certificate under this section, determine whether a certificate is required by section 7 to be issued before the occurrence of the acquisition with respect to which such notification or such request is received. The determination shall specify the identity of the acquiring person and of the person whose stock (or other share capital) or assets are to be acquired.

"(b) Not later than two business days after making an affirmative determination under subsection (a), the Assistant Attorney General or the Federal Trade Commission shall publish the same to all interested parties. The Assistant Attorney General or the Federal Trade Commission shall also publish to all interested parties a list of communities in which 500 or more employees of any person to be acquired are employed (hereinafter in this section referred to as 'interested community parties') and a list of certified representatives of 1,000 or more employees of the party to be acquired (hereinafter in this section referred to as 'interested representative parties').

"(c)(1) Not later than five business days following publication of an affirmative determination by the Assistant Attorney General or the Federal Trade Commission to an interested party, such interested party shall file with the Assistant Attorney General or the Federal Trade Commission a declaration indicating whether such party is a proponent or opponent of the acquisition. No interested community or representative party which does not so file such a declaration may participate in any proceeding with respect to such acquisition under this section except for good cause shown.

"(2) A community or certified representative may also participate, after filing a declaration, if it establishes that it is an interested party but that the affirmative determination was not published to it.

"(3) Ten business days after the affirmative determination is made, the Assistant Attorney General or the Federal Trade Commission shall publish to all interested parties the schedule of the proceedings for determining whether a certificate is required to be issued under this section.

"(4) If no acquiring person or person to be acquired declares itself a proponent of the acquisition, a certificate may not be issued with respect to such acquisition.

"(5) The burden of persuading the Assistant Attorney General or the Federal Trade Commission to issue a certificate shall be on the proponents of the acquisition.

"(d) The Assistant Attorney General or the Federal Trade Commission shall issue a certificate if the proponents of the acquisition involved establish that—

"(1) such acquisition will not substantially lessen competition;

"(2) on balance, the acquisition will create long-range efficiencies (not including advertising or brand name differentiation efficiencies) in the product or service and geographical markets in which the person to be acquired competes;

"(3) on balance, the acquisition will be of long-range benefit to United States consumers of the products or services which the person to be acquired sells or provides;

"(4) on balance, either—

"(A) the acquisition will benefit employees of the person to be acquired; or

"(B) reasonable provisions have been made for their welfare consistent with achieving the efficiencies described in paragraph (2) and the benefits described in paragraph (3); and

"(5) on balance and after consideration of benefits, if any, to other communities, the impact on interested community parties is not unreasonably detrimental and is consistent with achieving the efficiencies described in paragraph (2), the benefits described in paragraph (3), and the benefits described in paragraph (4).

"(e) In making the determinations required by subsection (d) the Assistant Attorney General or the Federal Trade Commission shall consider—

"(1) whether the proposed acquisition would be detrimental to the national defense;

"(2) whether such acquisition would inhibit technological innovation;

"(3) whether such acquisition would benefit foreign competition;

"(4) the nature and extent of the impact such acquisition would have on interested community parties and on other communities;

"(5) whether such acquisition would result in labor contracts limiting maximization of an employee's services;

"(6) whether the acquiring person or person to be acquired committed illegal acts, including any violation of the antitrust laws and the laws relating to the securities, in the 10-year period ending on the date a determination is made under this section;

"(7) the market performance of acquiring person, and the person to be acquired, within such 10-year period;

"(8) the performance of the person to be acquired within such 10-year period in the United States markets for its goods and services when compared with other persons competing in those markets;

"(9) the reasonableness of the salaries of, terms and conditions of, and agreements applicable to the officers and directors of the person to be acquired, and a comparison thereof with norms in the United States, generally, and with those of other persons competing in the United States markets of the person to be acquired;

"(10) whether the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission a binding commitment to treat all pension benefits of employees of the person to be acquired, under pension benefit plans (as defined in Employee Retirement Income Security Act of 1974) as vested if such employees are terminated without clear and convincing cause within two years after the acquisition, and what, if any, binding commitments the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission regarding retraining, relocation, and severance allowances for employees of the person to be acquired;

"(11) the probable impact in terms of the operation or restructuring of the person to be acquired, of any debt the acquiring person has obtained, has agreed to obtain or it may reasonably be supposed the acquiring person must necessarily obtain, to finance the acquisition;

"(12) whether the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission a binding commitment not to sell, directly or indirectly, to the person to be acquired any shares of, or interest it may own or have the right to acquire in, the person to be acquired;

"(13) the performance during such 10-year period of the person to be acquired in positioning itself for long-term growth in its markets, as opposed to maximizing short-term profits or cash-flow, and, in general, efficiencies of the management of the person to be acquired;

"(14) any other factor reasonably related to either the findings made by the Congress in section 2 of the Merger Limitation Act of 1987 or any issue specified in paragraph (1), (2), (3), (4), or (5) of subsection (d); and

"(15) any other factors prescribed by rule by the Attorney General or the Federal Trade Commission.

"(f) The Assistant Attorney General or the Federal Trade Commission shall issue, and transmit to the President, an order granting or denying a certificate within ninety business days after making the determination under subsection (a). The order shall make a finding on each of the issues specified in paragraphs (1) through (5) of subsection (d) which shall summarize the evaluation of whatever evidence has been introduced and which is relevant to each of the matters specified in paragraphs (1) through (15) of subsection (e), stating how the evaluation of the evidence relevant to each matter affects the issues specified in paragraphs (1) through (5) of subsection (d).

"(g) The certificate, if granted, shall be effective as of the close of business on the tenth business day following its issuance.

"(h) Any injured employee shall have a private right of action for breach of a commitment filed under subsection (e)(10) and any injured shareholder, partner, or participating member of any person to be acquired shall have a private right of action for breach of a commitment filed under subsection (e)(12), for compensatory damages and, if successful, costs (including a reasonable attorney's fee). Reasonable punitive damages may be awarded upon proof of a willful breach thereof.

"(i) After a hearing on the record, the Attorney General and the Federal Trade Commission shall issue jointly rules necessary or appropriate to effectively administer this section.

"(j) For purposes of this section and section 7A—

"(1) the term 'business day' means a day other than Saturday, Sunday, or a Federal legal holiday;

"(2) the term 'certified' means designated or selected for collective bargaining, as described in section 9(a) of the National Labor Relations Act;

"(3) the term 'interested parties' includes all acquiring persons, all persons to be acquired, all interested community parties, and all interested representative parties; and

"(4) the term 'person to be acquired' means the person whose stock (or other share capital) or assets are to be acquired.".

SEC. 6. EFFECTIVE DATE; ISSUANCE OF RULES.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) ISSUANCE OF RULES.—Not later than 90 days after the date of the enactment of this Act, the Attorney General and the Federal Trade Commission shall publish jointly in the Federal Register proposed rules to carry out the amendments made by this Act.

WILLIAM J. KOZERSKI HONORED BY LIONS CLUB

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Mr. William J. Kozerski, who is being honored by district 14-W of the Lions International Club for his dedicated leadership as district governor and his many years of service to the Lions.

Born and raised in Plains Township, PA, Bill Kozerski attended public schools in Plains and graduated with a degree in business administration from King's College. He married another Plains native, Shirley Logan, and together they have six children.

Mr. Kozerski has been a dedicated member of the Plains Lions Club, having served as president, first, second, and third vice president, treasurer and tailtwister. He has received two International Presidents' Certificates of Appreciation, as well as several awards from district governors. Active for 11 years on the district cabinet, Mr. Kozerski has been a member of the Lionews staff where he was advertising manager and coeditor.

In addition to his devotion to the Lions Club, Bill Kozerski is active in many other civic organizations in the Plains area. He has served as president of the Hilldale Community Center, chairman of the Plains Blood Bank Executive Committee, president of the St. Francis Holy Name Society, and is a member of the Plains American Legion.

Mr. Speaker, it is citizens like William J. Kozerski, giving selflessly of their time and energy to their communities, who make this Nation great. I am pleased to draw the attention of my colleagues in the House of Representatives to the dedicated public service of William Kozerski, and I join his fellow members of the Lions International Club in honoring him.

TRIBUTE TO JAMES PACHECO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GARCIA. Mr. Speaker, I rise today in praise of a constituent of mine, James Pacheco. As a caring citizen of New York City, Mr. Pacheco nearly lost his life while trying to prevent a woman from being assaulted by five young men.

As Mr. Pacheco was waiting at the 160th Street subway station late one night in June of this year, he noticed a group of five young boys approach a woman sitting next to him, asking for her money. Mr. Pacheco rose to defend her from the aggressors and a physical altercation ensued. He was thrown to the floor and shot once below his right shoulder.

Mr. Pacheco managed to get into the train and inform the conductor about the incident. The police were notified and Mr. Pacheco was transported to the hospital, where the bullet, located only a few inches away from his heart, was extracted.

The city of New York has had the reputation of being, not only a dangerous city, but also one in which its citizens have become frivolous and apathetic to the situation in the streets. I rebuke this false generalization by applauding Mr. Pacheco, and the few like him, that not only have respect for human life, but most importantly will come to the aid of their neighbor regardless of the dangers that might be present. Mr. Pacheco, I admire and praise your kindness and most of all, your concern for others.

SOVIETS USE EXCUSE OF SECRECY TO DENY RIGHT OF EMIGRATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. CLARKE. Mr. Speaker, one of the pretexts used by the Soviet bureaucracy to deny human rights to Soviet citizens is the allegation that an individual possesses state secrets. Soviet authorities often used this excuse to try to justify the exile of Dr. Andrei Sakharov to the closed city of Gorky.

The alleged knowledge of state secrets has also been used repeatedly to deny several dozen people the right to emigrate. In 1985 General Secretary Gorbachev said publicly that access to secrets should not keep anyone from emigrating for more than 5 to 10 years after the end of sensitive employment. Yet his subordinates continue to hold back people whose "secrets" are 10, 20, even 30 years old, or who never really knew any secrets at all. Is it a coincidence that many of these people happen to be vocal advocates of the right of Soviet Jews to emigrate?

Prof. Naum Meiman, who tragically lost his wife to cancer a few weeks ago, was an early associate of Dr. Sakharov in the Helsinki Monitor group in Moscow. Professor Meiman did theoretical work in physics over 30 years ago. Recently the Soviet authorities once again denied him the right to emigrate because of his knowledge of these "secrets" of the 1950's.

Another eminent scientist who applied to emigrate was Dr. Alexander Lerner. After his first application to emigrate over 16 years ago, Dr. Lerner lost his position and was never again allowed access to any sensitive information. The Soviet authorities continue to tell him he cannot leave the country.

Lev Blitshteyn has also been told he cannot emigrate because he possesses state secrets. He has never been a scientist. Before he was fired for trying to emigrate, he was a butcher. There are many other Soviet Jews who have been denied emigration for having secrets, but whose secrets are outdated or who never worked in any sensitive position at all.

Mr. Speaker, I call upon Mr. Gorbachev to see that his bureaucracy carries out his own policy of placing a time limit on the denial of emigration for having secrets. He should also see that this reason is no longer used to keep butchers, elementary school teachers, and others with no state secrets from emigrating. The Soviet Union gains nothing by such cruel and aribtrary violations of human rights.

NATIONAL DAY OF REMEMBRANCE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. OWENS of New York. Mr. Speaker, I rise in strong support of House Joint Resolution 132 to designate a National Day of Remembrance for the victims of the Armenian genocide of 1915-23 because it is only in the act of remembering that the frail, frightened screams of the past can be heard and heeded in the present.

Heed them we must. Throughout the history of mankind, the silence and indifference of humanity to the persecution and slaughter of minority peoples has always spawned the replication of new atrocities elsewhere. And so tragically it was with the Armenian genocide. Noting the ease with which the Ottoman Empire was able to defy world opinion as it snuffed out the lives of millions of Armenians, Adolph Hitler was emboldened in his psychotic belief that no nation would act to prevent the annihilation of millions of Jews. Unmentioned, unnoted, and unprotested, the massacre of Cilicia, the pogroms of the Teshkileti Mahsusa, and the bloody edict of deportation helped inspire the master race madmen of the Third Reich to commit the most horrible crime in human history.

The corpses of millions of Armenians lie on the steps of civilization. They cannot be removed; they will not disappear. The crime cannot be undone and the only meaningful reparations which we today can pay is simply to remember and act to ensure that such carnage is never repeated. Vote to pass House Joint Resolution 132.

THE HERSHEY FOODS CORP. IS TO BE COMMENDED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GEKAS. Mr. Speaker, most people associate the name Hershey with those delicious candy bars made by the Hershey Foods Corp. in Hershey, PA. But the Hershey Foods Corp. is also known nationally for its support of, and contributions to, the youth of our Nation.

August 15, 1987, will mark the 10th anniversary of Hershey's National Track and Field Youth Program. The program was, and still is, a playground program designed to introduce children to physical fitness through basic track and field events. Children are instilled with the attitude that having fun is more important than winning.

Hershey's Youth Program is open to boys and girls, ages 9 to 14, across the Nation. Approximately 2 million children have participated in the program since its inception, and we expect 250,000 children to compete this year. Several children have since gone on to become Olympians and professional athletes.

Mr. Speaker, the Hershey Foods Corp. is to be commended and recognized for the role it has played over the years in the development of our athletes. Hersey Foods' generous financial contributions to the Hersey Youth Program over the years, while maintaining a very low profile, is deserving of our honor and recognition.

Their efforts serve as an example for other individuals and corporations to invest in our children's future—for the children are our future. I would ask my colleagues in the U.S. Congress to join me in congratulating the Hershey Food Corp., their employees and the local meet volunteers for their efforts in helping to provide a quality program to the youth of America.

SELF-DETERMINATION FOR THE PEOPLE OF PALAU

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DELLUMS. Mr. Speaker, the hearings on the Iran-Contra scandal are coming to a close, and the Members of this Congress and the people of this Nation are trying to piece together what went wrong. We are trying to understand how it is that the will of the people, as expressed in the laws passed by their elected representatives, can be so callously and cynically subverted. Americans cannot afford to take for granted our right to democratic rule of law. We are rightly proud of this heritage and rightly angered when this sacred process is subverted or abused.

In broader terms, this Nation has stood in principle for the right of people not only in the United States, but people all over the world, to have the right of self-determination. Yet, today, the United States has taken what I believe to be the unfortunate position of opposing the clear will of the people of a small peace-loving island in Micronesia to determine for themselves how they wish to live their lives.

The people of Palau adopted by a 92 percent majority a constitution which bans the storage, testing, and disposal of nuclear materials within their territory without the approval of 75 percent of the votes cast in a referendum. The people of Palau have time and again reaffirmed their desire to live without nuclear weapons and waste in their environment. Yet over and over they are asked to vote to approve a compact of free association which does not comply with these important aspects of their constitution.

As chairman of the House Armed Services Subcommittee on Installations and Facilities, the implications and importance of the forward positioning of American military ships and Forces is not unknown to this gentleman. But what is also known, and firmly believed by this gentleman, is that the importance of the Palauans' declaration of their desire to live without nuclear weapons and waste in their midst is to be recognized and honored. As nuclear strategists pursue their war games and preparations for the ultimate act of insanity, they would do well to take note of the strong and determined statement of the people of Palau.

That a people may declare for themelves how their constitution shall read, how their land is to be used, and how they shall act or refuse to act in the geopolitical military strategies, is not contrary to, but is entirely consistent with the American commitment to the human right of self-determination.

EXPLANATION OF VOTE ON MEDICARE CATASTROPHIC PROTECTION ACT: WE MUST MAKE THE BEST POSSIBLE USE OF OUR SCARCE HEALTH CARE DOLLARS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BEILENSON. Mr. Speaker, on July 22 I voted against the Medicare Catastrophic Protection Act and would like to explain briefly my reasons for doing so. I agree, of course, with the stated intent of the bill—to help protect Medicare beneficiaries from catastrophic medical expenses—as well as with the progressive method of financing part of the additional benefits by basing the new supplemental premium on the ability to pay.

But H.R. 2740, as passed by the House, will cost $10 billion a year by 1992—and possibly up to $30 billion annually by 2005. Before we commit ourselves to spending such a huge additional amount of money, we ought to be sure we will be making the best possible use of our limited Federal health care dollars and assisting those who are most in need of Government help to pay their medical expenses. I don't think this bill will do either.

First, although the bill is titled the "Medicare Catastrophic Protection Act," in fact it will not protect Medicare recipients from what is by far the leading cause of catastrophic health care expenses for our senior citizens—the immense costs of long-term unskilled nursing home and home health care. The cost of this care is what the elderly rightfully fear the most, and I am afraid a great many of them think that the bill we have passed, and the higher tax they will be paying, will safeguard them from these devastating long-term care costs that they see as most threatening, when this legislation does not even begin to cover these costs.

Second, in addition to the fact that the bill does not provide true catastrophic coverage, I am concerned that far too few Medicare recipients will benefit from the $10 billion annually that they will be taxed. For example, one of the principal benefits provided in the bill is expanded coverage of hospitalization costs, but fewer than one-half of 1 percent of all Medicare recipients will actually use this extra benefit. Similarly, fewer than 10 percent of Medicare beneficiaries will be helped by the bill's additional coverage of their physicians' fees; only about 15 percent or 16 percent will be helped by the new coverage for the costs of prescription drugs; and only one-fortieth of 1 percent of all beneficiaries will use the additional skilled nursing home coverage that the bill provides.

Meanwhile, many Medicare beneficiaries will be paying large additional sums to underwrite this modest extra coverage: a person with an annual adjusted gross income of just $15,000 will pay a new supplemental annual premium of $580 starting next year, and by 1992 that fee will rise to more than $1,000 per person a year. Many of the elderly are going to pay far more than they now realize for additional coverage, yet the vast majority will not use the extra benefits.

Third, there are other problems with the bill. Although Medicare will for the first time be paying billions of dollars for prescription drugs, H.R. 2740 fails entirely to control the price of the drugs that will account for at least one-third, and perhaps more than one-half, of the legislation's total cost. In addition, administering the drug portion of the bill will be enormously complex and costly: a huge amount of paperwork will be necessary to process literally tens of millions of prescriptions annually, so it is clear that a major portion of the drug program's cost will go not toward paying for prescription drugs, but for the personnel and paperwork that will be required.

Fourth, if at a time when circumstances mandate great fiscal restraint, we are going to increase Federal payments for health care by several billion dollars a year, we must choose our priorities very carefully. One goal, it seems to me, should be to work toward providing true catastrophic coverage for the elderly. Doing that will require us to face up to the fact that such coverage will be very expensive—at least $25 billion a year. In the meantime, it seems foolish to tax our senior citizens $10 billion a year merely to provide expanded coverage that most Medicare beneficiaries won't need and, more importantly, won't protect them against catastrophic costs. Taxing the elderly $10 billion a year now will only make true catastrophic coverage that much more difficult and expensive to achieve later.

Another goal should be to protect from the devastation of catastrophic costs the nearly 40 million Americans who now have no health insurance at all. These are working men and women of all ages who are struggling to meet their families' basic needs, pay rent, and raise and educate their children. They face the risk of financial devastation in the event of a health catastrophe, and we could provide them with catastrophic insurance for just a few billion dollars a year.

The bill as currently written will, I think, prove to be a very expensive and inefficient way of spending our limited resources for additional health care. Before we spend $10 billion just to expand noncatastrophic Medicare coverage, we should work to ensure that no person—young or old—will be destroyed economically by the exhorbitant costs of long-term illnesses such as cancer, heart disease, stroke, and Alzheimer's disease. That would be a true and great benefit to many millions of Americans of all ages and would be a far better use of our limited tax dollars than the expensive additional coverage provided in H.R. 2740.

TRIBUTE TO RAOUL WALLENBERG ON HIS 75TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Raoul Wallenberg on his 75th birthday. As most of my colleagues know, Wallenberg is the Swedish diplomat who—at great personal sacrifice and through incredible courage and daring—saved 100,000 Hungarian innocent men, women, and children from Nazi death camps during World War II. In January 1945, he was taken prisoner by the Soviet Army and he has not been free since then. In October 1981, President Reagan signed my legislation making Raoul Wallenberg an honorary citizen of the United States, the only person at the time in addition to Sir Winston Churchill to be so honored.

Today on the steps of the U.S. Capitol, we held a celebration to mark the 75th birthday of this great humanitarian and to urge the Soviet Government to release Wallenberg from prison.

Mr. Speaker, a number of our distinguished colleagues joined me in paying tribute to Wallenberg—Senator CARL LEVIN of Michigan, a State where Raoul Wallenberg attended the University of Michigan; Congressman JOHN PORTER of Illinois, the cofounder and cochairman of the Congressional Human Rights Caucus; Congressman STENY HOYER of Maryland, the chairman of the Helsinki Commission, who has done so much to encourage observance of the Helsinki accords on human rights; Congressman BILL GREEN of New York; Congressman BILL LOWERY of California, who authored legislation naming the street in front of the U.S. Holocaust Memorial Museum "Raoul Wallenberg Place," Congressman JOHN MILLER of Washington; Congressman FRANK WOLF of Virginia; Congressman BOB DORNAN of California; and Congressman BEN GILMAN of New York.

Rev. Dr. James D. Ford, Chaplain of the U.S. House of Representatives, offered the invocation and made introductory remarks for the celebration, and Rev. Dr. John F. Steinbruck, senior pastor of the Luther Place Memorial Church and a human rights leader in Washington, DC, made closing remarks and offered the benediction. The Charge d'Affaires of the Swedish Embassy in Washington, Mr. Ulf Jertonsson, represented the Government of Sweden.

Frankly, Mr. Speaker, one of the highlights of this birthday celebration were the remarks by leaders of the Wallenberg committees that have been established to honor this great man. My wife, Annette, the founder and chairperson of the International Free Wallenberg Committee, probably more than any one else is responsible for bringing attention to the heroic activities and the tragic plight of Raoul Wallenberg. Rachel Haspel, president of the Raoul Wallenberg Committee of the United States, and Leona Feldman, president of the Raoul Wallenberg Committee of Greater Philadelphia, Inc., also spoke at this event.

Mr. Speaker, Raoul Wallenberg saved tens of thousands from death at the hands of German and Hungarian Nazis as the nightmare of the Holocaust was almost at an end. At the very moment of his triumph, Soviet troops dragged him away to the horrors of the Gulag. When we began our struggle to free him from the shadowy half-world of Soviet prisons, he could have been saved more easily. But many chances have been missed. Many people—and several governments—could have done a great deal to liberate him. They did not. But as long as there are any of us who remember him, we will continue to fight for his life and for the truth.

Wallenberg lives! We honor him; we remember him; his story inspires us to become better human beings and more valiant in our struggle to build a better and safer world.

Raoul Wallenberg is a hero in an age profoundly devoid of heroes. Many become heroes when heroism is thrust upon them, but Wallenberg went out of his way voluntarily to assume a daring and dangerous assignment. Leaving behind the comfort and affluence, the safety and security of Stockholm, he confronted the anguish, suffering, terror, and degradation being perpetrated in Budapest. No one else had the audacity to follow the death marches, to jump in front of guns leveled at Jews, to pull people off deportation trains. Raoul Wallenberg not only saved 100,000 lives, he saved our faith in humanity.

In history, one can find many men who have killed 100,000 people. But how many have saved 100,000? Wallenberg has shown us that one individual—motivated by a genuine and personal concern for human rights—can face evil and triumph; that one person alone can make a difference; that there are genuine heroes to illuminate our age.

ANOTHER FARM BURDEN

HON. CARROLL HUBBARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. HUBBARD. Mr. Speaker, I want to share with my colleagues the June 23 letter which I received from my friend and prominent attorney from Elkton, KY, Randall V. Oakes, Jr. Randy and his wife Marguerite gave up their home and work in Ohio to return to Kentucky to manage the family farm. Their dream has been to improve the farm as a family home and family economic unit. Now they wonder if there is any future to maintaining the desire to see the family farm pass to successive generations.

Too often, we in the House have not realistically viewed the burdens we have placed on families. Randy Oakes is concerned about the House Ways and Means Committee's considering the possibility of taxing capital gains when a person dies as one of the proposals for narrowing the Federal budget deficit. In simple terms, he graphically illustrates the idea that so-called tax reforms are in reality changes to law that help to concentrate wealth in the hands of those few persons or corporations with the resources to cope with the continual changes in our tax laws and regulations.

I urge my colleagues to read the letter from Randy Oakes which follows:

ELKTON, KY,
June 23, 1987.

Hon. CARROLL HUBBARD, Jr.,
U.S. House of Representatives,
Washington, DC.

Re: Capital Gains Tax on Appreciation of Value of Farms at Death of Owner

DEAR CONGRESSMAN HUBBARD: My immediate concern is very personal. My wife has spent the past five years of her life managing her parents' farm in south Todd County. We left our home and work in Ohio so that she could do this and I could open my law office in Todd County. (We were Kentuckians before we went to Ohio.)

Our purpose and the purpose of my wife's parents and the purpose of my wife's sisters is to maintain and improve the farm as a family home and productive family unit. It is a reasonable and worthwhile effort and dream under the rules as they now are and have existed for years. At this late date, if the rules are changed as proposed, the dream and the effort will be frustrated.

Life insurance to cover the prospective income tax comes to mind as an answer. It is not an answer in the tens or hundreds of thousands of cases in which, by reason of age or infirmity, the farm owners are not insurable.

Obviously, tax lawyers and accountants will devise programs under which family farms will continue to pass to successive generations without this proposed income tax burden. There will be payments to lawyers and accountants for professional services, but Uncle Sam can expect little in the way of taxes.

Throughout, I have referred to this as an income tax matter. Make no mistake, this proposal is a proposal for an increase in income taxes. This proposal is a proposal to violate the promises made by our Congress

and the President during the 1986 annual tinkering with the tax law.

This proposal appears to pander to the perceived understanding of the urban person who lives on a wage or salary and owns a residence and who has no perception of the long term planning and capital required for the continued operation of a farm or any other small business. The proposal may give some emotional satisfaction to an occasional "Joe Lunchbucket" but it will not do him or her any real good. The actual effect will be to drive out of business the employer upon whom "Joe Lunchbucket" depends for a job.

I am extremely concerned about the tendency of so-called reforms to concentrate business ownership and wealth in the hands of those few persons, individual or corporate, who have the financial resources to cope with the continual changes in taxation and regulation imposed by our Congress.

I hope that the appearance in the press of this tax increase proposal will create an outburst from the public which will be without example in recent history.

I earnestly entreat you to vote "no" on any and every proposal to tax as capital gain or any other kind of income at the death of the owner any perceived increase in the value of that owner's property which the passage of years or the efforts of the owner or both have brought about.

Thank you for your consideration of this matter.

Very truly yours,

RANDALL V. OAKES, JR.,
Attorney at Law.

THE 75TH YEAR OF THE GIRL SCOUTS OF THE UNITED STATES

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RITTER. Mr. Speaker, it is an honor to congratulate and pay tribute to the Girl Scouts of the United States of America in this 75th year of service to girls and their communities.

The hallmark and goal of the Girl Scout Program is to form a microcosm among the young of the larger population. Girl Scouting reflects a 75-year-old commitment to the expansion and enrichment of the understanding and appreciation of various people and other cultures.

Girl Scouting seeks first the growth and development of the young girls wo participate. This growth is well achieved through fun, crafts, skills, and education which reflect a long tradition and move with confidence into the future.

From camping to sports, to classroom achievement, including computer technology, exploration of the worlds of outer space and medicine, searching for global understanding and learning fashion design, nutrition and money management all stem from the Girl Scout Promise and Law. The Girl Scouts lean out to the world and seek to enrich it through understanding and appreciation.

In our Lehigh Valley, the first office of the new council was North 15th Street in Allentown, PA, in 1961. Well over 10,000 girls and adults form the membership of the council. New capital additions for council headquarters were completed in 1977, on Moravian Avenue, Allentown, with facilities for meeting, training and parking, as well as good working facilities and storage space.

John Henry Leh, Allentown, was first president of Great Valley Girl Scout Council and H. Leh & Co. has been a Girl Scout equipment agency for 55 years and is one of the oldest in the country. Allen High School hosted Music Connection finals at Allen High School in March. Dorney Park, Allentown, was the site of Great Valley's 75th anniversary celebration.

We need to salute the Girl Scout Program in this 75th year of its existence for the wealth of productive, resourceful and self-reliant women it has already given our Nation. Our communities, and especially my own Lehigh Vally, owe a present debt of gratitude and look with great hope to the future because of the Girl Scout Program.

THE DUBLIN WORLD TRADE CENTER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MURTHA. Mr. Speaker, I would like to bring an important matter to the attention of the Congress. The Government of the Republic of Ireland is planning to develop a World Trade Center at the Customs House dock site in downtown Dublin. The center will provide a unique focus for international trading activity by bringing together in one place representatives of government, of manufacturing firms, and of firms that provide services, financial and otherwise, to organizations involved in international trade.

The center—the first phase of its development is projected at more than $350 million, and it will eventually include over two million square feet of floor space—will make Ireland a major center for international financial services, and will physically incorporate a magnificent technical capacity to provide the telecommunications services that are essential to the functioning and growth of international trading activity.

The Dublin Center will also give a much needed stimulus to the Irish economy, where, despite a serious and sustained national effort at economic development, the unemployment rate is still tragically high, at 19 percent. The center will facilitate the export of goods made in Ireland, and ease the grinding economic pressure that has, over the past several decades, forced thousands of the Nation's most talented men and women to emigrate to other countries, including our own.

In light of the long and close relationship between the United States and Ireland, in light of the enormous contributions that Irish-Americans have made to the life of our country, and in light of our history of providing economic development assistance to nations that are striving to help themselves, the Dublin World Trade Center gives the United States a perfect opportunity to share its own capability for fostering economic development by assisting the Irish Government in the development of the project. Congress in particular should be looking for ways to support the center.

There is another important incentive for the United States to do whatever it can to assist the project. The Irish Government does not intend to develop the center by itself. It is looking for a foreign partner, and, although firms from several other nations have bid for the right to develop the project, the officials involved are favorably disposed toward that partner being an American firm. In a very simple, very modest way, Congress can help to ensure that an American firm is that partner. It can do so by guaranteeing to the project a relatively small amount of economic development funding, provided of course that an American firm is, along with the Irish Government, one of the principal developers of the project. Such an initiative on the part of the Congress would contribute significantly to the success of the project, and through it, the United States would take another step toward regaining its competitive edge in international trade and resuming the leadership role in world markets that it once enjoyed.

Mr. Speaker, I commend the Dublin World Trade Center to my colleagues in the House. As the project moves ahead, I hope the Congress will find a way to support it that contributes significantly to economic development both in Ireland and the United States.

ARMY TIMES EDITORIAL ON COLONEL NORTH'S "TRAVESTY OF MILITARY VALUES"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. STARK. Mr. Speaker, one of the publications that is most read by the military community, Army Times, carried an interesting editorial on the recent testimony and performance of Lieutenant Colonel North.

It raises some most interesting questions.

The reference in the second paragraph to Harry Summers, refers to an article by retired Col. Harry Summers, which also appeared in the July 27 issue of Army Times entitled "North is no Hero to those who value the Constitution." It too is a powerful indictment of the Poindexter/North school of foreign policymaking.

[From the Army Times, July 27, 1987]

NORTH'S IMAGE

America's most famous military officer has paraded a travesty of military values before a credulous national television audience.

Wearing a crisply pressed Marine Corps uniform bedecked with fruit salad, Lt. Col. Oliver North portrayed himself as a dedicated military officer who was just obeying the orders of his superiors. But, as Harry Summers points out in a trenchant commentary in this issue, North, like all soldiers, is not obliged to follow illegal orders. Indeed, his oath is to defend the Constitution, and that entails abiding by the laws that flow from it.

North is a powerful, dynamic personality, and he presented his case with extraordinary skill and vigor. His six days of televised congressional testimony won him millions of admirers, but the likely reasons for his in-

stant popularity bear examination. Is the public idolizing him because of what he did in the Iran-contra affair or in spite of it? Well, if there is a groundswell of support for selling weapons to the regime of the Ayatollah Khomeini, which is responsible for the deaths and kidnappings of many Americans by terrorists, we're unaware of it. As for North's use of profits from the arms sales to supply the rebels seeking to overthrow the government of Nicaragua, the will of the people is on record in the form of the Boland Amendment, which was passed by their elected representatives in Congress. Thus, it appears that the public likes North's sharp military appearance and patriotic slogans so much it is willing to forget his actions.

If that is the case, the implications are grave and far-reaching. Are there no transgressions that won't be forgotten if the transgressor happens to look good on television? Doesn't justice apply to the handsome as well as to the homely?

The American public has been given a highly detailed account of North's questionable actions. Yet, his appealing personality and attractive appearance apparently are more important to a people who have become accustomed to passive acceptance of images beamed to them by television than any laws he may have broken. Understanding the intricacies of law and foreign policy requires rigorous thought, and too few Americans seem willing to exert themselves mentally. It's far easier to let colorful images wash over them and form their impressions for them.

Those who think hard about North's actions eventually may reach two conclusions grounded in reality. By selling weapons to Iran in an effort to free American hostages, the administration through North showed terrorists everywhere that one way to get what they want is to seize American hostages. By funding the contras in apparent violation of restrictions imposed by the people through their representatives in Congress, North scorned the democratic principles he yearns to see established in Nicaragua.

North's image is that of the model military officer; the reality is that many of his actions were contrary to the military ideas he professes to embrace.

NORTH IS NO HERO TO THOSE WHO VALUE THE CONSTITUTION

(By Col. Harry G. Summers, Jr.)

(Summers is a contributing editor for U.S. News & World Report and a retired military intelligence officer who served in Korea and Vietnam.)

When Marine Lt. Col. Oliver North emerged a national hero after his first week of testimony on Capitol Hill, it proved only one thing: ask the wrong questions and you get the wrong answers.

It also was obvious the high-priced lawyers conducting the congressional investigations into the Iran-contra affair—steepest in the amoral traditions of the American legal profession—have an educated incapacity to ask the right questions. They obviously know nothing of the American military or the principles of duty, integrity and loyalty that are central to the American profession of arms. As a result, North was able to portray himself as the very embodiment of a patriotic American Marine.

It might have been a different story if those asking the questions had known what they were talking about. Consider, for example, if North's interrogator had been a Marine gunnery sergeant who had survived the bombing of the Marine barracks at Beirut in 1984.

"Colonel North," he might have asked, "as you know, a military officer's loyalty is not only to his superiors, it is also to his contemporaries and especially to his subordinates who look to him to stand up for their interests.

"That being the case, how could you consider selling arms to the very Iranians who paid a million dollars to the Lebanese terrorists who killed over 200 of my buddies—and your fellow Marines—with the bombing of our barracks in Beirut?"

Or consider if his questioner had been a tank platoon leader from the Army's 24th Infantry Division (Mechanized) at Fort Stewart, Ga., whose mission it is to intervene in Iran if American interests there are threatened.

"As a fellow officer," the lieutenant might have asked, "can you tell me how I explain to the young soldiers in my platoon that if we have to go into battle in Iran, they might well be killed by the TOW antitank missiles you sent to the Iranians? I know you wanted to look good to your boss, but in God's name how could you do that to your fellow soldiers?"

And perhaps the congressional committee could have brought in a contra guerrilla fighter, fresh from putting his life on the line in the jungles of Nicaragua.

"Colonel North, I want first to thank you for your efforts to get supplies to us while U.S. aid was cut off. But there is one thing I don't understand. Believing in democracy, I fought with the Sandinistas against the Somoza military dictatorship. And when they too imposed a military dictatorship under Commandante Ortega, I again took to the hills to fight for the principles of democracy. But now I find you too have betrayed democracy in the name of fighting for democracy. If we abandon our principles, how then do we differ from our enemies who insist that the ends justify the means?"

Instead of importing a lawyer from New York, the committee could have sent down the road to Quantico, Va., and gotten one of the students from the Marine Corps Command and Staff College to ask the questions.

"You said you would stand on your head in the corner if the president told you to. But such blind obedience to orders flies in the face of what we're being taught at Quantico. As you are well aware, in the American military tradition 'just obeying orders' has never been an excuse for an illegal action. While a private may not know better (and even that is not an excuse), an officer has a duty to refuse an illegal order. If your integrity is such that you would obey an order to stand on your head, where then would you draw the line? With shooting prisoners? With violating other laws of war? Or subverting the Constitution you took a solemn oath to defend?"

And that last question strikes at the heart of the matter. One of the main tenets of American democracy has been the subordination of the military to civilian control, so the current canonization of Lt. Col. North can have dangerous consequences.

The framers of the Constitution, 23 of whom had served as soldiers in the Revolutionary War, knew those dangers, and that's why they wrote specific safeguards into the Constitution. The American military would be an instrument of the American people rather than of the president. The Congress—the representatives of the people periodically elected—were given exclusive power to raise the military, commit it to war and make rules for its regulation and governance.

While the president was named commander in chief and had operational command of the military, an officer's oath of office was pledged to the Constitution. Thus, an officer's loyalty was not only to the president, it was also to the Congress. Military officers not only are legally bound to obey the laws enacted by that Congress, they are honor-bound by their oath as well.

Abandoning that tradition in the name of expediency can spell disaster. Now the right of the political spectrum applauds North's stance in the name of the "higher principle" of anti-communism in Central America. But only a decade or so ago, it was the left of the spectrum that was calling on the military to disregard the orders of its civilian superiors and refuse to serve in Vietnam.

Tampering with civilian control of the military by the president or by the Congress is a slippery slope indeed, for at the bottom of that slope is military dictatorship.

Wittingly or not, tampering with those controls is precisely what North was doing. Ironically, the military sees the dangers in his actions more clearly than do many civilians. North may be a national hero to many Americans, but he assuredly is not to most of his fellow military officers.

THE CLOSING OF THE PALESTINE INFORMATION OFFICE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RAHALL. Mr. Speaker, There is currently legislation pending before this institution as well as the other body which would force the closing of the Palestine Information Office here in Washington as well as the Palestine Liberation Organization mission at the United Nations in New York. This legislation, in my opinion nothing more than a feel-good bill, is referred to as the antiterrorism bill.

While it is being pushed hard by supporters of the State of Israel as good for Israel there are those in Israel, where debate on Israeli-United States relations flow much easier than in America, the bastion of free speech, who feel as I do that dialog and negotiation are the solution to the problem of the displaced Palestinians in the Middle East.

I received a letter recently from a member of the Israeli Knesset. Maj. Gen. Matti Peled, eloquently stating a very valid argument against this bill. In his letter, he reiterates a desire I know that I share with all of you—peace between Israel and her neighbors in the Middle East. And he argues that in order to bring about that peace, dialog, and negotiation is necessary.

I would like to share Major General Peled's letter with all of my colleagues, as well as the American people, because the points raised here need to be heard.

JULY 23, 1987.

DEAR MEMBER OF CONGRESS: I am writing to you concerning the bill known as "The Anti-Terrorism Act of 1987", which is aimed at closing down the PLO offices in the

United States. This is being presented as a "pro-Israel" bill, and for that reason U.S. senators and representatives who consider themselves friends of Israel are being urged to support it.

As a member of the Israeli Knesset (Parliament), I would like to dispute that view. I believe that achieving peace is a prime requirement for Israel's long-term survival and prosperity. There can be no peace without negotiations between the Israeli government, representing the Israeli people, and the representatives of the Palestinian people. Such representatives can only be chosen by the Palestinians themselves, and on each occasion that the Palestinians were asked for their opinion, they unequivocally expressed their support for the Palestinian Liberation Organization, the PLO. Such for example, was the result of the 1976 municipal elections on the West Bank, which were the last free elections to be held there. Similar results were the outcome of a public opinion poll, held in the Occupied Territories in August 1986. Indeed, The Government of Israel itself, in refusing to permit new municipal elections on the West Bank, admits that in its view such elections would be won by supporters of the PLO.

Together with many of my fellow-citizens of Israel, I have been urging the Israeli government to reconsider its policies and to agree to negotiate with the PLO in the context of an international peace conference. Recently this idea has been spreading; not only opposition members such as myself, but also Ezer Weitzmann, member of the Israeli Cabinet, as well as several Knesset Members from the Israeli Labor Party, have publicly voiced their support for Israeli negotiations with the PLO.

Passage of the bill closing the PLO offices in the U.S. would, in my view, constitute a grave setback for the Middle East peace process. It would mean total abdication by the U.S. of any role as a mediator in the Middle East conflict. Hardliners in the Israeli Cabinet would be encouraged to persist in their intransigent position and their refusal to talk with the PLO. Far from "stopping terrorism", as it is supposed to do, this bill would further escalate the cycle of bloodshed and violence in the Middle East.

Therefore, as an Israeli concerned with the well-being of my country and my people, I urge you to voice your opposition to this so-called "Anti-Terrorism Act". By so doing, you will not be taking an "anti-Israel" stand; on the contrary, the rejection of this bill will be compatible with the long-term interests of the State of Israel and will be seen as such by a substantial number of Israel's citizens.

Yours Sincerely,

Major General,
MATTI PELED,
Member of Knesset.